

THIRD NORTHERN
MARIANA ISLANDS
CONSTITUTIONAL CONVENTION

VERBATIM JOURNAL

FIRST DAY
Monday, June 5, 1995

CONVENTION CLERK: Delegate Tomas Aldan.

Delegate Vicente Aldan.

Delegate Marian Aldan-Pierce.

Delegate Frances Borja.

Delegate Carlos Camacho.

Delegate Esther Fleming.

Delegate John Oliver Gonzales.

Delegate Victor Hocog.

Delegate Henry Hofschneider.

Delegate David Igitol.

Delegate Jose Lifoifoi.

Delegate Benjamin Manglona.

Delegate David T. Maratita.

Delegate Donald B. Mendiola.

Delegate James M. Mendiola.

Delegate Felix R. Nogis.

Delegate Justo S. Quitugua.

Delegate Joey San Nicolas.

Delegate Teresita Santos.

Delegate Benedita T. Seman.

Delegate Marylou Ada-Sirok.

Delegate Mariano Taitano.

Delegate Helen Taro-Atalig.

Delegate Juan Tenorio.

Delegate Lillian Ada-Tenorio.

Delegate Joaquin Villagomez.

Delegate John Oliver Gonzales.

PRESIDENT PRO TEM GUERRERO: Everybody is here, so we're ready to convene the Third Constitutional Convention.

The Third Constitutional Convention of the Northern Mariana Islands is hereby called to order.

At this time, I would like to request our singers to perform the U.S. National Anthem, followed Commonwealth Anthem.

Please stand.

(The U.S. National Anthem and Commonwealth Anthem were sung.)

FATHER AYUYU: Let us pray.

Lord Jesus, you are the way, the truth, and the life. Help the Delegates to the Third Northern Marianas Constitutional Convention today, and throughout the days that lie ahead, to see clearly the way they ought to take to know more fully the truth they ought to know, to live more faithfully the life they ought to live.

Equip them not only to see, but also to attain the ideal. Grant to them the wisdom to know what is right and the courage to do it; the clear sight to see the right way, and the perseverance to walk in it; the vision to see the ideal, and the discipline to toil toward it.

Help them never to be satisfied with words without deeds, with plans without performance, with schemes without results, with dreams without toil to make the dreams come true.

Teach them that the way to the stars is always steep; that sweat is the price all of all things precious; that there can never be any crown without a cross.

Let the light of your divine wisdom direct the deliberations of these Delegates and shine forth in all the proceedings and laws, praying for our government and Commonwealth.

May they seek to persevere in peace, promote happiness, and continue to bring us the blessings of liberty and equality.

May they be enabled by your powerful protection to discharge their duties with honesty and ability.

We pray to you, who are our Lord and God forever and ever. Amen.

PRESIDENT PRO TEM GUERRERO: Please be seated.

At this time, I would like to call on Alicia Guerrero to do the roll call, please.

CONVENTION CLERK: Delegate Tomas Aldan?

DELEGATE TOMAS ALDAN: Here.

CONVENTION CLERK: Delegate Vicente Aldan?

DELEGATE VICENTE ALDAN: Present.

CONVENTION CLERK: Delegate Marian Aldan-Pierce?

DELEGATE ALDAN-PIERCE: Present.

CONVENTION CLERK: Delegate Frances Borja?

DELEGATE BORJA: Present.

CONVENTION CLERK: Delegate Carlos Camacho?

DELEGATE CAMACHO: Present.

CONVENTION CLERK: Delegate Esther Fleming?

DELEGATE FLEMING: Present.

CONVENTION CLERK: Delegate John Oliver Gonzales?

DELEGATE GONZALES: Here.

CONVENTION CLERK: Delegate Herman T. Guerrero?

PRESIDENT PRO TEM GUERRERO: Present.

CONVENTION CLERK: Delegate Victor Hocog?

DELEGATE HOCOG: Present.

CONVENTION CLERK: Delegate David Igitol?

DELEGATE IGITOL: Present.

CONVENTION CLERK: Delegate Henry Hofschneider?

DELEGATE HOFSCHEIDER: Present.

CONVENTION CLERK: Delegate Jose Lifoifoi?

DELEGATE LIFOIFOI: Here.

CONVENTION CLERK: Delegate Benjamin Manglona?

DELEGATE MANGLONA: Present.

CONVENTION CLERK: Delegate David Maratita?

DELEGATE MARATITA: Present.

CONVENTION CLERK: Delegate Donald Mendiola?

DELEGATE DONALD MENDIOLA: Present.

CONVENTION CLERK: Delegate James Mendiola?

DELEGATE JAMES MENDIOLA: Present.

CONVENTION CLERK: Delegate Felix Nogis?

DELEGATE NOGIS: Present.

CONVENTION CLERK: Delegate Justo Quitugua?

DELEGATE QUITUGUA: Here.

CONVENTION CLERK: Delegate Joey San Nicolas?

DELEGATE SAN NICOLAS: Present.

CONVENTION CLERK: Delegate Teresita Santos?

DELEGATE SANTOS: Present.

CONVENTION CLERK: Delegate Bennet Seman?

DELEGATE SEMAN: Here.

CONVENTION CLERK: Delegate Marylou Sirok?

DELEGATE SIROK: Present.

CONVENTION CLERK: Delegate Mariano Taitano?

DELEGATE TAITANO: Present.

CONVENTION CLERK: Delegate Helen Taro-Atalig?

DELEGATE TARO-ATALIG: Present.

CONVENTION CLERK: Delegate Juan S. Tenorio?

DELEGATE JUAN S. TENORIO: Here.

CONVENTION CLERK: Delegate Lillian A. Tenorio?

DELEGATE LILLIAN A. TENORIO: Present.

CONVENTION CLERK: Delegate Joaquin Villagomez?

DELEGATE VILLAGOMEZ: Present.

CONVENTION CLERK: Mr. Chairman, we have all 27 members present.

PRESIDENT PRO TEM GUERRERO: Thank you.

Now we move on to the oath of office, and I will call at this time on Acting Chief Justice, Ramon G. Villagomez.

CHIEF JUSTICE VILLAGOMEZ: Thank you.

Would all the Delegates please stand?

I have with me the Constitution of the Northern Mariana Islands, and I will read the oath of office from our Constitution.

Please raise your right hands and repeat after me.

I do solemnly 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.

(All Delegates repeated en masse.)

ACTING JUSTICE VILLAGOMEZ: Congratulations to all of

you.

(Applause.)

PRESIDENT PRO TEM GUERRERO: Before we continue on, can I remind the Delegates to please turn on your mikes so we can hear and also for the sake of the court reporter. Thank you.

At this time, we move to the adoption to the Interim Rules for the election of the President.

Delegate Justo Quitugua.

DELEGATE QUITUGUA: I move to adopt.

(The motion was seconded.)

PRESIDENT PRO TEM GUERRERO: It has been moved and seconded to adopt the Interim Rules for the election of the President.

Discussion?

No discussion.

Those in favor of the motion to adopt the Interim Rules for the election of the President please say "Aye."

Those who oppose, say "Nay."

(A voice vote was taken and the motion carried.)

PRESIDENT PRO TEM GUERRERO: Motion carried.

Our next order of business is the election of President. Pursuant to the Interim Rules for the election of President, and the fact that I'm running for the office of the presidency, at this time, I would like to appoint

Delegate Victor Hocog from Rota to preside.

Please come up here so you can take over as the President Pro Tem.

PRESIDENT PRO TEM HOCOG: We are on item 8 of our agenda.

Do I hear any nominations?

Delegate Tenorio?

DELEGATE JUAN S. TENORIO: I would like to nominate Herman T. Guerrero for President.

(The motion was seconded.)

PRESIDENT PRO TEM HOCOG: Discussion?

DELEGATE MANGLONA: I saw the hand of Delegate Fleming before we get down to discussions.

PRESIDENT PRO TEM HOCOG: Yes.

I would like to recognize Delegate Fleming.

DELEGATE FLEMING: Yes. Mr. President, I would like to nominate Delegate Carlos S. Camacho for President.

(The motion was seconded.)

PRESIDENT PRO TEM HOCOG: There are two nominees for the office or for the presiding officer of The Convention.

Delegate Hofschneider?

DELEGATE HOFSCHEIDER: I move to close the nominations.

(The motion was seconded.)

PRESIDENT PRO TEM HOCOG: It has been moved and seconded to close the nominations.

Ready for the question?

Okay. Alice, I would like to take this now and extend a sheet of paper for the Delegates to vote. Excuse me. Before we do that, I would like to take a vote from the Delegates to close the nominations.

Those in favor to close the nomination for the president say "Aye."

I'm sorry. Those who oppose the motion to close, say "Nay."

(A voice vote was taken and the motion carried.)

(Ballot slips were distributed to Delegates and were collected.)

I would like to ask Justice Dela Cruz and Justice Villagomez for the counting of the ballot.

Before we start counting, Chief Justice Villagomez, I would like to have a report as to whether we received 27 ballots.

CHIEF JUSTICE VILLAGOMEZ: We have 27 ballots.

PRESIDENT PRO TEM HOCOG: There are 27 ballots cast for the President.

CHIEF JUSTICE VILLAGOMEZ: Mr. Chairman, based on the counting that the Former Chief Justice and I have done, the person who has been selected to be the President of the Third Constitutional Convention is Mr. Herman T. Guerrero.

(Applause.)

PRESIDENT PRO TEM HOCOG: For the information of the Delegates, what was the vote cast for Guerrero and for Camacho?

CHIEF JUSTICE VILLAGOMEZ: The number of votes for Guerrero is 14. The number of votes for Camacho is 13.

PRESIDENT PRO TEM HOCOG: Thank you, Chief Justice.

I would like now to move for a short recess for the President to assume his office.

(A recess was taken.)

PRESIDENT GUERRERO: The meeting of the opening day of the Third Constitutional Convention reconvenes.

I would like to remind, again, the Delegates to insure that your microphone is not turned off. This is being recorded for the Journal of the Convention. It's necessary that we insure the records are kept correctly.

At this time, of our order of business, we have the adoptions of the Rules of Procedure.

Delegate Bennet Seman?

DELEGATE SEMAN: Mr. President, I move for the adoption of the general Rules of Procedure.

(The motion was seconded.)

PRESIDENT GUERRERO: It has been moved and seconded to adopt the Rules of Procedure for the Constitutional Convention.

Discussion?

I recognize Delegate Juan Tenorio.

DELEGATE JUAN S. TENORIO: Can we make any amendment on the Rules?

PRESIDENT GUERRERO: It's in order to make any changes to

the Rules before the final adoption is made.

DELEGATE JUAN S. TENORIO: If I might, can we move the two-thirds majority to a simple majority in section 6?

PRESIDENT GUERRERO: Is that a motion, Mr. Tenorio?

DELEGATE JUAN S. TENORIO: Yes, sir. Yes, Mr. President.

PRESIDENT GUERRERO: Is there a second to that?

(The motion was seconded.)

PRESIDENT GUERRERO: It has been moved and seconded to change the Rule 6 from two-thirds to a simple majority.

Discussion?

Delegate Villagomez?

DELEGATE VILLAGOMEZ: Yes, Mr. Chairman. I want to make an amendment, and I have copies, to incorporate a conflict of interest provision.

PRESIDENT GUERRERO: Can I entertain first that motion?

We have a motion on the floor before I entertain that other motion.

DELEGATE VILLAGOMEZ: Yes, provided you allow me the opportunity to do this.

PRESIDENT GUERRERO: Yes. Delegate Manglona?

DELEGATE MANGLONA: Are we under discussion, Mr. President?

PRESIDENT GUERRERO: We are on the subsidiary motion.

DELEGATE MANGLONA: Is it the motion to amend to a simple majority as described?

PRESIDENT GUERRERO: The motion is to amend Rule 6, to change it from two-thirds majority to a simple majority.

DELEGATE MANGLONA: Are we under discussion on that motion? I'm ready to discuss it, Mr. President.

PRESIDENT GUERRERO: Yes, we are.

DELEGATE MANGLONA: Mr. President, I think it's grossly unfair to change that now. I remember I was in several briefings during the Pre-Convention, and all the Delegates were there.

I think the purpose of the Pre-Convention is, more or less, to work harmoniously among ourselves as Delegates in this Convention. And I think I have to praise you, Mr. President, because you were the Chairman of the Pre-Convention Committee, and I was quite impressed with the procedures that we followed at that time, that every Delegate of this Convention has been part of the briefing forum in which I had the opportunity to participate.

I think that the product before us today is the product, more or less unanimously agreed, with all the Delegates, and I think it is grossly unfair to change it now regardless who is the President.

Our job is to unite in the end, and I must congratulate you, Mr. President, and I will give you my full support.

I think it's grossly unfair for a simple majority

whether from Rota and Tinian, and anything in this Convention can be railroaded through without getting at least somebody from Rota and Tinian. I would strongly object to that.

I think it is our interest to unite, work together for the benefit for all our islands and all of our people.

Thank you.

PRESIDENT GUERRERO: Before I recognize Delegate Hocog, let me recognize the mover, Delegate Juan Tenorio.

DELEGATE JUAN S. TENORIO: Ready for vote, Mr. President.

DELEGATE HOCOG: Mr. President, on our last day of our Pre-Convention, I made it known to the Pre-Convention Committee of a decision to change, and my recommendation at that time, Mr. President. If we are to require a two-thirds vote by the Delegates to pass a Constitutional amendment, we are imposing, Mr. President, on the Delegates to pass any amendments that are workable for the Commonwealth in general.

It's not enough, Mr. President. The final decision to ratify the constitutional work by this Third Constitutional Convention would rest with the public.

If we are to impose a two-thirds majority within the Delegates to pass an amendment, Mr. President, it is needless, then, to say that we will also require two-thirds majority to ratify in the election.

Why don't I ask the indulgence of everyone. To avoid any critical decision making or compounding good

legislation amendment, I would ask the indulgence of the Delegates. Let the people of the Commonwealth make the decision to ratify the work of the Third Constitutional Convention.

Thank you, Mr. President.

PRESIDENT GUERRERO: Let me call on Delegate Camacho.

DELEGATE CAMACHO: Thank you, Mr. Chairman --
Mr. President, I'm sorry.

First of all, I would like to congratulate you for becoming the President of the Third Constitutional Convention.

I can understand the feeling and the explanation that was given by the mover and also by the Delegate Hocog with regard to a simple majority versus two-thirds.

I'm aware of the fact that the public will have an opportunity to vote on whatever is the outcome of the Constitutional Convention.

Mr. Chairman -- I'm sorry, Mr. President, this is a constitution that we're working on. This will involve and affect every member and every citizen of the Northern Marianas, irrespective of whether they are from Saipan, Rota, or Tinian.

It's my feeling that to protect the people of the Northern Marianas, a compromise figure should be looked at rather than a simple majority, and a compromise figure that I think the Rules Committee have discussed thoroughly, to which both you and I are both members, is two-thirds.

I hope that this is not an attempt to ramrod an

amendment to the Constitution simply to serve a self-interest group, because that is not the purpose for what we were put in as Delegates to the Constitutional Convention.

Even though we were voted by each of the three Senatorial districts, we now represent the people of the Northern Marianas, and we should consider that seriously, because this is a matter of utmost importance.

Two-thirds should be a fair figures to work on, whether it is in the Convention or by the public in terms of approval of amendments to the Constitution.

Thank you, Mr. President.

PRESIDENT GUERRERO: At this time I would like to recognize Delegate Villagomez.

DELEGATE VILLAGOMEZ: Yes. First, I would like to congratulate you, Mr. President. I pledge my support to work with you.

I disagree with the statement made by my colleague, Delegate Hocog, that two-thirds would be difficult to pass a Constitutional amendment that would protect the interests of the people.

As you are well aware, the First Constitutional Convention and Second Constitutional Convention required three-fourths. Mr. President, you were the President of the Second Con-Con. The First and Second Con-Con produced the basic documents that provide protections to us and institutional

arrangements for our government.

I think two-thirds is a compromise between the three-fourths and a simple majority.

PRESIDENT GUERRERO: Delegate Hocog.

DELEGATE HOCOG: For the last time, Mr. President, I don't see any reason that a simple majority should be a controversial issue here to pass legislation or to pass a proposed amendment.

Mr. President, I feel that the rest of my colleagues here, as you, Mr. President, that we will join hands together to unify a workable document for the future of the Commonwealth.

A two-thirds, three-fourths, or simple majority then. If that is the reason that there is opposition to a simple majority, I can safely say, Mr. President, at this point in time that there are some bad intentions and there are some good intentions.

For it is the fact, Mr. President, that we want to make the Third Constitutional Convention a unique document for the longest period of time. I pledge, also, Mr. President, my support to members of the Delegates here to have a good amendment to the Constitution. But I will support it and with the composition of these Delegates, Mr. President, I see we can work together.

I'm only saying: Why should we require ourselves,

among ourselves, to make a decision difficult when the final decision rests with the people of the Commonwealth?

Thank you.

PRESIDENT GUERRERO: I need to recognize Delegate Juan Tenorio.

DELEGATE JUAN S. TENORIO: I call for the vote, Mr. Chairman.

PRESIDENT GUERRERO: Let me just recognize Delegate San Nicolas before we vote on it.

DELEGATE SAN NICOLAS: Mr. President, I, along with the rest of the Delegates, would like congratulate you for becoming the President of our Constitutional Convention.

I, for one, believe that the decisions that we make here are critical. We need the decisions to be thought out. We need a compromise number, such as the two-thirds, because it is that important. Let us not make the mistakes of the past. Let us correct it today.

I believe that two-thirds of us to agree upon that to become an amendment to our Constitution is right for the protection of our people.

Because if it goes out as a simple majority and education is not sufficient, there could be a possibility, Mr. President, there will be, like the previous Constitutional Convention, there will be provisions in the Constitution, I can foresee, that will be not as beneficial or not needed today as

they were needed at that time.

I share my sentiments with Dr. Camacho and with Delegate Manglona, who feel that we must protect our people. These are critical times. Let us act upon it. Let us come up with a compromise. Two-thirds, I believe, will be that compromise.

PRESIDENT GUERRERO: Thank you.

I think we have had enough discussion on this one.

Delegate Manglona, this will be the last one.

DELEGATE MANGLONA: Let me speak for the second time, Mr. President.

I agree with Delegate Villagomez that if we permit the simple majority to go through in this Third Constitutional Convention, I think it is something that all of us must remiss.

This is the first time that this will ever be made in our history. The First Con-Con, the Second Con-Con, all call for a two-thirds majority.

The Constitution is the supreme law of our land. It does not have to be -- to be treated lightly. It has got to be treated seriously.

Important issues have to be voted and have to be debated intelligently; therefore, a greater number of votes may be required.

I heard an argument that whatever product this Convention will adopt, it will be go to our people for

ratification. But maybe not too many of us know that if two Senatorial districts by two-thirds vote of its people, then we can reject the proposal.

So, therefore, our job is to insure that we have this understanding in this Convention so that we work in harmony and not in this disunity.

And I don't think this is the right time to start arguing at the beginning of this Convention. The time to seek unity is now because we want our product to be saleable to the people. Whatever product we produce, we've got to sell it to the people of Rota, to the people of Tinian, to the people of Saipan, and to the people north of Saipan. Let us debate this issue and get a greater number of votes among ourselves so that we can convince our people that what we voted for is good for them.

I don't want to be put in a situation wherein the end product of this Convention is not my obligation to defend, because I want to be part of you. I want to go out with you and defend this.

But if in the end we are going to vote on important issues, especially if it has to do with geographic location issues, that, you know, we may be tainted with emotion.

I want to be able to tell my people that what product we produce out of this is good. And I don't want in the end that I will go against it or go to Tinian and tell the

people of Tinian, despite that they have very capable Delegates, that I join them and urge them not to approve.

My job is to be able to work together with you. I want to encourage all of you to treat this seriously. I worked in this legislature for many, many years, and I never saw a law pass with a simple majority. It has to be two-thirds, three-fourths votes. We have to take this seriously.

Thank you, Mr. President.

PRESIDENT GUERRERO: Before I recognize anyone, let's change the tape.

Let me recognize Delegate Tenorio.

DELEGATE JUAN S. TENORIO: Mr. Chairman, move to end the debate.

PRESIDENT GUERRERO: It has been moved to end the debate.

Is there a second?

(The motion was seconded.)

PRESIDENT GUERRERO: It has been moved to end the debate.

Those in favor of the motion say "Aye."

Those opposed to the motion say "Nay."

(A voice vote was taken and the motion was carried.)

PRESIDENT GUERRERO: Motion carried.

We're now voting on the amendment offered by Delegate Tenorio.

DELEGATE CAMACHO: Mr. President?

PRESIDENT GUERRERO: Yes?

DELEGATE CAMACHO: I would like to request a roll call on this voting.

PRESIDENT GUERRERO: Is there any objection to that?
(There was no objection voiced for a roll call vote.)

PRESIDENT GUERRERO: Alice.

(The roll was called and the Delegates voted as follows:)

YES: Delegates Tomas Aldan, Marian Aldan-Pierce, Frances Borja, Victor Hocog, Henry Hofschneider, Jose Lifoifoi, David Maratita, James Mendiola, Felix Nogis, Justo Quitugua, Juan Tenorio, Herman T. Guerrero.
(12 votes)

NO: Delegates Vicente Aldan, Carlos Camacho, John Oliver Gonzales, Esther Fleming, David Igitol, Benjamin Manglona, Joe San Nicolas, Teresita Santos, Bennet Seman, Marylou Sirok, Mariano Taitano, Helen Taro-Atalig, Lillian A. Tenorio, Joaquin Villagomez. (14 votes)

ABSTENTIONS: Donald Mendiola. (1 votes)

CONVENTION CLERK: Mr. President?

PRESIDENT GUERRERO: Yes.

CONVENTION CLERK: Mr. President, we have 12 members voting "Yes," 14 members voting "No," and two members abstaining.

PRESIDENT GUERRERO: Count the vote again.

CONVENTION CLERK: I'm sorry, Mr. President.

12 members voting "Yes," 14 members voting "No,"
and one member voting "Present."

PRESIDENT GUERRERO: The motion has been defeated.

We're back to the main motion.

DELEGATE HOCOG: Ready for the question?

PRESIDENT GUERRERO: Delegate Villagomez?

DELEGATE VILLAGOMEZ: Mr. President, earlier I requested
that I introduce my amendment.

Would it be proper to do that at this time?

PRESIDENT GUERRERO: We're back to the main motion, so it
is in order.

DELEGATE VILLAGOMEZ: Can somebody pass this out?

Mr. Chairman, my amendment is -- and I will read it
to amend section 5 of the Rules of Procedure of the Third
Con-Con -- I'll wait until it is passed out.

DELEGATE MANGLONA: Mr. President, can I call for a short
recess, please, one-minute recess?

PRESIDENT GUERRERO: Okay.

One-minute recess.

(A recess was taken from 11:02 A.M to 11:06 A.M.)

PRESIDENT GUERRERO: This meeting is called back to
order.

Mr. Villagomez, you have the floor.

DELEGATE VILLAGOMEZ: Yes, Thank you, Mr. President.

My amendment states: To amend section 5 of the Rules of Procedure for the Third Northern Marianas Constitutional Convention to provide for a conflict of interest provision to read as follows. This is page 2, section 5, on voting.

"Conflict of interest: No Delegate shall vote or participate in debate upon any matter in which he or she has a financial or personal interest or upon any matter which will affect his or her right to a seat in the Convention or in which his or her individual conduct is involved. Disclosure shall be made in writing to the President prior to the discussion on the floor."

And I so move, and I understand that Delegate Manglona is going to second that.

DELEGATE MANGLONA: Second.

PRESIDENT GUERRERO: It has been moved and seconded to amend the proposed Rules of Procedure.

Discussion?

Delegate Nogis?

DELEGATE NOGIS: Mr. President, although I wholeheartedly support such an amendment, I think it should be clarified whether you can participate in the discussion and debate before

voting, because the way it is now, it is both. You cannot participate in the debate itself.

I would like to make that an amendment to the motion.

PRESIDENT GUERRERO: Are you making a subsidiary motion to the motion? What is your motion again? Are you changing anything in here?

DELEGATE NOGIS: Yes. I would like to change that only to the extent when it comes to voting, but so far as participating in the debate, that that be allowed.

PRESIDENT GUERRERO: Any second on this motion.

(The motion was seconded.)

PRESIDENT GUERRERO: It has been moved and seconded to amend the subsidiary motion to allow the Delegates to participate in the debates but not on the vote.

Discussion on the motion?

Delegate Aldan.

DELEGATE TOMAS B. ALDAN: Thank you, Mr. President.

I do not support that amendment. No. 1, if you have a financial interest in something which you have conflict with, you don't even persuade or try to persuade any one of the Delegates in moving for that, for the adoption of that amendment.

And that's critical because if you are allowed to participate, you are, in effect, persuading or trying to have

that amendment passed for your benefit.

Though you don't vote, you are still trying to pursue it so that your amendment or your financial interest will be passed by the Delegates.

So I do not support that amendment, Mr. President.
Thank you.

PRESIDENT GUERRERO: At this time I would like to recognize Delegate Lifoifoi.

DELEGATE LIFOIFOI: Thank you, Mr. President.

I would like the author to enlighten the Delegates. As to personal rights, if there is an amendment introduced at the Convention with respect to an Article XII issue, and this is my personal right, now, my personal interest, are you saying that I cannot participate in voting on the issue because I have personal rights or interests with respect to Article XII issues?

PRESIDENT GUERRERO: Let me ask Delegate Villagomez to respond.

DELEGATE VILLAGOMEZ: Mr. Chairman, Article XII, as well as other amendments that will be introduced, if you have a direct and personal and financial interest, if in the process of, let's say, amending Article XII we allow your use as a middle person and you become a rich millionaire, I think it's incumbent upon you not to debate and not to vote on the issue. That's one of the reasons.

DELEGATE TOMAS B. ALDAN: Privilege.

PRESIDENT GUERRERO: State your privilege, sir.

DELEGATE TOMAS B. ALDAN: I think the discussion is out of order. I thought we were discussing the second amendment.

The amendment made prior -- after the amendment by Mr. Villagomez, I have a lot of questions regarding it, but I thought the consideration now is the amendment made by Delegate Nogis.

DELEGATE NOGIS: It is.

PRESIDENT GUERRERO: It is.

Can we concentrate on the amendment offered by Delegates Nogis?

DELEGATE LIFOIFOI: I have no problem, Mr. President, regarding Delegates Nogis' amendment, but I want clarification with respect to the main motion.

Article XII will affect all of us here, and who knows 5, 10 years down the line, one of us will have a problem, but are you trying to tell me that I cannot participate in the voting of this amendment that is introduced at the Convention.

PRESIDENT GUERRERO: Delegate Villagomez, can you answer that with a "yes" or "no"?

DELEGATE VILLAGOMEZ: Yes.

The amendment will deny you the opportunity to debate and vote, but the subsidiary motion is on to allow debate on that issue --

DELEGATE LIFOIFOI: Mr. President, the issue on

Article XII will affect the entire 27 delegates. None of us will know whether in the future it's going to involve your property.

But the amendment is this: Does it mean that I have to disqualify myself from voting on the amendment, on Article XII amendment, if it is approved?

PRESIDENT GUERRERO: Can Delegate Villagomez just answer either "yes" or "no" to the question posed by Delegate Lifoifoi?

DELEGATE VILLAGOMEZ: If you do not have an interest now and you are planning to sell your land next year, it will not affect you because the vote is now in the Third Con-Con.

PRESIDENT GUERRERO: So Delegate Lifoifoi, the answer to your question is you will be barred, according to this amendment.

DELEGATE LIFOIFOI: Then, I will disagree with the amendment.

PRESIDENT GUERRERO: Thank you. Let me recognize first Delegate Mendiola and then Maratita and then Camacho.

DELEGATE JAMES M. MENDIOLA: Thank you, Mr. President.

Just one question of clarification by the author. It says:

"No Delegate shall vote or participate in the debate..."

Then, on the bottom line, it says:

"Disclosure shall be made in the writing

to the President prior to discussion."

Which one is which? If we disclose our interest, are we authorized to the debate or what? Or, if we disclose our interest, we still cannot debate or vote? Which one?

DELEGATE MANGLONA: Can I call for a short recess, Mr. President, so we can iron this out?

DELEGATE JAMES M. MENDIOLA: I thought if you are disclose you are authorized to debate. It's confusing.

PRESIDENT GUERRERO: Delegate Villagomez?

DELEGATE VILLAGOMEZ: Let me respond prior to the recess.

This is part of a conflict of interest rule. The House of Representatives has adopted one and it is being practiced.

In relating to this question, based on my amendment, you will have to disclose to the President in writing that you have a conflict so that the President will know that you will not be voting and you will not be debating.

DELEGATE JAMES M. MENDIOLA: Mr. President --

PRESIDENT GUERRERO: Please continue, Delegate Mendiola.

DELEGATE JAMES M. MENDIOLA: Why should I disclose if I'm not authorized to debate?

If I disclose, so let me vote and debate. But if I disclose and you are not going to authorize me to vote, you are not going to authorize me to debate, I might as well go home.

DELEGATE HOCOG: Mr. President? Privilege.

PRESIDENT GUERRERO: Delegate Hocog.

DELEGATE HOCOG: Let's dispose of the motion -- amended motion offered by Delegate Nogis before going to the main motion for further debate.

PRESIDENT GUERRERO: Let's do that.

Let's dispose of Delegate Nogis' proposal -- motion to delete participating in the debate.

Is that correct, Mr. Nogis?

DELEGATE NOGIS: Yes. That's right.

PRESIDENT GUERRERO: Okay.

Alice, can you do a roll call on this one?

Will a simple vote -- will a voice vote be sufficient or can we have a show of hands?

DELEGATE FLEMING: Privilege.

DELEGATE MARATITA: Is the motion to debate or to participate in debate?

PRESIDENT GUERRERO: I was trying to figure out who was talking.

DELEGATE MARATITA: I'm sorry.

PRESIDENT GUERRERO: The motion is to debate or participate in the debate.

That is the motion of Delegate Nogis.

Those in favor of Delegate Nogis' proposal, please raise your hand.

(A hand vote was taken.)

PRESIDENT GUERRERO: Those who oppose, say "Nay" -- I mean, raise your hand.

The motion is defeated. We're back to the main motion.

If there is no further discussion, roll call, please.

DELEGATE HOCOG: Mr. Chairman, we're back on the main motion now?

PRESIDENT GUERRERO: Yes, the motion by Villagomez. I believe --

DELEGATE MARATITA: Are we going to have discussion, Mr. Chairman?

PRESIDENT GUERRERO: You want to discuss further?

DELEGATE MARATITA: Yes.

PRESIDENT GUERRERO: Delegate Maratita, you are recognized.

DELEGATE MARATITA: When you say participate in the debate and you have personal interest, I, for one, have a personal interest in everything that we discuss in here.

I think it is incumbent upon the Delegate to decide for himself or herself when the time comes for voting, but to participate in debate, I'm sure that is the reason we're here.

Even if you have a conflict of interest and disclose you have a conflict of interest, you have to debate on

the issue.

If I cannot participate in any debate on anything that we discuss in here, I don't know why we're here in the first place.

PRESIDENT GUERRERO: Thank you.

Delegate Camacho and then Delegate Juan Tenorio.

DELEGATE CAMACHO: Mr. President, I was going to say that we just voted on the amendment to participate or not to participate.

Here, we go back again and this is discussion of participation. Isn't it moved already? It's already voted on, that this conflict of interest amendment is supposed to include not only that you should not vote, but you should not participate, also.

And we are going back, again, to discussing what we have just killed a little bit earlier.

Are we out of order in this regard?

DELEGATE MARATITA: Mr. President, if you recognize, we are discussing this now.

PRESIDENT GUERRERO: Let me just clarify, that we're voting on the amendment offered by Delegate Villagomez, that that is the motion. The entire motion is before the floor, before the Convention.

DELEGATE MARATITA: So I'm discussing the particular words "participate" in the debate.

PRESIDENT GUERRERO: We have both -- shall not vote or participate.

DELEGATE MARATITA: That's precisely why I'm arguing against that now.

PRESIDENT GUERRERO: All right.

Delegate Tenorio? Delegate Mendiola?

DELEGATE JAMES M. MENDIOLA: Thank you, Mr. President.

I think I just want to warn the Delegates from Rota and Tinian in this regard because if we come up to a discussion for Amendment 25, we will not be able to vote because everyone has a conflict of interest.

And if you guys want to go ahead without votes and participation in the debate, we're dead. This will be against section 4 on the quorum of the Convention, that Tinian and Saipan should each have one representative, and if we are not authorized to vote, adios.

PRESIDENT GUERRERO: Thank you. Let me recognize Delegate Aldan.

DELEGATE TOMAS B. ALDAN: Thank you, Mr. President.

I also believe that the statement here is quite vague. And I request that we recess, and at the same time we have this language reviewed by the legal counsel, that we recess and they submit to us their recommendation because my reading of it, I would rather see that he or she has a direct financial interest, and that that should be disclosed at the time of the

discussion.

But "personal interest" is quite vague, and I suggest that legal counsel look at the language and report back to us after the recess. A 10-minute recess should be enough for counsel to suggest a clearer language proposed.

Thank you.

PRESIDENT GUERRERO: 10-minute recess.

(A recess was taken from 11:22 A.M. to 11:28 A.M.)

PRESIDENT GUERRERO: I hereby reconvene this meeting of the first day of the Convention.

Delegate Villagomez?

DELEGATE VILLAGOMEZ: Mr. Chairman -- Mr. President, in view of the need to move the Convention forward and various suggestions made by my colleagues, I hereby withdraw, but move, and I hope someone will second it, that my amendment be referred to the legal counsel, that I be involved, and that the relevant local law be reviewed so that a compromise version can be produced and introduced at the next session.

DELEGATE MANGLONA: Seconded.

PRESIDENT GUERRERO: Okay. We're back to the main motion. The mover has withdrawn his motion. It does not need to be seconded. We're back to the main motion.

If we don't have any further discussion, Alicia, roll call, please.

DELEGATE HOCOG: Privilege, Mr. President.

PRESIDENT GUERRERO: State your privilege.

DELEGATE HOCOG: Are we voting on the Rules of Procedure, adopting the Rules of Procedure for the whole convention now?

PRESIDENT GUERRERO: We are adopting the Rules of Procedure for the Convention.

DELEGATE HOCOG: Okay. Thank you.

PRESIDENT GUERRERO: Continue, please.

YES: Delegates Tomas Aldan, Vicente S. Aldan, Marian Aldan-Pierce, Frances Borja, Carlos Camacho, Esther Fleming, John Oliver Gonzales, Victor Hocog, Henry Hofschneider, David Igitol, Jose Lifoifoi, Benjamin Manglona, David Maratita, Donald Mendiola, James Mendiola, Felix Nogis, Justo Quitugua, Joey San Nicolas, Teresita Santos, Bennet Seman, Marylou Sirok, Juan S. Tenorio, Mariano Taitano, Helen Taro-Atalig, Lillian Ada-Tenorio, Joaquin Villagomez, Herman T. Guerrero. (27 votes)

NO: (None)

CONVENTION CLERK: Mr. President, we have all 27 members voting yes.

PRESIDENT GUERRERO: The Rules of Procedure for the Third Northern Marianas Constitutional Convention are hereby adopted.

Delegate Hocog?

DELEGATE HOCOG: Mr. President, I move for a recess until

2:00 this afternoon.

(The motion was seconded.)

PRESIDENT GUERRERO: It has been moved and seconded that we recess until 2:00 this afternoon.

Can I make an announcement before we vote on that?

DELEGATE LIFOIFOI: Privilege, Mr. President.

PRESIDENT GUERRERO: State your privilege.

DELEGATE LIFOIFOI: Mr. President, I would like the Delegates to recognize the presence of Former Governor Larry Guerrero, Former Governor Pete Tenorio, Lieutenant Governor Jesse Borja, and, of course, the people in the gallery and, especially, my wife, Amalia.

PRESIDENT GUERRERO: Thank you.

I would like to welcome at the same time, our special guests, as well as members of the public.

If there is no further discussion, those in favor of the motion say "Aye."

Those opposed say "Nay."

(A voice vote was taken and the motion was carried.)

PRESIDENT GUERRERO: Motion carried. We recess until 2:00 this afternoon.

(A recess was from 11:32 A.M. to 1:54 P.M.)

PRESIDENT GUERRERO: The afternoon of the first day of the Convention, is called back to order.

Under "Other Matters," before I recognize somebody,

I'm going at this time to appoint Mr. Victor Hocog as the Floor Leader, and the other appointments will be forthcoming pursuant to our Rules of Procedure.

DELEGATE VILLAGOMEZ: Mr. President, I want to thank you, being the Chairman of the Pre-Con, the Pre-Con staff, the legal staff, for getting the our convention ready.

I think everybody deserves a pat on the back for a smooth opening. I just want to thank everybody.

PRESIDENT GUERRERO: Delegate Manglona, I recognize you.

DELEGATE MANGLONA: Mr. President, I would like, if it is in order and the Delegate's indulgence, if I could at least make a two-minute opening statement.

PRESIDENT GUERRERO: Before we do that, can I entertain Delegate Hocog?

DELEGATE HOCO: Thank you, Mr. President.

I would like, Mr. President, to move that the Delegates adopt and confirm the report from the Pre-Convention Committee.

(The motion was seconded.)

PRESIDENT GUERRERO: It has been moved and seconded to adopt the report of the Pre-Convention Committee to the Third Marianas Constitutional Convention.

Discussion?

PRESIDENT GUERRERO: Yes, Jack.

DELEGATE VILLAGOMEZ: Correct me if I'm wrong.

Part of the report deals with future funding that will be coming. I heard that it's confirmed House Bill 9-402, our additional money, has been vetoed by the Governor. I wonder if that will come for future legal services?

PRESIDENT GUERRERO: Those are subject to contingencies.

The retake care of this matter at some other time.

If no further discussion -- do we need to do this by a roll call, or just a simple voice?

Those in favor of adopting the report of the Pre-Convention Pre-Committee, say "Aye."

Those opposed, say "Nay."

(A voice vote was taken and the motion was carried.)

PRESIDENT GUERRERO: Motion carried.

At this time, I would like to recognize Delegate Manglona.

DELEGATE MANGLONA: Thank you, Mr. President.

Mr. President, fellow Delegates, honored guests, members of the clergy, ladies and gentlemen, a warm hafa adai and good morning -- or good afternoon to you all. Greetings from the people of your friendly neighboring island of Rota.

Our Delegates have spoken. You have elected our President. Our work begins. Congratulations to you, Mr. President.

I really feel good and proud to be with you today. As a member of this Convention, I seek friendship. I seek

unity. I seek understanding and cooperation among us.

I firmly believe that these important ingredients, which I seek from you, could guarantee ourselves to achieve great success in this Convention, to make one strong Commonwealth out of our small islands and one strong advice from our people.

In this Convention, let this principle be our guiding light as we begin our difficult tasks.

As I look around the chamber and look at the faces of my esteemed Delegates, we see different people. We see a diverse group of people.

Among us are honorable and distinguished men and women. They are people representing major ethnic groups. There are people representing different political viewpoints, and there are people representing different islands.

All the different traditions, so important to the life and energy of our precious and great Commonwealth, are gathered in this chamber.

In this diversity, there is strength. There is power in these differences. Let our unique backgrounds and viewpoints not divide and weaken us. They are the cement that brings and holds us together and strengthens our political union.

Our differences give us the strength, the power and the force, to turn away economic and social dangers that

threaten us. They protect us from those who will try to take away the unique features of our Northern Marianas government. They give us the strength to forge solutions for the many internal problems that will face our government in the next century.

There is a real strength in our diversity. We must respect our differences or we will weaken and not make stronger our great Commonwealth.

Look at the experience of America, a great nation. If we want to see how diversity can create strength, the United States, the greatest melting pot, may have many problems, but there is no question that the leadership in the world resolves from respect for different traditions and a rainbow of peoples.

Today, our islands have become a melting pot of different traditions, of different groups, and our different islands all make unique contributions to the principle of the melting pot.

Mr. President and fellow Delegates, if we want our Commonwealth to have energy, ideas, and creativity, we must respect and preserve our different traditions. Properly tended and stirred, our melting pot will produce a government as strong as the latte stone imprinted on our flag that symbolizes the strength of our Commonwealth.

Today, we are called together in this

Constitutional Convention in order to build a stronger and more workable government; that no matter where you live and what you are -- a Saipanese, a Rotanese or Tinianese -- a government that will work for the people of our islands in their own simple, unique, and modest way of life.

The work we will do here today, and the days ahead, will be aimed at making our Constitution more flexible and more responsive to the changing needs of our people and more democratic.

We hope our amendments to this Convention will make our great Commonwealth more flexible so we can bend, not break, under the economic, social, and political pressures of the coming century.

We hope our amendments will make us more responsive to all our people so we can be more responsive to the legitimate demands and needs of a growing number of minority groups that have been integrated into our political family.

We hope our amendments will make our government more democratic by balancing political power into the hands of the many and not concentrating it into the hands of a few. Democracy works best when more, not fewer, people participate in it.

There is a strength in a shared democracy. We must spread political power, not concentrate it, or we will weaken, not make stronger, our Commonwealth. We must respect our

differences or we will weaken, not make stronger, the government we need for the future.

Mr. President, I firmly trust that you are very capable in providing us with the kind of leadership that will not only unite ourselves in this Convention, but also a leadership that will unite all of our people in all of our islands.

Thank you, very much, and may God bless us and our Commonwealth.

PRESIDENT GUERRERO: Thank you, Delegate Manglona.

At this time, I would like to read a prepared statement that I have.

I'm deeply honored to convene the opening of the Third Northern Marianas Constitutional Convention. I welcome all the Delegates and extend to each of them my personal thanks for the cooperation and support during the Pre-Convention meetings. The preparations have already been an important part of this Constitutional Convention.

A quote from our earliest Constitutional history shall remind us that the advance preparation, which we have just completed, is necessary to a successful convention.

"This Convention, Mr. President, has a problem. It has gone nowhere. It has not worked so far. It has been a complete failure.

"Mr. President, this Convention has

failed because the Delegates came here unprepared. It has failed because it has too many committees. It has failed because its rules of procedure are too cumbersome and complex. They are designed to allay the timidity of whoever suggested them in the first place rather than to assist the work of this Convention.

"The Convention has failed because of the poor staff support that the Delegates have received. It has failed because it has taken a piecemeal approach to the drafting of the Constitution providing no framework to place and evaluate individual proposals."

Very few of us in this hall were at the Micronesian Constitutional Convention nearly 30 years ago. These were the words of the late President Lazarus Salii, the President of Palau.

I mention it because we must be mindful from the start that the making of the Constitution is not an easy task nor is it without its hazards.

Having served in the Second Northern Marianas Constitutional Convention, I have applied myself doubly to make sure that many of our past errors will not be repeated in this Third Convention. I have stated that most of what was done

during the Second Con-Con should be undone by the Third. However, our work in the Pre-Convention Committee leaves me very optimistic that we will not repeat many of errors in the present Convention.

Today, we begin a review of our Constitution. We are here today, all 27 delegates, representing many different political and social viewpoints and from different political parties.

We have a wide array of goals and objectives, different historical perspectives and diverse agenda? We are brought together by a Constitutional process that charges us with the duty to improve our and most significant document which will have a far reaching effect on all our lives.

Let's be honest with each other and with ourselves. We are convening a Constitutional Convention in the midst of an election year. It would be tough enough in a non-election year to debate constitutional issues without posturing and political grandstanding. We have seen it before, the effects of politics on a Constitutional Convention.

As I view it, our job in reviewing our Constitution is to have the legal instrument that will guide the branches of the government and protect the individual rights. Partisan politics should not be determinative.

Every Delegate must draw on every ounce of discipline to resist the injection of petty politics and

self-interest into the deliberations of this body.

This will not only require, but will demand a great deal of restraint. We anticipate that there will be vigorous debates over amendments that will be proposed during the Constitutional Convention.

Individual differences over issues will surely occur. Some of them along party lines and, perhaps, along ideological lines.

We expect the forthcoming debates to be lively, but hopefully not unruly. There may be sharp differences among the Delegates, and this to be expected. But we hope that common sense and mutual respect will prevail.

We have an obligation to draft a Constitution that will survive the inevitable swing from one party to the next. We must resist temporary political solutions.

Our Constitution must ultimately be a lasting document that will serve the common good. Independent of whatever political party or political interest is in power at any given point in time, it must survive the test of time. Let that be our challenge.

However, stress signals are appearing. Over 300 amendments have been prefiled to date, and we anticipate many more. Obviously, many of these amendments will be winnowed, but the sheer numbers are a bit startling.

We must remember not to usurp the power of the

three branches of the government. We must leave to the executive and judicial branches what is properly expected of these branches, and we must leave to the legislature what is properly legislative in nature.

There are temptations to introduce amendments that we feel will cure perceived deficiencies in the current executive and legislative branches of the government. We ought to resist this temptation. There are other ways of rectifying this problem, but not by Constitutional amendment. We ought to not super-legislate, super-administrate, or to super-adjudicate in the course of this Convention.

The system still works. What is needed is fine tuning. But we must let it work. The legislature must be permitted to exercise its legislative powers. If collectively we do not approve of legislative performance, we ordinarily vote them out.

The same holds true for the executive branch. All of us Delegates were elected to consider Constitutional matters and not legislative matters.

We should not approach our mandate with this attitude, that we should return again in 10 years to undo the mistakes we make in this Convention. That will be a painful legacy.

Dr. Ballendorf reminds us that the U.S. Constitution was amended only once in over 200 years.

While we have a unique history and circumstance, we will be well advised to remember this fact while we consider the issues of the day and what issues properly belong within the realm of the Constitution.

We encourage the general public to attend these Constitutional sessions which are expected to continue for two months.

We also thank Marianas Cable Vision for its commitment to carry these sessions live. This is a major public service which will help all our citizens share in this process.

Let it be said of the Third Constitutional Convention delegates that they banded together from different walks of life to serve the common purpose, and that they will do so faithfully. We owe nothing less to our citizens.

Thank you all.

Change the tape.

PRESIDENT GUERRERO: Delegate Juan Tenorio.

DELEGATE JUAN S. TENORIO: Can we recess until tomorrow?

(The motion was seconded.)

PRESIDENT GUERRERO: It has been moved and seconded to recess until tomorrow.

Those in favor of the motion say "Aye." Those opposed say "Nay."

(A voice vote was taken and the motion was carried.)

PRESIDENT GUERRERO: Motion carried. We're recessed

until tomorrow at 10:00.

SUPPLEMENTAL REMARKS ADDED AT THE REQUEST OF DELEGATES

Delegate Manglona requested that the following remarks be inserted at page 12:

"DELEGATE MANGLONA: Mr. President, it's grossly unfair to change the proposed rule we already have discussed and agreed upon during our Pre-Con briefings. I was present during the briefing sessions, and so were many other Delegate members also present.

I believe the purpose of the Pre-Convention briefings is to update the Delegates on the progress made by the Pre-Con Committee on the preparation and planning for the Convention.

I praise you, Mr. President, for making it possible for us to participate and deliberate in the discussion of the proposed rule.

Before us is exactly the same proposed rule that we all approved. Why do we have to change it now? I certainly feel it is unfair to change it now because we know who is the President. However, regardless who is the

Convention President, we must stick to our original position and understanding.

To make a point, I believe a simple majority could easily out maneuver and out vote Rota and Tinian proposals. In retrospect, it could also help interest groups and politically motivated proposals. For example, gambling and land alienation are issues to be railroaded easily without a two-thirds veto of the Delegates."

-oOo-

Delegate Manglona requested that the following remarks be inserted at page 18:

"Permit me to speak for the second time, Mr. President.

I agree with the Delegate Villagomez that it is very unrealistic and impractical to allow the simple majority to prevail in this Convention.

This is the first time, if the motion passes, that we will have this rule in our Convention history. The rule for the First and Second Con-Con call for a two-thirds majority

vote. We must treat Delegate proposals seriously and fairly and it should not be treated lightly.

Since we are dealing with Constitutional issues, a great number of votes must be required.

I am not convinced with the argument presented by Delegate Hocog that since the people will have the opportunity to ratify proposals in the end, that a simple majority rule has enough safeguards. I strongly disagree with that.

Our Delegates in this Convention must be mindful that whatever proposals we adopt can be voted down if two Senatorial districts are rejected by two-thirds of the votes of its voters. Therefore, we need to work together in this Convention.

I don't believe this is the right time to start arguing, especially at the beginning of this Convention. We need to seek harmony amongst ourselves so that in the end we can make our products saleable to our people.

We must sell our products to the people of Saipan, Tinian, and Rota, as well as the

people of the northern islands.

By acquiring a two-thirds vote, we can provide confidence to our people that the proposals we adopt are fully debated and voted for by a great majority of our Delegates.

I offer my support to all of you. I ask you to please vote down the motion.

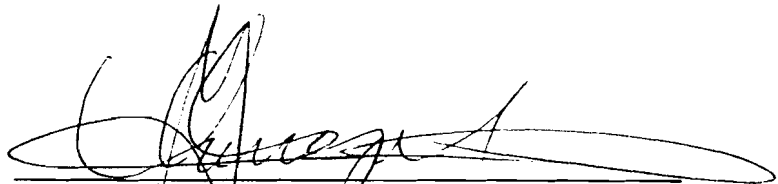
I never see this happen before, where major decisions in the legislature or organized body were disposed of by just a simple majority votes.

Thank you, Mr. President."

-oOo-

(The Convention recessed at 2:13 P.M.)

Respectfully submitted,



Convention Secretary