

# Post-Con panel explains delegates' 'yes' campaign



John Oliver DLR Gonzales

CONSTITUTIONAL Convention delegates are elected representatives with an obligation to tell the voters what they recommend post convention committee member John Oliver Gonzales said.

Several letters to the editor of this paper have opposed these delegate appearances on radio and TV, and talk show hosts and others have commented about this decision by the Post-Convention Committee.

"We delegates are not government officials," Gonzales said. "We were elected by the people to do a job and report back to them on what we recommend. We are doing that." In fact, Gonzales noted, there was no opposition among the delegates to 14 of the 19 amendments.

On the other 5 amendments there were 1 to 3 negative votes and, in one case, the amendment on how many votes it should take to amend the Constitution in the future, there were 5 negative votes, all from Rota and Tinian.

"That vote on switching to a 60% majority vote Commonwealth-wide, instead of the present 2/3 on each of 2 islands, was the highest negative vote in the whole Convention," Gonzales said. "On everything else, we worked out our differences through long discussions and debate and came up with something that almost every single delegate favored."

"We delegates worked very hard for the 60 days of our

Convention," Gonzales said, "and we were determined to come up with non-partisan solutions that are good for our Commonwealth. We did that." Gonzales said he is very comfortable in recommending to his constituents and to the people of the Commonwealth that they vote "yes" on the proposed amendments. "These are needed and important amendments, and of course I recommend that the people vote yes. That's what I have said publicly many times, and That's what I was elected to do. I am giving my recommendation to the voters."

Gonzales pointed out that the Post-Convention Committee has published a great deal of material about the proposed amendments, including inserts in the local press with the full text of each amendment and notations about every proposed change from the current language.

Chamorro language inserts ran in the local press for several weeks, both last fall and last month as did English language inserts. Carolinian translations were also published as they became available from the Office of Carolinian Affairs.

"We have books, pamphlets, papers, explanations, and many different forms of explanation," Gonzales said. "They are all available at the Post-Con Office on the second floor of the Dandan Center, and also at the Carolinian Affairs Office, and in the Mayor's Offices." But after all the material has been published, and the discussion gets underway, Gonzales said that the delegates have an obligation to tell the voters their recommendations as well.

"Of course, the voters take our recommendations along with everything else they read and hear, and they make up their own minds," Gonzales said. "The basic choice is whether they vote 'Yes' for the changes we recommend or whether they vote 'No' because they are happy with the status quo."

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# FORUM

A Meeting Place For Our Opinions. . . And Yours. . .



**BASICALLY** everything we do involves a process. A fisherman can only catch good fish by going fishing. It involves preparation—getting your fishing gears ready—swimming out to the reef, diving for fish, including braving the presence of sharks. Either he goes through this process or there won't be any fish to sell.

Unfortunately, most people do not like going through the process.

For instance, when the Third Northern Mariana Islands Constitutional Convention was in session, sufficient notices were issued for public input on literally all legitimate proposals which were introduced on the floor of the convention. That was the venue to present your views on specific ConCon proposals.

These views are reviewed among appropriate convention committees to determine which among competing views should be given greater consideration. After the committee decides the fate of a proposal, the report is prepared and the measure is subsequently presented for consideration by the entire delegates.

It is in plenary sessions where the work of the committee comes into another critical review (debate) by the entire delegates. Proposed amend-

ments that were approved finally make their way into the nineteen amendments that have been sufficiently published for public education purposes.

The Post Convention Committee feels it in the public interest to present each proposal in the various public education meetings and is also prepared to answer questions which you may have on specific provisions on a particular amendment. Through this exchange you'll secure a better understanding of what each proposal intends to do when approved and becomes a part of the Constitution.

For those who disagree with any of the nineteen amendments and feel that the public education meetings is the venue to regurgitate these issues, you've missed the train altogether and your insistence that it be debated all over tells this scribe that you didn't even know the train came, made a stop and continue on its next destination while you stand there waiting for its arrival.

To subject these proposals to another round of debate isn't going to allow for any additional changes just so that they are tailored to your fancy. Therefore, it is best that you listen to the Post Convention Committee when members explain how and why specific proposals came out as approved by the delegates we voted to consider them. You had your opportunity to present your views. **If you failed to exercise such privilege, then your next best bet is to read up on each proposal and decide for yourself how you wish to dispose of them on March 2nd.**

To engage in acrimonious discussions is to do injustice not to the Post Convention Committee nor any of the proposals, but yourself because you will have denied your humongous ego the grand chance to buckle down so you can read and understand what each proposal is set out to do. If you agree with the intent of the nineteen amendments, vote in favor of it. By the same token, you vote "no" when you feel otherwise.

This exercise involves a process which include the following: 1). Reading the proposed amendments. 2). Asking the PostCon Committee specific questions where you're not sure of the intent. 3). Discussing these amendments with others so you benefit from differing views. 4). Deciding on March 2nd how you wish to vote on each amendment. In other words, in order to get to point "B" you must start from point "A". Point "A" involves a lot of reading so that you understand what each amendment is set out to do. You really don't want to find out the intent of these amendments by listening to what others think it says. You must read it so that you understand first hand what it says in order to make an informed decision.

In small group discussions, it's good to probe both side of the issue if for any other reason than to get a better view of the advantages or disadvantages of voting for or against a certain amendment. Where you feel you need more information, ask the PostCon Committee for copies of the convention journal and committee reports. The committee wishes nothing better than to ascertain that your questions are answered in hopes that you come to understand the intent of each proposal.

The question of whether the PostCon Committee should stay neutral or advocate approval of these amendments is obvious. It must seek a "YES" vote on every amendment. After all, it has deliberated on the pros and cons of each amendment now before us for final disposition. The question of whether there should be funds to present the other side of the proverbial coin is really a matter of citizenship responsibility. If you feel so strongly that most of these amendments must be voted down, a citizens' committee is the appropriate approach to take in order to present the other side why certain amendments must be disapproved.

Finally, no amount of see-saw debate would lead to further refinement of the nineteen amendments which you will be voting on this coming March 2nd. We elected choice delegates out of a field of more than one-hundred candidates. Their election is an expression of our confidence in each of them. I am treasure even the fallacies of our democratic institutions and ever grateful that we answer these public concerns with the point of our pencils rather than bullets, poison gas and heavy explosives as is happening in other areas of the world. Please read the nineteen amendments so you don't rely on what others think what they think it says. Thanks.



## THE 3rd Con Con AND THE Public

By: Stephen C. Woodruff

### On mutilating the Legislature

In my column Friday, I explained that I refer to the Article II changes as a whole as "mutilating the legislature" because the overall effect would be to weaken the legislative branch in relation to the executive and to reduce its effectiveness and efficiency. We saw why a six member Senate would not function properly as a deliberative assembly. This column will examine the ways the powers of the lieutenant governor under Amendment 2 would undermine the legislature as an equal branch of government.

But first a few final words on the Senate. Post Convention Committee chairman Guerrero also argues that two senators are just as good as three because senators from the individual islands will always march together. That argument fails to recognize that island interests are only a small fraction of the work of the Senate. It also ignores reality.

It simply isn't true that island senators always stand together. If they did, every Senate president would be from either Rota or Tinian. In fact, a Saipan senator has been President of Senate in seven of the ten legislatures in the history of the Commonwealth.

The Post Convention Committee chairman also tells us the "downsizing" of the legislature was done to save money. In fact, the legislative budget proposed by the convention for the smaller legislature is roughly the same as the current budget. The convention just redistributed the money. More importantly, a \$4.5 million legislative budget is peanuts in the context of a \$190 million executive branch budget (much, much more if the operations of public corporations and independent agencies are added in).

A few extra dollars is a small price to pay for quality representation. Financing pennies all too often means you will get what you pay for—in this case, inferior legislative performance.

As I observed last week, the people of the Commonwealth probably don't realize how fortunate they are to have the quality of representation they do. Only one state, New Hampshire, has a ratio of population per legislator comparable to the one the people of the CNMI enjoy.

New Hampshire, renowned as a bastion of liberty and democracy, host of the first presidential primaries every four years, New Hampshire considers this ratio of population per legislator to be so important that they have 400 members in their house of representatives in order to achieve it.

#### Power of the lieutenant governor

The Third Con-Con would give the lieutenant governor a power to vote in the Senate in the case of a tie and one-third of the power to influence the legislative bureau. In my opinion, these powers constitute an excessive intrusion of the executive into the operations of the legislative branch.

True, the second highest executive branch official has a role in U.S. Senate and many state legislatures. But none of those legislative bodies is as small as the Commonwealth Senate, and none of those legislatures is governed by Governor Section 203(c), which guarantees equal representation for Rota, Tinian, and Saipan in the Senate.

The odds of a tie—and hence the significance of the executive role in lawmaking—are much greater with a smaller body than with a larger. As a result of the tie-breaking power, it would be possible for a mere three senators, acting in concert with the executive branch (in the person of the lieutenant governor), to pass a bill despite the most vigorous protestations of the other three members.

If the traditional rule that a majority of the membership constitutes a quorum prevails, a quorum would be four. In that case, a mere two members acting in concert with the lieutenant governor could pass bills. Normally, in a body governed by majority rule, a motion fails if it garners the support of only half of the votes cast.

The lieutenant governor's tie-breaking power would also allow him (or her) to cast the decisive vote as to who would be the presiding officer/majority leader in the event of a tie. Instead of forcing the senate to agree on a compromise candidate or plan, it forces a divided senate to live with a choice made by the lieutenant governor. It suggests the injection of the lieutenant governor into preorganization politics. And it would mean the lieutenant governor determines which senator gets the extra office allowance.

The Post-Convention Committee contends that this does not take anything away from the Senate, that four senators could later agree on a new president. That is a remarkable statement, and not only because it amounts to an endorsement of leadership coups. The lieutenant governor could also vote for a rule requiring a supermajority to replace the president. Whether such a rule would be enforceable is unclear. That very issue was litigated during the Ninth Legislature, and the CNMI Supreme Court has not yet rendered its opinion.

The provision for the lieutenant governor to preside only at the organizational session and then vote to break ties also has serious practical problems. Unless the lieutenant governor attends every session, he or she would be called in to break ties on procedural votes or on substantive matters without ever observing the events leading to the tie or having heard the debate.

Another problem occurs in the event the lieutenant governor is out of the Commonwealth. Is the senate prevented from meeting? If the senate meets, what happens in the event of a tie? Regardless of its merit in any other jurisdiction, here in the Commonwealth this tie-breaking power is a very bad idea.

The final power given to the lieutenant governor is in many ways the most disturbing. Under the Convention's scheme, the lieutenant governor has one of three votes controlling who heads the legislative bureau. Unless the Speaker and the President agree, the lieutenant governor chooses the director of the bureau.

Although the director can be removed only "for cause," the influence of the lieutenant governor nevertheless can be expected to be substantial. The lieutenant governor may have been key to the director's appointment, and could be instrumental in protecting his or her position.

Under these circumstances, there is real cause to doubt whether the bureau will be able to conform to its constitutional mandate of nonpartisanship. Even aside from partisanship, this level of involvement of the executive in the internal functions of the legislature is unacceptable and inconsistent with separation of powers.

The bureau has the responsibility to "provide all necessary support services" for the legislature. Thus, members of the legislature rely heavily on the bureau in the performance of their duties. With the shift in the allocation of the legislative budget (to be discussed more fully in the next column), members of the legislature would become even more dependent on the bureau.

A primary reason for a legislative bureau (and the legislative staff function in general) is so the legislature doesn't have to rely on the executive branch and lobbyists for all its information, analysis, and policy option development. The role given to the lieutenant governor in the selection of bureau director is plainly inconsistent with this fundamental principle of legislative independence.

*This piece appears in the Variety as a guest column. Stephen C. Woodruff has been a resident of Saipan for 20 years, living here since 1974, except for three years in Hawaii when he returned to school for a law degree. He was Chief Consultant to the Second Constitutional Convention. He presently is Senate Legal Counsel. The views expressed in this article are his own.*