

## CON-CON COMMENTARY

by Marian Aldan-Pierce, Frances LG Borja, Esther S. Fleming, John Oliver DLR Gonzales, Herman T. Guerrero, David Q. Maratita, Felix R. Nogis, Justo S. Quitugua, J.P. San Nicolas, Bernadita T. "Bennet" Seman, and Dr. Helen Taro-Atalig. This is a non-partisan response by 3rd Con-Con delegates present at the Post-Convention Committee meeting on Friday, February 23, 1996, to the remarks of Former Governor Carlos Camacho as reported in the Focus section of the Pacific Daily News.

Former Governor Carlos S. Camacho is quoted extensively in an article that appeared in the Pacific Daily News last Friday. His remarks call for a response that will enable the voters to evaluate Governor Camacho's criticisms in light of his own participation and voting record in the Convention.

### **Voting Record**

Governor Camacho did not have the benefit of the full debates of the Convention. He was not in attendance at many of the sessions and did not participate in the final delegate voting on most of the amendments. He voted as follows on the final proposed amendments:

Amendment #1, absent	Amendment #11, absent
Amendment #2, absent	Amendment #12, NO
Amendment #3, absent	Amendment #13, absent
Amendment #4, absent	Amendment #14, absent
Amendment #5, absent	Amendment #15, absent
Amendment #6, YES	Amendment #16, absent
Amendment #7, absent	Amendment #17, absent
Amendment #8, absent	Amendment #18, absent
Amendment #9, absent	Amendment #19, absent
Amendment #10, absent	

### **Committee Work**

We are very proud of the open and accessible Convention that we held. Our processes were fair and we gave everyone a chance to be heard.

Every delegate was a member of at least one committee. The rules on the way the committees would be structured were set up BEFORE the Convention ever got underway, during the Pre-Convention process. Dr. Camacho agreed with those procedures. During the Pre-Convention process, Dr. Camacho was Chair of the Saipan Delegation and Chair of the Legal Subcommittee of the Pre-Convention Committee. He was consulted on everything because of

his extensive government service as well as his widely-publicized candidacy to be elected President of the Convention .

Dr. Camacho was a member of the Committee on Land and Personal Rights. That Committee dealt with Article 12, and it was his first choice as a committee assignment. Many delegates did not get their first choice; but other delegates did not complain. Our rules provided that every delegate could attend the meetings of all the committees other than the one on which he or she sat, and could speak at all such meetings. Many delegates took advantage of this rule. Our attendance sheets for committee meetings show this. We had spaces on every attendance sheet for the members of the Committee and for every other delegate, so we know who attended and who did not. Dr. Camacho did not attend most committee meetings except our sessions on Article 12. This was disappointing to many of the delegates who had expected Dr. Camacho to draw upon his experience as governor and make a real contribution to the work of the Convention.

The delegates considered 620 proposals, many of which came from legislators, community groups, and interested citizens. Dr. Camacho submitted only 1 proposal. This was Delegate Proposal #589 on Article 12. It was submitted on July 10, 1995, the very last day under our rules that any proposal could be submitted. It was 21 pages long. The staff broke it up into 12 separate items, but Dr. Camacho submitted it as a package. He wanted us to vote in the whole thing unchanged. This proposal focused on court decisions involving Article 12 that Dr. Camacho thought should be reversed. It was rejected in the democratic process after a full debate.

### **Position on Amendments**

The Pacific Daily News reported that Dr. Camacho was campaigning against some of the amendments. Dr. Camacho is, of course, free to do that. But the article in the newspaper, if it was accurate, was not consistent with the positions that Dr. Camacho took during the Convention.

Dr. Camacho stated during the Convention that he was in favor of Amendment #6 on Local Government. When we discussed it on first reading, he was absent. When we discussed it on second and final reading, he voted for it. Amendment #6 was thoroughly debated in open session during the Convention. Public hearings were held on Rota, Tinian, and Saipan. No delegate was rushed or pressured in any way during the vote on this important matter.

Dr. Camacho stated during the Convention he was in favor of Amendment #13 on education, and when we discussed it on first reading, he voted in favor of it. We never heard any criticism from Dr. Camacho during the Convention of the proposal to create local school boards and to put education back under the governor. As a former governor, Dr. Camacho indicated that education should be under the governor.

Amendment #17, which the PDN report says Dr. Camacho opposes, deals with government ethics. We delegates believed that the current constitutional provision on ethics is not strong enough. So we put some teeth in it. We are surprised that Dr. Camacho would be opposed to better government ethics. He never said anything about that during the Convention.

### **Form of the ballot**

Dr. Camacho is quoted in the PDN as saying the ballot is too long, and that our voters will not be able to understand it. We believe that is wrong. The 1985 ballot was 22 pages long and had 44 questions on it. That ballot did not contain any explanation beyond one short identifying phrase telling the general topic of each proposed amendment. The ballot for this election is only 11 pages long, it has only 19 amendments, and it contains a paragraph of explanation about what each proposed amendment contains.

In the first ballot on the Constitution in 1976, the people were given only one choice -- vote the whole thing up or down. Everyone had to vote on all 18 articles at once. There was no choice at all. This ballot for the current election gives the voters a choice on every article. They can vote YES for the proposed reforms on a particular article or they can vote NO to keep things the way they are now.

TUESDAY

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Former Governor Carlos S. Camacho is quoted extensively in an article that appeared in the Pacific Daily News last Friday. His remarks call for a response because the delegates to the Constitutional Convention not only did an excellent job, but they did it in a non-partisan fashion. This is the second part of our response.

**Future Constitutional Amendments**

Dr. Camacho is quoted as saying that Amendment #18 would prevent constitutional amendments for 25 years and would take away the Legislature's ability to propose constitutional amendments. First, that is wrong. Second, Dr. Camacho spoke in favor of Amendment #18 during the Convention, and he voted in favor of Amendment #18 on first reading. He was absent for the vote on second and final reading.

Under Amendment #18, the constitution may be amended at any time by the voters. Any person may circulate an initiative petition to put on the ballot a proposed constitutional amendment. If 30% of the voters sign the petition, and it is certified by the Attorney General, it will go on the ballot. Amendment #18 makes it considerably easier for our citizens to use the popular initiative for this purpose because the required number of signatures is lowered to 30% from 50%.

Under Amendment #18, the constitutional amendments may be proposed at any time by the Legislature. All the legislators need to do is collect the required number of signatures to put their initiative on the ballot. For example, if Amendment #2 passes and the Legislature is downsized to 19 members, a majority of 4 in the Senate and 7 in the House would have to collect an average of 275 signatures apiece to put a constitutional amendment on the ballot. Is there any legislator elected in the Commonwealth who cannot get 275 signatures? We think not.

Amendment #18 is designed to prevent what the Legislature has done in the past -- passing proposed constitutional amendments that increase their own budget with no public hearings, no notice, and no time for careful reflection. The Senate has just done it again. They passed a proposed constitutional amendment on Friday, February 16, at the end of the day just

before a three-day holiday, that would increase their own budget to \$7 million from the current \$3.6 million plus salaries. This amendment is currently pending before the House, which could do the same thing.

### **Public Education Program**

The public education program included 29 village and public meetings on Saipan, Tinian and Rota. These meetings were held from 9:30 to 11:30 in the morning; from 2:00 to 4:00 p.m. in the afternoon, and from 7 p.m. to 9 p.m. in the evening. Every voter had many opportunities to ask questions, receive published materials, and hear the views of others.

This required an enormous investment of time and effort by the delegates. At least three delegates attended each meeting no matter how few voters showed up. More than 200 hours of personal time were put into these meetings by delegates in addition to the travel time to get to Rota and Tinian. If any voter wants further explanation of the proposed amendments, they should call the Post-Convention Committee's office at 235-0843 and a delegate will make this effort on a one-to-one basis.

In addition, the delegates reviewed, approved, published, and distributed books, pamphlets, newsletters, outlines, summaries, and other materials describing the proposed amendments. We published at every level -- from very detailed exact legal language down to very broad concepts in simple language. We published in all three languages. Delegates spent time handing these out at meetings and elsewhere. Every request for materials was complied with promptly.

Dr. Camacho is critical of the television and radio announcements sponsored by the Post-Convention Committee in which the delegates recommended that the voters approve what the Convention had done. He is entitled to his point of view about that. We delegates decided that we should tell the public how we stood on these questions.

### **Non-Partisan Work of the Convention**

Dr. Camacho is quoted as saying there was "too much influence of interest groups" in the Convention. Perhaps what he means is that the arguments and points made by the interest groups and lawyers who turned out to support his point of view on Article 12 were less persuasive to the delegates than the arguments of the interest groups and lawyers who turned out to oppose to his point of view.

There is no question that there were interest groups active on the questions with respect to Article 12. It is a very important question in our community, and it is natural that there are groups with varying points of view. We listened to all of them, both for and against each issue. We were very patient. We held public hearings at the Legislature and village meetings on Article 12 during the Convention so that everyone could present his or her point of view.

For example, at the public hearing on June 16, 1995 we heard 66 pages of testimony from a lawyer supporting Dr. Camacho's point of view. Then we heard 89 pages of testimony from a lawyer supporting the opposite point of view. Everyone had a full opportunity to express themselves. We published everyone's ideas on what should be done with Article 12 in the transcripts of our proceedings, which were almost always available the next day.

In the end, we adopted a package of reforms to Article 12 with which Dr. Camacho disagrees. The vote on Article 12 was 19 in favor, 3 opposed, 1 abstain, 2 present, and 2 absent. With only 3 votes opposing the ideas incorporated in the Committee's proposal, Dr. Camacho just could not get the Convention to do what he suggested. But that is how democracy works.

### **An Excellent Job**

Here's what former Chief Justice Jose S. Dela Cruz said about the Convention in its concluding ceremonies: "I believe, I truly believe, that this Convention has turned out one of the most excellent products in constitutional law that will guide us, the people of the Commonwealth, for generations to come." We agree with Justice Dela Cruz. We are proud of what we did.