

By Herman T. Guerrero, Chair
Post Convention Committee

The Post Convention Committee is confident that the vote of the amendments proposed by the Third Constitutional Convention will go forward on schedule on March 2. The voters demand that they be given the right to decide themselves whether these 19 amendments should be approved or rejected. Those who seek postponement show their lack of confidence in the voters -- and their fear that the amendments will be approved!

As the March 2 election approaches, the critics of the Convention's proposals are working hard to confuse and mislead the voting public. For example, they have argued that Amendment #18, if approved, will mean that the Commonwealth's Constitution cannot be revised for 25 years. Let me demonstrate how wrong this is.

Amendment #18 and the Popular Initiative

Amendment #18 does provide that another constitutional convention cannot be called for at least 25 years. There are good reasons for this. It was probably a mistake for the 1985 Convention to provide that the voters should have the right to convene a Convention every ten years. It would have been better to have used twenty or twenty-five years as the appropriate time frame. Most experts in the field argue strongly that too frequent constitutional conventions lead to instability in government institutions and policies. The Founding Fathers in 1776 provided in the first Constitution that a convention should be held within seven years of the establishment of constitutional government in the Commonwealth. They were concerned about the uncertainty as to when the Trusteeship Agreement would be terminated with respect to the Northern Marianas, at which point certain provisions of the Covenant would come into effect. That is why there was a convention in 1985.

But this does NOT mean that the Constitution cannot be amended for at least 25 years. In fact, Amendment #18 makes the popular initiative more accessible as a means of amending specific sections or articles of the Constitution. Under the current Constitution a popular initiative cannot get on the ballot unless the initiative petition has the signatures of "at least fifty percent of the persons qualified to vote in the Commonwealth and at least twenty-five percent of the persons qualified to vote in each senatorial district." This is a burdensome requirement. The delegates have proposed changing this to the simple requirement of 30% of the qualified voters in the Commonwealth. This will make it much easier to get proposed amendments on the ballot.

It is true that Amendment #18 would no longer give the Legislature the special right to propose amendments without any consultation with their constituents. Based on the Commonwealth's experience with the legislative initiative over the last 10 years, the delegates concluded that the Legislature was interested principally in amending the Constitution to increase its own funding. This past week has provided yet another example of this self-serving

tendency. The Commonwealth legislators are not especially unusual in this respect. Many States require the affirmative votes of two separate legislatures (usually over a period of at least two years) before permitting the legislators to propose a constitutional amendment., thereby ensuring time for reflection and public debate. Here, on the other hand, legislative initiatives have a way of emerging -- without public hearings or any advance notice -- before a long holiday weekend when press coverage is unlikely.

The delegates were well aware that the legislators may indeed be in a good position to recommend constitutional amendments. Under Amendment #18, however, the legislators have no special privileges but must follow the popular initiative path that is open to all Commonwealth citizens. What is wrong with that? It should be quite easy for a group of legislators to get the low number of signatures required. If four senators and seven representatives agree on a proposed amendment, for example, each only has to get about 175 signatures to meet the new 30% requirement. Is that an unreasonable burden? The delegates thought not and believed that the requirement would ensure that any proposed amendment will be widely discussed by the public and in the media before it is actually voted upon.