

SEVENTEENTH DAY

Thursday, February 27, 2020

CALL TO ORDER

President Killion called the Fourth FSM Constitutional Convention to order at 10:22 a.m., Thursday, February 27, 2020.

MOMENT OF SILENT PRAYER

President Killion: I now call our session to order. May we stand for a moment of silent prayer.

A moment of silent prayer was observed.

ROLL CALL

Chief Clerk Reyes called the roll, 23 delegates are present.

(Absent: Delegate Mori).

President Killion: Thank you Secretary. Since we have a quorum, we can transact business. So, we can now move on. Adoption of Journal.

ADOPTION OF JOURNAL

Floor Leader Yatilman: Mr. President.

President Killion: Mr. Floor Leader.

Floor Leader Yatilman: I move that the Convention adopt the Journal of the 17th Day.

Delegate Asher: Second.

President Killion: It's been moved and seconded that the said Journal will be adopted. Discussion? If there's no discussion, all those in favor of the motion say Aye? All those opposed say Nay? Motion carried.

The motion carried by voice vote of Delegates.

COMMUNICATIONS

President Killion: Item No. 5, Communications.

Chief Clerk Reyes: For Item 5, Communications. None, Mr. President.

President Killion: Thank you. Moving on, Item No. 6, Unfinished Business.

UNFINISHED BUSINESS

Chief Clerk Reyes: None, Mr. President.

REPORTS OF COMMITTEES

President Killion: Reports of Committees.

Chief Clerk Reyes: For Item No. 7 Reports of Committees, none also, Mr. President.

FIRST READING OF COMMITTEE PROPOSALS.

President Killion: Item No. 8, First Reading of Committee Proposals.

Chief Clerk Reyes: None, Mr. President.

SECOND READING OF COMMITTEE PROPOSALS.

President Killion: Item No. 9, Second Reading of Committee Proposals.

Chief Clerk Reyes: None also, Mr. President.

FINAL READING OF PROPOSED CONSTITUTIONAL AMENDMENTS

President Killion: Item No. 10, Final Reading of Proposed Constitutional Amendments.

Chief Clerk Reyes: None, Mr. President.

CONSIDERATION OF RESOLUTIONS

President Killion: Item No. 11, Consideration of Resolutions.

Chief Clerk Reyes: There are no Resolutions, Mr. President.

INTRODUCTION AND REFERRAL OF DELEGATE PROPOSALS AND RESOLUTIONS

President Killion: Item 12, Introduction and Referral of Delegate Proposals and Resolutions.

Chief Clerk Reyes: Please see Referral Sheet No. 4-13

President Killion: That sheet is attached to the Order for your information so you can refer to that.

SPECIAL ORDERS

President Killion: Special Orders, No. 13.

Chief Clerk Reyes: None, Mr. President.

MISCELLANEOUS BUSINESS

President Killion: Miscellaneous Business. Does anyone have Miscellaneous Business?

Delegate Fritz: Mr. President.

President Killion: Yes, Delegate Fritz.

Delegate Fritz: Thank you, Mr. President. I have a Miscellaneous Business. But, based on what I sense from the past is Miscellaneous Business has taken too much of our time. So, I have written them out and I request that it be inserted into the Journal. I request that all Delegates to please read them in the spirit that I offer it, to make sure that what we do here is proper and correct. Thank you.

“Thank you, Mr. President. Tirou Lang, Tirou Pun, Tirou Matau, Tirou won Soupunun Fonuach Pohnpei, akaewin Samach Achengicheng Iso Nanhiken

Delegate Iriarte, fellow delegate, May the Peace of the Lord be with you all or each of us during this historical gathering. Mr. President, I recalled and agreed with the observations made by the Honorable Delegate Asterio Takesy that our people have elected men and women of varied and very rich credentials, representing many cross sections of our Micronesian communities. Most notably 8 out of 24 members, or 1/3 of the members of this Convention, are lawyers.

Recently, during one of our Committee's hearing with officials of our government, we complained that information they provided seemed to be "doctored" or untrue. I hope this Convention, its honorable members and staff are held to the same standards we expected of our friends from across. Mr. President and fellow delegates, after reading the Journal for the convening day or first day of this convention, I am troubled that the Journal for the day was "doctored" as it failed to reflect what had truly transpired of the convening day. Recalled on the convening day of this convention, after we completed the election of all the officers of this convention, I believed our delegates, some lawyers, in concurrence with our Chief Legal Counsel. Caused this convention to restart or redo the elections of the officers because of our failure to comply with our Rules of Procedure. More especially, we did not suspend the rule requiring secret voting for election of the officers. Rule 6, Con.Con. R.P. Fortunately, in order to ensure that others may not question the validity of our decisions to elect those officers in violation of our own Rules, the Convention redid the elections for Vice-President, Floor Leader, and Chairman of the Committee of the Whole (COW) after we suspended the required rule. Rule 12 (c) of this Convention's Rules of Procedure mandates that the Convention Secretary to keep a Verbatim Journal of the Plenary Session. Perusing through the Journal on the first day, most of what written are not true. I recalled quite clearly that when we elected the Honorable Delegate Redly Killion as President of the Convention, no one moved to suspend the Rule 6 which mandates the election of the President, as are the other Officers of the Convention, be elected by a majority vote of the Delegates by secret ballot. Of course, the Journal for the day made up false statements that our acting Floor Leader did make a motion to suspend that relevant rule. The Convention's failure to suspend the "secret voting" Rule, would render our decisions void and invalid. There is a doctrine in law referred to as "Fruit of the Poisonous Tree". Simply put, any fruit of that tree would also be poisonous.

This Convention has met just about more than half ways using up more than half of the allowable initial 30 days for our Convention. As of today, note that this body has not adopted or passed a proposal yet as possible amendment to be submitted to our people to vote upon in the upcoming referendum. Should we correct our mistakes as we did for the others, or should we just close our eyes and

pretend that there was no problem then? I raised these concerns to ensure that our products in this Convention would not be questioned and worse considered by others as invalid and what we should do next if our actions in selecting our President without suspending the relevant Rule was voidable, thus rendering all subsequent action flowing from that as improper and invalid.”

President Killion: Thank you, Delegate Fritz. Yes, Mr. Floor Leader.

Floor Leader Yatilman: Thank you very much, Mr. President. I know everyone has a copy of the memo that I circulated or that I signed, which is the scheduling of Committee Meetings during the Special Session of Congress. So, I urge the Committees to make use of the time allotted. If there are questions, please let us know otherwise, those are the best times for Committees to meet. Thank you.

President Killion: Thank you, Mr. Floor Leader. That information to which you are referring is distributed so you can see the schedule, during the short recess that you will take while Congress is going to be in Session next week. Any other Miscellaneous Business? Chairman Sitan.

Delegate Sitan: Thank you, Mr. President. I just want to request perhaps when you meet the President, please also include the issue of overtime for staffing. I understand that there are some rules that only Immigration and Customs can have overtime, but a lot of our staff are not with those departments. So, if they cannot fix it, perhaps we'll go to Congress to fix it when they meet next week. Thank you.

President Killion: Thank you, Chairman Sitan. That's going to be included as one of those issues to be discussed, overtime. Any other Miscellaneous Business before we go onto Announcements? If none, Announcements by each of the Chairman and Chairperson of the Committees.

ANNOUNCEMENTS

For meetings, I noted that there are scheduled Committee Meetings this afternoon so for the record perhaps for reminders. Chairman Sitan.

Delegate Sitan: Yes, your Committee on Public Finance will meet at one o'clock. I think there's a notice out regarding first the referral of the Committee Report and again, I remind my friend on the left to be here and then the others that we tried to consolidate with them. Thank you very much.

President Killion: Okay, that's good information. So, one o'clock this afternoon. I presume some lunches will be provided so that we make use of the time. Alright, any other Announcements? Yes, Chairman Nabeyan.

Delegate Nabeyan: Thank you, Mr. President. The Government Structure and Functions Committee will have its meeting today, following Finance Committee scheduled at 2:30 in this Chamber. Thank you.

President Killion: Thank you, Chairman Nabeyan. It's 2:30 the same Chamber the Committee on Government Structures and Functions. Yes, Chairman Albert.

Delegate Albert: Good Morning, Mr. President. As a result of this morning's meeting, I just want to give a heads up to Committee Members on Civil Liberties that the final version of our dual citizenship proposal will be circulated by this weekend and please review them. We will try to finalize the proposal on Monday at 8, same time at 8:30 a.m. Thank you.

President Killion: Thank you, Chairman Albert. So, the Committee on Civil Liberties and Traditions is moving forward, of course like the other Committees. Any more other Announcements? Yes, Chairperson Sigrah.

Chairperson Sigrah: Thank you and Good Morning, Mr. President. The Committee on General Provisions will meet tomorrow, Saturday at 9 o'clock, same venue. We will need to report out a Standing Committee Report, so I urge all members to come in and review the final draft so we can get this out. And we will continue the discussions that we added on the Proposals yesterday and there will be breakfast and coffee. So, please come one, come all. Thank you.

President Killion: So tomorrow at 8:30, did you say? Oh, nine.

Delegate Sigrah: Nine o'clock a.m.

President Killion: Nine o'clock a.m. tomorrow, Saturday. Yes. Thank you very much Madam Chairperson.

Delegate Fritz: Point of Information, Mr. President.

President Killion: Yes, Delegate Fritz.

Delegate Fritz: Yes, with relation to what the Chairperson has just said, there was I guess a decision to request our Counsel to prepare a Committee Report. I wonder whether that's already been done and circulated. So, when we meet, we at least can take appropriate action having known what is in the paper.

President Killion: Yes. You want to answer that first or me?

Delegate Sigrah: Thank you very much, Mr. President. We will try to have that draft report circulated as soon as it's done. And, hopefully, we will have the hard copy ready by tomorrow. So that we can have some discussions this afternoon, and also tonight, up to nine o'clock tomorrow morning. Thank you.

President Killion: Thank you. Delegate Samo?

Delegate Samo: Good morning, Mr. President, Colleagues. A reminder to the Chuuk Delegation, we're having a meeting 6:30 today at Island Palm. Thank you.

President Killion: The meeting is at six o'clock this evening? Is it? What time?

Delegate Samo: 6:30. Island Palm.

President Killion: At the Island Palm Hotel. Okay, 6:30 Chuuk Delegation at the Island Palm this evening. Any other Announcements by Committee Chairperson, Chairmen? So, I guess we're all set for...

Delegate Susaia: President.

President Killion: Yes, Delegate Susaia?

Delegate Susaia: Just a reminder. I have been instructed by our Chairman to remind the members of the Pohnpei.

Delegate Fritz: You're being cut off.

President Killion: So, Pohnpei Delegation meeting tomorrow? Did you say today?

Delegate Susaia: Yes. Pohnpei Delegation meeting at 12, today.

President Killion: Today?

Delegate Susaia: Yes.

President Killion: 12 o'clock. As you know, we will have the meeting with the President 11:30 so hopefully we can be done.

Delegate Susaia: Iso, the time is good? Yes, 12.

President Killion: 12 o'clock, Pohnpei Delegation meeting. Okay. Thank you. Any other Announcements? Delegation Chairmen, Chairpersons, Committees, and so forth? Okay. We're all happy for the rest of the day and tomorrow, the weekend. If no other Announcements, Mr. Floor Leader?

Floor Leader Yatilman: Mr. President. I move that the Convention stands in recess until tomorrow morning at 10:00 o'clock.

Delegate Bossy: Second.

President Killion: It's been moved and seconded that we stand in recess until tomorrow morning at 10:00 o'clock. If no objection, that shall be it.

The motion carried by voice vote of Delegates.

President Killion declared the Convention recess at 10:34 a.m., until tomorrow, Saturday, February 29th at 10:00 a.m.

Respectfully submitted,

Atarino A. Helieisar
Journal Clerk