

Re Leonard  
Comments

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M E M O R A N D U M

TO: James R. Leonard  
FROM: Edward D. Hollander *EDH*  
DATE: Sepetmber 10, 1976  
SUBJECT: Comments on briefing paper on education in the  
Marianas

1. The paper appears to have thoroughly researched typical provisions dealing with public education in the constitutions of the states of the United States. It is my impression, however, that many, if not most, of the states' constitutions are archaic and contra-functional in that they have imposed needless, and in some cases harmful, prescriptions and constraints on state government. There is no reason why the Marianas should follow this example.

2. I think the purposes of the Marianas Government will be best served if the constitutional provisions dealing with public education are limited to a few general principles and guidelines, leaving all of the implementing details to be provided by the legislature.

3. The constitution should provide that it is the obligation of the Commonwealth government to provide free public education for its citizens. The rationale for such a provision is that a literate population is essential for effective participation in a modern society, economy, and polity. A free basic education is therefore the right of every citizen, and it is a proper function of government to provide it.

4. The constitution should prescribe equal educational opportunities for all citizens and should prohibit discrimination (including segregation) on the grounds of race, religion, or ancestry.

5. The constitution should be silent on the amount of schooling which is the right of every individual at public expense, leaving this to be spelled out by the legislature from time to time, according to the needs of the people and the resources of the Commonwealth.

6. The modes of financing and the financial management and the governance of public education should be left to the legislature.

7. The constitution should be silent on the questions of the Commonwealth's relationship to private education, leaving this to the Constitution of the United States in so far as sectarian schools are concerned, and to the legislature in so far as non-sectarian private schools are concerned.

8. The extensive research is by no means wasted, since it will be useful for the legislature in any case.

EDH/sj