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VIA RCA

Dec 1, 1976

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MNSQ CV UIWN 363
WASHINGTON 674/672 29 1135 MM BKDATE (PART ONE CK363)

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DEC 1
1976

HOWARD WILLENS
SAIPAN BEACH INTERCONTINENTAL
SAIPAN MARIANA ISLANDS

DISCUSSED NOVEMBER 14 DRAFT CONSTITUTION WITH BERG
TODAY. FOLLOWING ARE INFORMAL INTERIOR COMMENTS.

PREAMBLE WORDS OUR CHAMORRO AND CAROLINIAN HERITAGE
ARE POSSIBLE FOUNDATION FOR DISCRIMINATION AND SHOULD
BE DELETED.

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ARTICLE I SECTION 4J QUESTION AS TO COVERAGE SHOULD BE
EXPLAINED IN LEG. HIST. SECTION 9 MAY RAISE QUESTION
OF SOVEREIGN IMMUNITY. SECTION 11 LEG. HIST. SHOULD
INDICATE SUBJECT TO SAME GENERAL LIMITATIONS AS SECTION 2.

ARTICLE II SECTION 2 SENATE TOO LARGE SHOULD BE TWO.
SECTION 3 MAXIMUM SIZE TOTAL LEGISLATURE SHOULD BE 25. SECTION
6 LEG. HIST. SHOULD PROVIDE DEFINITION OF LOCAL MATTER
AND INDICATE GOVERNOR VETO OF LAW ENACTED BY DDELEGATION
CAN BE OVERRIDDEN ONLY BY VOTE OF FULL LEGISLATURE UNDER
SECTION 7C. SECTION 13 WITH CONTINUOUS SESSIONS IMMUNITY
VERY BROAD SHOULD BE CUT BACK.

done

ARTICLE III SECTION 2 PROBLEM CREATED IF GOVERNOR IS
DISBURSING OFFICER BECAUSE UNDER TREASURY REGULATIONS
MUST BE CITIZEN. LEG. HIST. SHOULD INDICATE IF NATIONAL
GOVERNOR CAN APPOINT DISBURSING OFFICER WHO IS CITIZEN.
SECTION 9B LEG. HIST. SHOULD MAKE CLEAR THIS IS UNIFIED
BUDGET FOR ALL COMMONWEALTH FUNDS AND UNITED STATES GRANTS.

done

SECTION 10 SHOULD CONTAIN PROVISION SUMMON POSSE COMITATUS.
SECTION 13 SHOULD NOT BE INCLUDED IN CONSTITUTION
BUT IF INCLUDED LEG. HIST. SHOULD MAKE CLEAR DISTINCTION
IN FUNCTION BETWEEN BOARD AND SUPERINTENDENT.

done

SECTION 15 PROVISION FOR 15 EXECUTIVE BRANCH DEPARTMENTS
IS TOO MANY LEG. HIST. SHOULD MAKE CLEAR THIS IS MAXIMUM
INTENTION THAT ACTUAL NUMBER BE LOWER PARTICULARLY AT
OUTSET. THIRD SENTENCE SHOULD BE REVISED TO READ AND MAY BY LAW
FROM TIME TO TIME REALLOCATE. SECTION 18 PERMISSIVE LANGUAGE
VERY IMPORTANT IN ORDER THAT CENTRAL GOVERNMENT FUNCTION
EFFICIENTLY. LEG. HIST. SHOULD MAKE CLEAR THAT RESIDENT
ASSISTANT DIRECTOR CAN BE MAYOR AND NEED NOT
BE MORE THAN ONE PERSON REGARDLESS OF NUMBER OF SERVICES
NO PROBLEM WITH SINGLE ON ISLAND ADMINISTRATOR REPORTING
TO GOVERNOR. LEG. HIST. ON SUBSECTION C SHOULD INDICATE
NO CONFLICT OF AUTHORITY BETWEEN EXECUTIVE AND LEGISLATIVE
BRANCHES ON THIS MATTER.

done

(END PART ONE)

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ZCZC GMS453 GWP288 VIA ITT PWD032 PGB1178 YVMV7196
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ARTICLE IV JUDICIARY TOO LARGE. SECTION 4 SHOULD BE DELETED AS REQUIRED BY COVENANT IN ANY CASE AND APPEARS TO DICTATE TO CONGRESS ON MATTER OF JURISDICTION OF COURT TO BE CREATED BY CONGRESS. SECTION 7 MAY RAISE SEPARATION OF POWERS ISSUE. THIRD SENTENCE SHOULD BE REVISED TO READ SANCTION A JUDGE FOR CONDUCT FOUND TO BE ILLEGAL OR IMPROPER. SECTION 9 RULE-MAKING POWER SHOULD BE LEFT TO THE LEGISLATURE. ✓

ARTICLE V SECTION 3 PARDON PROVISION SHOULD BE APPLIED IN SIMILAR SECTIONS IN OTHER ARTICLES. ✓

ARTICLE VI SECTION 2A LEG. HIST. SHOULD INDICATE LEGISLATURE MAY IMPOSE ISLAND RESIDENCE REQUIREMENT. SECTION 3F LEG. HIST. SHOULD INDICATE WHAT HAPPENS IF LEGISLATURE SAYS NO AND DELEGATION SAYS YES. } done

ARTICLE XI SECTION 6D LEG. HIST. SHOULD INDICATE INTENT OF WORDS TO THE EXTENT NECESSARY IN FIRST SENTENCE ONLY THAT TRUSTEES HOLD UNTIL EXECUTIVE BRANCH READY TO BUILD.

ARTICLE XII SECTION 1 SHOULD BE PREFACED BY WORDS UNLESS THE LEGISLATURE SHALL AFTER 25 YEARS FROM THE EFFECTIVE DATE OF THE CONSTITUTION ENACT LAWS TO THE CONTRARY. SECTION 2 TRANSFER TO SPOUSE SHOULD INCLUDE CHILDREN. SECTION 6 SHOULD PROVIDE THAT LAND OWNED BY NONCOMPLYING CORPORATIONS REVERTS FIRST TO THE ORIGINAL OWNER AND THEN TO THE GOVERNMENT. } no

ARTICLE XIII SECTION 3 WILL NOT BE APPROVED IF ANY MONETARY RELIEF IS AVAILABLE BECAUSE EVEN IF LIMITED TO COMMONWEALTH GOVERNMENT WOULD BE FINANCED OUT OF UNITED STATES FUNDS FOR FIRST SEVEN YEARS. PROVISION IN REVISED DRAFT PROBABLY SATISFACTORY BECAUSE LIMITED TO LAND. } done

ARTICLE XIV SECTION 1 FIRST SENTENCE SHOULD BE REVISED TO READ LAW SHALL BE MANAGED CONTROLLED PROTECTED AND PRESERVED. } done

OTHER PROBLEMS MET BY REVISIONS AS OF TIME I LEFT. USE THESE COMMENTS AS YOU SEE FIT. NO CABLE COMING FROM INTERIOR.

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(END PART TWO)

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