

November 18, 1976

Howard P. Willens, Esq.  
Legal Consultant  
Constitutional Convention  
Saipan Beach Inter-Continental Hotel  
Saipan, Mariana Islands 96950

Dear Mr. Willens:

I am replying to a letter from Lorenzo I. Guerrero, President of the Northern Marianas Constitutional Convention, inviting me to submit my views on certain draft constitutional provisions. I, therefore, submit the following recommendations and comments:

On page 2, Section 3 c, should be at the discretion of the legislature and not be made mandatory.

On page 2, Section 4 a, should be limited to all cases with the possibility of a jail sentence or a substantial fine.

On page 3, Section 4, should allow government the right to remand juveniles between 16 & 18 years of age to court for treatment as adults if the court so determines a necessity.

On page 3, Section 7, gives an absolute right to keep and bear arms and should be regulated by legislature.

On page 4, Section 12, I do not understand the basis or meaning of this.

On page 11, Section 13, is too absolute, exceptions should be treason, felony or breach of peace.

On page 16, Section 8, the last sentence seems to be violative of the separation of powers doctrine.

On page 18, Section 11, at present the Attorney General is also responsible and serves as the supervisor of Immigration. I believe that rather than outline and mandate which offices he oversees, the section should be general and refer to "such additional duties as may be designated by law."

Howard P. Willens, Esq.  
November 18, 1976  
Page 2

On page 22, Article IV, I believe should provide for the judiciary to have a separate budget submitted directly to the legislature which would enhance the basic premise of separation of powers. I further agree with Associate Justice Hefner's comments which were previously furnished you.

On page 41, Section 6 a, should be appointed by Governor. If there was any criminal violation of the Trust by any Trustee, there would exist a conflict if the court initially appointed the trustee.

On page 45, Section 3, would destroy the continuity of existing law. With the possibility existing for repeal of the statute of limitation regarding land, I believe chances for the approval of the Constitution by the U. S. Government would be lessened.

Sincerely,



Jack Layne  
Acting Attorney General