

THE UNITED STATES OF AMERICA  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
WASHINGTON, D. C. 20250

November 30, 1976

The Honorable Lorenzo I. Guerrero  
President  
Marianas Constitutional Convention  
Saipan, Mariana Islands 96950

Dear Mr. President:

Belatedly, this is in response to your request for our review of the draft constitution of the Commonwealth of the Northern Marianas. We deeply regret this late response but hope that our review would in some way be of value to the Convention.

Our brief comments are strictly based on the draft document which you forwarded to us with your letter dated November 14, and it should be remembered that we did not use any background discussions at the Convention or other reference materials. Some of these comments no doubt will be found to be without substance and it is possible that others were overlooked in the hasty review of the 50-page paper. Accordingly, following are comments made in the broadest and most general of terms:

1. Preamble. It appears to us that perhaps the draft preamble should be more inspirational. We are quite confident that the Convention will improve the language of the preamble in the final draft.
2. The bill of rights is basically, in our opinion, adequate except for some wording problems in Subsection (J) of Section 4 and Section 7, availability of a militia. The latter seems questionable.
3. It seems that Section 12, Article I is directly in conflict with Section 3.
4. Article II, Legislative Branch: To describe the legislative branch as excessively large would be understating the situation. Not mentioned is the expense of the support and logistic operations for the body which would increase at least proportionately with the number of elected positions.

5. Section 11. Our opinion is that the legislative and the governor's salaries should be established by law as provided in Article IV, Section 6, compensation of judges.
6. Section 7, Article IV appears unclear to us.
7. Article III, Section 8, unclear. Can the governor and his lieutenant seek any public office during their term of office?
8. Section 10, Article III provides the governor the power to declare a state of emergency in the case of invasion, civil disturbance, etc., but does not contain any legislative or judicial review or automatic limitation.
9. Article VII. Perhaps due to our lack of background reference, we fail to see why the legislature is granted constitutional authority to deny the right to vote to United States nationals after granting it in the Constitution (same Article).
10. Article X. It makes no reference to U.S. Federal Tax laws and yet Section 2 makes indirect comment on the question of exemptions. We think that it needs more clarification.
11. Article XI. The question of leasehold on public lands needs clarification.
12. Article XIV on natural resources may lead to conflict with the United States law on submerged lands, etc.
13. Article XV mentions education as a free right but eliminates health.

In conclusion, it appears that many of the efforts to resolve conflicts between Chamorros/Carolinians, Saipanese/other islanders, Northern Mariana Islands decendants/outsideers may in themselves be creating greater problems over the long run as they are presently written into the November 14 draft paper.

We would like to thank you for giving us this opportunity to offer our views on the draft Constitution. We sincerely hope that come December 6, you will have fulfilled the mandate in completing the writing of your historic document, the Constitution of the Commonwealth of the Northern Marianas.

Sincerely yours,

*for B.B. Benigno*  
Strik Yona  
Director of Public Affairs