

October 22, 1976

REPORT TO THE CONVENTION OF THE
COMMITTEE ON GOVERNMENTAL INSTITUTIONS

Subject: Committee Recommendation Number 1: Washington Representative

The Committee on Governmental Institutions recommends that the Convention sitting as a Committee of the Whole adopt in principle the attached constitutional provisions with respect to a resident representative to the United States (Washington representative) to represent the people of the Commonwealth.

The Committee believes that the interests of the Northern Marianas people would be well served by creating the office of Washington representative in the Commonwealth Constitution. The Committee's proposed article provides in five sections for the office of Washington representative and specifies his duties, method of selection, term of office, qualifications, and compensation.

The first section of the proposed article establishes the position of representative, provides that he shall be elected, and requires the governor to certify his selection promptly.^{1/}

The second section provides that the representative has a term of two years. This period could, however, be

^{1/} The Covenant requires such certification. COVENANT, art. IX, § 901.

lengthened to no more than four years if the people so direct in an initiative.

Section 3 requires that candidates for election as representative possess certain qualifications. First, candidates must be qualified voters. Second, the representative must be a United States citizen or national. Third, the representative must be at least 30 years old. Fourth, only persons domiciled and residing in the Northern Marianas for ten years immediately preceding election day would be eligible to run for representative. Fifth, a person convicted of a felony in the Commonwealth or in the United States who is not a recipient of a full pardon would be precluded from candidacy.

Section 4 requires the representative to report annually to the governor and legislature of the Commonwealth regarding the performance of his official duties.

Section 5 requires the legislature to afford adequate compensation to the representative. The section also provides that the representative's salary may not be changed during his term of office.

The Committee's reasons for recommending these provisions are detailed below:

1. Constitutional Treatment. The Committee believes that the office of representative warrants constitutional treatment. Such a Washington representative could perform many important tasks. These would include urging

United States officials (both executive and legislative) to extend the provisions of desirable legislation to the Northern Marianas and to exclude the Commonwealth from the scope of undesirable legislation. In addition, the representative could seek the expansion of federal benefits afforded the Commonwealth. The representative would also have the duty of monitoring the political relationship between the United States and the Commonwealth.

Because of the importance of the office, the Committee desires to ensure that it is promptly created. Merely authorizing the legislature to create the position would not accomplish this objective, since political pressures or other extraneous considerations might interfere with the formation of the office. Moreover, as an integral element in the structure of the Commonwealth government, the office of Washington representative should be dignified by Constitutional authorization.

2. Duties. The representative will be serving in Washington as the representative of the Commonwealth. The Committee feels that it is appropriate to require the Washington representative to report annually to the governor and the legislature. This report should summarize his actions on behalf of the Commonwealth during the preceding year and identify any major questions which might require attention during the next year.

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The draft constitutional language proposed by the Committee provides for the representative to represent the Commonwealth in the United States and to perform such related duties as are provided by law. The Committee rejected the approach of trying to specify all the duties of the representative, concluding that any effort at specificity might be limiting and therefore undesirable. The general language endorsed by the Committee would afford the Commonwealth legislature flexibility in defining the functions of the representative and in shaping those functions to the changing needs of the Commonwealth. Such an approach has an additional advantage: if the Congress decides in the future to grant the Commonwealth a non-voting delegate in the United States House of Representatives, the representative could assume that responsibility without the necessity of amending the Constitution.

3. Method of Selection. The Committee recommends that the representative be popularly elected. The representative's principal obligation will be to communicate the needs and views of the Marianas people to the federal government. The Committee believes that an official directly elected by the people would respond with greater sensitivity to their wishes. The Committee also concluded that an elected representative would command greater respect among members of the United States Congress than would an appointed

Representative. The representative's popular mandate, therefore, would contribute to his understanding of the problems of the Northern Marianas, his capacity to translate that understanding into action by the federal government, and achievement of the objective of eventually having a non-voting delegate in the United States Congress.

4. Term of Office. The Committee is convinced that a two-year term of office would best enable the people to monitor the representative's performance. A term of this duration would comport with the tenure granted members of, and non-voting delegates to, the United States House of Representatives.

The Committee recognizes, however, that a longer term might prove to be more appropriate after some initial experience with the office. In order to provide flexibility, the attached article would permit the voters by initiative to increase the representative's term to a four-year period.

The Committee recommends against restricting the number of terms which the representative can serve. This recommendation reflects the Committee's desire not to deprive the Commonwealth of the services of an effective representative and its awareness of the importance of seniority in the official life of the federal government.

5. Qualifications. The Committee is persuaded that requiring the representative to be at least 50 years of age will increase the likelihood that the Northern Marianas will obtain a mature and knowledgeable advocate in Washington. The Committee does not believe that such a minimum age limitation would seriously limit the Commonwealth's ability to elect a highly qualified representative. The Committee does, however, believe that setting a maximum age (such as 65) above which no person would be eligible to run for representative might have that effect.

Providing that the representative must be domiciled in and a resident of the Commonwealth for ten years immediately before his election would, in the Committee's view, ensure that the representative will be thoroughly familiar with the concerns of the Northern Marianas people. The Committee further recommends that only qualified Northern Marianas voters be eligible for election as Washington representative.

6. Compensation. The Committee believes that it is necessary to guarantee the Washington representative adequate compensation in order to attract qualified candidates for the office. The Committee further believes that the representative's salary should not be changed during his or her term of office, so as to insulate the representative from improper political pressures.

7. Open Issues. The Committee is still considering some aspects of this proposed provision. Four matters are outstanding at the moment:

a) The Committee is awaiting a report by counsel regarding the validity of a possible requirement that the representative be born in the Northern Marianas.

b) The Committee has postponed any decision concerning the details of the initiative that would determine whether to increase the length of the representative's term. The Committee believes that these details should conform, if possible, to the procedures for initiative being considered by another committee of the Convention.

c) The Committee also is deferring decision on the mechanisms (recall or impeachment) available to remove an unsatisfactory representative until these subjects can be explored in more detail with reference to all officials of the executive, legislative and judicial branches of government.

d) The Committee has delayed recommending how a vacancy in the office of Washington representative should be filled. The Committee prefers to resolve this issue when it decides on proposed means of filling vacancies in offices in the executive and legislative branches.

Notwithstanding these outstanding issues, the Committee believes that the attached draft constitutional language is ready for consideration by the Convention. We recommend that it be adopted in principle by the Convention.

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