

TO: RESM. REP.

RE YOUR TELEX OF 07/08. THERE IS EIGHT DAYS LEFT OF CONCON TO FINISH. BY THE TIME YOU COMMENT NEXT WEEK, CONCON WILL BE OVER. CONCON WILL ADJOURNED ON JULY 17. SUGGEST YOU SEND COMMENTS WITHIN A DAY OR TWO.
REGARDS. HERMAN GUERRERO SENDS

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TO: RES. REP.

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TO: RESIDENT REP
FROM: HERMAN GUERRERO

COMMITTEE ON GOVERNMENTAL INSTITUTIONS IS SUBMITTED ITS COMMITTEE RECOMMENDATION ON WEDNESDAY JULY 16 AND WILL BE DEBATED ON THURSDAY ON OFFICE OF REP TO THE UNITED STATES AND TEXT AS FOLLOWS:

A PROPOSED CONSTITUTIONAL AMENDMENT

TO DELETE ARTICLE V IN ITS ENTIRETY; AND TO ADD A NEW SECTION 20 AND SECTION 21 TO ARTICLE III OF THE NORTHERN MARIANAS CONSTITUTION RELATING TO RESIDENT REPRESENTATIVE TO THE UNITED STATES.

BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

UPON RATIFICATION PURSUANT TO SECTION 7 OF AS OF ARTICLE XVIII OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS CONSTITUTION AND PUBLIC LAW NO. 4-30, THE CONSTITUTION OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS IS AMENDED TO READ AS FOLLOWS:

EFFECTIVE UPON RATIFICATION ARTICLE V OF THE NORTHERN MARIANAS CONSTITUTION IS HEREBY DELETED IN ITS ENTIRETY AND A NEW SECTION 20 AND 21 IS HEREBY ADDED TO ARTICLE III TO READ:

"SECTION 20. RESIDENT REPRESENTATIVE TO THE UNITED STATES. A RESIDENT REPRESENTATIVE TO THE UNITED STATES SHALL BE APPOINTED BY THE GOVERNOR FOR A PERIOD OF FOUR (4) YEARS TO REPRESENT THE COMMONWEALTH IN THE UNITED STATES AND TO PERFORM THOSE RELATED DUTIES PROVIDED BY LAW WITH THE ADVICE AND CONSENT OF THE LEGISLATURE. THE GOVERNOR SHALL PROVIDE A CERTIFICATION OF THE APPOINTMENT UPON CONFIRMATION BY THE LEGISLATURE TO THE UNITED STATES DEPARTMENT OF STATE.

"(A). ANNUAL REPORT. THE RESIDENT REPRESENTATIVE SHALL SUBMIT A WRITTEN REPORT BY THE SECOND MONDAY OF JANUARY OF EACH YEAR TO THE GOVERNOR AND LEGISLATURE ON THE RESIDENT REPRESENTATIVE'S OFFICIAL ACTIVITIES DURING THE PRECEDING YEAR AND MATTERS REQUIRING THE ATTENTION OF THE GOVERNMENT OR PEOPLE OF THE COMMONWEALTH.

"(B). COMPENSATION. THE RESIDENT REPRESENTATIVE SHALL RECEIVE AN ANNUAL SALARY AND REASONABLE ALLOWANCE FOR EXPENSES PROVIDED BY LAW. THE SALARY MAY NOT BE CHANGED DURING A TERM OF OFFICE.

"(C). VACANCY. IN THE EVENT OF A VACANCY IN THE OFFICE OF THE RESIDENT REPRESENTATIVE TO THE UNITED STATES, THE GOVERNOR SHALL APPOINT A SUCCESSOR WITH THE ADVICE AND CONSENT OF THE LEGISLATURE.

"(D). REMOVAL. THE RESIDENT REPRESENTATIVE MAY BE REMOVED ONLY FOR CAUSE AND BY THE AFFIRMATIVE VOTE OF SIMPLE MAJORITY OF THE MEMBERS OF EACH HOUSE OF THE LEGISLATURE."

"SECTION 21. ELECTION OF RESIDENT REPRESENTATIVE TO THE UNITED STATES. IF THE NORTHERN MARIANAS IS GIVEN A NON-VOTING DELEGATE STATUS IN THE CONGRESS OF THE UNITED STATES, THE RESIDENT REPRESENTATIVE SHALL BE ELECTED FOR A TERM OF TWO YEARS."

COMMITTEE ON GOVERNMENTAL INSTITUTIONS

LET ME KNOW YOUR COMMENT ON THIS COMMITTEE RECOMMENDATION. WILL BE OPPOSING THIS RECOMMENDATION BY ME AND OTHER MEMBERS.

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FROM: 5106000912 CNMI WSH
COMMONWEALTH N MARIANA ISLANDS

TO: HERMAN T. GUERRERO
PRESIDENT NMI CONCON

- 1. HAVE RELAYED YOUR INQUIRIES RE COVENANT CONFLICTS TO THE APPROPRIATE INDIVIDUALS.
- 2. STRONGLY FAVOR CONTINUING RES REP AS AN ELECTIVE POSITION. REQUEST COMMITTEE NOT REPORT RECOMMENDED AMENDMENT UNTIL WE CAN COMMENT ON SPECIFIC PROPOSAL. WILL COMMENT EARLIEST ON PROPOSED AMENDMENT NEXT WEEK.

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PRIORITY MESSAGE
FROM: 5106000912 CNMI WSH
COMMONWEALTH N MARIANA ISLANDS
TO: 724646

TO: DELEGATE HERMAN T. GUERRERO, PRESIDENT
SECOND CONSTITUTIONAL CONVENTION

1. AT ONE TIME IN THE PAST, I WAS RECEPTIVE TO THE IDEA OF MAKING THIS OFFICE APPOINTIVE. AND I MIGHT STILL SUPPORT IT ON THE CONDITION THAT I AM GIVEN THE OPPORTUNITY TO TESTIFY. HOWEVER, IN GENERAL I AM OPPOSED TO THE PROPOSED AMENDMENT BECAUSE OF ITS ADVERSE IMPACT ON OUR RELATIONSHIP WITH THE U.S. IN GENERAL AND ON THE COVENANT AND FUTURE NONVOTING DELEGATE STATUS IN PARTICULAR. THE PROPOSED AMENDMENT WOULD PLACE THIS OFFICE WITHIN THE EXECUTIVE BRANCH OF THE COMMONWEALTH GOVERNMENT AND MAKE THE REPRESENTATIVE SUBJECT TO THE GOVERNOR'S CONTROL. THIS WOULD VIOLATE CONSTITUTIONAL PRINCIPLES OF THE SEPARATION OF POWERS AND REDUCE OUR CHANCES OF ACHIEVING NONVOTING DELEGATE STATUS WITHING THE U.S. CONGRESS. THE AMENDMENT HAS GREAT IMPLICATIONS WITH THE U.S. CONGRESS AND REQUIRES MORE IN-DEPTH STUDY AND TESTIMONY FROM THE U.S. SIDE, ESPECIALLY THE STAFF OF THE NMI COMMISSION ON FEDERAL LAWS.

I ALSO NOTE SERIOUS TECHNICAL DRAFTING ERRORS IN BOTH SECTIONS 20 AND 21. IF THE AMENDMENT IS APPROVED BY THE CONVENTION WITHOUT MY TESTIFYING IN PERSON, I SHALL CAMPAIGN FOR ITS DEFEAT IN THE GENERAL ELECTION.

2. I DISCUSSED YOUR REQUEST CONCERNING AMENDMENTS TO THE NMI CONSTITUTION THAT ARE CONTRARY TO PROVISIONS OF THE COVENANT WITH PERSONS YOU SUGGESTED. CONSENSUS IS THAT COVENANT SEC. 102 AND 202 PRECLUDE AMENDMENTS TO NMI CONSTITUTION CONTRARY TO THE COVENANT.

RATIFICATION BY CONGRESS IS POSSIBLE BY AMENDMENT TO THE COVENANT. IF NOT APPROVED BY CONGRESS, HOWEVER, SUCH AMENDMENTS WOULD BE ILLEGAL. SO AMENDMENT SHOULD AT LEAST BE MADE CONTINGENT UPON APPROVAL BY JOINT RESOLUTION OR ACT OF CONGRESS.

DAN MACMELKIN REGRETS THAT OTHER WORK DOES NOT ALLOW HIM TO PROVIDE FORMAL LEGAL OPINIONS TO CONCON, BUT POINTS OUT, "NEGOTIATING HISTORY OF SEC. 105 REQUIRES PARTICIPATION OF NMI LEGISLATURE IN GRANTING CONSENT OF NMI. HE SUGGESTS DRAFT AMENDMENT TO BECOME EFFECTIVE ONLY IF SUBSEQUENTLY APPROVED BY JOINT RESOLUTION OF NMI LEGISLATURE AND BY ACT OF CONGRESS."

JIM BIERNE AGREES RATIFICATION BY JOINT RESOLUTION AMENDING COVENANT IS POSSIBLE BUT STRONGLY DISFAVORS THAT APPROACH BECAUSE SUCH WOULD LIMIT NMI FLEXIBILITY IN RAISING ISSUE WITH CONGRESS. HE PREFERS THAT CONCON IDENTIFY ISSUES REQUIRING COVENANT AMENDMENT AND RAISE WITH CONGRESS FIRST, THEN SEEK NMI CONSENT.

FROILAN CRUZ TENORIO
RESIDENT REPRESENTATIVE