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MTG TELCOM Saipan C.M.

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2128 07/10+  
646 HERMAN SPN

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EASYLINK 26784240001 12JUL65 16:36/20:31 EST  
PRIORITY MESSAGE  
FROM: 5106000912 CNMI WSH  
COMMONWEALTH N MARIANA ISLANDS  
TO: 724646

ATTN: ROBERTA:

I AM SENDING YOU TWO IDENTICAL TELEX MESSAGES BECAUSE I WANT TO MAKE SURE HERMAN RECEIVES THEM AND ALSO BECAUSE WE ARE EXPERIMENTING WITH OUR NEW TELEX TRANSMISSIONS. WILL YOU LET US KNOW WHAT DAY AND TIME YOU RECEIVE EACH.

REGARDS,

FROILAN

HERMAN. WILL YOU FOLLOW UP WITH THE GOVERNOR ON HIS APPOINTMENT TO THE LONDON DUMPING CONVENTION? HE MUST SUBMIT NAMES TO LAURIE NEVILLE BY FRIDAY THIS WEEK.

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.  
AND 21. IF THE AMENDMENT IS APPROVED BY THE CONVENTION WITHOU, MY TESTIFYING IN PERSON, I SHALL CAMPAIGN FOR ITS DEFEAT IN THE GENERAL ELECTION.

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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 MACLEKIN 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.

FRUILLAN CRUZ TENORIO  
RESIDENT REPRESENTATIVE

TO: DELEGATE JAMES MENDIOLA  
CHAIRMAN, TINIAN DELEGATION

DELEGATE ANICETO MUNDO  
CHAIRMAN, ROTA DELEGATION

AMENDMENT TO MAKE THIS OFFICE APPOINTIVE IS DETRIMENTAL TO THE INTERESTS OF TINIAN AND ROTA. THE AMENDMENT WILL PUT THIS OFFICE IN THE EXECUTIVE BRANCH AND UNDER THE CONTROL OF THE GOVERNOR. STRIPPING IT OF ITS POLITICAL INDEPENDENCE WILL RESULT IN A SMALLER BUDGET FOR THE OFFICE AND, CONSEQUENTLY, DIMINISH THE CHANCES OF RESIDENTS FROM TINIAN AND ROTA BEING EMPLOYED IN WASHINGTON OR TO BECOME RESIDENT REPRESENTATIVE. I FEEL THAT ROTA AND TINIAN HAVE BETTER REPRESENTATION IN THE U.S. UNDER THE PRESENT SYSTEM THAN THEY WILL UNDER AN APPOINTIVE REPRESENTATIVE. MY ADVICE TO YOU AND YOUR DELEGATIONS IS TO REJECT THE AMENDMENT.

FRUILLAN CRUZ TENORIO  
RESIDENT REPRESENTATIVE

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EASYLINK 26809950001 10JUL85 20:48/20:49 EST  
PRIORITY MESSAGE  
FROM: 5108002912 CNMI WSH  
COMMONWEALTH N MARIANA ISLANDS  
TO: 724846

ATTN: ROBERTA:

I AM SENDING YOU TWO IDENTICAL TELEX MESSAGES BECAUSE I WANT TO MAKE SURE HERMAN RECEIVES THEM AND ALSO BECAUSE WE ARE EXPERIMENTING WITH OUR NEW TELEX TRANSMISSIONS. WILL YOU LET US KNOW WHAT DAY AND TIME YOU RECEIVE EACH.

REGARDS.

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

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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.

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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.

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DAN MACMEEKIN REGRETS THAT OTHER WORK DOES NOT ALLOW HIM TO PROVIDE FORMAL LEGAL OPINIONS TO CONCON. BUT POINTS OUT, "NEGOTIATING HISTORY OF SEC. 103 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.

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CHAIRMAN, TINIAN DELEGATION

DELEGATE ANICETO MUNDO  
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EASYLINK 26007080021 18JUL85 19:54/19:55 EST  
PRIORITY MESSAGE  
FROM: 5120000912 ONMI WSH  
COMMONWEALTH N MARIANA ISLANDS  
TO: 724646

ATTN: ROBERTA:

I AM SENDING YOU TWO IDENTICAL TELEX MESSAGES BECAUSE I WANT TO MAKE SURE HERMAN RECEIVES THEM AND ALSO BECAUSE WE ARE EXPERIMENTING WITH OUR NEW TELEX TRANSMISSIONS. WILL YOU LET US KNOW WHAT DAY AND TIME YOU RECEIVE EACH.

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

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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.

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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. 162 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 WACHTEKIN REJECTS THAT OTHER WORK DOES NOT ALLOW HIM TO PROVIDE FORMAL LEGAL OPINIONS TO CONCON. BUT POINTS OUT. "NEGOTIATING HISTORY OF SEC. 103 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 BIRNIE 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 REGARDING COVENANT AMENDMENT AND RAISE WITH CONGRESS FIRST. THEN SEEK NMI CONSENT.

FROILAN CHUC, TENOFOU  
RESIDENT REPRESENTATIVE

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CNMI WSH

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 5 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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EASYLINK 2600700001 10JUL85 19:54/19:55 EST  
PRIORITY MESSAGE  
FROM: 5126000912 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 WITHIN 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.

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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.

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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."

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FROILAN CRUZ TENORIO  
RESIDENT REPRESENTATIVE

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TO: RESIDENT REP  
FROM: HERMAN GUERRERO

COMMITTEE ON GOVERNMENTAL INSTITUTIONS IS SUBMITTED ITS COMMITTEE RECOMMENDATION ON WEDNESDAY JULY 10 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. 4-38, 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.

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"(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.

**MTC TELCOM Saipan C.M.**

**MTC TELCOM Saipan C.M.**

**MTC TELCOM Sai**

TO: KLSM. 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. HELMAN GUERRERO SENDS

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TO: RES. REP.

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

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