

**RAMON G. VILLAGOMEZ**

ATTORNEY AT LAW  
P.O. Box 548  
Saipan, CM 96950 Ph. 6995

December 3, 1985

Rexford C. Kosack  
Attorney General  
Commonwealth Government  
5th Floor, Nauru Building  
Saipan, CM 96950

Re: Defense of Constitutional Amendment No. 44

Dear Rex:

Thank you for offering to appoint me as special assistant attorney general for purposes of representing the defendants sued in connection with the Constitutional Amendment No. 44. However, I will not be able to accept your proposal. I have not accepted any case for 9 months and I am trying to dispose of the many cases which have been pending in my office.

As an alternative, Borja & Salas are the attorneys for the Board of Elections including Juan Diaz as its Executive Director. Since their client is already made a defendant in the case, they may be willing and able to represent all the defendants.

This is a significant case in that the people of the CNMI have voted to define the word "U.S. Citizen" to clarify that they (CNMI people) are not U.S. citizens under the 14th Amendment to the U.S. Constitution, and will not become so, until termination of the Trusteeship Agreement, unless the 14th Amendment is enforced in the CNMI and the U.S. as it applies to them, pursuant to Covenant Section 501. As a result of this case, I hope that the Court will decide whether the CNMI people are entitled to U.S. Citizenship and should have all the rights, privileges, and immunities that other U.S. citizens enjoy in the United States. That is, that the 14th Amendment does not only protect them in the CNMI, but also in California. In that connection, they should be entitled to acquire U.S. passports, run for public offices in the United States, and so forth.

The legal issue is quite narrow and simple. That is, "Whether the CNMI people can define 'U.S. Citizen' in their Constitution, to mean those people who will become U.S. Citizens under Section 301 (a) (b) and (c) of the Covenant?" Amendment 44 in and of itself does nothing more than define "U.S. Citizen" to mean those persons who fall within said Section 301(a)(b) and (c).

*R. G. Villagomez*  
12/3/85

Rexford C. Kosack  
December 3, 1985  
Page Two

Because of the significant issue involved, I do wish that I could represent the defendants in this case. However, I am sorry that I cannot. Your office has attorneys who do not have a conflict of interest in this matter and should be able to represent the Government. For that reason, there should not be any need to appoint a special attorney general in this matter.

Sincerely,

  
RAMON G. VILLAGOMEZ

cc: Borja & Salas  
Gov. Pedro P. Tenorio

RGV/acv  
F#:



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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
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REXFORD C. KOSACK  
ATTORNEY GENERAL

December 2, 1985

Ramon G. Villagomez, Esq. *R*  
Attorney at Law  
Saipan, CM 96950

Re: Constitutional Amendment No. 44

Dear Ramon:

I have received notice that Larry Hillblom has filed a lawsuit in federal district court (CV 85-0021) against myself, the Governor, Juan Diaz and the CNMI Government to declare proposed constitutional amendment No. 44 in violation of the privileges and immunities clause, equal protection clause and his right to vote guaranteed by the United States Constitution. I know that there are other parties also waiting to sue on this issue.

I have conferred with my staff and have decided to declare a conflict of interest which prevents my defense of this action. This is for several reasons, any of which would suffice alone. First, I am a member of the affected class (ie. United States citizen) and therefore hold an interest contrary to my client. Second, I am on record at the Constitutional Convention advising the delegates that I believed this proposed amendment to be unconstitutional. It would hardly be ethical for me to advocate the contrary proposition in this suit.

As a proponent of this amendment and an attorney, I would hope you would undertake its defense in court. I propose to appoint you as a Special Assistant Attorney General if you would accept. Please let me know as soon as possible.

I appreciate your consideration of our request for assistance.

Very truly yours,

*Rexford C. Kosack*

REXFORD C. KOSACK  
Attorney General

✓ cc: Governor

*Handwritten notes and signatures in the bottom right corner.*