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TO: Bernard Zimmerman

AT: Third Constitutional Convention - CNMT

FROM: Robert Rubin

Bernie:

Sorry for the delay in responding. Regarding the language issues, I am unaware of much precedent. Various states here have passed English-only measures but their primary impact has been symbolic. I can think of no basis for objecting to requirements that elected officials speak the principal languages or that such languages be made mandatory in the schools. Of course, barring the speaking or teaching of other languages (e.g., bilingual education) raises a host of different issues.

Regarding the condition that elected officials be born in the CNMI, there is such a requirement for the U.S. President who must be a "natural born Citizen." U.S. Constitution, Art. II, Sec. 1. Members of the House of Representatives, however, may be naturalized citizens as long as they were naturalized seven years before the election, Art. I, Sec. 2, and Senators also may be naturalized citizens as long as they were naturalized nine years before the election, Art. I, Sec. 3. Regarding other cleated and appointed officials, most state and local governments do impose a citizenship requirement (although not necessarily natural born) and I believe that such mandates would likely pass constitutional muster. See, e.g., Foley v. Connelie, 435 U.S. 291 (1978) (state may exclude aliene from appointment as members of state police force).

I hope this is helpful and I am looking forward to hearing your tales. It must be fascinating.

Robert Rubin