

6/19/95

COMMITTEE ON LAND AND PERSONAL RIGHTS

SUMMARY OF ISSUES WITH RESPECT TO ARTICLE I: PERSONAL RIGHTS

Changes have been proposed to four sections of Article I.

No changes have been proposed to the remaining eight sections of Article I.

Counsel is not aware of any reason to amend the remaining eight sections of Article I.

Section 6: Equal protection

Section 6 now reads:

No person shall be denied the equal protection of the laws. No person shall be denied the enjoyment of civil rights or be discriminated against in the exercise thereof on account of race, color, religion, ancestry or sex.

1. Should Section 6 be expanded to prohibit discrimination on account of national origin or nationality?
2. Should Section 6 be expanded to prohibit discrimination on account of physical and mental disability?

Section 7: Quartering soldiers

Section 7 now reads:

No soldier in time of peace may be quartered in any house without the consent of the owner, nor in time of war except as provided by law.

1. Should Section 7 be expanded to cover quartering militia as well as regular soldiers?
2. Should Section 7 be expanded to cover occupants as well as owners?

Section 9: Clean and healthful environment

Section 9 now reads:

Each person has the right to a clean and healthful public environment in all areas, including the land, air, and water. Harmful and unnecessary noise pollution, and the storage of nuclear or radioactive material and the dumping or storage of any type of nuclear waste within the surface or submerged lands and waters of the Northern Mariana Islands, are prohibited except as provided by law.

1. Should the second sentence, that was added in 1985, and that has been identified by counsel as legislative language, be deleted.
2. Should this provision make clear that the legislature has no authority to allow placing of any type of nuclear waste for any purpose in the waters or submerged lands under the jurisdiction of the Commonwealth.
3. Should there be added to this provision a declaration that each person shall have the right of accessibility entrance and egress to be able to enjoy the benefits of such environment.
4. Should there be substituted or added a declaration that the people have a right to clean air and pure water.

Section 11: Victims of crime

Section 11 now reads:

The right of the people to be secure in their persons, houses, and belongings against crime shall be recognized at sentencing. Restitution to the crime victim shall be a condition of probation and parole except upon a showing of compelling interest.

1. Should Section 11 be deleted from the Constitution?

Section 12 now reads:

The abortion of the unborn child during the mother's pregnancy is prohibited in the Commonwealth of the Northern Mariana Islands, except as provided by law.

1. The Attorney General has opined that this provision is unconstitutional. Should it be deleted from the Constitution and left to the legislature?
2. Should the Convention pass a resolution transmitting the responsibility for this subject matter to the Legislature, citing the Attorney General's opinion and the advice of counsel that this is best handled as a legislative matter.