



# Office of the Public Auditor

Commonwealth of the Northern Mariana Islands

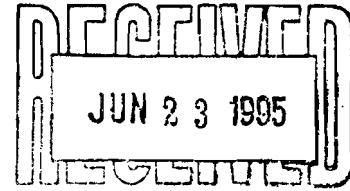
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June 22, 1995

Mr. Felix R. Nogis, Chair  
Committee on Executive Branch &  
Local Government  
Third Northern Mariana Islands  
Constitutional Convention  
Caller Box 10007  
Saipan, MP 96950



Dear Chairman Nogis:

Your letter of June 20, 1995 asked for my views on two matters now under consideration by your committee: The status of the Attorney General, and the coordination between the Attorney General's Office and the Office of the Public Auditor. My opinions are based on my recent experience as Attorney General and my present position as Legal Counsel for the Public Auditor.

### Status of Attorney General

I do not favor the proposal to make the Attorney General an elected position. An attorney who is highly qualified to interpret and enforce the laws of the CNMI is not necessarily someone who can successfully run for public office. Conversely, an effective political campaigner may not be the best person to handle the varied responsibilities of the job. In my judgment, the Attorney General should remain an appointed position.

There is, however, a need to invest the position with greater flexibility. One way of achieving this would be to have the Attorney General serve for a specific term, as is now the case with the Public Auditor. The Public Auditor is appointed for a six-year term, and can be discharged only for cause with the consent of two-thirds of both houses of the Legislature. I recommend a similar provision for the Attorney General, except that the term should be only for the balance of the Governor's term; each incoming Governor should have the right to appoint the person deemed best qualified to provide advice to the Governor and the Executive Branch.

Mr. Felix R. Nogis  
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Coordination Between the Offices of Attorney General and Public Auditor

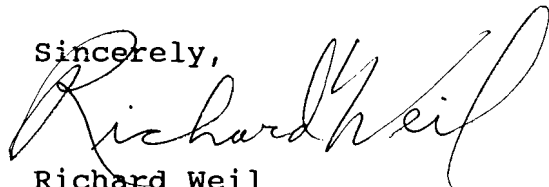
There is certainly a need for the Office of the Attorney General and the Office of the Public Auditor to work in close harmony. The Audit Act of 1983 provides the means for the two offices to coordinate their activities. That law directs the Auditor to refer to the Attorney General all matters where possible criminal activity has been uncovered during audits. The Attorney General is then in a position to investigate further, and may bring such criminal charges and/or civil proceedings as are warranted.

During my tenure as Attorney General, the AGO worked in close cooperation with the Office of the Public Auditor. Any referral from the OPA was considered a high-priority matter. All referrals were channelled to the AGO's Investigations Unit for follow-up and subsequent recommendations on possible court proceedings.

Because of limited staff and a variety of other responsibilities, the Attorney General's Investigations Unit has not been able to pursue some referrals as rapidly as had been hoped. The addition of more investigators should improve the situation. Also, the Public Auditor's Office is now establishing its own investigations unit to handle the bulk of the preliminary work on its referral matters. This will ease the load on the AGO's investigation unit and improve the coordination between the two offices.

While continued interaction between the Attorney General's Office and the Public Auditor's Office is desirable, I see no need to address the matter in the Constitution.

Sincerely,



Richard Weil  
Legal Counsel