

Box 5315  
Saipan, MP 96950

6/24/95

The Honorable Jose Lifoifoi,  
Chairman, Land's Committee,  
Third Constitutional Convention  
Saipan, MP 96950

Dear Mr. Chairman:

As a person of Northern Marianas descent, and a land owner, as well as a person whose property is threatened by an Article XII case filed almost eight years ago, I wish you to consider a few of my feelings on this issue.

First, I support Article XII, its intent and the basic philosophy upon which it is founded. Only indigenous people, as defined by our Constitution should own land in the CNMI. I am an indigenous person yet another indigenous person is trying to take my land away, which I legally bought from a legal corporation as defined by CNMI law, some years ago. Surely the founders of our Constitution did not foresee such a thing, and I am sure they would be appalled at how Article XII is being used against the very people it was designed to protect.

In the U.S. the founders of the Constitution gave U.S. citizens the right to have guns, but surely they never intended, nor could they foresee, that people would have available assault rifles and other weapons what were developed much later.

Article XII is simply written, but lawyers have twisted the meaning of the Article to the point where nobody really knows what it means. How could our founding fathers foresee this.

As a result, legislation was drafted, and over the course of many months was debated at public hearings held by both houses of the Legislature. The intent of this legislation was not to change Article XII, since they did not have the power to do so. But rather, it was to clarify and define those areas of Article XII which were unclear and which resulted in scores of lawsuits and years of disruption of the lives of everyone in the CNMI.

Recent decisions by both local and federal courts have upheld the clarification's stated in the law passed by both houses of the legislature and signed into law by the governor.

In order to insure stability in the future, both for buyer and seller or lessee and lessor, the provisions of the law defining Article XII should be placed in the Constitution as an amendment - Not amending Article XII, which I would not support, but by defining those portions which lawsuits have shown to be unclear. Just as the founders of the U.S. Constitution could not foresee all future circumstances, so too with our founding fathers.

This is not anyone's fault, it is a reality for which there is a remedy. And just as the people of the U.S. have amended their Constitution to rectify or clarify, such as giving women the right to vote, or allowing ordinary people the right to elect U.S. Senators (which were previously elected by state legislatures), so too should the people of the CNMI, and especially the Constitutional Convention members not hesitate to insure that the rights of all people are protected. This includes the right to legally buy, sell, and lease land as long as the holder of the prime deed or the person who will receive the land as a result of holding 100% of the stock in a corporation meeting the legal standards established by law, is person of Northern Marianas descent.

Lastly, I would like to point out that the people who disagree with my position and understanding of right and wrong always point to the few big hotels and name a few rich non indigenous people as benefiting at the expense of local people. In reality there are hundreds more people like myself, an ordinary indigenous person who simply wants a house lot for my children, and non indigenous people who simply want a small piece of land for 55 years on which to build house and raise a family. It is people like me and my children and other ordinary people who would be hurt, and have been hurt by the distortion of what Article XII is intended to do.

It is in your hands either to do nothing and hope for the best which could end up making the situation worse, or to do the right thing and adopt the positive clarification of Article XII as was done by the legislature who also represented the people of the CNMI. The task is not easy, nor was it easy for the legislature, but they did the right thing for the CNMI. I pray that you also will do the same.

Yours for a better Commonwealth,



Lucia Cabreña Deleon Guerrero Nielsen  
Indigenous CNMI Resident