



# Third Northern Mariana Islands Constitutional Convention

Convention Center - House Chamber  
Caller Box 10007, Saipan, MP 96950  
Tel. No. (670) 664-5378 • Fax No. (670) 322-2270

**HERMAN T. GUERRERO**

Chair, Post Convention Committee

## FACSIMILE SHEET

**Date:** August 17, 1995

**For:** Frank Rosario

**Facsimile Number.:** 234-5962

**Company:** Commonwealth Ports Authority

**Main Number:**

**From:** Herman T. Guerrero

**Facsimile Number.:** (670) 235-0842

**Title:** Chair, Post Convention Committee

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### COMMENTS:

Frank,

Here is another press release from Howard and Deanne. Please send it out.

Just a reminder, we have weekly meeting (Thursday, 10:00 a.m.) at Post Convention Committee Office. We would appreciate if you attend the meeting. We are still need of your service.

I want to have a complete set of the photos. I want the size a little bigger than the ones you have.

Thanks.

August 16, 1995

POST-CONVENTION SUMMARY

Article 17: Ethical Standards

The delegates to the Constitutional Convention put teeth in the ethical standards required of public officials in all three branches of the Commonwealth government and all local governments. Article 17, as amended by the Convention, mandates that the executive branch, the legislative branch, and the judicial branch of the Commonwealth government, and all three local governments provide appropriate regulations to ensure that the constitutionally required ethical standards are met.

Taxpayer lawsuits under Article 10 are available for enforcement of these constitutional standards if government agencies do not issue proper standards and regulations for their employees, and if public funds are expended by government employees in violation of these basic constitutional standards. An advisory commission on the judiciary, established under Article 4, may recommend that the governor remove, suspend, or otherwise sanction a judge for violation of these requirements.

"It is very difficult for a constitution to provide detailed rules for all kinds of government positions," explained Felix R. Nogis, Chair of the Committee on Executive Branch and Local Government, which pushed the new provisions through the Convention. "For that reason, we adopted an innovative approach of setting basic constitutional standards and then requiring each branch to put together the necessary laws or regulations to make sure that government employees, both high and low, comply with the constitutional standards."

The three constitutional standards cover all important aspects of government service. Under Article 17, government employees must respect the rights of all persons, must avoid the appearance of impropriety, and must not use their government position for private gain or advantage.

The constitutional requirements reach all government officers and employees, including the legislature and all its employees, the mayors and all their employees, and every office or agency of government including all autonomous agencies. "The delegates were particularly concerned about reaching local government officials and autonomous agencies," said Nogis, "to ensure that all government funds are protected from improper uses and to require high standards that could be enforced."

The constitutional requirement that government employees "respect the rights of all persons" means that each government employee has a personal responsibility, from the time they take the oath of office, to ensure that nothing done as an official act has the effect of unlawful discrimination or limiting established personal rights. "This is an essential of government service," said Nogis. "Each government agency must assure through its regulations that its employees know the rights that persons in the Commonwealth have, and respect those rights in their government work."

The constitutional requirement that government employees "avoid the appearance of impropriety" means that activities calling into question the integrity of the government must be avoided even if the particular activity is not specifically illegal. "The courts have had rules about appearances of impropriety," said Post-Convention Committee President Herman T. Guerrero, "and the delegates thought it was important to extend this concept to the other branches of government. It is essential to good government that our people not think the government is corrupt. Appearances of impropriety can lead to that harmful impression." Each branch of government will have to define the appearance of impropriety concept within its own context and be sure that this constitutional standard is met.

The constitutional requirement that government employees not use their government positions for private gain or advantage is a basic concept that has been in the Constitution since the 1976 first Convention. The amendments extend these constitutional mandates to local government officials and employees, the Washington Representative, and every other autonomous agency.

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