

DEANNE SIEMER

4242 Mathewson Dr. N.W.
Washington, D.C. 20011

Tel: 202/726-6269
Fax: 202/829-7598

FAX TRANSMISSION COVER SHEET

Total number of pages sent (including cover sheet):

TO: Herman T. Guerrero
Chair, Post-Convention Committee
Third Northern Mariana Islands Constitutional Convention
Tel: 670/235-0843
Fax: 670/235-0842

FROM: Deanne Siemer

MESSAGE:

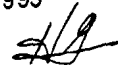
Herman:

Here's the missing page.

Deanne

RECEIVED

AUG. 23 1995



living.

If the amendments are approved by the people, there will be time to assess the various changes and their success in dealing with the problems of concern to the delegates. Focusing on downsizing of government, deficit reduction and other perceived problems in the Commonwealth in the short term may permit reexamination of the gambling issue again in the longer term with more awareness of the advantages and disadvantages of that method of increasing revenues in light of the experience of Tinian and perhaps Rota.

Article IV: Judicial Branch

A new section has been added to the article on the judicial branch providing for advisory opinions. This is a way of expediting the resolution of disputes between the executive branch and the legislature or local governments. Instead of going through the full trial process, this article short-cuts the procedure and takes these disputes directly to the Supreme Court for a binding resolution. This is particularly important given the evident intent of Mayor Inos to keep litigating questions of local government powers.

When a dispute arises between elected or appointed officials, they would normally try to accomplish an informal resolution outside the courts. If that fails, however, no one may bring a lawsuit in the normal course. Intra-governmental disputes must be resolved through the advisory opinion process. If the Supreme Court decides that resolution of the dispute requires extensive fact-finding, then it can remand the case to the trial court for a regular trial. Normally, however, the Supreme Court will decide the matter on an expedited basis.

This new power, which will be used to define the relationship between local governments and the Commonwealth government, and the relationship between the Executive Branch and the Legislative Branch, puts a premium on the appointments made to the Supreme Court bench. The residency requirements for appointees to the courts have been relaxed, so that residence in the Commonwealth during any five years (not necessarily immediately before appointment) will suffice.

Article V: Representation in the United States

The delegates were concerned about the problems created by the Washington Representative when he seeks to represent the Commonwealth government, which is the prerogative of the Governor. Although the delegates did not move to an appointed Washington rep, as you recommended, they did specifically limit