



Third Northern Mariana Islands Constitutional Convention

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AUG. 24 1995

TO: Howard Willens
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FROM: Herman T. Guerrero, Chair, Post Convention Committee
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Enclosed is a copy of the article by Ruth L. Tighe that appeared in the Friday, August 18th issue of The Marianas Observer. This article has irritated majority of the ConCon delegates. Any suggestion or recommendation as to what approach we or each of the delegates should take. I want you and Deanne to draft my response as a delegate regarding this article. I don't think the article is complimentary to you and Deanne. I have some words to say to her but I prefer to share that you and Deanne on the phone.

I am having a press conference next Tuesday, August 26, 10:00 a.m. at the Post ConCon Office to at least explain the process we are going to take in regards to public education campaign. Any suggestion? I want to give you and Deanne a call but I have difficulty remembering about the time differences between Saipan and DC.

I received word that the Senate might have a session on Sept. 5. I am still lobbying. Lillian Tenorio has drafted a bill for the Senate to consider, designating the first Saturday in March 1996 as the date for the special election. Also, I heard the House is having a session next Tuesday. She is also having Rep. Heinz Hofschneider to sponsor the new date.

No word yet from the Senate concerning its intention to recall of Legislative Initiative No. 1. They are on the stubborn side.

The Post Convention Committee has decided that by next Thursday, August 31 if there is no definite action by the Legislature on the Special Election date, then we will proceed with public education campaign. I will be off-island from Sept. 4 - 16, 1995 for a much needed vacation. I have asked Esther Fleming, Vice Chair, to proceed with the public education.

The Saipan Chamber of Commerce has invited me and the four substantive committees chairs to attend its monthly meeting. The agenda of the Chamber meeting is on the proposed amendments only.

Sincerely,


HERMAN T. GUERRERO
Chair, Post Convention Committee

Legislature that law dared duty reality hence it died even before the 1. that was used to sign it dried up.

The thing to do now is to heed Mr. Borja's advice: 1) Either the legislators repeal—bury is the word actually—the law, or 2) Tell the people of the CNMI to continue believing in a legislated delusion.

Reality check ladies and gentlemen: We *still* don't have the needed manpower. We *still* need alien labor.

This is not to deny, of course, that we need to stop our dependence on alien labor, and that we need to hire more local workers.

Achieving these goals, however, entails long-term planning, better laws, better government management—a more realistic and a more pragmatic approach to our labor problem.

Meantime, if the Legislature insists on applying yet another layer of makeup on the stiff and rotting “deadline law,” then it deserves to be compared to a laughable law-making body and chief executive who enacted and signed a law banning aliens from working in a government hospital—only to turn around and hire the same aliens through manpower agency...

What? Those were our same lawmaking body and chief executive?

Do it

BY announcing that he will undergo a drug test, Lieutenant Governor Borja had shown once again why he is considered one of the few saving graces of the administration.

In a memorandum Thursday, Mr. Borja also urged the other top administration officials to take a similar drug test. But, he added, the test is not mandatory.

Of course.

Still, an administration official with sufficient enough I.Q. would notice that Mr. Borja also wrote “It is our hope that after all test results are received, we can then declare to our public that all department and activity heads have been found to be drug-free.”

Meaning, he expects that all department and activity heads are indeed drug-free.

And there goes the voluntary aspect of Mr. Borja's memo—refusal to take the test can be nothing but an admission of “impurity.” Otherwise, why not take the test? (The \$55 fee? We know of at least one or two administration officials who have spent more in a, say, video poker machine.)

Thus in one simple yet subtle stroke, Mr. Borja has moved closer to a drug-free administration.

At least until the need for another drug-test kicks in.

ON MY MIND • RUTH L. TIGHE

(Editor's note: This column, usually found in the *Pacific Star*, appears here during the *Star's* hiatus with the agreement of *Pacific Star* editor Nick Legaspi.)

IT'S too bad the Third ConCon delegates let themselves be brainwashed into re-writing the Constitution, rather than focusing on the problems, and fixing only what was broken.

For what they've come up with as a result is a document so controversial that some are already recommending the entire thing be thrown out, voted down, rejected altogether.

First of all, as enumerated in the Third ConCon's *Analysis*, there are a total of 168 amendments to the Constitution being proposed.

That's far too many for anyone to absorb.

Secondly, there's no safe way each of those 168 changes can be voted on separately, because some of them are inter-related to other parts, and need to be voted on as a package in order to be effective, to make sense.

However, neither is there any easy way to arrange the changes into such packages. Section by section is sometimes too small a “package.” Article by article is almost always too big a package.

In other words, the delegates to the Third ConCon have produced a monster that there is now no way to manage or control.

There have been suggestions that the “new” Constitution be voted on as a single document—as one integrated whole. But that, I should think, is out of the question. It contains far too many far sweeping and sometimes controversial changes.

The new Constitution proposes, for example, that House members be elected for a four year term, to coincide with that of the governor.

As it now stands, if a governor is elected who becomes unpopular by mid-term, at the mid-year elections the people can elect members to the House who will block the governor's plans.

However, under the new Constitution, there would be no way to get members of the opposite party into the House at mid-term to thwart the governor's control.

Moreover, with identical four-year terms, identical at-large elections, and identical allowances for office expenses for both houses of the Legislature—which the “new” Constitution would provide—there would be very little difference between members of the House and members of the Senate.

Except in their power. And that brings up another worrisome item. With the proposal to reduce the Senate from nine to six members, that means it is left in the hands of just six people to approve or disapprove gubernatorial nominations for executive department heads, for judges and

justices, for Civil Service commissioners, etc. It was bad enough when it was only nine. It will be worse when that power is concentrated in the hands of only six people.

The new Constitution takes away the hard-fought-for guarantee of a minimum budget for the Public Auditor's Office that was added by the Second ConCon. As the apparently short memories of the Third ConCon delegates may not recall, the change was made necessary by the highly politicized treatment given the public auditor at the time.

Removing the guaranteed minimum budget makes the Public Auditor's Office once again subject to the influence and control of the Legislature for its funding.

Another instance of short-term memory is the deletion of the article dealing with the independence of boards and commissions that again had been added by the Second ConCon to address existing problems.

The Third ConCon *Analysis* recommends this be worked out between the Legislature and the governor. That was precisely the problem the Second ConCon's amendment was meant to resolve. What is needed is to strengthen the article, not delete it.

How to tame the monster the Third ConCon has created? The only solution I can see is to take those 168 proposed amendments and—through some careful, thorough analysis—try to combine at least some of them into discrete packages that contain (a) all the inter-related changes

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don't care

ON February 13, 1975 the appointed personal representative of the Northern Marianas Islands and the personal representative of the President of the United States of America signed a Covenant providing for the eventual establishment of a Commonwealth of the Northern Marianas Islands in political union with the United States of America.

This Covenant was subsequently approved by the Mariana Islands District Legislature and by the people of the Northern Marianas Islands, voting in the plebiscite. It was also approved

by the Congress of the United States in a joint resolution approved on March 24, 1976.

In this covenant, Article VIII [Property], Section 805 is where Article XII of the CNMI Constitution has its genesis. It states that only people of Northern Marianas descent can own land or lease land for more than 55 years.

But this law has been raped and is continually being raped by people whose personal interests have blinded them.

We can safely say that some brokers, some lawmakers in the Legislature, some lawyers and

of a law in which a lease is paid by the landowners for the improvement they make on a parcel of land once a lease has run out or has been found illegal? In the real world this never happens. You can ask lawyers in other places where they can lease the land, but not own it.

If the owner found out that a company or individual did something illegal, which could make the lease void, is the owner liable for the expenses that the company or individual spent toward that certain property? Even in the mainland United States, they will tell you there is no such law.

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On my...

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on a particular subject, but (b) no more than one subject per package.

And then mount a massive education campaign on the 100 or so amendments that are bound to remain.

All of which will take a lot longer than the two and a half months remaining until the November elections.

□□□

Of perhaps passing interest: Article II, Legislative Branch, and Article VI, Local Government, tied for first place, with 29 amendments proposed for each Article.

In second place was Article III, the Executive Branch, with 27 amendments proposed for it.

Third place was taken by Article IX, Commonwealth Lands.

Of perhaps more than passing

interest: wherever did the Third ConCon delegates get the idea that their mandate was to rewrite the whole Constitution? There certainly was no groundswell of support for such an approach that I'm aware of.

□□□

Though the text itself of the proposed new Constitution is the "real thing," understanding comes only with a close reading of the accompanying *Analysis* prepared by the Third ConCon. Though full of judgmental conclusions, sermon-like opinions, and elaborate examples, it nevertheless does make clear—at least in most places—what is being changed, and why. Of course, it does only present one side of the picture.

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The explanation provided in the press for acting Governor Borja's veto of Public Law 9-400, which would have delayed the ban on alien workers in govern-

ment, was pretty interesting.

According to what the media reported, Borja rejected the bill because the present approach wasn't working and the bill didn't solve the problem, it only postponed it. Therefore, the proper solution would be to abolish the idea of a deadline altogether.

Besides, Borja is reported to have said, the bill included only some of the affected agencies.

Borja's reasons are a model of judicial logic and clarity (except for his puzzling support of manpower agencies). What they lack, however, is any awareness of political reality. The Legislature is notoriously slow, arbitrary, and unpredictable in what it chooses to act on. There is no telling what—if anything—will result from the acting governor's veto.

It would have been far better to accept what he had in hand, and try to work with the Legislature on the rest, than to reject the whole thing.

responsibility... report.

Mr. Hodges is for "committed journalism," one that determines, on behalf of the benighted non-journalist public, what the latter need to know.

As a reminder for journalists to take more responsibility for their acts, that their main duty is to inform the public, and that, therefore, they should be well-informed themselves—if this is all that there is in his article, then no one can quibble with Mr. Hodges.

But taken to its natural conclusion, the underlying assumption of his arguments smacks of elitism, of authoritarianism even.

Mr. Hodges's privileging of the practitioner over the practice itself posits a new definition of journalism, and turns its practitioners into something we aren't (or I hope we won't ever be)—the *sole arbiters* of what information we should share with the public.

There is nothing new about Mr. Hodges's definition, however. Authoritarian rulers of Southeast Asia even invented an Orwellian name for it: "developmental journalism."

□□□

For Mr. Hodges, journalists should not only be society's watchdogs, but also its all-wise dispenser of information.

And yet though it is the journalist who decides what news to print, his decision has already been *predetermined* by the accepted definition of a newsworthy story.

Based on real events and real people in real situations,

even worthy of being the pet cat Stalin's toilet use.

Imagine hearing another professional, a doctor, for instance, straining to explain that his job actually involves curing sick people.

Teachers teach knowledge, dentists pull out bad teeth, soldiers fight and die in wars, farmers plant foodcrops, bar dancers dance naked, lawyers milk their clients and journalists write news that is accurate, balanced and factual. That goes with the job—that is the job.

The corollary imperative of this truism is the reading public's obligation to hammer away at newspapers and reporters not living up to what news and journalism should be. (But one, of course, must also take into consideration the specificities of a given media outfit—for instance, it would be useless to expect an error-free issue from an undermanned newspaper staff.)

A newspaper can only be as good as its reading public. And I think I'm speaking for the rest of my colleagues when I say that we not only welcome valid criticisms—we actually beg for it. We want our errors to be pointed out so that we can make the needed corrections, and thus avoid repeating the same mistake the next time around.

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Should journalists "serve the interests" of the people? Of course. But *who defines* the interests of the people? The newspaper owner? The SPJ?

Try asking 20 different people what the people's inter-

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*** TRANSMISSION REPORT ***

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FACSIMILE SHEET

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