

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 response to the Tighe article again. We think the best position to take for now is that there were 22 articles in the 1985 Constitution; there are 19 articles in the proposed 1995 Constitution because some articles have been consolidated; and that there are actually fewer amendments in 1995 than there were in 1985. Tighe counts all minor changes as individual amendments but the correct assessment is to count all related changes as one amendment. The Convention was careful to eliminate conflicts and to provide consistency as it worked through the Constitution.

One can also point out that after 10 years experience with its first Constitution (the Articles of Confederation), the second Convention convened by the new U.S. government rewrote its Constitution and Bill of Rights rather thoroughly and the product lasted a long time.

When the Post-Convention Committee decides how it wants to recommend putting the amendments on the ballot, then it can take a position as to the precise number of "amendments" there are.

Deanne

Deanne

*Rec'd 8/28/95 - @*

## DRAFT RESPONSE TO TIGHE ARTICLE

As a delegate to the Third Constitutional Convention, I am very surprised to read in Ruth Tighe's recent column that I was "brainwashed" into creating a "monster" that no one can figure out how to "tame." This is simply not true. Any reporter who covered the Convention regularly, read the proposals submitted for consideration, attended Convention committee meetings and sessions could not make such charges.

Contrary to Tighe's suggestion, there was indeed widespread interest throughout the Commonwealth in revising the Constitution -- to address serious problems in the governance of the Commonwealth, to delete many of the "legislative" provisions inserted by the 1985 Convention, and to draft a Constitution that would govern the Commonwealth's course over the next 25 years. This public concern was evidenced in the number of candidates that ran for the Convention, the range of issues that the candidates addressed during the campaign, and the extensive coverage of the Convention's deliberations by the media.

What the reporter conveniently ignores is that each delegate elected to serve was free to advance his or her own suggestions for amending the Constitution. There was no effort whatsoever to restrain the delegates from making proposed amendments that reflected their own priorities -- however varied they might be or however different they might be from what this particular reporter thought was important. The delegates were elected to do exactly this. Some were concerned about improving the educational system; others wanted to improve the operations of the Legislature; others wanted to restrict the Governor's authority in specific respects; others wanted to protect the environment; and so on.

The Convention's procedures encouraged this process -- which resulted in about 620 proposed amendments to the Constitution. Many of these suggestions came from outside the Convention -- from the Mayors, the Governor, community groups, defeated candidates and interested individuals. Each such suggestion was introduced as a matter of courtesy and given the same attention and respect as proposals submitted by the delegates. No Convention has been so open to suggestions and there was nothing but praise for the Convention's readiness to consider proposed amendments that came from outside the Convention.

The challenge for the delegates was how to evaluate the 620 proposals, to weed out the important from the less important, the constitutional from the legislative, and to achieve a consensus behind a proposed amendment that would achieve the two-thirds majority that was required under the Convention's Rules. This was done through the laborious efforts of the Convention's four substantive committees, which conducted extensive public hearings and had hundreds of hours of meetings in which the issues were debated - and debated - until the committee members believed they had achieved the necessary agreement. No one who attended these meetings, or watched them on television, could have any question whatsoever that the delegates were wrestling with extremely difficult issues and doing so in an honest and non partisan manner. The delegates were not "brainwashed" by the Convention leadership, by the Convention's counsel, by the Governor, by the Legislature, or by the media!

Rather than resort to labels like "monster," reporters who are truly committed to a fair public debate could contribute to the process of public education by focusing on the substance of the proposed amendments. The delegates were aware that their efforts resulted in a substantial rewriting of the Commonwealth's Constitution. They thought that was necessary in order to deal with some of the Commonwealth's critical problems, to ensure that the resultant document was consistent throughout, to eliminate outdated provisions, and to present to the people for approval a document that could survive without further amendment for the next 25 years.

The delegates are well aware of the need for a far-reaching public education program. It is necessary and desirable to address the major amendments separately; to consider their interrelationship with other provisions; and to make every effort to ensure that the voters understand the significance of the Convention's proposals. This public education campaign is one of the principal responsibilities of the Post-Convention Committee as set forth in the enabling legislation. The Committee was formed in the last days of the Convention and has already met several times to consider how best to present the amendments on the ballot and how to conduct the needed public education program. The Committee needs the help of all the media to accomplish its public education mission -- even those who believe that the Convention created a "monster."

The Post-Convention Committee agrees that there is too little time for an effective public education program before the November elections. For that reason the Committee has been urging the Legislature to enact legislation that would enable the proposed amendments to be considered at a special election in late February or early March next year. Such deferral would not only provide more time for public education but would also allow the proposed amendments to be considered on their merits separately from the partisan campaigning that will precede the November elections. The Legislature has not yet acted on this suggestion, but may do so within the next week or so. We delegates ask everyone to support this deferral -- so that the important work of the Third Constitutional Convention receives the careful consideration that it so richly deserves.

I feel very strongly about  
NOT doing this - this way -

*Formula*  
322 8390  
322-1468

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 response to the Tighe article again. We think the best position to take for now is that there were 22 articles in the 1985 Constitution; there are 19 articles in the proposed 1995 Constitution because some articles have been consolidated; and that there are actually fewer amendments in 1995 than there were in 1985. Tighe counts all minor changes as individual amendments but the correct assessment is to count all related changes as one amendment. The Convention was careful to eliminate conflicts and to provide consistency as it worked through the Constitution.

One can also point out that after 10 years experience with its first Constitution (the Articles of Confederation), the second Convention convened by the new U.S. government rewrote its Constitution and Bill of Rights rather thoroughly and the product lasted a long time.

When the Post-Convention Committee decides how it wants to recommend putting the amendments on the ballot, then it can take a position as to the precise number of "amendments" there are.

Deanne

Deanne

*- very true. This is why all public releases should stick w/ "19 Amendments"*

*Rec'd 8/28/95 - ag*



DRAFT RESPONSE TO TIGHE ARTICLE

As a delegate to the Third Constitutional Convention, I am very surprised to read in Ruth Tigue's recent column that I was "brainwashed" into creating a "monster" that no one can figure out how to "tame." This is simply not true. Any reporter who covered the Convention regularly, read the proposals submitted for consideration, attended Convention committee meetings and sessions could not make such charges.

Ruth has been off island (most of July)

Keep her out

As President, I WAS thrilled to see such (Contrary to Tigue's suggestion, there was indeed) widespread interest throughout the Commonwealth in revising the Constitution -- to address serious problems in the governance of the Commonwealth, to delete many of the "legislative" provisions inserted by the 1985 Convention, and to draft a Constitution that would govern the Commonwealth's course over the next 25 years. This public concern was evidenced in the number of candidates that ran for the Convention, the range of issues that the candidates addressed during the campaign, and the extensive coverage of the Convention's deliberations by the media.

(What the reporter conveniently ignores) Our constitution is so important, that each delegate elected to serve was free to advance his or her own suggestions for amending the Constitution. There was no effort whatsoever to restrain the delegates from making proposed amendments that reflected their own priorities -- however varied they might be or however different they might be from what this particular reporter thought was important. The delegates were elected to do exactly this. Some were concerned about improving the educational system; others wanted to improve the operations of the Legislature; others wanted to restrict the Governor's authority in specific respects; others wanted to protect the environment; and so on.

-> Democratic Process -> debate, voting, etc.

The Convention's procedures encouraged this process -- which resulted in about 620 proposed amendments to the Constitution. Many of these suggestions came from outside the Convention -- from the Mayors, the Governor, community groups, defeated candidates and interested individuals. Each such suggestion was introduced as a matter of courtesy and given the same attention and respect as proposals submitted by the delegates. No Convention has been so open to suggestions and there was nothing but praise for the Convention's readiness to consider proposed amendments that came from outside the Convention.

The challenge for the delegates was how to evaluate the 620 proposals, to weed out the important from the less important, the constitutional from the legislative, and to achieve a consensus behind a proposed amendment that would achieve the two-thirds majority that was required under the Convention's Rules. This was done through the laborious efforts of the Convention's four substantive committees, which conducted extensive public hearings and had hundreds of hours of meetings in which the issues were debated - and debated - until the committee members believed they had achieved the necessary agreement. No one who attended these meetings, or watched them on television, could have any question whatsoever that the delegates were wrestling with extremely difficult issues and doing so in an honest and non partisan manner. The delegates were not "brainwashed" by the Convention leadership, by the Convention's counsel, by the Governor, by the Legislature, or by the media

leave out -

Rather than resort to labels like "monster," reporters who are truly committed to a fair public debate could contribute to the process of public education by focusing on the substance of the proposed amendments. The delegates were aware that their efforts resulted in a substantial rewriting of the Commonwealth's Constitution. They thought that was necessary in order to deal with some of the Commonwealth's critical problems, to ensure that the resultant document was consistent throughout, to eliminate outdated provisions, and to present to the people for approval a document that could survive without further amendment for the next 25 years.

NO: Ruth is  
Not A Reporter she  
writes Editorials &  
she is allowed to  
form opinions  
That's why  
I don't  
agree w/  
this.

The delegates are well aware of the need for a far-reaching public education program. It is necessary and desirable to address the major amendments separately; to consider their interrelationship with other provisions; and to make every effort to ensure that the voters understand the significance of the Convention's proposals. This public education campaign is one of the principal responsibilities of the Post-Convention Committee as set forth in the enabling legislation. The Committee was formed in the last days of the Convention and has already met several times to consider how best to present the amendments on the ballot and how to conduct the needed public education program. The Committee needs the help of all the media to accomplish its public education mission (even those who believe that the Convention created a "monster.") - NO!

The Post-Convention Committee agrees that there is too little time for an effective public education program before the November elections. For that reason the Committee has been urging the Legislature to enact legislation that would enable the proposed amendments to be considered at a special election in late February or early March next year. Such deferral would not only provide more time for public education but would also allow the proposed amendments to be considered on their merits separately from the partisan campaigning that will precede the November elections. The Legislature has not yet acted on this suggestion, but may do so within the next week or so. We delegates ask everyone to support this deferral - so that the important work of the Third Constitutional Convention receives the careful consideration that it so richly deserves.

IF Anyone writes words like  
'Monster' or 'Brain Washed' - all you  
do is DRAW more attention - People will  
read it + say, "oh, okay - you mean they  
really did create a Monster + they were  
Brain Washed" Never use the Bad words  
yourself!

Legislature that law dared defy reality hence it died even before the ink 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 a manpower agency...

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

## Do it

**B**Y 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

*Continued on page 5*

# don't care

ON February 10, 1976 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 connection with 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.

*Continued on page 10*

## On my...

*from page 4*

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.

□□□

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.

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,

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.

□□□

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-

*Continued on page 10*