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LT. GOVERNOR'S OFFICE

Copy to Gm
Pelina S. Borja
DATE 9 27 95 0705

September 26, 1995

VIA TELECOPIER
670/322-5096

The Honorable Jesus C. Borja
Lieutenant Governor
Commonwealth of the Northern Mariana Islands
Caller Box 10007
Saipan, MP 96950

Dear Lieutenant Governor Borja:

I have reviewed the provisions of the proposed Constitution of the Northern Mariana Islands as amended by the Third Northern Mariana Islands Constitutional Convention with respect to submerged lands and natural resources, and the analysis accompanying those provisions. The proposed analysis of Article XI of the proposed new Constitution contains an historical inaccuracy.

Article XI, Section 1 of the Constitution of the Northern Mariana Islands as passed in 1976 provided that:

. . . and the submerged lands off the coast of the Commonwealth to which the Commonwealth now or hereafter may have a claim of ownership under United States law are public lands and belong collectively to the people of the Commonwealth who are of Northern Marianas descent.

The section as proposed by the Third Northern Mariana Islands Constitutional Convention deletes four words "under United States law" from the above language. As you know, we proposed that amendment several years ago and it was adopted by Legislative Initiative 7-3 in 1993. Consequently, those words are properly deleted from the proposed constitution. The inaccuracy appears in the analysis of the section, which states that "[t]his section identifies the public lands. It is the same as the 1976 version." Obviously, it is not the same as the 1976 version because four words were deleted in 1993. Indeed, the analysis itself duly notes the 1993 amendment in discussing a similar amend-

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ment proposed to Article XIV, Section 1 regarding marine resources. Consequently, the analysis is internally inconsistent in the respect.

I'm not sure of the significance of this discrepancy, but wish to note it for the record.

Also, you will recall our concern during the Convention for the continuing application of Section 13 of the Schedule on Transitional Matters. We were informed that the Convention adopted a resolution acknowledging the ongoing validity of several sections of the Schedule. We would greatly appreciate receiving a copy of that resolution as adopted.

With best personal regards.

Sincerely,



Donald C. Woodworth

Similar letter sent to
Sebastian Aloit, Acting
Attorney General