

FACSIMILE SHEET

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Message:

Please prepare a reply for me concerning the enclosed letter of Sept. 26 to the Lt. Governor from Donald C. Woodworth re submerged land. Lt. Governor Borja requested that I reply to this with a copy to him.

Thanks.



THE PRESIDENT'S PAGE

By Herman T. Guerrero, President of the Third Northern Mariana Islands Constitutional Convention

Today we begin a series of articles that review the amendments to the Northern Marianas Constitution that have been proposed by the delegates elected to serve in the Third Constitutional Convention. We appreciate the public spirit of the Saipan Tribune in making this space available to us.

Under the provisions of the Constitution, these amendments will be on the ballot at the general election in November. The Post-Convention Committee is in the midst of an extensive education campaign to make certain that the voters are aware of the proposed amendments and in a position to make an informed choice whether to approve (or reject) the recommendations of the delegates. It is the voters who must decide whether the amendments proposed by their elected delegates will, if approved, better protect their rights, make the Commonwealth government more efficient and less costly, and make the Northern Marianas a better place to live.

Over the next several weeks, we will be discussing the amendments suggested for each of the proposed 19 articles in the Constitution. Each report will examine one article, indicating what changes are proposed from the current constitutional provisions and the reasons why the delegates think the change is desirable. As will be apparent, there are many different ways to address the important problems that concerned the delegates. The basic question for the voters is: Will the amendment proposed by the delegates with respect to a particular article be an improvement over the present constitutional provision?

At the start of this series of articles, I would like to offer a few general observations about the Third Constitutional Convention and the way in which it worked.

First, the voters elected a broadly representative group of delegates to decide whether, and in what respects, the CNMI Constitution should be amended. The delegates included some with extensive government experience, others from private business, some retired workers, some young newcomers to public service, several educators, a lawyer, others with background in finance, eight women, and four Carolinians. They were elected after an extensive campaign in which about 100 candidates sought to serve as delegates. Based on the issues raised during the campaign, the 27 successful candidates were convinced that their constituents wanted a fresh and thorough examination of the operations of the Commonwealth government and the many real problems that were concerning the community.

Second, the delegates considered some 620 proposals for amendments to the Constitution. Most of these came from the delegates themselves; others were introduced as a matter of courtesy that came from the Mayors, members of the School Board, the Attorney General, the Governor, interest groups, defeated candidates, and interested individuals. Each proposal was considered on its merits. What became clear during this process was a broad

consensus among the delegates that major changes were required in the Constitution to deal with important problems in the Commonwealth such as: deficit reduction and prevention, cost of government, need for more effective government, need to enhance local government, improve education at the local level, provide constitutional basis for the Commonwealth courts, strengthen the Commonwealth's representation in Washington, strengthen restraints on land alienation, and preserve and control development of public lands.

Third, the delegates did their work on a non-partisan basis. Although I know that is hard to believe, it is true. Proposals that came before the delegates were sometimes opposed by one political figure or another, but the delegates considered them on the merits without regard to the political affiliation of the supporters or opponents of a particular proposal.

Fourth, every amendment proposed for consideration by the voters had to win the support of at least 18 of the 27 delegates under the Convention's Rules. In fact, almost all the proposed amendments received 22 or 23 votes. I think this resulted from the extensive work done by the four committees in the Convention and also reflected the conviction of the delegates that their proposed amendments should concentrate on those problems areas generally recognized as needing some significant reform.

Fifth, the delegates were convinced that frequent amendment of the Constitution, whether proposed by the Legislature or a Convention, was not desirable. In this respect, these delegates disagreed with the last Convention in 1985, which concluded that conventions every ten years should be required. The delegates to this Convention took a longer view, and wanted to recommend amendments that would produce a constitution that could serve the Commonwealth for the next 25 years.

The first three reports this week will discuss Article I (Personal Rights), Article II (Legislative Branch), and Article III (Executive Branch). Each is extremely important; Articles II and III each were the subject of more than 100 proposals for change that were considered by the delegates. After you read these articles, if you have suggestions or want more information about the amendments to be on the ballot in November, please contact the Post Convention Committee office in the DanDan Building (tel: 235-0843).

ARTICLE ONE: PERSONAL RIGHTS

Article I is like the “Bill of Rights” (the first ten amendments) to the United States Constitution. It sets forth the basic rights of Commonwealth citizens and limits the authority of the Commonwealth government.

The delegates are not proposing any changes to the following sections of Article I:

- Section 1: Laws Prohibited
- Section 2: Freedom of Religion, Speech, Press and Assembly
- Section 3: Search and Seizure
- Section 4: Criminal Prosecutions
- Section 5: Due Process
- Section 6: Equal Protection
- Section 8: Trial by Jury
- Section 10: Privacy

The delegates are proposing changes (revisions, deletions or additions) to the following sections of Article I:

<u>Section</u>	<u>Proposed Change</u>	<u>Reason</u>
Section 7: Quartering Armed Forces	Substitute the term “armed force” for “soldiers” in the provision: “No member of any armed force in time of peace may be quartered in any house without the consent of the owner, nor in time of war except as provided by law.”	The term was updated so that the provision would cover every kind of government armed force even if not specifically called “soldiers.”
Section 9: Clean and Healthful Environment	Delete the bracketed language from the current section: “Every person has the right to a clean and healthful environment in all areas,[including the land, air, and water. Harmful and unnecessary noise pollution, and the storage of nuclear or radioactive material and the dumping or storage of any type of nuclear waste within the	The delegates preferred the simple statement in the 1976 Constitution that guaranteed the “right to a clean and healthful environment” without any qualifications or limitations. The reference to harmful and unnecessary noise pollution was deleted, leaving the

surface or submerged lands and waters of the Northern Mariana Islands, are prohibited except as provided by law.”]

legislature free to regulate that area as was the case under the 1985 amendments. The proposed new sentence prohibits the legislature from taking any action to permit the dumping of nuclear wastes in the Commonwealth.

Add the following sentence: “The legislature shall enact no law infringing this right or permitting the storage or dumping of any nuclear or radioactive material in the lands or waters of the Commonwealth.”

Former Section 11:
Victims of Crime

Delete this provision: “The right of the people to be secure in their persons, houses, and belongings against crime shall be recognized at sentencing. Restitution to the crime victim shall be a condition of probation and parole except upon a showing of compelling interest.”

The delegates believed that this matter was best left to the legislature. The legislature had already acted to provide this protection when the 1985 Convention added Section 11. Based on the present practices of the prosecutors and courts, and the availability of civil actions for injured victims, the delegates concluded that this problem did not require constitutional treatment.

Former Section 12:
Abortion

Delete this provision: “The abortion of the unborn child during the mother’s pregnancy is prohibited in the Commonwealth of the Northern Mariana Islands, except as provided by law.”

The delegates were advised by the Attorney General and legal counsel that this provision was unconstitutional under the United States Constitution as interpreted by the United States Supreme Court.

New Section 11:

Add new section: “The

The delegated believed

Life

right to life for every individual during the entire span from conception through old age is respected, honored and protected in the Commonwealth. This right is subject to definition and regulation by the legislature.”

that the Commonwealth’s fundamental support for each individual’s life should be clearly stated in the Constitution. Protection under the proposed new section would be provided by legislation.