



# Third Northern Mariana Islands Constitutional Convention

Second Floor, Joeten Dandan Center  
Caller Box 10007, Saipan, MP 96950  
Tel. No.: (670) 235-0843 • Fax No.: (670) 235-0842

OCT 4 1995

Via Facsimile - 202-223-1459  
Donald C. Woodworth, Esquire  
MacMeekin & Woodworth  
Suite 901  
1776 Massachusetts Ave., N.W.  
Washington, D.C. 20036

Dear Don:

Lieutenant Governor Jesus C. Borja has asked me to respond to your letter of September 26, 1995 with respect to the Analysis of the Constitution.

The Analysis of the 1995 Proposed Amendments to the Constitution of the Northern Mariana Islands states, with respect to Article II, that there has been no change in the identification of the public lands in Section 1. I raised the question you posed with our counsel and they say that the statement is accurate. The public lands include: (1) lands transferred under Secretarial Order 2969; (2) lands transferred under Secretarial Order 2989; (3) lands transferred under Article VIII of the Covenant; and (4) submerged lands. There has been no change since 1976 in the Commonwealth's public lands.

With respect to the language in the 1993 amendment, I am sure you will agree that the Commonwealth has always claimed the submerged lands off its coast to the fullest extent possible. There was no new claim in 1993; the amendment just deleted language which was unnecessary in describing the submerged lands and which might create some confusion about the Commonwealth's claim. There is no internal inconsistency or discrepancy in the Analysis. It notes, with respect to a similar change in Article XIV, Section 1, that deleting these identical words under the same circumstances does not work any substantive change. (See page 91). The Third Northern Marianas Constitutional Convention delegates were careful to preserve the Commonwealth's prerogatives in this regards.

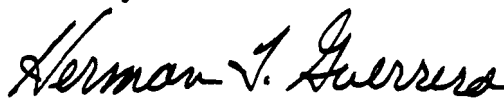
You also raised a question about the Schedule on Transitional and Related Matters. The Third Northern Marianas Constitutional Convention took no action with respect to any substantive provision of the Constitution that had any effect on Section 13 of the Schedule that was attached to the 1976 Constitution. Our counsel advises that Section 13 has been executed. Once the effective date of 1976 Constitution was reached, the Commonwealth succeeded to all rights and obligations of the previous government and Section 13 had no further force and effect. Succession is an event, not a continuous process, and the Commonwealth would not want to claim otherwise. Resolution No. 17 adopted by the Third Northern Marianas Constitutional Convention merely stated that it had taken no action that would affect

Donald C. Woodworth  
October 4, 1995  
Page 2

Section 13. It also referred to a decision by the Commonwealth courts as to the power of the Attorney General in this regard.

I have enclosed a copy of the Resolution.

Sincerely,



HERMAN T. GUERRERO  
Chair, Post Convention Committee

cc: Lt. Governor Jesus C. Borja  
Acting Attorney General  
Members, Post Convention Committee

THIRD CONSTITUTIONAL CONVENTION

RESOLUTION NO. 17

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

---

A CONSTITUTIONAL CONVENTION RESOLUTION

To acknowledge the ongoing validity of sections 6, 7 and 13 of the Schedule on Transitional Matters appended to the 1976 Constitution.

WHEREAS, sections 6, 7 and 13 of the Schedule on Transitional Matters appended to the 1976 Constitution have not yet been certified by the Attorney General as executed; and

WHEREAS, this Convention has taken no action with respect to sections 6, 7, and 13 of the Schedule; and

WHEREAS, the Commonwealth courts in *Pangelinan v. Commonwealth*, No. 85-022 (1986), and *Taguchi v. Commonwealth*, 2 CR 518 (1986), have stated that the Schedule is not part of the Constitution and only the Attorney General has the authority to certify that the provisions in the Schedule have been executed,

BE IT RESOLVED, by the Third Northern Marianas Constitutional Convention, that sections 6, 7 and 13 of the Schedule on Transitional Matters appended to the 1976 Constitution remain in full force and effect until and unless the Attorney General certifies that they have been executed;

BE IT FURTHER RESOLVED, that the President of the Convention shall certify and the Secretary of the Convention shall attest to the adoption of this resolution and thereafter transmit copies to the Honorable Froilan C. Tenorio, Governor of the Commonwealth of the Northern Mariana Islands; to the Honorable Juan Babauta, Resident Representative to the United States; to the Honorable Juan S. Demapan, President of the Senate; to the Honorable Diego T. Benavente, Speaker of the House of Representatives; to the Honorable Sebastian Aloom, Acting Attorney General of the Commonwealth of the Northern Mariana Islands; to the Chairman of the Board and the Executive Director of the

Board of Elections; to the Chairman of the Board and the Executive Director of the Law Revision Commission.

Date: August 3, 1995

Introduced by: Herman T. Guerrero  
Herman T. Guerrero, President

Tomas B. Aldan  
Tomas B. Aldan

Tomas B. Aldan

Vicente S. Aldan  
Vicente S. Aldan

Vicente S. Aldan

Marian Aldan-Pierce  
Marian Aldan-Pierce

Marian Aldan-Pierce

Frances L.G. Borja  
Frances L.G. Borja

Frances L.G. Borja

Carlos S. Camacho  
Carlos S. Camacho

Carlos S. Camacho

Esther S. Fleming  
Esther S. Fleming

Esther S. Fleming

Victor B. Hocog  
Victor B. Hocog

Victor B. Hocog

Henry U. Hofscheider  
Henry U. Hofscheider

Henry U. Hofscheider

David Y. Igitol  
David Y. Igitol

David Y. Igitol

Jose R. Lifoifoi  
Jose R. Lifoifoi

Jose R. Lifoifoi

Benjamin T. Manglona  
Benjamin T. Manglona

Benjamin T. Manglona

David Q. Marafita  
David Q. Marafita

David Q. Marafita

Donald B. Mendiola  
Donald B. Mendiola

Donald B. Mendiola

James M. Mendiola  
James M. Mendiola

James M. Mendiola

Felix R. Nogis  
Felix R. Nogis

Felix R. Nogis

Justo S. Quitigua  
Justo S. Quitigua

Justo S. Quitigua

Josy P. San Nicolas  
Josy P. San Nicolas

Josy P. San Nicolas

Teresita A. Santos  
Teresita A. Santos

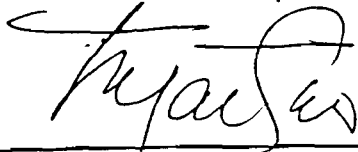
Teresita A. Santos

Bernadita T. Seman  
Bernadita T. Seman

Bernadita T. Seman

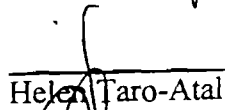
Marylou Ada-Sirok  
Marylou Ada-Sirok

Marylou Ada-Sirok




---

Mariano Taitano



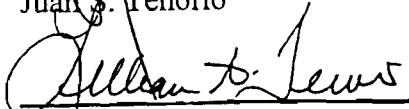
---

Helen Taro-Atalig



---

Juan S. Tenorio



---

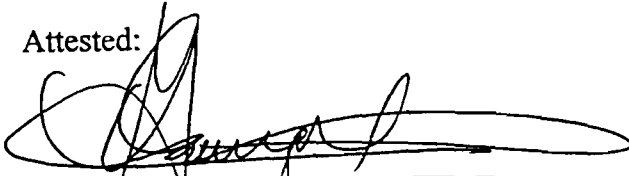
Lillian A. Tenorio



---

Joaquin F. Villagomez

Attested:



---

John Oliver DLR. Gonzales,  
Secretary