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FOR: ALICIA GUERRERO

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FROM: Deanne Siemer

MESSAGE

Alice or Reina --

Could you get this to Felix Nogis and see if it is okay with him. I have attached a copy of the article to which it responds. I'd like to get this out of the way early in the week so we don't have to worry about it on Thursday.

Thanks.

Deanne

OPEN LETTER TO THE VOTERS ON COMMENTS ON PROPOSED AMENDMENTS

I chaired the Committee on Executive Branch and Local Government during the Constitutional Convention, and I want to respond to the Pacific Star columnist's views on the proposed amendments to the Constitution.

When the Pacific Star's columnist did not show up at any of the first 10 public education meetings we had, we asked one of our staff to contact her. A telephone call was made in the first week in February, asking the Pacific Star's columnist to meet with the delegates and air her concerns. She refused. After that, we contacted her by e-mail and asked to meet with her. She refused. We contacted the law firm where she works and suggested that she meet with us. Through an intermediary, she refused.

I have never known a responsible journalist who is so isolated from the community that she would refuse to go to public meetings and would refuse to meet with elected officials about subjects on which she is writing so much in the press. The Pacific Star's columnist apparently was in the parking lot at the Legislature during our public meeting there last week, but refused to come inside where three delegates were available to talk to her about how the proposed amendments work. One has to ask what kind of attitude could propel someone to take this strange position. Our citizens should certainly take this into consideration in evaluating this columnist's opinions.

And I want to point to the very strong attempt to steer voters in which this columnist is now engaging. When she started this series of articles on January 19, this columnist said to the public: "How one votes is nobody's business. It should be a private matter, known only to one's self and to God, so to speak. However, as the date for voting on the concon amendments approaches, it would seem a worthwhile exercise, nevertheless, to reveal how I intend to vote on each of the amendments." Now, in this latest article, she is saying, "Here's a piece of advice for those who still haven't decided what to do about the 19 amendments on the ballot: vote "no" on #18."

The Star's columnist apparently always intended to tell the voters how to vote on each amendment. That is, of course, her right so long as some newspaper is willing to print what she writes. Now at least she is being perfectly clear about that intent.

Amendment #18

The Pacific Star's columnist either intentionally or negligently misses the main points on Amendment #18.

Under the current system, there is no specified way in which changes to the Covenant are to be approved by the Commonwealth. We have seen many news stories recently about possible changes under the mutual consent clause. If there is no specified way to make these changes,

perhaps the Governor can do this alone. Does the Star's columnist think this is a good idea? Amendment #18 provides a role for the Legislature and for the voters in this process.

Under the current system, a majority Commonwealth-wide and 2/3 of the voters in each of two Senatorial districts must approve a proposed amendment to the Constitution. If the approximately 800 voters on Tinian and the approximately 1200 voters on Tinian exercise this veto power, they can overcome the wishes of the approximately 8,000 voters on Saipan. Does the Star's columnist think this is a good system? Does she understand that the U.S. Supreme Court has struck down such systems under the one man-one vote principle? Amendment #18 provides for a 60% majority Commonwealth-wide so everyone's vote counts the same.

Under the current system, the Legislature can vote to raise its own budget by enormous amounts and put that on the ballot without any notice, public hearings, or opportunity for public education. The Senate has just done it again, proposing two weeks ago an initiative that would raise the Legislature's budget to a whopping \$7 million per year. Does the Star's columnist think that the Legislature's power to put initiatives on the ballot has EVER been used for anything but its own budget? Does she think this is a good system? Amendment #18 provides that the Legislature, like anybody else, can put proposed amendments on the ballot by collecting the required number of signatures.

An initiative to amend the Constitution can be put on the ballot at any time. Amendment #18 makes this easier by reducing the number of signatures required to 30% of the registered voters. The Star's columnist says the Constitution cannot be amended for 25 years. That is not true. It can be amended any time the Legislature or anyone else can get the new lower number of signatures.

The Constitutional Convention delegates who, unlike the Star's columnist, were elected by the voters to propose amendments that are good for the Commonwealth, urge you to vote YES on Amendment #18.

Editorial

Speak up

THE PACIFIC Star on Jan. 12 published the proposed regulations for non-resident workers in light of numerous complaints over many years about the inadequacy of laws and regulations to protect the interests of foreign workers, facilitate processing of applications to hire people from other countries and maintain decent working and living standards for the guest workers.

The proposed regulations were published in the Commonwealth Register in December. The law provides for a 30-day period for any affected or interested party to submit comments or suggestions which could be considered before adopting the regulations. While watching a demonstration by a group of non-resident workers early this week, Attorney General Cizo Sebastian Aloor said only a few comments were received. The regulations would have been in force now except that one agency requested that public hearings be conducted. This cannot be turned down.

For those who are still now aware of the proposed regulations the public hearings that will be conducted on all three major islands of the Commonwealth should be considered as an opportunity to examine the proposed regulations.

Aloor said he himself did not agree with some of the proposed regulations, and would submit his own comments. We also found that the proposal to allow only the Commonwealth Health Center to conduct physical examination of non-resident workers as impractical. We don't believe that the government-owned facility can examine the 25,000 non-resident workers every year and still provide medical services to patients.

Non-resident workers, whether union supporters or not, should not hesitate to make comments or suggestions because they are the main subject of the proposed regulations. Whatever regulations are finally adopted will affect their entry, their work, their life in the Commonwealth. Businesses should also recognize their stake in the proposed regulations. Human rights advocates, even the community, should participate in the public hearings. Two heads are better than one, and participation by those to be affected by the regulations should make them more responsive to the needs of non-resident workers and their employers, and more effective in implementing the CNMI's labor laws.

On My Mind

by Ruth L. Tighe

With barely a week left before the vote on the concon amendments, here's a piece of advice for those who still haven't decided what to do about the 19 amendments on the ballot: vote "no" on #18.

As long as amendment #18 is voted down, it doesn't matter quite so much what happens to the rest of the amendments.

Amendment #18 would amend Article XVIII, Constitutional Amendment. It would prohibit even asking the people if they want another constitutional convention for the next twenty-five years. If amendment #18 is adopted, the people of the CNMI will be stuck for 25 years - until the year 2021 - with the changes to the CNMI Constitution that are approved next Saturday, March 2.

But if Amendment #18 is voted down, there will be three ways to undo any of other amendments that turn out to be a problem: legislative initiative, popular initiative, and constitutional convention.

Amendment #18 proposes to eliminate amendment of the It would allow a constitutional convention only if a petition were signed by 30% of persons qualified to vote asking that the question be put on the ballot, and even that would be prohibited until the year 2021.

The only other way the Constitution could be amended if Amendment #18 were approved would be by popular initiative.

In the 20 years since the adoption of the CNMI Constitution, only one popular initiative has ever made it to the ballot, and it did not pass.

It is very likely, if amendment #18 is approved, that the "new" constitution will remain unchanged until the year 2021. That would be fine and dandy, were there not so many major changes - the effect of which is not all that clear - being proposed in the new constitution. Under the circumstances, the thought of no change for 25 years is pretty scary.

Thus the advice: vote "no" on amendment #18.

AND IT IS IMPORTANT THAT PEOPLE DO VOTE. A TWO-THIRDS MAJORITY OF VOTES CAST IS REQUIRED FOR AMENDMENTS TO BE APPROVED. THERE IS NO

QUESTION THAT EVERY ONE OF THE CONCON DELEGATES - AND THEIR FAMILIES - WILL BE VOTING. IN ORDER FOR AN AMENDMENT TO BE DEFEATED, MORE THAN ONE-THIRD OF THE ALL THE PEOPLE WHO SHOW UP TO VOTE HAVE TO VOTE AGAINST IT.

* * *

Another suggestion for those who may not yet have decided how to vote on the amendments: vote "yes" to Amendment #15. Amendment #15 would prohibit gambling except in the senatorial district where it is approved by popular initiative. The legislature would no longer be able to permit gambling by law, as the CNMI Constitution now provides.

* * *

With barely a week left before the vote on the concon amendments, it might be helpful, as well, to take a look at some of the more basic issues involved.

It is worth recalling, for example, that constitutions, unlike plants and trees, do not survive repeated prunings and graftings very well. Constitutions are more like a person's backbone, made up of many different parts, each with its own function, yet all interrelated in a delicate balance, on which the body is totally dependent for effective operation.

The prunings and graftings we make to our constitutions should, therefore, be undertaken only for the most compelling reasons, and conservative both in number and in scope, to protect the integrity of the whole.

When such prunings and graftings to the CNMI Constitution are proposed, it should not, therefore, be viewed as heresy, or treason - or something equally discreditible - if someone expresses concern over such proposals.

It is, first of all, perfectly legal, and permissible, to voice one's opinion. Moreover, very few things are so certain, so unequivocal, as to preclude the possibility that there might be other ways of looking at them, other opinions about them.

It bears pointing out as well, that it is unrealistic to expect the people

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PSS intensifies recruitment of US teachers

THE PUBLIC School System has intensified its efforts to recruit teachers from the US mainland to replace Filipino and other foreign teachers.

Public Law 7-45 stopped PSS and several other agencies from hiring foreign workers after Sept. 30, 1995.

In a press release, Education Commissioner William S. Torres said PSS hired Rita Sablan, former deputy commissioner, as recruiter in the West Coast.

Sablan has been actively recruiting teachers at Washington State University, Oregon State University, Willamette University, University of Washington, University of Oregon, Central Washington University and other universities and career positions throughout the United States.

Also assisting in the recruitment effort is the principal of Koblerville Elementary School who will serve as a national recruiter for the PSS when she relinquishes her position as principal at the end of this school year.

Additional targets of the recruitment of American teachers are San Francisco State University, San Jose University, California State University at Fresno and California State University at Hayward.

The two recruiters will also look for teachers at the University of Northern Iowa Overseas Recruiting

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who draw up proposed amendments to be able to step back and conduct an impartial education campaign. They have too much at stake.

In the future, a point should be made of finding other arrangements for voter education.

Perhaps the most telling observation of all, however, is that it is the format in which the amendments have been proposed and presented, that has created the greatest upset, confusion, damage.

Customarily, when changes to such things as constitutions (or laws, for that matter) are proposed, the changes are easy to identify. Changes to the wording are shown, for example, by crossing out the words to be deleted, and underlining the new words to be added, so it can be clearly seen just what has been changed, and how.

Here, the amendments have been presented in such a way that comparison with what has gone before is cumbersome and difficult.

Customarily, moreover, changes that are proposed are put on the ballot in such a way that the changes can be voted on one by one, separately.

Here, voters are not being offered the changes one by one, but in groups - of up to 25 or more changes in each group.

In addition, cosmetic changes have been introduced that only serve to confuse things more. Combining into a single section, for example, all references to felony convictions as a bar to holding office may be cosmetically desirable, but it creates a very problematic interdependence

among articles.

Lastly, it should be noted that the question is not whether voters are satisfied with the status quo - in which case they should vote no to the amendments - or want change - in which case they should vote yes.

The question is whether the voters want these particular groups of changes. If they want some changes, and not others - even within a particular amendment - there is another alternative. They can vote no to the bundled amendment, and pressure the legislature to introduce the desirable changes through legislative initiative, for example. Provided that the voters have voted "no" on amendment #18 (see above).

* * *

I don't like mud-slinging, where opponents take turns hurling accusations at one another. It doesn't solve anything, and besides, it doesn't address the real issues.

However, with barely a week left in the concon education campaign, I feel it's not inappropriate to finally respond to some of the "mud" that has been tossed at me along the way.

First of all, I have indeed read the proposed amendments - I have, in fact, pored over them many times, each time finding yet more implications to the changes than first strike the eye.

I have suffered its sometimes preachy tone and read the entire analysis of the proposed new constitution as well.

I have also gone back to the text of the 1976 Constitution, and of the 1985 amendments - again and again and again - to try to compare the language of the proposed changes with what

exists now.

Even so, I have not been able to identify all the nuances.

Secondly, I did not attend this past summer's concon sessions or hearings, because I was not on island. I spent an entire month during that time visiting family on the mainland.

Given the comment, though, that constitutional affairs are the concerns of the Commonwealth people, it does seem as though there would not have been much point in my attending, or attempting to provide input, even had I been on island.

Thirdly, a consultant to the concon process did offer to meet with me, just recently. At the time the offer was made, that consultant had not read any of my columns on the subject. I saw no point in meeting, under the circumstances. That consultant has since contacted me again. That has been the only such offer made.

Fourthly, individual provisions of the "new" constitution may be easy to understand, but absorbing and integrating all of the 168 proposed changes made by the amendments - much less absorbing and understanding the impact of all 168 changes - is an altogether different matter, and much more difficult.

I understand the concern with outsiders interfering in local politics. But I would submit that after 15 years in continuous residence on Saipan, I am, at the very least, an old, long-term outsider, and not a new, or short-term, outsider.

* * *

Wonder if the fact that the land exchange in which I have an interest remains unresolved means I am considered incorruptible?

perhaps the Governor can do this alone. Does the Star's columnist think this is a good idea? Amendment #18 provides a role for the Legislature and for the voters in this process.

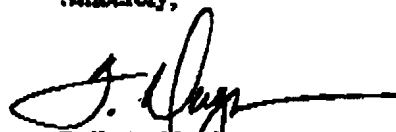
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Sincerely,



Felix R. Nogis
Delegate, Third Northern Marianas
Constitutional Convention

*** TRANSMISSION REPORT ***

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