

## Choose wisely in tomorrow's election

Tomorrow marks a major point in the history of the United States Commonwealth of the Northern Mariana Islands.

Tomorrow, CNMI voters will have a chance to decide the fate of 19 major amendments to the CNMI Constitution that have been proposed by the Third Northern Mariana Islands Constitutional Convention.

This "Con Con" election has stirred substantially less excitement than an election for political candidates, but it carries far more importance for our future than most elections.

Everyone in the CNMI will be affected by the way the vote goes on the amendments, which deal with major issues such as personal rights, the structure of our three-branch government, local governments, finances, public and private land, education, the environment and gambling.

A lot of time and effort was put into the proposed amendments by 27 elected convention delegates, and a post-convention committee has aggressively made sure that voters have had every opportunity to learn about and question the proposed amendments.

Now, it is time to act.

Hopefully, for the sake of our future, voters have taken the time to educate themselves about the proposed amendments, compare them with the existing Constitution, and decide which is better.

Hopefully, voters will not shun the ballot boxes because they don't understand or don't care. They should go to the ballot boxes, take as much time as they need, and make intelligent choices.

These choices should not be because voters like or don't like all or some of the convention's delegates, nor should the choices be because someone who urged voters to vote "all yes" or "all no".

Indeed, the people are not voting for or against any of the delegates, or any other individuals. The people are voting for what they believe will be the best Constitution — the fundamental guiding law of the land for the people and for the future of the CNMI.

This point is important to make because a lot of the campaigning has focused around whether or not voters should support and trust certain people.

Few campaigners, however, have urged voters to thoroughly review the implications of the amendments and then make decisions based on the merits of each amendment. This is the approach we support.

It may take time and effort, but it is undoubtedly worthwhile for each voter to compare each proposed amendment with the current Constitution, and then decide which one that voter prefers.

It may be true, for example, that if an amendment contains some proposals that a voter likes and some proposals that the same voter doesn't like.

When faced with such an unenviable predicament, a voter can either chose to weigh the good with the bad, then choose on the basis of what direction the scale tips in, or the voter can vote "no" and hope that the positive proposals are adopted in other ways, like legislation or separate future amendments.

No matter what a voter decides, the important thing is that each voter does take action and participate in the election, in order to maximize the democratic process.

It will be interesting to see how the voting goes. Some say there will be a lot of "all yes" and "all no" votes.

We hope that the voting will show that the people accepted the challenge to study the amendments, and to decide separately on the basis of each amendment's merits.

It is a difficult balancing act and, hopefully, voters will be able to turn to each other in the days and years to come, and say, "You have chosen wisely."

### Where are the amendments to benefit the disabled, seniors?

Dear Editor:

Of serious concern in all of this Con Con media effort is the lack of address to the benefit of the Man Amko and persons with disabilities. During the week of June 13 to 16, our agency submitted two proposed amendments to the land and personal rights committee that would add four words only to Article 1 Section 6 to extend equal protection of the laws and civil rights to persons who have a "physical or mental disability." Secondly, that Article 1 Section 9 be expanded to include Man Amko and disabled persons in the "clear and healthful" to and also "accessible" environment. The Saipan Cable news of June 20, 1995, reported that the proposal was rejected by the committee because Federal law (Americans with Disabilities Act) already gave persons with disabilities these rights. These amendments were never allowed on the delegates floor. On June 21 and 22, I attempted to find journal pages concerning the rejection. They were not available. Also on the 22nd, this author spoke to Ms. Attorney Siemers personally and she told me that the committee had decided that if such language were included in the constitution, it would result in a lot of "unnecessary" litigation. I then requested if they would entertain an expanded memorandum of justifications for inclusion of persons with disabilities within the purview of CNMI constitutional protection. Such memorandum was prepared and submitted by us and was ignored by the delegation. Our concern is that nowhere in the existing and or the proposed new constitution is the rights of the elderly or the disabled guaranteed and this is deliberately so.

NMPASI is a federally funded independent entity which is mandated to protect and advocate for the rights of persons with disabilities. We are funded by federal grants

## YOUR VIEWS

from the U.S. Department of Education and the U.S. Health and Human Services. Thus, we are concerned about the attitude of some delegates and the Washington, D.C. lawyers who appear insensitive to the rights and needs of the persons who require constitutional protection the most. When the people vote on March 2nd, we would ask that they give this some serious thought about the motivations of a few who would deliberately exclude the most vulnerable people from the constitution.

William C. Campbell II

Willens on Senate legal counsel Woodruff

Dear Editor:

Your readers have undoubtedly read or heard the Senate Legal Counsel raise apparently serious legal questions about the work of the Third Constitutional Convention. He has contended, for example, that (1) the Convention did not have the authority to recommend an "entirely new constitution;" (2) the 19 proposed amendments, each relating to a single article of the Constitution, may violate the "single subject" rule imposed by the enabling legislation; and

(3) the Legislature has the authority to dictate how the proposed amendments should be placed before the voters. He is wrong on all counts.

Rather than cite the numerous legal precedents that support the Convention's position on these issues, we thought your readers might be interested in what the Senate Legal Counsel had to say on these exact questions in a memorandum dated July 11, 1985 when he was a consultant to the Second Constitutional Convention.

First, on the subject of the authority of the Convention, he stated:

"The purpose of a constitutional convention is comprehensive review of the constitution and proposal of any and all amendments necessary to correct deficiencies in the consti-

tion as they relate to the aspirations of the people and the conduct of their government. To perform this enormous responsibility, the people elect special representatives to address this single purpose. This purpose is quite different from that of legislative or popular initiative, which is to correct a limited, single deficiency." (p.2)

We could not have stated it more eloquently or correctly.

Second, on the "single subject" rule, the Senate Legal Counsel in 1985 contended that no such "single subject" rule could apply to the work of a Constitutional Convention. As a matter of fact, in his memorandum (p.4) he stated that the Convention could propose amendments that covered more than one article:

"In the instance of certain subjects, for example, local government, qualifications for office, ethics of government officials, etc. the subject appears in more than one article. It would be impossible to make an amendment treating the subject in general without amending more than one article. To require several separate amendments in order to address the subject would make no sense. Consequently, I do not believe [the current Constitutional provision applying to legislative initiative] was intended to be an absolute prohibition even on the legislature, and to apply it to constitutional conventions as well would effectively prevent the people from changing the constitution to reflect their needs and desires."

Here, too, the Senate Legal Counsel's position in 1985 was directly contrary to his present position.

Third, the Senate Legal Counsel was very clear in 1985 that the Legislature had absolutely no authority to dictate to the Convention regarding the scope of the proposed amendments or the way in which they were to be presented to the people. He stated in the same memorandum (pp. 4-5):

"...I do not believe the legislature has any constitutional authority to restrict the scope of

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## Letters...

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amendments proposed by the convention. Amendments proposed by the convention are not subject to legislative approval." "I believe the Convention itself is the sole judge of what a proposed amendment is."

The Senate Legal Counsel was correct in 1985.

To be fair, the Senate Legal Counsel had not yet gone to law school in 1985. The wisdom of his views in 1985 and his serious errors in 1995 could lead one to question the value of a legal education.

Howard P. Willens  
Deanne C. Siemer  
Counsel, Third  
Constitutional Convention

### Con-Con delegate defends colleague

Please allow me to clarify the article, "Concon Commentary" which appeared on February 26, 1996 edition of the Marianas Variety (pages 4 and 16) regarding the responses of several former Concon delegates and members of the Post Convention Committee to public statements made by former Delegate Carlos S. Camacho.

First I am disturbed and angry that majority of the Post Convention Committee (except Mr. Thomas B. Aldan) will resort to dirty tactics to discredit Governor Camacho for speaking out against some of the proposed amendments to the CNMI Constitution. He is entitled to his views. What the POSTCON should do is to educate the public on the merits of the proposed amendments.

Second the February 26 article further mentioned that "Governor Camacho did not have the benefit of the full debates of the Convention. He was not in attendance at many of the sessions and did not participate in the final delegate - The article mentioned that Delegate Camacho was absent when the amendments 17 27 37 47 57 77 87 97 10, 11, 13, 14, 15, 16, 17, 18, and 19 were being voted on 2nd reading. These statements are misleading and need to be clarified. I checked my notes, the CONCON attendance records and the voting records. Out of the 21 plenary sessions (June 5.6777157197 22; July 671

17137157187 207227 2472572872973 1; August 1727 and 3)7 Governor Camacho missed only four sessions (June 157 July 247 August 2 and 3). Governor Camacho and I missed the June 15 plenary session due to the funeral ceremony of former Delegate Camacho's mother.

Governor Camacho also attended meetings of the Committee on Executive Branch and Local Government (7/13; 7/14; 7/17; 7/20; 7/21; 7/24; 7/25; 7/26); Committee on Legislature and Public Finance Legislative Committee 7/12; 7/19; 7/21); and the Committee on Judiciary and Other Elected Offices (7/10; 7/12; 7/17; 7/19) He actively participated during these meetings. He was a member of the Committee on Land and Personal Rights and attended their meetings (7/12; 7/13; 7/14; 7/17; 7/18; 7/19; 7/20; 7/21; 7/25; 7/27; 7/29).

Governor Camacho's attendance record during the plenary session is pretty good. These proceedings were televised by Marianas Cable Vision and the proceedings of the plenary session were transcribed.

I also reviewed the voting records of former Delegate Camacho which showed that he voted on the following articles on 1st Reading: Article 2 (Legislative); Article 3 (Executive); Article 4 (Judiciary); Article 5 (Washington Representative); Article 7 (Voting); Article 8 (Elections); Article 9 (Recall); Article 10 (Public Finance); Article 12 (Land Alienation); Article 13 (Eminent Domain); Article 14 (Natural Resources); Article 16 (Corporation); Article 18 (Mutual Consent); Article 19 (Code of Ethics); Article 20 (Civil Service); Article 21 (Gambling); Article 22 (Commonwealth Unity); and the Preamble. He also voted on the following articles during 2nd Reading: Article 2, Article 6, Article 12 and the Schedule of Transition.

I remember clearly when Governor Camacho was explaining the merit of a 10 years residency requirement for the Governor. He was very eloquent when the Convention was debating the "Preamble" and other issues (Article 12, etc).

I remember him when the issue for a retroactive application of Section 6 of Article 12 (Voidable Clause) was being

debated. This proposal was introduced by former Delegate Marian Aldan-Pierce so that the court will use the "Voidable clause" in deciding pending Article 12 cases. Governor Camacho former Delegate Ben Aldan and I and 3 other delegates voted against this amendment. We lost and this is in the proposed Amendment # 12 (Article 12).

I also remember former Delegate Camacho when I introduced the "Conflict of Interest" rule so that former Delegate Aldan-Pierce and others will not be able to vote on Article 12. Chief Legal Counsel Howard Willens declared that Ms. Aldan-Pierce has a conflict but she could vote. She voted on all Article 12 sections. These issues are on the proposed Amendment #12.

I do not understand the rationale of the POSTCON when they attacked the voting records and attendance records of former Governor Camacho. I see this tactic as a way to discredit him. Are the POSTCON members implying that former Delegate Camacho did not know what he was saying in his public statements because he missed some sessions and committee meetings?

Former Delegate Joey San Nicolas missed one session (6/19) because his mother was sick in Hawaii. Delegate Mariano Taitano missed several sessions because he was hospitalized. Is the POSTCON saying that former Delegate San Nicolas and former Delegate Taitano should not speak out against any proposed amendments because they missed some plenary sessions? I know of one delegate who was absent 6 times from the plenary session. I also know of several former delegates who did not attend most of the committee meetings.

My question is: do you have to attend most of the plenary sessions and committee meetings to be able to read and understand the 19 proposed amendments? My answer is no. This rationale is insulting the integrity of each delegate. Each delegate has sufficient time to review the final draft documents prior to the closing day of the session. Three delegates (former Delegate Camacho, former Delegate Benjamin Manglona, and former Delegate Teresita Santos) did not sign the final documents. Each del-

egate is entitled to his or her own positions and the POSTCON should respect those decisions.

There is no need for the members of the POSTCON and other delegates to attack the voting and attendance records of Governor Camacho. There is no need for me to try to prove that Delegate Camacho attended most of the plenary sessions. We are wasting our time. The people want to hear from the POSTCON why they should vote "YES" on the 19 proposed amendments. The POSTCON should stick to public education. There is no need for negative campaign. This tactic is causing ill feelings in the community. I hope that this tactic will not backfire. I know of several people who will vote "No" on all the 19 amendments because they are angry at the way the POSTCON conducts public education.

Since the closing day of the 3rd CONCON on August 3, 1995, the POSTCON has conducted excellent public education. The proposed amendments were translated into Chamorro and Carolinian languages. They were disseminated widely to the news media and the public. Public hearings were conducted in Saipan, Tinian and Rota. No one is denied any access to the proposed amendments. What is lacking is public participation.

I hope that the people of the Commonwealth will listen to all the arguments for and against the 19 proposed amendments. They should take the opportunity to read the proposed amendments and the analysis so that they can make intelligent decisions on Saturday, March 2.

I am asking all of the eligible voters to please go out and vote. This is our Constitution - the basic framework of our government. Please vote for all the 17 proposed amendments except Amendment #12 (Article 12: Restriction on Alienation of Land) and Amendment #13.

I do not believe that our constitution should be amended to protect interest groups. Under the proposed Amendment #12 (Article 12), the CNMI court will decide on pending Article 12 cases based on the new rule (Voidable clause). Former Delegate Marian Pierce-Aldan introduced this proposal. I do not support the 6

years statute of limitation. These provisions are designed to protect interest groups who lobbied hard to get their ways. The proposed amendment is pro-investor and anti-local. The United States Congress and the U.S. President allowed us this limited protection on our precious resources - our land. Similar treatments were afforded to the Hawaiians, the Alaskan natives, and the American Indians. We should strengthen Article 12 and not weaken it.

I am also changing my position on Amendment #13 (Replacement of Article 13: Education - Public School System and the Northern Marianas College). I will vote "NO" and I am urging everyone to do likewise. I do not agree that the guaranteed funding for the Northern Marianas College and the Public School System should be taken away. The guaranteed funding should be increased. I also do not believe that the respective PSS boards in Saipan, Tinian, and Rota will be more effective in enhancing the educational quality of the Commonwealth. There will be more confusion and in-fighting between the PSS board and the Secretary of Education.

I signed the final document on the proposed amendment during the closing day of the Third Concon. However, I wrote "No - Article 12" on the forty documents that were circulated for signature.

Thank you for the opportunity to clarify the voting and attendance records of Delegate Carlos S. Camacho.

PROTEHI TANG  
TA!!!!.....PROTECT OUR  
LAND.....PROTECT OUR  
CHILDREN! "WE DO  
NOT OWN THE LAND THAT  
WE ARE  
LIVING ON. WE ARE  
JUST BORROWING IT  
FROM OUR  
CHIDREN."

Joaquin (Jack) P.  
Villagomez

David Lujan on Peter  
Donnicini

Dear Editor:

At the outset, I would like to state that this is the first Letter To The Editor that I have written in sixteen (16) years.

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# THE PRESIDENT'S PAGE

**BY HERMAN T. GUERRERO,  
CHAIR  
POST CONVENTION  
COMMITTEE**

In yesterday's column I spelled out why the delegates have proposed Amendment #13. I emphasized that the delegates were very dissatisfied with the current state of public education in the Commonwealth, that parents and voters need more information and accountability in the school system, and that parents want more input into the actual operation of the schools that their children attend. How will Amendment #13 meet these needs?

### More Parent Input at the Local Level

Amendment #13 would substitute three local elected boards for the current Commonwealth-wide elected school board. This is a great stride towards real island self-government that people in the Northern Marianas have been seeking for years. Each of the three islands would be electing five members on a non-partisan basis to serve as board members. The basic thought here is simple: the people who reside on each island have a better understanding of what is needed for their schools than the members of a Commonwealth-wide board. A local school board will be listening to the parents,

and serving as advocate for the needs of the schools on that particular island.

These local boards will have real power. They will be authorized to hire and fire principals. They will make decisions with respect to the upkeep and expansion of school facilities. They will provide a forum for airing the grievances of parents and PTA organizations. They will focus on methods for improving the quality of instruction, taking account of local conditions, and the incentives necessary to keep students in school until graduation.

Critics of Amendment #13 have questioned the relationship between these locally elected boards and the proposed Secretary of Education. It will be the Secretary's job to make educational policy for the Commonwealth, after receiving input from the local boards and others with views to contribute. Once the policies are established, the local boards will monitor the performance of local school principals to make certain that they comply with the policies.

### More Information, Equity and Accountability

Amendment #13 also addresses the need for more information and accountability. It would require the Legislature in its annual appropriations to divide the available funds into



Guerrero

three categories; instructional, administration and capital improvements. With respect to the instructional funds, the annual appropriations would initially allocate funds to each school on a per enrolled student basis. This will give the parents and the local boards the information that they are now lacking and will begin to deal with the serious problem of unfair allocation of funds among the schools.

During the last several weeks it has been suggested that the students on Rota and Tinian will suffer under such a system. This is not true. In order to clarify the intentions of the delegates in proposing Amendment #13, the Post Convention Committee has revised the Analysis to the Constitu-

tion. As revised, the Analysis makes clear that the annual appropriation for instructional purposes based on per enrolled student can be supplemented as required if the necessary justification is provided by the Legislature. Specifically, the revised Analysis states:

"[The per student figure] is a base point or floor, so that parents understand the level of instruction to which each child in the Commonwealth is entitled and to which each school in the Commonwealth is entitled. If there are other, additional, or supplemental instructional needs in a school or group of schools, the legislature, in its judgment, may make appropriations for that purpose that are not divided on a per enrolled student basis if the legislature

receives the necessary justification."

The delegates believe that this proposed method for fixing instructional costs will bring more relevant information out in the open, allow parents and others to see exactly where the funds are going, and make it more difficult to use limited funds for levels of bureaucracy rather than for teachers and teaching materials.

### Better Quality of Education

No one can guaranty that Amendment #13 will improve the quality of education in the Commonwealth. But the delegates believe that the proposed changes in structure and funding are very important for providing an environment for doing so. Public education is one of the most important objectives of government in the Commonwealth. It is appropriate that the Governor and his appointed Secretary of Education be required to assume these weighty responsibilities under legislative oversight and to be held accountable by the parents and voters. Commonwealth citizens should not be afraid of "politics" in the educational system — they should use "politics" to make certain that their children are receiving the very best education possible in the Northern Marianas.

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# Hillblom estate's executor suspended

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ter.

Lungren also revealed that his office would be getting involved in a lawsuit filed in California by DHL Corp. against Bank of Saipan, which was appointed as the executor of

Hillblom's estate by the CNMI Superior Court.

DHL Corp. filed the California suit in an effort to enforce a share buy-back agreement signed by Hillblom and the other DHL Corp. sharehold-

ers. The agreement provided that if one of the shareholders died, the others could buy the deceased shareholder's stock at a fair market value.

In his letter, Lungren said

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## Vote on amendments tomorrow

By DAN PHILLIPS

Tomorrow will mark the end of months of hard work that have gone into proposing 19 amendments to the Commonwealth Constitution.

A total of 10,092 CNMI voters will be eligible to go to their respective polling places tomorrow between 7 a.m. and 7 p.m., where they will be asked to take on the formidable task of deciding on the amendments

proposed by the Third Northern Mariana Islands Constitutional Convention.

While many of the convention's delegates have encouraged voters to vote "yes" on all 19 amendments, some opponents — like former Gov. Carlos S. Camacho — have encouraged voters to vote "no" on all of the amendments.

Convention legal counsel Howard Willens said yesterday that he hoped voters have taken the time to thoroughly study the

proposed amendments, and will vote on each amendment on the basis of that amendment's merits.

Convention President Herman T. Guerrero has said that the bottom line for voters is deciding, for each amendment, whether they prefer the language of the current Constitution or the language of the proposed changes. Voters who are unsure of where they should vote should contact the Board of Elections at 234-6880.