



Third Northern Mariana Islands Constitutional Convention Pre-Convention Committee

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

MEMORANDUM

DATE: April 13, 1995

TO : Chair, Subcommittee on Legal
FROM : Chairman, Pre-Convention Committee
SUBJECT : Referral of Legal Consultants Proposal - Arnold H. Leibowitz

I am transmitting a copy of legal consultants proposal for the Third Northern Mariana Islands Constitutional Convention submitted by the Law Offices of Arnold H. Leibowitz to your Subcommittee on Legal for review and action with the other proposals.

Herman T. Guerrero
HERMAN T. GUERRERO

Attachment

cc: Members, Pre-Convention Committee

ARNOLD H. LEIBOWITZ*

LI OLDBERG**

*A dmitted in New York

**Also admitted in Maryland

ARNOLD H. LEIBOWITZ

LAW OFFICES

888 SIXTEENTH STREET, N.W.

SUITE 507

WASHINGTON, D.C. 20006-4103

(202) 835-8253

TELECOMMER: (202) 835-8136

April 12, 1995

Page 1 of 8

VIA FAX: 011-670-664-4759

Mr. Herman Guerrero, Chair
 Pre-Convention Committee
 Third Northern Mariana Islands
 Constitutional Convention
 Saipan, MP, 96950

Dear Mr. ^{Herman} Guerrero:

Thank you for your letter of April 10 advising me of the interest of the Third Northern Mariana Islands Constitutional Convention in retaining legal consultants.

I am enclosing my formal proposal to provide legal assistance to the Third Constitutional Convention, with the names of other attorneys who will assist in the effort. These are people with whom I have worked with in the past and, therefore, you can be assured of high quality control.

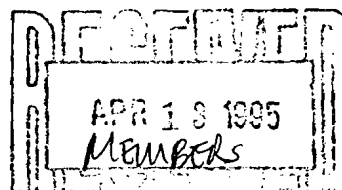
As I mentioned to you, I headed a three-man legal team which addressed both Guam and Virgin Islands Constitutional Conventions. In addition, I provided the technical assistance for the Pre-Convention of the D. C. Constitutional Convention.

Other persons who would work with me are persons with significant public policy experience, Commonwealth or territorial experience, and legal drafting skills. I am confident that we can provide the assistance you desire.

With best personal regards,

Cordially,


 Arnold H. Leibowitz



ARNOLD H. LEIBOWITZ**LAW OFFICES**

888 SIXTEENTH STREET, N.W.

SUITE 507

WASHINGTON, D.C. 20006-4103

(202) 835-8253

TELECOPIER: (202) 835-8136

ARNOLD H. LEIBOWITZ*

L. GOLDBERG**

* Admitted in New York

** Also admitted in Maryland

**PROPOSAL TO PROVIDE LEGAL CONSULTANT ASSISTANCE TO THE THIRD
NORTHERN MARIANA ISLANDS CONSTITUTIONAL CONVENTION**

The key to a successful convention, and a successful role for outside counsel, is that the counsel not make this his convention or his constitution. Rather, it is the constitution and product of the delegates. What counsel can do is help the delegates so that they are comfortable with the choices they make, draft language that carries out their desires, and examines for the convention as a whole and the delegates as required particular provisions which may have been used elsewhere in the U.S. and which may now be coming up in the Northern Mariana Islands.

1. Name of Lawyer Responsible for Directing the Legal Services To Be Provided to the Pre-Convention Committee and the Convention

Arnold Leibowitz will direct the legal services to be provided to the Pre-Convention Committee and the Convention. Mr. Leibowitz is an acknowledged expert both in territorial and Commonwealth status matters, having written the leading treatise in the field: Defining Status: A Comprehensive Analysis of U.S. Territorial Relations (Martinus Nijhoff, 1989).

Mr. Leibowitz directed a team of three lawyers when his organization was selected as Counsel to the Guam Constitutional Convention in 1976-77 and to the Virgin Islands Constitutional Convention in 1977-78. Both of these Conventions successfully adopted a constitution. Mr. Leibowitz was also Technical Adviser to the District of Columbia Constitutional Convention in 1986 during the pre-convention period, giving a series of lectures on the structure of the convention to delegates who were elected to be members of the D.C. Constitutional Convention. This involved advice on adoption of rules for the Constitutional Convention, the structure of committees, assembly of the Constitutional Convention staff and operation of a Convention Secretariat.

2. Statement as to How the Requirements of the Convention Would be Staffed

The attorneys available to the Constitutional Convention assisting Mr. Leibowitz would be experienced in Constitutional and island matters. They would, in all likelihood, be drawn from: Richard Oppen, former Attorney General of Guam; Madeline Austin,

formerly with the Chuuk and Guam Attorney General's offices; Jose Martinez, formerly Special Counsel to the Governor of Puerto Rico; and Lee Goldberg, who drafted legislation in both the House and Senate before he joined Mr. Leibowitz in his firm.

A. During the Pre-Convention Period from April 6 - June 5, 1995

We would expect that Mr. Leibowitz would be available for a week to assist the delegates on issues that may arise during this pre-Convention period. Usually, no other legal assistance is required during this pre-Convention period. However, should the Convention wish it, we would make available an experienced attorney throughout the entire pre-Convention period. This option is presented in this proposal as Option A.

B. During the Convention Period from June 5 - August 19, 1995

During the Convention period, at least two attorneys would be present at all times, with an additional attorney available as necessary (see Option A). Additional time for the lead attorney is also envisioned (Option A).

Staffing would be flexible depending upon the structure of the Convention and what the delegates' needs are.

3. Total Dollar Amount to be Paid in Compensation for Lawyer Services

A. The Pre-Convention Period

	<u>Budget</u>	<u>Option A</u>
Arnold Leibowitz (1 week)	\$ 7,000	\$ 7,000
Additional Attorney (1 mo.)	\$ --	\$10,000

B. Convention Period

	<u>Budget</u>	<u>Option A</u>
Attorney	\$20,000	\$20,000
Attorney (weeks)	\$16,000	\$16,000
Attorney	\$ --	\$10,000
Lead Attorney (2 weeks)	\$14,000	\$14,000

Total	\$57,000	\$77,000
-------	----------	----------

The budget for legal services would be:

\$57,000 - Mr. Leibowitz for one week during the pre-Convention period and two attorneys during the Convention period and Mr. Leibowitz for two weeks); or

\$77,000 for Option A - Pre-Convention: Mr. Leibowitz for one

week and one attorney for one month. Convention period: Mr. Leibowitz for two weeks and two attorneys for the entire period (9 weeks) of the Convention.

The legal expenses are based on a Pre-Convention period from April 6-une 5, 1995; and a Coinvention period from June 5-August 19, 1995.

In addition to these legal fees, the Convention would be asked to reimburse air fare and related travel costs to and from the CNMI; hotel and board while on island or travelling to the Convention; and xeroxing, faxes and long distance telephone calls related to the work.

Built into the fee is preparatory research in Washington at no charge.

Payments would be requested as follows:

- 25% upon signing of this agreement
- 25% at end of Pre-Convention period
- 25% one week after Convention begins
- 15% one month after Convention begins
- 10% at end of Convention

4. Requirements for Experts

It is not expected that any additional experts would be required.

5. Requirements for Non-Lawyer Staff

We would expect to utilize the clerical staff available to the Convention as a whole. That is, in fact, what was done for the Guam, Virgin Islands and District of Columbia Constitutional Conventions. What the legal team would need is one secretary/clerk available at all times to the legal team, in addition to one or two student researchers. The researchers are not absolutely essential, however, If these are not available at all, then we would expect to hire these persons locally either from the Northern Mariana Islands or Guam at prevailing wage rates.

Messengers and administrative personnel available to the Convention delegates should be available to the legal staff.

6. Equipment Required

In addition to the standard office furniture, we would expect to have two word processors available for the legal staff.

We would also expect one car to be available for attorney use

and to be provided at no charge by the Convention.

ARNOLD H. LEIBOWITZ

Counselor at Law
888 Sixteenth St., NW #507
Washington, D.C. 20006
(202) 835-8253
(202) 835-8136 (fax)

2801 McKinley Place, NW
Washington, D.C. 20015
(202) 363-0682
Date of Birth: 7/27/30
Married - four children

PRESENT POSITION

Attorney in private practice specializing in territorial constitutional issues and immigration law

PREVIOUS EXPERIENCE**Constitutional Law**

Analyzed local governmental powers in areas of financing, submerged lands, judicial review, executive and legislative action. Taught government budgetary and public finance review issues. Active on public legal questions re: equal employment opportunity, desegregation and immigration. Expert on U.S. and British Commonwealth territorial issues. Legal Adviser to Guam and Virgin Islands Constitutional Conventions. Conducted training sessions for D.C. Constitutional Convention delegates.

Immigration

Current knowledge of legal and policy issues in immigration and refugee law. Analyzed statutory cases and administrative procedures in detail. Redrafted entire Immigration Code.

International Investment, Aid, and Trade

Knowledge of international financing. Packaged specific ventures; skilled in drafting and negotiating loan, investment, and guaranty agreements with private and public financial institutions. Familiar with technology transfer devices and joint venture mechanisms. Directed trade adjustment assistance office. Analyzed anti-dumping duties, GSP, and Headnote 3(a) (territories) tariff questions.

Domestic Financing and Banking

Familiar with U.S. Government financing mechanisms for economic development, housing and education. Counseled a number of private banks during organizational and operational phases. Familiar with nonprofit private and public financing.

Management Skills

Managed large public operational financing program both in a centralized and decentralized format. Directed policy organizations operating both internationally and domestically.

POSITIONS HELD

Special Counsel, U.S. Senate, Subcommittee on Immigration and Refugee Law. Primary draftsman of the Immigration Reform and Control Act of 1982 and 1983, in consultation with Chairman, other Senators and their staffs.

Special Counsel, Select Commission on Immigration and Refugee Policy, a special U.S. Government commission conducting an overall review of U.S. immigration and refugee policy.

Vice President, Overseas Private Investment Corp., a U.S. Government corporation which encourages private U.S. foreign investment via loans, guarantees, and political risk insurance.

President, Institute of International Law and Economic Development, a private, nonprofit concerned with changing international legal and economic relationships in developing countries.

Director, Office of Technical Assistance, Economic Development Administration, U.S. Department of Commerce, a grant program to foster economic development. Directed 50-man Washington office with additional personnel in regional and local offices.

General Counsel, U.S.-Puerto Rico Commission on the Status of Puerto Rico. Analyzed present and possible future legal status of the Island.

Associate, Strasser, Speigelberg, Fried, Frank and Kampelman. Specialized in banking and international corporate problems.

Chief, Financial Policy Division, Agency for International Development. Responsible for establishing operating policies for the Agency.

Counsel, Development Loan Fund, a U.S. corporation lending money abroad for economic development. Drafted and negotiated over 70 Loan Agreements with private and government borrowers.

Law Clerk to Judge Luther W. Youngdahl, U.S. District Court, Washington, D.C.

EDUCATION

Columbia College	A.B. Degree 1947-1951
Graduated cum laude; elected to Phi Beta Kappa	
Yale Law School	LL.B Degree 1951-1954
Selected for Yale Law Journal	
University of Heidelberg, School of Jurisprudence	

REPRESENTATIVE PUBLICATIONS

The Immigration Act of 1990 (Prentice Hall Law and Business, 1990) (Co-editor).

Defining Status: A Comprehensive Analysis of U.S. Territorial Relations (Martinus Nijhoff, 1989).

Cases and Materials on Immigration and Refugee Policy (Matthew Bender, 1987). First legal textbook on immigration.

"U.S. Federalism: The States and the Territories," 29 Amer. Univ. Law Rev. 449 (1980).

"The Official Character of Language in the U.S." (National Institute for Education, 1979).

Legal and Political Aspects of Decolonization in the Pacific and the Caribbean (Praeger, 1976).

Federal Recognition of Minority Language Groups (1975).

"English Literacy: Legal Sanction for Discrimination, 45 Notre Dame Lawyer 7 (1969).

Educational Policy and Political Acceptance: The Imposition of English as the Language of Instruction in American Schools, (Center for Applied Linguistics, 1969).

"The Applicability of Federal Law to the Commonwealth of Puerto Rico," 56 Georgetown L.J. 219 (1967). Reprinted in 37 Rev. Jur. de U.P.R. 615 (1968). Quoted by the U.S. Supreme Court.

ARNOLD H. LEIBOWITZ*
EE GOLDBERG**

*Also admitted in New York
**Also admitted in Maryland

ARNOLD H. LEIBOWITZ

LAW OFFICES
888 SIXTEENTH STREET, N.W.
SUITE 507
WASHINGTON, D.C. 20006-4103
(202) 835-8253
TELECOPIER: (202) 835-8136
March 21, 1995

Mr. Herman Guerrero
Executive Assistant to the Governor
Commonwealth of the Northern
Marina Islands
Saipan, MP 96950

Dear Herman:

Just a note to congratulate you on being elected to the Third Constitutional Convention. It is an exciting opportunity.

As you know, I was counsel to the Guam Constitutional Convention in 1987 and the Virgin Islands Constitutional Convention in 1988. I also provided technical assistance to the District of Columbia Constitutional Convention in 1990.

I think the key to a successful convention, and a successful role for outside counsel, is that the counsel not make this his convention or his constitution. Rather, it is the constitution and product of the delegates. What counsel can do is help the delegates so that they are comfortable with the choices they make, draft language that carries out their desires, and examines for the convention as a whole and the delegates as required particular provisions which may have been used elsewhere in the U.S. and which may now be coming up in the Northern Mariana Islands.

If I can be of any assistance, please let me know. I am enclosing a resume for your records in case that is relevant.

With best personal regards,

Sincerely,


Arnold H. Leibowitz

Enclosure - resume

RECEIVED
4/5/95
Hoy

ARNOLD H. LEIBOWITZ

Counselor at Law
888 Sixteenth St., NW #507
Washington, D.C. 20006
(202) 835-8253
(202) 835-8136 (fax)

2801 McKinley Place, NW
Washington, D.C. 20015
(202) 363-0682
Date of Birth: 7/27/30
Married - four children

PRESENT POSITION

Attorney in private practice specializing in territorial constitutional issues and immigration law

PREVIOUS EXPERIENCE**Constitutional Law**

Analyzed local governmental powers in areas of financing, submerged lands, judicial review, executive and legislative action. Taught government budgetary and public finance review issues. Active on public legal questions re: equal employment opportunity, desegregation and immigration. Expert on U.S. and British Commonwealth territorial issues. Legal Adviser to Guam and Virgin Islands Constitutional Conventions. Conducted training sessions for D.C. Constitutional Convention delegates.

Immigration

Current knowledge of legal and policy issues in immigration and refugee law. Analyzed statutory cases and administrative procedures in detail. Redrafted entire Immigration Code.

International Investment, Aid, and Trade

Knowledge of international financing. Packaged specific ventures; skilled in drafting and negotiating loan, investment, and guaranty agreements with private and public financial institutions. Familiar with technology transfer devices and joint venture mechanisms. Directed trade adjustment assistance office. Analyzed anti-dumping duties, GSP, and Headnote 3(a) (territories) tariff questions.

Domestic Financing and Banking

Familiar with U.S. Government financing mechanisms for economic development, housing and education. Counseled a number of private banks during organizational and operational phases. Familiar with nonprofit private and public financing.

Management Skills

Managed large public operational financing program both in a centralized and decentralized format. Directed policy organizations operating both internationally and domestically.

POSITIONS HELD

Special Counsel, U.S. Senate, Subcommittee on Immigration and Refugee Law. Primary draftsman of the Immigration Reform and Control Act of 1982 and 1983, in consultation with Chairman, other Senators and their staffs.

Special Counsel, Select Commission on Immigration and Refugee Policy, a special U.S. Government commission conducting an overall review of U.S. immigration and refugee policy.

Vice President, Overseas Private Investment Corp., a U.S. Government corporation which encourages private U.S. foreign investment via loans, guarantees, and political risk insurance.

President, Institute of International Law and Economic Development, a private, nonprofit concerned with changing international legal and economic relationships in developing countries.

Director, Office of Technical Assistance, Economic Development Administration, U.S. Department of Commerce, a grant program to foster economic development. Directed 50-man Washington office with additional personnel in regional and local offices.

General Counsel, U.S.-Puerto Rico Commission on the Status of Puerto Rico. Analyzed present and possible future legal status of the Island.

Associate, Strasser, Speigelberg, Fried, Frank and Kampelman. Specialized in banking and international corporate problems.

Chief, Financial Policy Division, Agency for International Development. Responsible for establishing operating policies for the Agency.

Counsel, Development Loan Fund, a U.S. corporation lending money abroad for economic development. Drafted and negotiated over 70 Loan Agreements with private and government borrowers.

Law Clerk to Judge Luther W. Youngdahl, U.S. District Court, Washington, D.C.

EDUCATION

Columbia College A.B. Degree 1947-1951

Graduated cum laude; elected to Phi Beta Kappa

Yale Law School LL.B Degree 1951-1954

Selected for Yale Law Journal

University of Heidelberg, School of Jurisprudence

REPRESENTATIVE PUBLICATIONS

The Immigration Act of 1990 (Prentice Hall Law and Business, 1990) (Co-editor).

Defining Status: A Comprehensive Analysis of U.S. Territorial Relations (Martinus Nijhoff, 1989).

Cases and Materials on Immigration and Refugee Policy (Matthew Bender, 1987). First legal textbook on immigration.

"U.S. Federalism: The States and the Territories," 29 Amer. Univ. Law Rev. 449 (1980).

"The Official Character of Language in the U.S." (National Institute for Education, 1979).

Legal and Political Aspects of Decolonization in the Pacific and the Caribbean (Praeger, 1976).

Federal Recognition of Minority Language Groups (1975).

"English Literacy: Legal Sanction for Discrimination, 45 Notre Dame Lawyer 7 (1969).

Educational Policy and Political Acceptance: The Imposition of English as the Language of Instruction in American Schools, (Center for Applied Linguistics, 1969).

"The Applicability of Federal Law to the Commonwealth of Puerto Rico," 56 Georgetown L.J. 219 (1967). Reprinted in 37 Rev. Jur. de U.P.R. 615 (1968). Quoted by the U.S. Supreme Court.