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TO; Mike Helfer
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FROM; HPW

MESSAGE; Thanks again. Our first priority is work on the limitations under the U.S. Constitution of restrictions on the rights of U.S. citizens in the Commonwealth to vote or hold office. In particular, we need work on the following:

a) Can a requirement of Northern Marianas descent (as used in the Covenant and Article 12 of the CNMI Constitution) be used to exclude U.S. citizens from voting or holding office. As you know, the Covenant permits such discrimination with respect to the ownership of land and that has been upheld by the 9th Circuit.

b) Can long domiciliary or residence requirements (5, 10 or more years) be used for the same purpose, namely, to limit the right to vote or hold office (either appointed or elected) to persons who meet such requirements. We assume that domicile continues to focus on intent and that attachment of years to domicile may not make sense. What flexibility does the Convention have under the U.S. Constitution to impose residency requirements as a qualification for office?

c) Some have suggested that the ability to speak, read and write one of the two local languages might be required to run for or hold office. What is the current case law here?

We have other subjects as well, but this is a start. I will be in the London office on Friday, May 19, and can talk to anyone or receive questions from you or the hapless associate assigned to the matter.