

EXHIBIT 12-000001

November 22, 1976

REPORT TO THE CONVENTION OF THE COMMITTEE ON PERSONAL RIGHTS AND NATURAL RESOURCES

Subject: Amendment of Article I on Personal Rights

The Committee on Personal Rights and Natural Resources has met and deliberated on all of the proposed amendments to article I of the draft Constitution that establishes certain personal rights. During its deliberations the Committee also reviewed all of the suggestions made by government officials and other persons who are not delegates to this Convention.

The Committee recommends that the amended article I on Personal Rights presented by this Committee be accepted and approved by the Convention on second and final reading.

The amended article includes several changes from the previous draft.

Section 1. A clause has been added to this section to prohibit any laws prohibiting the traditional art of healing. The Committee believes that traditional medicine is an important part of the Northern Marianas culture. Scientists have shown that traditional medicines have actual curative value. Therefore, the traditional art of healing deserves constitutional protection.

Section 3. The minor changes in this section are style changes recommended by the legal consultants that do not change the meaning of the provision. In subsection (b), the words "electronic eavesdropping" have been added to clarify the intent of the subsection.

Section 4. The changes in this section are style changes only that do not change the meaning of the provision.

Section 7: The Committee recommends this section be deleted and replaced by adding the following words to the end of article III, section 10: "including a militia." The Committee has submitted a proposed amendment to that article that does this. The Committee recommends this because the deleted section 7 guaranteed the availability of a militia in case of emergencies like a typhoon or an internal disorder. The Committee believes all provisions dealing with emergencies should be collected in one place, and that place is article III, section 10.

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New Sections 7, 8 and 9. The changes in these sections are style changes recommended by the legal consultants that do not change the meaning of the provision.

New Section 10. The changes in this section are style changes only. The word "public" is added to clarify the intent of this section not to apply to people in their own homes.

The Committee makes the following specific recommendations with respect to proposed amendments assigned to it.

Proposed amendment number 2, offered by Delegate Palacios, suggests only a style change and is withdrawn.

Proposed amendment number 3, offered by Delegate Palacios, is included in the revised section 1.

Proposed amendment number 4, offered by Delegate Palacios, is accommodated by section 6 of the draft Schedule. Delegate Palacios withdraws this amendment.

Proposed amendment number 5, offered by Delegate Torres, has been

debated several times by this Committee and the Committee of the Whole. The Committee affirms its previous decision that this is a legislative matter that has already been suggested for inclusion in the initial legislative program to be drafted by Dr. Mantel. The Committee therefore recommends that Delegate Torres withdraw his proposed amendment.

Proposed amendment number 37, offered by Delegate Torres, is a legislative matter. The Committee eliminated the confusion of article I, section 7 by deleting that section for the reasons stated above. The Committee therefore recommends that Delegate Torres withdraw his proposed amendment.

Proposed amendment number 45, offered by President Guerrero, proposes the protection of five classes of persons in criminal proceedings. Three of these classes of persons - imbeciles, insane people and mentally handicapped people - cannot be tried for crimes they commit. They are sent to mental institutions. Deaf mutes and physically handicapped people are already protected by the due process clause. They cannot be tried without an interpreter telling them what is happening if they are deaf mutes or without help in going to and from the courtroom if they are physically handicapped. The Committee therefore recommends that President Guerrero withdraw his proposed amendment.

The Committee also carefully considered all of the comments submitted to the Convention by non-delegates in making its decisions. These included comments by the Saipan Chamber of Commerce, Jack Layne, the acting Attorney General of the Northern Mariana Islands, and by Juan Sablan, the acting Deputy High Commissioner. The Committee thanks these people for their thoughtful suggestions.

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Therefore, I now request that the Convention refer the amended article I on Personal Rights to the Committee of the Whole.

Thank you.