

HOUSE LEGISLATIVE INITIATIVE 18-1 (English)

This initiative proposes a constitutional amendment to change the definition of Northern Marianas descent (NMD) as used in Article XII and its restriction of ownership of long-term interests in land to persons of NMD. This would be a change from the current definition where a person is NMD if s/he is 1) a citizen or national of the United States and is 2) of at least one-quarter Northern Marianas Chamorro or Northern Marianas Carolinian blood or a combination thereof or 3) an adopted child of a person of Northern Marianas descent if adopted while under the age of eighteen years.

(1) No change to the requirement of US citizenship or national status is proposed.

(2) The blood quantum definition would be changed from $\frac{1}{4}$ blood quantum to “some degree.” However, the constitutional amendment requires a person who has less than 25% quantum of Chamorro/Carolinian blood to file and prove their claim of status with the CNMI Superior Court.

(3) Adopted children would not be included as NMD unless they were NMD at birth to their biological family.

The proposed amendment also specifies the evidentiary burden in court proceedings (preponderance of the evidence) and standard of review on appeal (*de novo*).

The purpose of the proposed initiative is to conform the Constitutional definition of NMD to the 18th Legislature’s opinion of what should be considered NMD. No further statement of public purpose or findings in support of the proposal are given.

PROS

The change to “some degree” of Northern Marianas Chamorro or Carolinian blood or combination thereof increases the pool of persons considered NMD. As NMDs marry persons from outside of the pool of NMDs, each successive generation has a smaller quantum of blood status. This change would allow each succeeding generation to claim NMD status, so long as they could trace their ancestry back to at least one person of NMD status. This change is consistent with the pattern and practice of marriage and family that is already prevalent in the CNMI and would help preserve land ownership along family lines. It is consistent with a “cultural” viewpoint of NMD.

The change to exclude adopted children from the classification of NMD would decrease the pool of persons considered NMD. It is consistent with a “racial” viewpoint of NMD.

CONS

The change to “some degree” of blood quantum dilutes the value of bloodlines. Eventually someone with less than .1% of Chamorro or Carolinian ancestry would still qualify as NMD. This amplification of the definition of NMD is inconsistent with the “racial” viewpoint of NMD.

The change to eliminate adopted children from NMD status means that NMDs will not be able to pass full ownership of their land on to all of their children if any of their children were adopted from non-NMD parents. This would apply whether the adopted child was originally from Micronesia or the US or some foreign country. This would create a different classification among children who would otherwise be equal. It also means that children adopted by NMDs could not become fully integrated into NMD culture as they would not be permitted to participate in land ownership. Even a child adopted at birth and raised for an entire lifetime in an NMD culture, speaking the language and being a member of an NMD family, would not be NMD. This treatment of adopted children is not consistent with Chamorro or Carolinian cultural norms, and is not consistent with community standards for family integrity and the best interests of children. It is inconsistent with the “cultural” viewpoint of NMD.

The requirement that NMDs who claim status based on less than 25% quantum blood get a court determination could become onerous on the judicial branch, as well as on the NMD claimants. The amendment as written does not limit this requirement to cases where NMD status is contested, but requires it in all situations where the blood quantum is less than 25%. With each successive generation, there will be more and more people who would be eligible and required to file such claims.

Also, there is no time limit specified for the claim. This creates an unsettled legal question whether such status could be barred by the statute of limitations if a claim is not filed within a specified time. This could result in costly litigation. The requirement to file a claim in Court to prove NMD status seems inconsistent with the basic definition as would be effectuated by the change that any person with some degree of NMD ancestry would be an NMD.

CONCLUSION

There is no statement of public purpose by which to assess the proposed changes. The proposed changes are somewhat internally inconsistent, with one provision (“some degree”) that is based on a cultural conception of NMD and one provision (no adoptees) that is based on a racial classification of NMD.

The proposed amendment would potentially increase the number of people who qualify as NMD by allowing those with “some degree” of ancestry to qualify; however it would definitely reduce the number of people who qualify for NMD by eliminating adopted children. It would require all NMDs with less than 25% quantum of Chamorro / Carolinian blood to file a claim in the CNMI Superior Court to prove their status. It is unsettled whether a statute of limitation

may be applied to deny the claims of those with less than 25% blood quantum or their successive generations.

HOUSE LEGISLATIVE INITIATIVE 18-1 (Chamorro)

Esti na initiative ha proponi i constitutional amendment na para u tulaika i difinision i Northern Marianas descent (NMD) kumu ma'usa gi Attikulu XII yan iyon-ña restriction gi anåkku' na teman intires siha gi dueñun tånu' para i mampetsona siha ni NMD. Esti para u matulaika ginin i presenti na difinision anai i petsona ni NMD yanggin 1) suididånu pat nasionåt Iståduş Unidus yan 2) putlumenus bentisingku(25%)put sientu haga' Northern Marianas Chamorro pat Refaluwasch pat dumanña' guihi pat 3) i ma'adåpta na patgun ni petsona ni Northern Marianas descent yanggin ma'adåpta mientras gaigi gi papa' disi'otchu(18) åñus na idåt.

(1) Tåya' tinilaika gi dinimånda gi US citizenship pat national status ni maproponi.

(2) I blood quantum na difinision u matulaika ginin $\frac{1}{4}$ blood quantum asta para i "some degree." Låo, i constitutional amendment ha dimånda i petsona ni menus di bentisingku(25%)put sientu na mineggai haga' Chamorro/Refaluwasch ni para u file yan u prueba iyon-ña claim of status yan i CNMI Superior Court.

3) I manma'adåpta na famgu'un ti para u fanma'ingklusu kumu NMD solu man NMD mañainan-ñiha gi anai manmafañågu.

I maproponi na amendasion lokaui' ha espisifika i evidentiary burden gi court proceedings (preponderance of the evidence) yan i standard of review gi inapela.(*de novo*).

I hinangai i maproponi na initiative para u kunfotma i Constitutional na difinision gi NMD para upiñon i 18th Legislature gi håfa siña makunsidera kumu NMD. Tåya' mås sinangan gi hinanagi publiku pat sinedda' siha gi supottasion i maproponi ni mana'fanhålum.

FINABOT SIHA

I tinilaika gi para "some degree" na haga' Northern Marianas Chamorro pat Refaluwasch pat dumanña' guihi na ha åomenta i pool na petsona siha ni makunsidera NMD. Kumu i NMDs ma'asagua petsona siha ni ginin hiyung i pool NMDs, kada sigienti na hinerasion ni dididi' menus na iståo håga'. Esti na tinilaika para u sedi i sigienti na hinerasion ni para u dimånda eståo NMD, tåtkumu siña ma'atetuyi tåtti i mañainan-ñiha gi mås di menus un petsona ni iståon NMD Esti

na tinilaika kunsisti yan i mudelu yan prinaktikan umasagua yan familia ni esta mapraktitika gi halum CNMI yan siempri inayuda kinunsetba i dueñun tãnu' gi halum i familia siha. Kinunsisti yan i "cultural" viewpoint i NMD.

I tinilaika para ti u sãonão i manma'adãpta na famagu'un siha ginin i klasifikasion i NMD ni para u menus i mineggai petsona siha ni manmakunsidera na NMD. Kunsisti yan i "racial" viewpoint i NMD.

KINENTRA SIHA

I tinilaika para i "some degree" na mineggai binattin hãga' gi value of bloodlines. Putlus uttimu, guaha ni menus ki puntu unu(.1%)put sientu Chamorro pat Refaluwasch ancestry siempri kualifikão kumu NMD. Esti na difinision i amplification i NMD ti kunsisti yan i "racial" viewpoint i NMD.

I tinilaika para u mana'suha i manma'adãpta na famagu'un siha ginin istãon NMD ni kumeke'ilekña na i NMDs ti para u mana'pãsa ni full ownership gi tanu'-ñiha gi todú famagu'un-ñiha yanggin guaha maseha hãyi na famagu'un-ñiha ni manma'adãpta ni mañainan i non-NMD siha. Esti para u aplika maskiseha i patgun ma'adãpta ni ginin Micronesia pat i US pat ginin manu na foreign country gui' mãgi.

Esti para u kriãdu difirentis na klasifikasion gi entalu' i famagu'un siha ni siempri mamparehu. Kumeke'ilekña na i manma'adãpta na famagu'un siha ni NMD's ti siña para u kabãlis na integrated gi kutturan NMD kumu ti manmapetmiti para u fampattisipão gi dueñun tãnu'. Maskiseha ma'adãpta i patgun gi mafañagu-ña yan mapoksai gi intieru lina'la' gi halum i kutturan NMD, ha u'usa i lingguãhi yan miembrun familian NMD, ti u NMD ha'. Esti na trãtamientu i famagu'un ni manma'adãpta ti kunsisti na Chamorro pat Refaluwasch na cultural norms, yan ti kunsisti yan community standards para family integrity yan mãs mãolik na intires famagu'un siha. Ti kunsisti yan i "cultural" viewpoint i NMD.

I dinimãnda ni NMDs ni claim status sigun gi menus di bentisingku (25%) put sientu blood quantum ha chuli' detitminasion kotti ni u siña onerous gi judicial branch, asi kumu i NMD claimants.

I amendasion kumu matugi' ni ti minidi esti na dinimãnda para kãosa siha anai i istãon NMD makuntesta, lão ha dimãnda todú sichuasion siha anai i blood quantum ni menus di bentisingku (25%) put sientu. Gi kada sigienti na hinerasion, siempri para u mãs yan mãs tãotão ni para u kualifikão yan u madimãnda para u file tãt na dinimãnda siha.

Lokkui', tãya' minididan tiempu ni para i ma'ispisifika para i claim. Esti ha kriãdu i unsettled legal question maskiseha tãt na istão ni siña mana'suha ginin i statue of limitations yanggin i madimãnda ti mapo'lu gi halum i ma'ispisifika na tiempu. Esti siña ha risutta gi guaguan na litigation. I dinimãnda para u mapo'lu i madimãnda gi halum i Kotti para u prueba i istãon NMD ni ti kunsisti yan i basic definition kumu siña masusedi ginin i tinilaika ni maseha hãyi na petsona ni guaha degree na NMD ancestry nai sumisiña NMD.

HINICHUM

Tãya' sinangan public purpose ni para u assess i maproponi na tinilaika siha. I maproponi na tinilaika siha kãsi man-internally inconsistent, yan unu na prubension ("some degree") ni ma based gi cultural conception i NMD yan unu na prubension (no adoptees) ni ma-based gi racial classification i NMD.

I maproponi na amendasion u siña ma'ãomenta i mineggai tãotão ni mangkuãlifikão kumu man NMD ni u sinedi atyu siha i "some degree" i manãmku' ni para u fanguãlifikão; lão siempri; lão siempri u siguru na u maribãha i numirun tãotão ni u fanguãlifikão para u fan NMD ni u fanmana'suha i manma'adãpta na famagu'un. Siempri ha dimãnda todú NMDs ni man menus di bentisingku (25%) put sientu na mineggai haga' Chamorro/Refaluwasch ni para u mapega i dinimãnda gi halum i CNMI Superior Court para u maprueba i istão-ñiha. Ti areklãlão kão i statute of limitation siña ma'aplika ni para u mapuni i dinimãnda siha gi atyu i menus ki bentisingku (25%) put sientu na minegga hãga' pat i manmamaila' na hinerasion siha.

HOUSE LEGISLATIVE INITIATIVE 18-1 (Carolinian)

Mwóghutúghút yel e pommoli euw Constitutional Amendment bwe e bwe liwelli ghoghool Northern Marianas Descent (NMD) iye re yááyá rel Article XII, me igha e pileey yááyál Longterm Interests rel falúw sãngiir aramasal NMD. E bwe liwelli sãngi fassúl ghoghool igha aramasal NMD, ngãre schóóbwt/mwáál re, **1)** Aramasal ngãre Schóól téé kka sãngi United States, me re **2)** yoor ffischal $\frac{1}{4}$ tchaal sãngiir, Northern Marianas Remaráális, ngãre Northern Marianas Refaluwasch, me ngãre igha re afaghúr me leyiir, nge **3)** re mweimweey eschaay áát sãngiir Northern Marianas Descent, me ngãre igha re mweittiy nge esáál seigh me walúuw rághil.

(1) Esáál yoor pommol liwell ngáli mwóghutúghútúl rel US citizenship ngãre National Status.

(2) Ghoghool rel blood quantum nge e bwe liwell sáangi $\frac{1}{4}$ quantum blood ngáli “some degree”. Bwal aweewel, sáangi Constitutional Amendment e atiwiligh bwe aramas ye eyoor afaghúrúl eghus sáangi 25% tchaal Remaraalis/Refaluwasch bwe re bwe atottoolong kkapasal, me re bwe abwáári bwe e ffat kkapaseer, lól CNMI Immwal Aweewe.

(3) Layúmweimweey reer olighát nge re ssóbw aschuulong bwe NMD, re bwe NMD ngáre igha ubwutiwal sáangi ippigh lilee me Saameer.

Pommol Liwell, e bwal appasátiw bwe e bwe re bwe abwáári, bwe e ffat kkapasal igha re bwe aweewey bwe re bwe alúghúlúghúúw lól Immwal Aweewe, (Alúghúlúghúl rel kkapasal) me pommol mwóghutúghútúl rel aweewe. (*bweletáál*)

Mángemángil rel pommol Initiative yel nge e bwe attabweey ghoghool Constitutional reer NMD ngáli mángemángil 18th Legislature, rel meeta ye re rághiiy bwe NMD. Re se palúweli kkapasal aweewe rel mwóghutúghútúr toulap, me ngáre eyoor mille re schuungi igha e bwe e tepáangi pommol.

ABWUNG

Rel liwell ngáli “some degree” Northern Marianas Refaluwasch ngáre Remaraalis, me ngáre igha re afaghúr me leyiir, e bwe llang lapalól rel fitischáy aramas kka si bwe rághiiy bwe NMD. Ngáre NMDs e schóliimw sefáng me rel aramasal NMDs, eyoor ipital kkapasal leyiir táttáliil layúr igha e bwal yoor afaghúrúl. Liwell yel nge e bwe mmwellel ngaleey táttáliil aramasal bwe re bwe amwuschú yaar NMD status, me ngáre igha e bwe mmwel re bwe abwááritá schepil afaghúrúr bwe aramasal NMD. Liwell yel nge e bwe weewe ló schagh mwóghutúghútúl me fféfféérúl rel mal schótchólimw me familiya igha a ghi yoor ló lóll CNMI nge e bwe mmwel e bwe amwuschú bwughosal familiya. E ffil mwóghutúghútúl rel aweewel “kko” rel NMD.

Rel liwell igha re bwe milaaló mweimwey reer olighát me rel mwóghutúghútúl NMD nge e bwe ghitighititiw lapalól rel fitischaay aramas igha re bwe rághiiy bwe NMD. E ffil mwóghutúghútúl rel aweewel “racial” rel NMD.”

TIPERÁÁRÁ

Rel Liwell ngáli “some degree” rel lapal tcha nge e bwe ghitighititiw lomwotal afaghúr lól familiya. A toori bwe e bwe le mmwel bwe aramas ye eyoor sáangi eghus .1% afaghúrúl Remaraalis ngáre Refaluwasch nge re bwe rághiiy bwe NMD. Kkapasal sáangi ghoghool NMD igha re seláti nge ese ffil mwóghutúghútúl rel aweewel “racial” rel NMD.

Rel Liwell igha re bwe milaaló mweimweyil olighát sáangi NMD status e apasa bwe ese mmwel bwe NMDs re bwe ngalleey olighát kkaal falúw ngáre re mweimweey sáangiir ill me saam kka ese bwal yoor afaghúrúr. E bwal aweewe rel olighát kka re mweimweey sáangiir aramasal Micronesia me ngáre U.S., me ngáre foreign countries. Ila re bwe aweewey ló schagh reer olighát kkaal, ngáre re bwe bwal fféer ngáli bwal euw mwóghutúghút. E bwal iirátiw bwe e ssóbw mescherágh reer olighát kka re mweitiir rel NMDs, bwe re bwe yááyá falúw, me re bwe aschuulong lól kkoor NMD.

E bwal weewe schagh rel olighát kka re mweiti me le maleghóólul, nge e ffóól ttá rel kkoor NMD, e mwáliili mwáliyeer NMD, e lollo rel familiya, nge re ssóbw bwal rághiiy schagh bwe NMD. Ese ffil mwóghutúghút ye re fféer sáangi pommol kkoor Refaluwasch me Remaraalis, me ese ffil rel mwóghutúghútúl lól sóóbw rel abwungubwungul familiya rel ammwelil olighát. Ese ffil mwóghutúghútúl rel aweewel “kko” rel NMD.

E bwe bwal yoor tipetchów rel Immwal Aweewe igha re bwe fféer mwóghutúghútúl kkapasal NMDs kka re kke ayoora kkapasal bwughusal sáangi aweewel rel kkapasal 25% rel quantum blood, fengál me bwal bwughuseer NMD. Sáangi liwell igha re ischiitiw kkapasal nge ese fischáli mwóghutúghútúl rel fféfféerúl rel kkapasal NMD status igha re bwe ayoora aweewel, nge re

bwe rághiiy rel kkapasal 25% rel blood quantum. E bwe ghi kke yoorotiw táttáílil afaghúr, nge e bwe bwal mmwel re bwe fféér bwe re bwe issiisilong kkapasal claims.

Nge, ese iischitiw rel óttol rállil rel claim. E bwe mmwel e bwe fféér ngáli mille ese llégh bwe ayégh ngáre bwughos kkey e bwal pileey statute of limitation ngáre ese issiisilong lól óttol igha e tittingóór. E pwal ghi tchów óbwóósul rel aammweilól rel igha re bwe aweewey. Rel mille mwóghutúghútúl igha re bwe issiisilong kkapasal lól Immwal Aweewe igha re bwe aalleetaló NMD status nge essóbw weewe me bwal ghooghol igha e bwe llégh ló kkapasal rel liwell iye e iira bwe ngáre aramas kka re afaghúr some degree rel NMD ancestry nge e re NMD.

MWÚTCHUL

Esóór kkapasal mwóghutúghútúl toulap, igha re bwe amweeri pommol liwell ye. Pommol liwell nge e ffat bwe ese aweewe, rel euw atiwiligh, (“some degree”) iye e re aweewey me mángemángil kkoor NMD, me bwal euw atiwiligh (esóór mweimwey) nge e re aweewey rel racial classification reer NMD.

Pommol liwell nge e bwe ghi yoor ló lapal afitischáy ghal reer aramas ikka re bwe qualify bwe NMD igha re bwe ngalleey schóó kkewe re “some degree” rel afaghúrúr bwe re bwe qualify; nge e bwe ghi sóssólitiw lapal afitischáyil reer aramas kka re qualify bwe NMD ngáre re amilaaló mweimwey rel olighát. Re bwe ayoora ngáli ólongeer NMDs ikka re 25% afaghúrúr Remaraalis/Refaluwasch rel tchaar, bwe re bwe issiisilong yaar claim rel CNMI Superior Court bwe re bwe alleeta yaar status. Esáál bwunguló ngáre e mmwel bwe statute of limitation re bwe aiyiti ngáliir schóókka re 25 % tchaar me ngáre tállil afaghúrúr.