

UNCLASSIFIED

The COM is explicitly prohibited from enacting legislation inconsistent with the first twelve sections of the Trust Territory Code (the Micronesian Bill of Rights), Part III, Section 2(d), S. Order 2918, as amended. The Micronesian Bill of Rights includes the right to equal protection of the laws, which is defined as a concept that guarantees that all persons will be treated alike under like circumstances. This concept is a part of the law of the Trust Territory (Ichiro vs. Bismark [1953], 1 TTR 57, 60-61; Mesechol vs. Trust Territory, [1959], 2 TTR 84, 87-90). Consequently, the COM was required to include the Mariana Islands in the Constitutional Convention although the convention would be discussing a future government to operate under a political status (free association) that was contrary to that being pursued by the Mariana Islands (commonwealth). A failure of the COM to include the district would have denied to the residents of the district the right to participate in discussions concerning a future form of government and political status option that has not yet been reflected by them, and thus would have been a denial of the equal protection and due process provisions of the Micronesian Bill of Rights. A failure would have made the bill in violation of the Secretarial Order would be voided by the courts.

Does a permanent resident of the Mariana Islands have a right to require the Mariana Islands District to participate in a Constitutional Convention that will determine a future government under a future political status relationship which the district is not pursuing?

Because the Micronesian Bill of Rights guarantees local residents in the Mariana Islands the right to equal protection of the laws and due process, it thus guarantees to them the right to have their district participate in a constitutional convention which has been called for

UNCLASSIFIED

411297