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From: Adrian de Graffenried, LA

Subj: Legal Requirements to the Marianas Participation in the COM  
Constitutional Convention in Saipan

There are two primary legal issues involved in discussing the above subject: (1) Is the Mariana Islands required to participate in the COM Constitutional Convention?; (2) 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? In summary, it may be said that absent an amendment to the current Secretarial Order to restrict the jurisdiction of the COM from matters affecting the future political status of the Mariana Islands without its consent, the Mariana Islands must participate in the COM Constitutional Convention although the district has rejected the political status objectives of the COM and that a local permanent resident of the Mariana Islands could successfully bring suit to require the district to fully participate in the Convention process, including the election of delegates and attendance at the Convention and participation in the policy making process.

Is the Mariana Islands District required to participate in the COM Constitutional Convention?

The COM is currently vested with legislative power extending to "all rightful subjects of legislation" (Part III, Section 2, S. Order 2918, as amended) and holds primary responsibility to legislate for matters of territory-wide concern (2 TT Code 1). This authority includes the power to call a Constitutional Convention.

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