



United States Department of the Interior

OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

MAR 12 1986

OTA.GL.0031

Honorable Froilan C. Tenorio
Office of the Resident Representative
Commonwealth of the Northern
Mariana Islands
2121 R Street, N. W.
Washington, D.C. 20008

Dear Mr. Tenorio:

Your letter to President Reagan regarding Amendment No. 44 to the Constitution of the Northern Mariana Islands was referred to my office for reply. Amendment No. 44 attempted to amend Section 8 of the Schedule of Transitional Matters attached to the Northern Mariana Islands Constitution and denied United States citizens residing in the Northern Mariana Islands the right to vote in local elections.

As stated in your letter, United States citizens filed suit in the United States District Court for the Northern Mariana Islands challenging the validity of this amendment. We understand that U.S. District Court Judge Laureta has rendered a decision in that suit. Although we have not received a copy of the Court's written opinion, we have an article in the February 12, 1986, Pacific Daily News concerning this matter. According to this article, Judge Laureta ruled that the Schedule of Transitional Matters was not a part of the Commonwealth of the Northern Mariana Islands Constitution, and the 1985 Constitutional Convention had no authority to amend it; thus, Amendment No. 44 had no legal effect. The Court also voided the runoff election in which United States citizens were not allowed to vote.

It appears that this matter is being processed in an orderly manner through the duly constituted courts in the Northern Mariana Islands and that the issues raised will be disposed of in accordance with law. We hope this information is helpful and answers your questions. If you have further questions do not hesitate to contact my office.

Sincerely yours,

Ralph W. Tarr
Solicitor