



Commonwealth of the Northern Mariana Islands
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For Immediate Release

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ATTORNEY GENERAL AND GOVERNOR FILE JOINT PETITION FOR CERTIFIED QUESTION ON AUTHORITY TO PROSECUTE APPEALS

Office of the Attorney General, Saipan – Attorney General Edward Manibusan announces that he and Governor Ralph Torres have filed a joint petition for certified question with the Commonwealth Supreme Court.

Attorney General states “the petition presents to the Supreme Court the question of the Attorney General’s authority to decline to appeal adverse judgments and whether outside counsel may prosecute an appeal for the Governor or a Commonwealth government agency without a grant of authority from the Attorney General.”

A dispute between the two elected officials arose after the United States Court of Appeals for the Ninth Circuit issued a decision in *Davis v. Commonwealth Election Commission*, 844 F.3d 1087 (9th Cir. 2016). The *Davis* case involved the restriction in the Commonwealth Constitution limiting the right to vote on constitutional amendments involving land alienation to persons of Northern Marianas descent. The Ninth Circuit held that the restriction in Article XVIII, Section 5(c) of the CNMI Constitution violates the Fifteenth Amendment of the United States Constitution.

The Attorney General declined to petition the United States Supreme Court for a writ of certiorari in the *Davis* case. Without obtaining the consent of the Attorney General, the Governor directed private counsel, who met earlier with the Attorney General, to file a petition for writ of certiorari. On May 30, 2017, the private counsel filed the petition for writ of certiorari with the Supreme Court of the United States on behalf of CEC, the Chairwoman of the CEC, the Executive Director of CEC, and the Governor of the CNMI.

On October 2, 2017, the United States Supreme Court denied the petition of the Governor and CEC.

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