



March 25, 2024

Melvin Won Pat-Borja
Executive Director
Commission on Decolonization
Ricardo J. Bordallo Governor's Complex
513 W. Marine Corps Dr.
Hagåtña, 96910, Guam

VIA EMAIL (guamcod@guam.gov)

RE: Status Plebiscite; Davis v. Guam, Judgment, U.S.D.C. Civil Case No. 11-00035.

Dear Sir:

I have read several news accounts detailing calls to circumvent the ruling of the United States District Court in Guam, as well as two separate Ninth Circuit opinions, and commence efforts to hold a racially exclusionary plebiscite. I was one of the attorneys who represented Arnold Davis in that successful constitutional litigation striking down the plebiscite law. See *Davis v. Guam*, 785 F.3d 1311, 1316 (9th Cir. 2015), 932 F.3d 822 (9th Cir. 2019)(Cert. denied), *Davis v. Guam*, 2017 WL 930825 (D. Guam Mar. 8, 2017).

Any effort to enact legislation that offends either these rulings or the broader principle of the right to vote should be resisted. Exclusion of voices from the process – either in the voting booth or in the process – is a sure way to invite future scrutiny and challenge.

I would urge the Commission to ensure that any path forward recognizes that all citizens must be afforded the right to vote on the question of status. The worst course to chart is one that ignores the unambiguous litigation history here, and the significant costs of the previous plebiscite qualifications. I am available to share assessments about the constitutionality and statutory conformity of any proposal.

Our ongoing zeal to ensure that any plebiscite comports with both the Organic Act and Constitution remains steadfast. I am at your service.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Christian Adams', is written over a light blue rectangular background.

J. Christian Adams