



Office of the Attorney General of Guam



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April 7, 2016

Liheslaturan Guahan
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ATTN: Judith T. Won Pat, Speaker
speaker@judiwonpat.com

73-16-1505
Office of the Speaker
Judith T. Won Pat, F.d.D
Date: 04/07/16
Time: 4:26 P.M
Received By: CARL

The Government of Guam has been sued in federal court, in a challenge to the plebiscite law. The Government was served with three pieces of discovery requests (i.e., Requests for Production of Documents; Requests for Admission (Second); and Interrogatories). The Government's responses are due Monday, April 18th, and we need your assistance, as part of the Government of Guam, in responding to and answering these requests.

The turn-around time is very short. We need your responses by the COB of next Wednesday, April 13th. You are welcome to send them to us electronically, or by hard copy, whichever is easier for you.

We need to know:

Regarding the Requests for Production of Documents

1. If you have any responsive documents to the 19 separate requests for production of documents. Under the "Response No. 1" section for example, just please write: we do have responsive documents; OR we do not have responsive documents.

If you do have responsive documents – please make 2 copies (1 set for the plaintiff to look at, at your office, and 1 set for us at the AG's office).

You need not, and should not, create any new documents to respond to any of these requests. Your only obligation is to make available for inspection and copying, those documents which you do have; or identify where the documents exist now, if you used to have them, but no longer do.

Please write your name and the date you complete your responses to these requests at the bottom of the copy you provide us, and the copy you keep for yourself.

1505

2016 APR 7 PM 1:03

Regarding the Plaintiff's Interrogatories

1. Please review each of the 18 questions (i.e., "interrogatories"), and answer them as completely as possible, to the best of your ability.
If you believe an answer is privileged (under any of the following privilege bases: attorney client privilege, work product privilege, executive/deliberative process privilege; or under any other privilege you might be claiming) – please answer it for us anyway, but CLEARLY MARK that it is privileged, and upon what basis you claim it is privileged.

Please write your name and the date you complete your responses to these requests at the bottom of the copy you provide us, and the copy you keep for yourself.

Regarding the Plaintiff's Second Request for Admissions

1. Please review these requests for admissions, ALONG WITH THE EMAIL ATTACHMENTS A~E to the requests – which are the legislative history of the public laws mentioned in #s 1-5.

Please write your response after each numbered request, either admitting that the legislative history attached is a complete record, or whether it is not.

2. Then please review the remainder of the requests for admission, numbers 6 ~ 12.

Please write your response (i.e., admit, or, deny), after each of those numbered requests.

Please write your name and the date you complete your responses to these requests at the bottom of the copy you provide us, and the copy you keep for yourself.

We apologize for the short turn-around time. If you have any questions about any of this, please contact either R. Happy Rons, AAG at hrons@guamag.org (475-3324 x 3085) or Duane J. Sablan, AAG at djsablan@guamag.org (475-3324 x 3015).

Thank you for your invaluable assistance in helping the Government of Guam respond to this important discovery process in the federal lawsuit.

Kind regards,



R. Happy Rons



Duane J. Sablan

cc: Eddie Baza Calvo, Governor of Guam, Attn: Sandra Cruz, Legal Counsel
Liheslaturan Guahan, Attn: Vince Arriola
Liheslaturan Guahan, Attn: Therese M. Terlaje, Esq., Legislative Counsel
Michael J.B. Borja, Director, Department of Land Management
Michael J.B. Borja, Administrative Director, Chamorro Land Trust Commission
AAG Kristan Finney, Department of Land Management
Maria Pangelinan, Executive Director, Guam Election Commission
Ed Alvarez, Executive Director, Commission on Decolonization

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**UNITED STATES DISTRICT COURT
 DISTRICT OF GUAM**

-----X
 Arnold Davis, on behalf of himself and all others :
 similarly situated, :
 :
 Plaintiff, :
 :
 v. :
 :
 Guam, Guam Election Commission, et al. :
 :
 Defendants. :
 :
 -----X

Civil Case No: 11-00035

Plaintiff's Interrogatories

Plaintiff Arnold Davis, by counsel and pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, request that Defendants answer the following interrogatories, under oath, within thirty (30) days:

DEFINITIONS AND INSTRUCTIONS

1. The term “Plaintiff” shall refer to the Arnold Davis, on behalf of himself and all others similarly situated.
2. The terms “Defendants,” “Guam” “Guam Election Commission,” “ you,” “your,” or “your office,” shall refer to the Territory of Guam, Guam Election Commission, agencies of Guam including the Commission on Decolonization, Alice M Taijeron, Martha C. Ruth, Joseph F. Mesa, Johnny P. Taitano, Joshua F. Renorio, Donald I. Weakley, and Leonardo M. Rapadas and their successors in interest, including staff, subordinates, counsel, employees, consultants, representatives, and agents, and all other persons acting or purporting to act on Defendants’ behalf.
3. The terms “concerning” and “relating to” shall mean affecting, bearing upon, comprising, concerning, constituting, containing, dealing with, embodying, embracing, encompassing, entailing, evidencing, germane to, identifying, implicating, including, incorporating, involving, pertaining to, regarding, relating to, referring to, or reflecting in any manner.
4. “Chamorro” has the meaning set forth in 3 GCA § 18001 and also includes those who self-identify as Chamorro. The “Political Status Plebiscite” refers to the plebiscite identified in 1 GCA § 2110. “Native Inhabitants of Guam” has the meaning set forth in 1GCA § 2102(b). “Chamorro Registry” is the registry referred to in 3 GCA § 18002.
5. The term “communication” shall mean any transmission, conveyance, or exchange

of information, whether by written, electronic, oral, or other means. It shall include, without limitation, any meeting, discussion, contact, conference, telephone conversation, letter, e-mail transmission, Internet posting, social media posting, memorandum, document, message, telegram, telefax, mailgram, billing statement, electronic recording, or other form of written, electronic, or oral information transmission or exchange.

6. The term “identify” when used with respect to a communication, shall mean to state (a) the date of the communication; (b) the place or location where the communication occurred; (c) whether the communication was conducted in person, in writing, or by telephonic, electronic, or other means; (d) the identity of each person who participated in, was a party to, or witnessed the communication; (e) what was stated or communicated by each person; and (f) whether any written record of the communication exists, and, if so, the custodian of any such record and its present location.

7. The term “identify” when used with respect to a natural person shall mean to state the person’s full name, present or last known business address (or, if no business address, home address), and the person’s employer and position at the time in question with respect to the particular interrogatory involved.

8. The term “identify” when used with respect to an organization or other entity that is not a natural person shall mean to state the full name of the organization or entity, the form of the organization (i.e., corporation, partnership), and the address of the principal office or place of business of the organization or entity.

9. The term “identify” when used with respect to a record shall mean to state the title, date, author, signatories, recipients, a general description of such record sufficient to permit it to be

identified with particularity in a request for the production of documents, the present or last known location of such record, and the identity of the person or persons having custody, control, or possession thereof.

10. The term “describe” shall mean to fully and completely state, explain, illustrate, characterize, define, delineate, recount, detail, designate, expound, elucidate, or recapitulate.

11. The term “describe” when used with respect to an interrogatory that asks for the “factual basis” of a claim, contention, belief, or opinion shall mean to state all facts that you contend gives rise to or supports the claim, contention, belief, or opinion, and not merely an ultimate fact or conclusion of law. Such a statement should include, where appropriate, the date, location, and manner of each occurrence, and the identity of each person participating or engaging therein.

12. The terms “and” and “or” shall be construed conjunctively and disjunctively, as necessary, to make the document request inclusive rather than exclusive. Similarly, any use of the singular shall also mean the plural and vice versa.

INSTRUCTIONS

1. The relevant time period for these interrogatories is from January 1, 1995, through the present, unless otherwise stated in a particular interrogatory.

2. Your answers to these interrogatories should include information within your actual or constructive possession, control, or custody, including information which may be held by your attorneys, representatives, all persons acting under, by, or through you, or subject to your control or supervision, and all persons acting on your behalf.

3. If you cannot answer an interrogatory fully and completely, answer as much as you

can and provide all facts upon which you rely in support of your contention that you cannot answer fully and completely. In each instance in which you claim insufficient knowledge or information to answer an interrogatory fully and completely, describe all of the efforts you made to locate the information needed to answer the interrogatory and identify each person, if any, who is known by you to have such information.

4. In answering an interrogatory, state whether the information furnished in the answer is within the personal knowledge of the person answering and, if not, identify each person who has personal knowledge of the information furnished in the answer.

5. If you object to any portion of an interrogatory, but not the entire interrogatory, identify the specific portion of the interrogatory to which objection is made and answer the portion of the interrogatory to which no objection is made.

6. If you object to any interrogatory on the grounds that the interrogatory is overly broad or unduly burdensome, answer the interrogatory by providing all information that is not alleged to be overly broad or unduly burdensome and identify the nature, quality, quantity, or volume of the withheld information and the effort that would be required to provide the withheld information.

7. If you object to any interrogatory on the grounds that the interrogatory calls for information that is subject to a claim of privilege, state the privilege that is claimed to apply and identify all information sufficient to permit Plaintiff to contest the claim of privilege and to permit the Court to reach a determination concerning the validity of the claim of privilege, together with the factual and legal basis for the claim of privilege.

8. These interrogatories shall be deemed to be continuing and any additional

information relating in any way to these interrogatories acquired subsequent to the answering date and up to and including the time of a hearing in this matter must be furnished to Plaintiffs' counsel promptly after such information is acquired.

INTERROGATORIES

INTERROGATORY NO. 1: Identify each Native Inhabitant of Guam who is eligible to register to participate in the Political Status Plebiscite, but who is not eligible to register with the Chamorro Registry or who is not Chamorro.

RESPONSE NO. 1:

INTERROGATORY NO. 2: Identify each Chamorro who is not eligible to register to participate in the Political Status Plebiscite.

RESPONSE NO. :

INTERROGATORY NO. 3: Identify any international obligations of the United States relevant to Defendants' compliance with the Fourteenth Amendment and Fifteenth Amendment to the United States Constitution, Organic Act of Guam, or Voting Rights Act.

RESPONSE NO. 3:

INTERROGATORY NO. 4: Identify all witnesses Defendants will rely on at trial and the substance and subject of their testimony.

RESPONSE NO. 4:

INTERROGATORY NO. 5: Describe in detail any claim and all defenses that the use of voting qualifications based on bloodline are permissible.

RESPONSE NO. 5:

INTERROGATORY NO. 6: Describe in detail any claim or defense that the use of the Native Inhabitant registry does not include racial sub-classes after the registry is populated with “native Chamorros” holding leases with the Chamorro Land Trust.

RESPONSE NO. 6:

INTERROGATORY NO. 7: Describe how the Native Inhabitants of Guam qualification to vote in the Political Status Plebiscite is a qualification based on citizenship, competence or residency.

RESPONSE NO. 7:

INTERROGATORY NO. 8: Identify the percentage of those registered as Native Inhabitants of Guam who are racially or ancestrally Chamorro.

RESPONSE NO. 8:

INTERROGATORY NO. 9: Identify any federal statutes where Congress authorized limited eligibility (to Native Inhabitants of Guam) for the Political Status Plebiscite.

RESPONSE NO. 9:

INTERROGATORY NO. 10: Set forth the number of individuals granted citizenship by the Organic Act of 1950. Of that number, how many were Chamorro?

RESPONSE NO. 10:

INTERROGATORY NO. 11: Describe why the Guam Legislature enacted P.L. 25-106 in 2000 and what particular changes it made to eligibility to participate in the Political Status Plebiscite.

RESPONSE NO. 11:

INTERROGATORY NO. 12: Identify any specific individual who was eligible to vote in the Political Status Plebiscite prior to the enactment of P.L. 25-106 in 2000 who became ineligible to vote in the Political Status Plebiscite after the enactment of P.L. 25-106.

RESPONSE NO. 12:

INTERROGATORY NO. 13: Identify any specific individual who was ineligible to vote in the Political Status Plebiscite prior to the enactment of P.L. 25-106 in 2000 who became eligible to vote in the Political Status Plebiscite after the enactment of P.L. 25-106.

RESPONSE NO. 13:

INTERROGATORY NO. 14: Describe fully how qualifications to vote based on political or temporal classifications are the same as qualifications based on citizenship, residency or competency.

RESPONSE NO. 14:

INTERROGATORY NO. 15: Identify the federal statute or Congressional enactment where the Native Inhabitants of Guam were granted status as a federally recognized Indian Tribe.

RESPONSE NO. 15:

INTERROGATORY NO. 16: Describe any justifications or interests on which Defendants will rely to support the Native Inhabitant of Guam qualification and its exclusion of some citizens from participation in the Political Status Plebiscite.

RESPONSE NO. 16:

INTERROGATORY NO. 17: Describe any compelling interests on which Defendants will rely to support the Native Inhabitant of Guam qualification and its exclusion of some citizens from participation in the Political Status Plebiscite.

RESPONSE NO. 17:

INTERROGATORY NO. 18: With respect to each compelling interest identified in response to Interrogatory Number 17, describe how Defendants have chosen the least restrictive means to accomplish the interest articulated and why less restrictive means are not available to Defendants.

RESPONSE NO. 18:

Submitted to Defendants: March 19, 2016

Respectfully submitted,

J. Christian Adams/s/

J. Christian Adams
Counsel for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that on this 19th Day of March, I transmitted the foregoing Plaintiff's First Set of Interrogatories by email to counsel of Record for the Defendants.

/s/ J. Christian Adams

J. Christian Adams
Counsel for Plaintiff

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**UNITED STATES DISTRICT COURT
DISTRICT OF GUAM**

-----X

Arnold Davis, on behalf of himself and all others	:	
similarly situated,	:	
	:	
Plaintiff,	:	Civil Case No.: 11-00035
	:	
v.	:	
Guam, Guam Election Commission, et al.,	:	
	:	
Defendants.	:	

-----X

REQUEST FOR PRODUCTION OF DOCUMENTS

The following words or terms shall be deemed to mean the following:

1. The term “Plaintiff” shall refer to the Arnold Davis, on behalf of himself and all others similarly situated.

2. The terms “Defendants,” “Guam” “Guam Election Commission,” “ you,” “your,” or “your office,” shall refer to the Territory of Guam, Guam Election Commission, agencies of Guam including the Commission on Decolonization, Alice M Taijeron, Martha C. Ruth, Joseph F. Mesa, Johnny P. Taitano, Joshusa F. Renorio, Donald I. Weakley, and Leonardo M. Rapadas and their successors in interest, including staff, subordinates, counsel, employees, consultants, representatives, and agents, and all other persons acting or purporting to act on Defendants’ behalf.

3. The terms “concerning” and “relating to” shall mean affecting, bearing upon, comprising, concerning, constituting, containing, dealing with, embodying, embracing, encompassing, entailing, evidencing, germane to, identifying, implicating, including, incorporating, involving, pertaining to, regarding, relating to, referring to, or reflecting in any manner.

4. The term “communication” shall mean any transmission, conveyance, or exchange of information, whether by written, electronic, oral, or other means. It shall include, without limitation, any meeting, discussion, contact, conference, telephone conversation, letter, e-mail transmission, Internet posting, memorandum, document, message, telegram, telefax, mailgram, billing statement, electronic recording, or other form of written, electronic, or oral information transmission or exchange.

4. “Chamorro” has the meaning set forth in 3 GCA § 18001 and also includes those who self-identify as Chamorro. The “Political Status Plebiscite” refers to the plebiscite identified in 1 GCA § 2110. “Native Inhabitants of Guam” has the meaning set forth in 1GCA § 2102(b). “Chamorro Registry” is the registry referred to in 3 GCA § 18002.

5. The term “record” is intended to have the broadest permissible meaning under the Federal Rules of Civil Procedure and shall include, without limitation, all communications, as well as any and all letters, correspondence, memoranda, notes, email, telegrams, pamphlets, reports, ledgers, records, studies, books, working papers, diaries, calendars, charts, papers, drawings, sketches, graphs, data sheets, data processing cards, tapes, sound recordings, and every manner of written, electronic, printed, or recorded, graphic or photographic matter, sound reproduction, magnetic impulse, or computer entry, however any of the above may be produced, reproduced, reduced, recorded, punched, stored, taped, transcribed, or received, or copies thereof, which are in your possession, custody, or control.

6. The terms “and” and “or” shall be construed conjunctively and disjunctively, as necessary, to make the document request inclusive rather than exclusive. Similarly, any use of the singular shall also mean the plural and vice versa.

INSTRUCTIONS

1. The relevant time period for these requests is from January 1, 1995, through the present, except as otherwise periodically stated in a particular request.

2. The requests set forth herein seek records in your actual or constructive possession, control, or custody, including records which may be held by your attorneys, representatives, all persons acting under, by, or through you, or subject to your control or supervision, and all persons acting on your behalf.

3. Records that are responsive to a particular request shall be identified with the corresponding number of the request. Where a request seeks a record pertaining to a specific interrogatory or interrogatory response, identify the interrogatory or interrogatory response to which the responsive record pertains.

4. If you object to any portion of a request, but not the entire request, identify the specific portion of the request to which objection is made and respond to the portion of the request to which no objection is made.

5. If you object to a request on the grounds that the request is overly broad or unduly burdensome, respond to the request by providing all records that are not alleged to be overly broad or unduly burdensome and identify the nature, quality, quantity, or volume of the withheld records and the effort that would be required to provide the withheld records.

6. If you object to a request on the grounds that the request calls for the production of a record that is subject to a claim of privilege, state the privilege that is claimed to apply and identify all information sufficient to permit Plaintiffs to contest the claim of privilege and to permit the Court to reach a determination concerning the validity of the claim of privilege, together with the factual and legal basis for the claim of privilege. Such information should include, but not be limited to, (i) the nature of the record (*e.g.*, inter-office memorandum, correspondence, report) (ii) the author, sender, and recipient of the record, (iii) the date of the record, and (iv) a description of the subject matter of the record.

7. If a record once in your possession or control is responsive to a request and the record is no longer in your possession or control, state when the record was most recently in your possession or control and what disposition was made of the record, including the identity of the person or entity now in possession of or exercising control over the record. If the record has been destroyed, state when and where it was destroyed and identify the person who directed its destruction.

8. Where a record or a portion of a record is responsive to one or more of these requests, produce the entire record, including any attachments or exhibits thereto.

9. These requests shall be deemed to be continuing to the extent permitted by Rule 26 of the Federal Rules of Civil Procedure. Any additional records relating in any way to these requests acquired subsequent to the response date and up to and including the time of trial must be furnished to the Plaintiff's counsel promptly after such records are acquired.

DOCUMENT REQUESTS

REQUEST FOR PRODUCTION NO. 1: All records relating to passage or consideration of Guam P.L. 23-130; P.L. 23-147; P.L. 25-106; P.L. 25-146; P.L. 25-148; P.L. 27-106; P.L. 29-116; P.L. 30-102; P.L. 31-92; and Senate Bill No. 154-31.

RESPONSE NO. 1:

REQUEST FOR PRODUCTION NO. 2: All documents and records relating to the Supreme Court consideration of, or, decision in *Rice v. Cayetano*, 528 U.S. 495 (2000), including but not limited to, discussions, emails, studies, recommendations, communications with third parties (particularly those listed or disclosed by either party), proposals or commentary about the case.

RESPONSE NO. 2:

REQUEST FOR PRODUCTION NO. 3: All documents concerning non-Chamorros who qualify as "Native Inhabitants of Guam" and would therefore be qualified to register to participate in the Political Status Plebiscite.

RESPONSE NO. 3:

REQUEST FOR PRODUCTION NO. 4: All documents concerning Chamorros who do not qualify as "Native Inhabitants of Guam" and would therefore not be qualified to register to

participate in the Political Status Plebiscite.

RESPONSE NO. 4:

REQUEST FOR PRODUCTION NO. 5: Documents concerning or relating to justifications or territorial interests in confining the right to register to vote in the Political Status Plebiscite to only “Native Inhabitants of Guam” in P. L. No. 25-106.

RESPONSE NO. 5:

REQUEST FOR PRODUCTION NO. 6: Documents concerning or relating to justifications or territorial interests in extending the right to register to vote in the Political Status Plebiscite to “native Chamorros” who have qualified to obtain leases from the Chamorro Land Trust, including but not limited to documents which you relied upon to answer Plaintiff’s First Set of Interrogatories.

RESPONSE NO. 6:

REQUEST FOR PRODUCTION NO. 7: The list of those individuals who are currently registered to participate in the Political Status Plebiscite as Native Inhabitants of Guam.

RESPONSE NO. 7:

REQUEST FOR PRODUCTION NO. 8: Documents concerning or relating to justifications or territorial interests in the use of those names of “native Chamorros” who qualify for a Chamorro Land Trust lease to be included automatically as being eligible to vote in the Political Status

Plebiscite as required by Public Law 30-102, including but not limited to documents which you relied upon to answer Plaintiff's First Set of Interrogatories.

RESPONSE NO. 8:

REQUEST FOR PRODUCTION NO. 9: All communications with federal agencies, including but not limited to the Department of the Interior and Congress, concerning the Political Status Plebiscite.

RESPONSE NO. 9:

REQUEST FOR PRODUCTION NO. 10: All documents concerning communications regarding the Political Status Plebiscite, Native Inhabitant of Guam qualification or this litigation to or from: Robert Underwood, Julian Augon (prior to the time he was retained by the Defendants as counsel), Anne Perez Hattori, Michael Lujan Bevacqua, Vivian Dames, Vincente "Vince" Diaz, Gerhard Schwab, Peter R. Onedra, Craig Santos Perez, Victoria Lola-Leon Guerrero, Ron McNinch, Mark Forbes, W. Don Parkinson, Ron Teehan, Edward Alvarez, Eddie G. Benavente, Eddie BazaCalvo, Hope Cristobal, Eddie Duenes, Howard Hemsing, Danny Jackson, Jessie A. Lujan, Douglas B. Moylan, Lisa Linda Natividad, Sabrina Flores Perez, Frank Schacher and Trini Torres.

RESPONSE NO. 10:

REQUEST FOR PRODUCTION NO. 11: All documents relating to alternative means to conduct an election regarding Guam's status with the United States, including but not limited to

discussions of polling, alternative voting methods, ballot formation, voting systems, voting software, self-selection of “native inhabitant” status on ballots, ecological regression analysis of the Political Status Plebiscite results by voting location, private polling options, public polling options, mail surveys, telephone surveys or use of varied ballots.

RESPONSE NO. 11:

REQUEST FOR PRODUCTION NO. 12: Any document related to or concerning voter qualifications in Guam related to citizenship, residency or competency, including but not limited to, voter guides or forms mentioning qualifications of citizenship, residency or competency, staff guidance regarding the same, training materials, publications, or website descriptions of citizenship, residency or competency qualifications.

RESPONSE NO. 12:

REQUEST FOR PRODUCTION NO. 13: Documents related to or concerning Plaintiff, including communications to or from him.

RESPONSE NO. 13:

REQUEST FOR PRODUCTION NO. 14: Documents related to spoiled, rejected or incomplete applications to the registry of those seeking to vote in the Political Status Plebiscite.

RESPONSE NO. 14:

REQUEST FOR PRODUCTION NO. 15: Documents related to inquiries about eligibility of potential registrants in the Political Status Plebiscite or attempts to register to vote in the plebiscite

by non-Native Inhabitants of Guam or non-Chamorros, other than by Mr. Arnold Davis.

RESPONSE NO. 15:

REQUEST FOR PRODUCTION NO. 16: All documents related to Guam Code. Ann. § 21002.1 and the process of including those eligible to receive a Chamorro Land Trust lease on the registration rolls for the Political Status Plebiscite, including but not limited to documents transmitting the names of lease recipients.

RESPONSE NO. 16:

REQUEST FOR PRODUCTION NO. 17: All documents related to or concerning any claim or defense you may use in this case or document which you may introduce as evidence at trial.

RESPONSE NO. 17:

REQUEST FOR PRODUCTION NO. 18: All documents, statements, communications to or from, or recordings of conversations with individuals which either party has named in disclosures pursuant to Rule 26 or otherwise revealed in discovery in this case.

RESPONSE NO. 18:

REQUEST FOR PRODUCTION NO. 19: All documents which you relied upon to answer Plaintiff's interrogatories or requests for admission.

RESPONSE NO. 19:

Respectfully submitted,

/s/ J. Christian Adams

J. Christian Adams

Counsel for Plaintiff

Date: March 19, 2016

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CERTIFICATE OF SERVICE

I hereby certify that on this 19th Day of March, I transmitted the foregoing Plaintiff's Request for Production of Documents by email to counsel of Record for the Defendants.

/s/ J. Christian Adams

J. Christian Adams

Counsel for Plaintiff

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UNITED STATES DISTRICT COURT
DISTRICT OF GUAM

-----X
Arnold Davis, on behalf of himself and all others
similarly situated,

Plaintiff,

v.

Guam, Guam Election Commission, et al.

Defendants.
-----X

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Civil Case No: 11-00035

**Plaintiff's Second Request
For Admissions**

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, Plaintiff Arnold Davis requests that within thirty days of service of this set of requests, Defendants admit that the statements contained in the following numbered paragraphs are true.

DEFINITIONS AND INSTRUCTIONS

- A. As used herein, the term "Defendant," refers to all defendants, all agents acting on their behalf or at their behest, including corporate or associational agents under the management, chairmanship, direction, ownership or control of the defendants.
- B. If Defendant denies or qualifies a response to any of the statements contained in the following paragraphs, Defendant should specify the portion of a sentence or paragraph that is true and deny or qualify the remainder, consistent with the requirements of Fed R. Civ. P. 36(a). For example, if Defendant contends that only one portion of a paragraph states facts that are contested, the denial should be limited to that portion, and the remaining facts in the paragraph should be admitted.
- C. If Defendant does not admit or deny the following paragraphs, Defendant must set forth in specific detail the reasons why they cannot admit or deny the matter.
- D. "Chamorro" has the meaning set forth in 3 GCA § 20001 and also includes those who self-identify as Chamorro.
- E. The "Political Status Plebiscite" refers to the plebiscite identified in 1 GCA § 2110.
- F. "Native Inhabitants of Guam" has the meaning set forth in 1GCA § 2102(b).
- G. "Chamorro Registry" is the registry referred to in 3 GCA § 18002.

PLAINTIFF'S SECOND REQUEST FOR ADMISSIONS

1. The legislative history of Public Law 31-92, included in Attachment A to this request, is an authentic and accurate record of the legislative history of Public Law 31-92 and Senate Bill 151-31.
2. The legislative history of Public Law 23-130, included in Attachment B to this request, is an authentic and accurate record of the legislative history of Public Law 23-130.
3. The legislative history of Public Law 23-147, included in Attachment C to this request, is an authentic and accurate record of the legislative history of Public Law 23-147.
4. The legislative history of Public Law 25-106, included in Attachment D to this request, is an authentic and accurate record of the legislative history of Public Law 25-106.
5. The legislative history of Public Law 30-102, included in Attachment E to this request, is an authentic and accurate record of the legislative history of Public Law 31-102.
6. Notwithstanding the absence of a statute to do the same, alternative methods of election could ascertain the wishes of the Native Inhabitants of Guam regarding the political status of Guam which would not limit eligibility to vote to only the Native Inhabitants of Guam, including but not limited to an election where all registered voters may participate and each voter can self-select if they are Native Inhabitant of Guam on the ballot.
7. Qualifications to vote that are based on temporal or political status are not qualifications based on citizenship, residency or competency.
8. Requiring that one must be a Native Inhabitant of Guam to vote in the Political Status Plebiscite is not a qualification based on residency.

9. Requiring that one must be a Native Inhabitant of Guam to vote in the Political Status Plebiscite is not a qualification based on competency.
10. Requiring that one must be a Native Inhabitant of Guam to vote in the Political Status Plebiscite is not a qualification based on citizenship.
11. Neither Congress nor the Office of Federal Acknowledgement in the Department of the Interior has granted status as a federally recognized tribe to the Native Inhabitants of Guam.
12. In excess of 96% of those qualifying as a Native Inhabitant of Guam are qualified to register for the Chamorro Registry.

J. Christian Adams/s/

J. Christian Adams
Counsel for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that on this 19th Day of March, I transmitted the foregoing Plaintiff's
Second Request for Admissions by email to counsel of Record for the Defendants.

/s/ J. Christian Adams

J. Christian Adams
Counsel for Plaintiff