

POLITICAL STATUS ALTERNATIVES

<u>Source of Political Status</u>	<u>Applicability of U.S. Constitution</u>	<u>Amending or Terminating the Political Status</u>	<u>Degree of Internal Autonomy/Self-Government</u>
RECOMMENDATION: Commonwealth Compact	Compact of Commonwealth	a) Doctrine of Incorporation. b) Offer to include explicit provisions in Fed. Relations Act and Marianas Constitution. c) Oppose application of interstate privileges and immunities clause. d) Protections because of selection of U.S. citizenship?	a) Termination or other fundamental changes by mutual consent. b) Agree on procedures for high-level review every five years with commitment to negotiate in good faith. a) Agree to government which republican in form and with three branches. b) Draft own Constitution. c) Elect own Governor.
Unorganized, unincorporated territory (e.g., American Samoa). 1/	Executive Order	a) Doctrine of Incorporation. b) Some explicit provisions in Samoan Constitution. c) Interstate privileges and immunities clause not made applicable.	a) Termination by U.S. requires only a U.S. law. b) Amendment by U.S. requires only an Executive Order. c) Territory's inhabitants have no power to terminate or change. a) Draft own Constitution, but can be changed by the U.S. b) Governor appointed by U.S.
Unorganized, unincorporated territory (e.g., Guam and Virgin Islands). 1/	Organic Act	a) Doctrine of Incorporation. b) Some explicit provisions in Organic Act. c) Interstate privileges and immunities clause made applicable. d) Protections of U.S. citizenship.	a) Termination or amendment by U.S. requires only a U.S. law. b) Territory's inhabitants have no power to terminate or change. a) Have not had own Constitution. If did, subject to change by U.S. b) Elect Governor. c) U.S. appoints a Government Comptroller.
Commonwealth Without Compact (e.g., U.S. proposal of May 1970). 1/	"Enabling Act"	a) Doctrine of Incorporation. b) Explicit provisions generally left for Micronesian Constitution. c) Interstate privileges and immunities clause made applicable.	a) Not explicit on termination. b) U.S. must approve all changes, including Amendments to Micronesian Constitution. c) Micronesians could initiate Constitutional amendments, but need U.S. approval. a) Have own Constitution but changes subject to U.S. approval. b) Elect own Governor. c) U.S. appoints a Government Comptroller.
b. With Compact (e.g., Puerto Rico). 1/	Compact	a) Doctrine of Incorporation. b) Explicit provisions left for P.R. Constitution. [Proposed V.I. Federal Relations Act and Constitution would incorporate many provisions.] c) Interstate privileges & immunities made applicable. d) Protection of U.S. citizenship.	a) Not explicit, except that P.R. can amend its Constitution subject to a few limits. Not need U.S. approval. b) General agreement that mutual consent required for termination or fundamental changes. c) In certain, not always overlapping, areas minor unilateral changes possible. a) Have own Constitution; changes subject to only a few limits. b) Elect own Governor. c) U.S. not appoint a Government Comptroller.
Free Association (e.g., Draft Compact). 1/	Compact	a) Doctrine of Incorporation? b) Guarantee of "fundamental human rights." c) Interstate privileges and immunities apparently not made applicable.	a) Termination provisions not explicit. U.S. agreed apparently to a limited unilateral right of termination for both parties. [Unilateral right exists in both Cook Islands and St. Vincent cases.] b) Micronesians have great freedom to change own internal government. a) Draft and amend own Constitution subject to very few limits. b) Elect own Executive. c) U.S. not appoint a Government Comptroller.

The actual analogies (e.g., American Samoa) are used to flesh out the description of the particular political status alternatives. However, note that all the characteristics of an analogy are not required by the particular status alternative. For example, unlike Puerto Rico, a Commonwealth with Compact could extensively incorporate into the Federal Relations Act provisions of the U.S. Bill of Rights.