

1. Only in unusual situations (problem not so great)
2. Local constitution and mutual consent ameliorate situation
3. Remaining uncertainties and ambiguities

II. Limitation of Federal Power Under 4-3-2

A. 4-3-2 power need not be plenary

1. Original concept:
 - a. Settle dispute between Federal gov't and states over northwest territories
 - b. Vehicle through which Congress can enact all "needful" legislation
2. Extreme precedents can be explained in terms of "revocable delegation" of Congressional power

(Retained by Congress until it "grants away"; also note treaty of cession as limiting scope of federal powers. Explain why not useful precedents.)
3. Split jurisdiction analogies (Rocky Mountain National Park) confirm legitimacy of less-than-plenary power. Also, provide precedent for Marianas

III. Preferred Solution for Marianas

(Given need for 4-3-2 and "sovereignty")

Marianas people cede islands to U.S. along with all federal powers possessed over states. Marianas explicitly reserve power over local affairs. To the extent U.S. has federal power it also has sovereignty. To the extent power not ceded, sovereignty remains with people of Marianas and Commonwealth government.