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List of Differences between the ~~December 11, 1973~~
and the May 9th drafts of the Covenant

1. Title II. The words ^{a constitution} "of its own adoption" ~~omitted~~ in first sentence *changed to "its own constitution"*

Reason. Simplification and shortening of the section and avoidance of repetition. The second sentence spells out that Constitution will be drafted and adopted by the people of the Northern Marianas.

2. Title IV. Words "when the Covenant becomes effective" added at beginning of title.

Reason. This is to make it clear that the option between citizenship and national status will apply only at the time of the establishment of the Commonwealth. Especially, that it will not be extended to children subsequently born in the Commonwealth.

3. Title V. Clause providing for U.S. support in appropriate regional and other interna^{ti}onal ^{official} organizations omitted.

Reason. This clause was omitted because it is inconsistent with the exclusive U.S. authority in the field of foreign affairs. Puerto Rico does not have this authority nor any of the territories. Membership by the Marianas in such organizations would require the grant of analagous authority to Puerto Rico and Guam thus fragmentize the foreign relations authority of the U.S. In addition the expense of membership would be out of proportion to any possible benefit.

4. Title VII. "Except as otherwise provided in this Covenant" clause reversed from beginning to end of Title.

Reason. Purely matter of style.

5. Title IX. Second line: "Specified" substituted for "agreed".

Reason: The word "specified" expressed the underlying idea better than the word "agreed".

6. Title XI. New.

Reason. This title contains the general principles of the former passage following Title X, which ^{le} the legal details thereof were moved to Section 801. Section 801 differs from the earlier version in two aspects: First, the word Secretary [of the Interior, see Section 303] has been substituted for "High Commissioner of the Trust Territory of the Pacific Islands" in view of the ^{for the} impending separate administration. Second, Eligibility for vote for the Mariana Island District Legislature has been substituted for eligibility to vote in elections in the Trust Territory, ^{in order} to prevent TTPI and Congress of Micronesian personnel, located in the Marianas but voting in their home districts, from participating in the referendum.

7. Section 102. Second paragraph is new.

Reason. This paragraph has been added to take care of the transition period and to make clear that the term "Government of the Northern Mariana Islands" applies not only to the Government ^{after} of the establishment of the Commonwealth but also the now existing District Government and any Interim Government and their agencies and instrumentalities.

8. ^{Old} Section 103, containing the citizenship and nationality provisions has been set up as a separate title for reasons of clarity.

9. Section 201 (former Section 103(a)). The "Except as otherwise provided clause" has been moved from the beginning to the end of the section for reasons of style.

10. Section 201(a) (formerly Section 103(a)). Substitution for reason of brevity of "any area in or under the jurisdiction of the United States" for the former terminal clause which enumerated those areas.

11. Section 201(b) (formerly Section 103(a)(2)). Substitute for reason of clarification, of "unless under age" for "if of age".

12. Section 201(c) (formerly Section 103(a)(3)). This subsection has been redrafted for reasons of clarification. No substantive change made.

13. Section 202 (formerly Section 103(b)).

a. Substitution of "would become" for "becomes".

b. Insertion of the clause "may become a national but not a citizen of the United States".

Reason: To spell out the legal effect of the oath taken pursuant to that subsection.

14. Former Section 103(d) omitted. This subsection proposed by the MPSC-- but not agreed upon--was designed to provide that residence in the Commonwealth would not constitute residence for the purpose of naturalization, except for close relatives of citizens of the Commonwealth.

Reason: This section is closely connected with the tentative proposal of the MPSC that the U. S. Immigration and Nationality Act should not apply to the Commonwealth. Apparently they no longer propose so drastic a step. If their new proposal is acceptable, we might want to concede this particular proposal as a matter of compromise. The General Counsel of the I&N Service would have no objection to such legislation if the circle of relatives is carefully spelled out, should Congress agree to this.

15. Article II has been renumbered Article III.

16. Section 303 (formerly Section 203) United States Secretary of the Interior or Secretary substituted for High Commissioner of the Trust Territory for the reason set forth under #6 supra.

17. Section 303 the words "by joint resolution" omitted.

Reason. A joint resolution has to be submitted to the President and is subject to his veto, ^{The} ~~the~~ ^{will} ~~section will~~ therefore have to make provision for a Presidential veto of Congressional certification. This would have greatly complicated the section. Moreover, the Marianas did not want to have the President involved in this stage. The Department of Justice has reservations about permitting certification by concurrent resolution which does not require ^{presentation to the President} ~~certification~~. So it was felt best to leave open the question of how Congress will certify the proposed Constitution.

18. Section 304(b) (formerly Section 204(b)). Insertion between first and second sentences of a new sentence reading "Only affirmative and negative votes will be counted".

Reason. The purpose of this change is to avoid any ambiguities about the effect of blank ballots. In the absence of this sentence a blank ballot would be counted as a negative ballot, even if the voter did not intend to give it that effect.

voter
The word "qualified" preceding "voter" ^{or} has been deleted. ^{change to "votes"} Apparently an earlier version had referred to "voters" rather than "voter". In the context of voter, ^S the word "qualified" is inappropriate. ^{votes more accurate} ^{expression of intent} ^{of the Constitution may not be}

19. Section 306 (formerly Section 301). Change "shall contain a bill of rights" to "will contain a bill of rights".

Reason. To make this part of the sentence agree with its opening which use the verb "will".

20. Old Section 303 omitted.

Reason. This section has been omitted because it does not appear to be necessary. Even in the absence of this section, nothing prevents the Governor first requesting the President for military assistance.

21. Section 401. Commonwealth substituted for Northern Mariana Islands.

Reason. U. S. Constitution can be extended to Northern Marianas only after termination of Trusteeship and establishment of Commonwealth.

22. Section 402. "it" substituted for "Northern Mariana Islands" to avoid unnecessary repetition.

23. Added at end of section "and will regulate the extent of individual land holdings".

Reason. The danger that the inhabitants of Marianas lose their land holdings arises not only from land acquisition by outsiders, but also from the undue concentration of landholdings ⁱⁿ a few persons of Marianas descent. This problem arises in particular ⁱⁿ the disposition of the public lands. A precedent ^{is the} in Hawaii Home Lands Act which provides that only a limited acreage of Homelands may be leased to each "native Hawaiian".

24. Section 403. The subsections have been renumbered to make certain that the last paragraph, now Section 403(b) applies to the entire section.

25. Section 403(a)(3) (formerly Section 403(c)). At the end of the paragraph new provisions have been added providing that during the first ten years of the Commonwealth the Marianas may have their own internal revenue system, but that the U. S. revenue laws shall become applicable thereafter.

Reason. This change has been made in response to Congressional demands that the Internal Revenue Code must be applicable to the Marianas.

The 10-year interim period has been established primarily for two reasons:

(a) At present the average income in the Northern Marianas is too low to produce much revenue under the Internal Revenue Code, the exemptions of which ~~which~~ are geared to a higher income level.

(b) At present there is no local personnel available which could administer the complicated provisions of the Internal Revenue Code.

26. Section 404. This is former Section 802.

Reason. Old Section 802 has been moved to Article IV because this appeared to be a more appropriate place.

27. Section 405 (former Section 404). "Analogous" has been substituted for "equal" for reasons of style.

28. Section 504. The jurisdictions which may not tax Commonwealth bonds have been rearranged.

29. Section 601. The last three sentences have been broken up into two subsections to make the section more easily comprehensible. The language of new subsection (b) has been modified somewhat for the reasons set forth in 24, supra, and in order to follow more closely the language of the Joint Communique of December 1973.

30. Section 602. Assistance figures have been inserted where feasible. The language relating to the economic development loan program has been modified to indicate ~~we~~ clearly that this item of assistance need not be repaid to the United States.

31. Section 702. This section has been entirely rewritten in accord with more precisely defined U. S. ^{oland} ~~law~~ requirements.

32. Section 703(a). The words "in addition to the foregoing areas" has been added at the beginning of this section for reasons of clarity. "Pay particular regard to" has been substituted for "take due regard for" for reasons of style.

33. New Section 801. See #6 supra.

34. Section 802(a) (Old Section 801(a)). This subsection has been broken into two paragraphs to make certain that the clause "Unless otherwise specifically provided" applies to the entire subsection.