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REVISED WORKING DRAFT
(HM/MH)
August 22, 1974

TITLE III

Constitution of the Commonwealth of the
Northern Mariana Islands

Section 301. The people of the Northern Mariana Islands shall frame and approve a Constitution in accordance with this Agreement. The people of the Northern Mariana Islands shall retain the right to initiate and to approve amendments to their Constitution in accordance with a procedure to be provided therein.

Section 302. The United States shall approve the original provisions of the Constitution as provided in Section _____ hereof [initial review]. The United States shall have no other authority to approve or disapprove the original provisions of the Constitution or amendments to the Constitution, but the federal courts shall be competent to determine whether the Constitution and the amendments thereto are consistent with this Agreement and with those provisions of the Constitution of the United States and federal laws applicable within the Northern Mariana Islands.

Section 303. (a) The Constitution shall provide for a republican form of government with separate executive, legislative, and judicial branches and shall contain a bill of rights.

(b) The executive power of the Commonwealth shall be vested in a popularly-elected governor and such other officials as the Constitution or laws of the Commonwealth may provide.

(c) The legislative power of the Commonwealth shall be vested in a popularly-elected legislature, and shall extend to all rightful subjects of legislation. [Nothing in this Agreement or in the provisions of the United States Constitution or federal laws applicable within the Commonwealth shall prevent the Constitution of the Commonwealth from providing for a distribution of the membership of the legislature on a basis which is ratified by the people of The Northern Marian Islands by their approval of the Constitution or amendments thereto.]

(d) The judicial power of the Commonwealth shall be vested in such courts as the Constitution or laws of the Commonwealth may provide. The operation of the courts of the Commonwealth shall be compatible with the federal judicial system of the United States.

NOTES

1. There is no Title comparable to this one in the MSPCdraft, which dealt with the local Constituion in Title I along with other aspects of the political relationship. Article III of the U.S. draft is concerned with the local Constitution. However, Article III of the U.S. draft also contains provisions dealing with the approval of the Consti-tution, Cov. §§ 302-304, comparable to CA §1202. Provisions

relating to approval of the Constitution have tentatively been moved to Title XI (Approval, Transition and Other Provisions).

2. The portion of Cov. §308 providing that the local legislative power "may not be exercised in a manner inconsistent" with the Agreement and applicable federal law is eliminated because unnecessary in light of the general supremacy clause to be placed in Title I (Political Relationship).

3. Provisions will have to be added to the Transition Title to provide for the coming into effect of all portions of the local Constitution not inconsistent with the Trusteeship Agreement after the approval of it and the status agreement

4. The sentence in brackets in Section 303(c) above is an attempt to deal with an issue with respect to which substantive differences have not yet been resolved.