

Mutually binding?
remedy for US breach

TITLE I

Political Relationship

Section 101. The Northern Mariana Islands shall upon termination of the Trusteeship Agreement become a self-governing Commonwealth in political union with and under the sovereignty of the United States of America. The Northern Mariana Islands shall then be known as the "Commonwealth of the Northern Mariana Islands."

Section 102. (a) The relations between the Commonwealth and the United States shall be governed by this Agreement.

(b) The [fundamental] provisions of this Agreement ~~Commonwealth~~ defining the political relationship between the Commonwealth and the United States, providing for United States citizenship and nationality, guaranteeing to the people of the Commonwealth local self-government under their own constitution and laws, assuring financial support from the United States for an initial period of time, and establishing procedures for the exercise of the federal power of eminent domain, may be modified only with the consent of the ~~Commonwealth~~ ^{Commonwealth} Government of the United States ~~and the Government of the Northern Mariana Islands~~ ^{Commonwealth}.

Make sure list is complete

(sections removed)

Section 103. The people of the Commonwealth shall have and shall retain the right of local self-government and shall govern themselves with respect to local affairs in

ghost
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accordance with a Constitution of their own adoption.

Section 104. (a) Consistent with the right of local self-government of the people of the ^{NMI} Commonwealth, the United States may enact federal legislation ^{applic to} ~~effective within~~ the ^{NMI} Commonwealth.

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(b) This Commonwealth Agreement, together with the provisions of the Constitution and treaties of the United States, and federal laws, applicable within the Commonwealth, shall be the supreme law of the Commonwealth and the courts of the Commonwealth shall be bound thereby, anything in the Constitution or laws of the Commonwealth to the contrary notwithstanding.

separate

Section 105. The United States shall have full responsibility for and authority with respect to the foreign affairs and defense of the Commonwealth.

Section 106. (a) All members of the legislature of the Commonwealth and all officers and employees of the government of the Commonwealth shall take an oath or affirmation to support this agreement, the provisions of the Constitution of the United States and federal laws applicable within the Commonwealth, and the Constitution and laws of the Commonwealth.

(b) The Commonwealth shall not be considered an agency or instrumentality of the United States.

Section 107. [Alternative one] It is the intention of the parties hereto that cases or controversies arising under

this Commonwealth Agreement shall be justiciable in the courts of the United States and that the ^{undertakings} limitations on the exercise of ~~federal authority specified herein shall be enforceable in such proceedings.~~

[Alternative two] It is intended that the undertakings by the United States and by the Commonwealth provided for in this Agreement shall when there is a case or controversy be enforceable in courts established by the United States.

[Alternative three] [Add a sentence for cosmetic reasons reflecting the expectation that each side will live up to its obligations, along with a reference to enforcement in court, and move the entire matter into the WHEREAS clauses or into the equivalent of the Titles found in the Covenant, if there are any in the final document.]

~~Section 108. The following provisions of the Constitution of the United States shall be applicable ^(to and) within the Commonwealth as if the Commonwealth were a State of the Union: Article I, Section 9, Clauses 2, 3, ~~6~~ and 8; Article I, Section 10, Clauses 1 ~~and 3~~; Article IV, Section 1, sentence 1; Article IV, Section 2; Amendments 1 through 9 inclusive ~~[indictment and jury trial in noncriminal cases still open]~~; Amendment 13, Section 1; Amendment 14, Section 1; Amendment 15, Section 1; Amendment 19, sentence 1; Amendment 26, Section 1. [Future amendments to the Constitution of the United States shall not apply within the Commonwealth without~~

*Amendment
Seventeen H.*

*unless specifically extended
to the C.W. by Congress by law.*

the consent of the Government of the Commonwealth and the Government of the United States.]

Section 109. (a) Citizens of the Commonwealth shall be entitled to all privileges and immunities of citizens in the several states.

(b) Full faith and credit shall be given in the United States, its territories and possessions and in the several states to the public acts, records and judicial proceedings of the Commonwealth.

(c) A person charged in the Commonwealth with treason, felony, or other crime, who shall flee from justice, and be found in the United States, its territories and possessions, or in a State, shall on demand of the Executive authority of the Commonwealth be delivered up, to be removed to the Commonwealth.

NOTE: I am prepared to agree with Marcuse to move Sections 108 and 109 to Title V.

Section 110. [Sovereign immunity if needed.]

[NOT] → *legis history*