

REVISED WORKING DRAFT  
(HM/MH)  
September 10, 1974

TITLE IV

United States Judicial Authority

U. S. Version

Section 401. The United States will provide for the Northern Mariana Islands a District Court which shall be a court of record.

MPSC Version

Section 401. (a) The United States shall establish for and within the Northern Mariana Islands a court of record to be known as the "District Court for the Northern Mariana Islands."

(b) The President shall nominate and, by and with the advice and consent of the Senate, appoint a district judge for the District Court for the Northern Mariana Islands, who shall hold office for a term of eight years, and until a successor is chosen and qualified, unless sooner removed by the President for cause, provided however that

if the President appoints an incumbent judge of the District Court of Guam to be the judge of the District Court for the Northern Mariana Islands, his term as such judge shall not extend beyond that as judge of the District Court of Guam.

Section 402. The District Court shall have the jurisdiction of a district court of the United States, except that in all causes arising under the Constitution, treaties and laws of the United States it shall have jurisdiction without regard of the sum or value of the matter in controversy; it shall have original jurisdiction in all other causes in the Northern Mariana Islands, jurisdiction over which has not been transferred by the legislature to another court established by the Constitution or laws of the Northern Mariana Islands; it shall have such additional jurisdiction as is conferred on it by other Sections of this Agreement; and it shall have such appellate jurisdiction as the legislature shall determine. [When the District Court sits as an appellate court, it shall consist of three judges, at least one of whom shall be a judge of a court of record of the Northern Mariana Islands.]

Section 403. (a) For purposes of review by the Supreme Court of the United States of judgments and decrees of courts of the United States, and for purposes of the original jurisdiction of the district courts of the United States based on diversity of citizenship, the Northern Mariana Islands shall be treated as if it were a State of the Union.

*is this caught up under Admin'd?*

(b) The laws of the United States which govern the relations between the courts of the United States and the courts of the several States with respect to appeals, certiorari, removal of causes, issuance of writs of habeas corpus and other matters or proceedings shall govern the relations between the courts of the United States and the courts established by the Northern Mariana Islands as if the Northern Mariana Islands were a State of the Union.

*Rules of Procedure  
1424b?*

NOTES

1. This version differs from the MPSC draft in that the District Court would not be a constitutional court of the United States, with a life-tenure judge. Accordingly, the provisions of law relating to district courts of the United States (for example, rules of procedure, method and place of appeals) will not be determined by this Agreement, but will have to await implementing legislation.

2. The substantive difference to be resolved by the principals with respect to Section 401 above is whether there will be a separate federal court for the Northern Mariana Islands or whether just the services of such a court (from Guam, or a new court, or otherwise) will be made available.

3. Section 402 above grants the District Court federal question jurisdiction without regard to the amount in controversy, like the District Court in Guam and unlike the MPSC draft, CA § 502(a).

4. The bracketed sentence in Section 402 above is a preliminary attempt to deal with the composition of the District Court when it sits as an appellate court and has not been approved by representatives of either party.