

DRAFT
October 3, 1974

Article IV

United States Judicial Authority

Section 401. (a) The United States will provide a court of record for the Northern Mariana Islands to be known as the "District Court ^{of} ~~for~~ the Northern Mariana Islands."

[(b) The President will nominate and, by and with the advice and consent of the Senate, appoint a district judge for the District Court ^{of} ~~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 ^{of} ~~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. (a) The District Court ^(of the Northern Mariana Islands) 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 or courts 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. ^(of the Northern Mariana Islands) 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.

(b) The Northern Mariana Islands will constitute a part of the Ninth Judicial ^{Circuit} ~~District~~ of the United States, and the decisions of the District Court ^{of} ~~for~~ the Northern Mariana Islands will be subject to review in the same manner as those of the District Court of Guam.

Section 403. (a) Final judgments and decrees rendered by the highest court of the Northern Mariana Islands will be reviewable by the Supreme Court of the United States in the same manner as those ^{rendered} by the Supreme Court of the Commonwealth of Puerto Rico, unless they are reviewable by the District Court for the Northern Mariana Islands pursuant to section 402.

(b) The relations between the courts of the United States, and the courts of the Northern Mariana Islands with respect to appeals, certiorari, removal of causes, the issuance of writs of habeas corpus, and other matters or proceedings shall be governed by the laws of the United States pertaining to the relations between the courts of the United States and the courts of the several States in such matters and proceedings.

(c) The legislative power of the Northern Mariana Islands will be vested in a popularly elected legislature, and will 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 Northern Mariana Islands shall prevent the Constitution from providing for a distribution of the membership of the legislature on a basis which takes into account matters such as geographical or historical interests as well as population, provided such distribution is ratified by the people of the Northern Mariana Islands by their approval of the Constitution or amendments thereto.]

(d) The judicial power of the Northern Mariana Islands will be vested in such courts as the Constitution or laws of the Northern Mariana Islands may provide. The operation of the courts of the Northern Mariana Islands will be compatible with the federal judicial system of the United States and consistent with applicable federal law.

Section 204. All members of the legislature of the Commonwealth and all officers and employees of the Government of the Commonwealth will take an oath or affirmation to support this Agreement, the provisions of the Constitution and laws of the United States applicable within the Commonwealth, and the Constitution and laws of the Commonwealth.

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