

DRAFT
October 3, 1974

ARTICLE I

Political Relationship

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

Section 102. The relations between the Northern Mariana Islands and the United States will be governed by this Agreement which, together with the provisions of the Constitution, treaties or laws of the United States applicable within the Commonwealth, will be the supreme law of the Commonwealth.

Section 103. The people of the Commonwealth will have the right to govern themselves with respect to local affairs in accordance with a Constitution of their own adoption.

Section 104. The United States will have complete responsibility for and authority with respect to all matters relating to foreign affairs and defense affecting the Commonwealth.

Section 105. The United States may enact, in accordance with its constitutional processes, legislation effective within the Northern Marianas, being guided by its traditional respect for local self-government; but the fundamental provisions of this Agreement, listed as follows, may be modified only with the consent of the Government of the United States and the Government of the Commonwealth: [list]

[Section 106. Legislation which the United States could not make applicable within a State of the Union may be made applicable within the Commonwealth only if such legislation specifically provides that it will be applicable within the Commonwealth and if, taking into account the right of local self-government of the people of the Commonwealth, there is a compelling national interest in the application of such legislation within the Commonwealth.]

Notes:

Resident Commissioner in Article IX
Consultation in Article IX
Oath of Office in Article II
Controversies in Article IX,

6/23/11

DRAFT
October 3, 1974

ARTICLE II

Constitution of the Northern Mariana Islands

Section 201. The people of the Northern Mariana Islands will formulate and approve a Constitution in accordance with this Agreement and may amend their Constitution in accordance with the procedures provided therein.

Section 202. The Constitution will be submitted to the Government of the United States for approval on the basis of its consistency with this Agreement and the applicable provisions of the Constitution and laws of the United States. Thereafter the original provisions of the Constitution and amendments to the Constitution will not be subject to approval or disapproval by the Government of the United States, except that federal courts will be competent to determine whether amendments to the Constitution are consistent with this Agreement and with the provisions of the Constitution of the United States and federal laws applicable within the Northern Mariana Islands.

Section 203.

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

(b) The executive power of the Northern Mariana Islands will be vested in a popularly elected governor and such other officials as the Constitution or laws of the Northern Mariana Islands may provide.

(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.

(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.

DRAFT
October 3, 1974

ARTICLE III

Citizenship and Nationality

Section 301. The following persons and their children under the age of 18 years on the effective date of this Section, who are not citizens or nationals of the United States under any other provisions of law, and who have taken no affirmative steps to preserve or acquire foreign nationality, are declared to be citizens of the United States, except as otherwise provided in Section 302:

(a) All persons born in the Northern Mariana Islands who are citizens of the Trust Territory of the Pacific Islands on the day preceding the effective date of this Section, and who on that date reside or are domiciled in the Northern Mariana Islands or in any area in or under the jurisdiction of the United States;

(b) All persons who are citizens of the Trust Territory of the Pacific Islands on the day preceding the effective date of this Section, who have been domiciled continuously in the Northern Mariana Islands for at least five years immediately prior to that date, and who, unless under age, have registered to vote in district elections in the Mariana Islands District prior to January 1, 197[5]; and

(c) All persons domiciled in the Northern Mariana Islands on the day preceding the effective date of this Section, who, although not citizens of the Trust Territory of the Pacific

Islands, do not on that day owe allegiance to any foreign state, and who on that date have been domiciled continuously in the Northern Mariana Islands since at least January 1, 197[4].

Section 302. Any person who becomes a citizen of the United States solely by virtue of the provisions of Section 201 may within six months after the effective date of that Section or-- within six months after reaching the age of 18 years, whichever date is the later, become a national but not a citizen of the United States by making a declaration under oath before any federal court or any court of record in the Commonwealth in the form as follows:

"I.....being duly sworn, hereby declare my intention to be a national but not a citizen of the United States."

Section 303. All persons born in the Commonwealth on or after the effective date of this Section and subject to the jurisdiction of the United States, shall be citizens of the United States.

Section 304. Citizens of the Northern Mariana Islands shall be entitled to all privileges and immunities of citizens in the several states.

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. When ^(of the Northern Mariana Islands) ~~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.