

Draft
October 10, 1974 Michael S. Helfer

ARTICLE IV

United States Judicial Authority

Section 401.

(A) The United States

~~record~~ for] the Northern Mariana Islands [MPSC a court of record] to be known as the "District Court [MPSC: 4] [U.S. of] the Northern Mariana Islands. [MPSC: the United States shall provide a District Judge for the District Court for the Northern Mariana Islands.]

[MPSC(b) The United States shall provide for the Northern Mariana Islands a United States Attorney and a United States Marshall who, in addition to their regular functions, shall perform such functions relating to the execution of the laws of the Northern Mariana Islands as may be assigned to them by the legislature.]

Section 402.

(A) The District Court [MPSC: 4] [U.S.: 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.

(B) The District Court shall have original jurisdiction in all causes in the Northern Mariana Islands not

described in subsection (A), 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.

(C) The District Court shall have such appellate jurisdiction as the legislature shall determine. When it sits as an appellate court, the District Court 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) The relations between the courts of or established by 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. For purposes of review of the Supreme Court of the United States of judgments and decrees of courts of or established by the United States, the Northern Mariana Islands shall be treated as if it were a state of the Union.

(B) Those portions of Title XXVIII of the United States Code applicable with respect to the Territory of Guam or the District Court of Guam shall be applicable in the same manner with respect to the Northern Mariana Islands or the District Court for the Northern Mariana Islands, except as

otherwise specifically provided in this agreement.

Note: It may be necessary to add a provision to Section 402 (B) stating that the District Court for the Northern Mariana Islands shall be considered to be a court of the Northern Mariana Islands for purposes of the application of the Constitution of the United States when it sits with exclusively local jurisdiction. This sentence will be needed if it is decided that the Northern Mariana Islands want to be treated like a state of the Union for purposes of the Constitution. The primary effect of this sentence would be to eliminate the requirement of grand jury indictment and trials in civil cases, and to modify the requirement of jury trials in criminal cases when the District Court for the Northern Mariana Islands sits with exclusively local jurisdiction. It may also be desirable to add a sentence like this even if the Northern Mariana Islands retains the authority to decide whether grand jury indictments and jury trials will be required at all--even in federal causes of action.

06-417668