

ARTICLE IV

Judicial Authority

Section 401. The United States will establish for and within the Northern Mariana Islands a court of record to be known as the "District Court for the Northern Mariana Islands." The Northern Mariana Islands will constitute a part of the same judicial circuit of the United States as Guam.

Section 402. (a) The District Court for the Northern Mariana Islands will have the jurisdiction of a district court of the United States, except that in all causes arising under the Constitution, treaties or laws of the United States it will have jurisdiction without regard of the sum or value of the matter in controversy.

(b) The District Court will have original jurisdiction in all causes in the Northern Mariana Islands not described in Subsection (a), jurisdiction over which was not been transferred by the legislature to another court or courts established by the Constitution or laws of the Northern Mariana Islands. ~~MPSC.~~ In causes brought

in the District Court solely on the basis of this Subsection,
the District Court shall be considered ^{as if it were} a court of the Northern
Mariana Islands for ^{the} purposes of ^{determining the requirements of} ~~the application of the United~~
~~States Constitution.~~ ^{indictment by grand jury or trial by jury.}

(c) The District Court will have such
appellate jurisdiction as the legislature may provide.
When it sits as an appellate court, the District Court
will consist of three judges, at least one of whom will be
a judge of a court of record of the Northern Mariana
Islands.

Section 403. (a) The relations between the courts
established by the Constitution or laws 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
will 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 proceed-
ings, ~~MPSC. For purposes of review by the Supreme Court~~
~~of the United States of judgments and decrees of courts~~
~~established by the United States, the Northern Mariana Islands,~~
~~will be treated as if it were a State of the Union.~~

provided however that for

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(b) Those portions of Title 28 of the United States Code which apply to Guam or the District Court of Guam will be applicable in the same manner to the Northern Mariana Islands or the District Court for the Northern Mariana Islands, respectively, except as otherwise specifically provided in this ~~Agreement~~ Article.

~~is:~~ ~~Under~~ the first 15 years following the establishment of an appellate court of the Northern Mariana Islands, the ^(United States) Court of Appeals for the ^(Judicial circuit which) Ninth ^(includes the Northern Mariana Islands) Circuit shall have jurisdiction of appeals from all final decisions of the highest court of the Northern Mariana Islands from which a decision could be had in all cases involving the Constitution, laws or treaties of the United States or any authority exercised thereunder, ~~and in all habeas corpus cases, and in all civil cases where the value in controversy exceeds \$5,000 exclusive of interest and costs,~~ unless those decisions are reviewable in the District Court for the Northern Mariana Islands pursuant to Section 402 (c).

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~~October 23,~~ ^{November 11,} 1974

ARTICLE V

Applicability of Laws

Section 501. (a) The following provisions of the Constitution of the United States will be applicable within the Northern Mariana Islands as if the Northern Mariana Islands were a State of the Union: Article I, Section 9, Clauses 2, 3 and 8; Article I, Section 10, Clauses 1 and 3; Article IV, Section 1 [MPSC:, sentence 1], and Section 2, Clauses 1 and 2; Amendments 1 through 9, inclusive; Amendment 13 [MPSC:, Section 1]; Amendment 14, [US: Sections 1 and 5] [MPSC: Section 1]; Amendment 15 [MPSC:, Section 1]; Amendment 19 [MPSC:, sentence 1]; Amendment 26 [MPSC:, Section 1]. *Other provisions of or*

of the ~~(b) Future~~ amendments to the Constitution of the United States, which do not apply of their own force within the Northern Mariana Islands, will become applicable within the Northern Mariana Islands only with the approval of the Government of the Northern Mariana Islands and the *Government* of the United States. ~~of the~~

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US 602

U.S. Draft 12 November 1974

Section 602. [U.S.: (a) Any ^{*individual*} person who is subject to the provisions of Section 601 shall file his tax return with the United States if at the close of the taxable year he is a resident of the United States or not otherwise a resident of the Northern Mariana Islands, or with the Northern Mariana Islands if he is a resident of the Northern Mariana Islands.

(b) If ^{*an individual indiv*} a person to whom Section 601 applies is neither a resident of the United States nor the Northern Mariana Islands at the close of the taxable year, his tax return shall be filed with the Northern Mariana Islands if he is a citizen of the Northern Mariana Islands but not otherwise a ^{*or national*} citizen of the United States, ^{*or with the United States if he is a citizen of the United States*}

(c) Pursuant to the above provisions and for the purposes of applying Section 601, the Northern Mariana Islands shall be treated as ^{*if it were part of*} the United States, and for purposes of applying the United States Internal Revenue Code the United States shall be treated as including the Northern Mariana Islands.

(d) Any individual who is liable for income taxes to the jurisdiction of the United States ^{*the Northern Mariana Islands*} or ^{*the Northern Mariana Islands*} will be relieved of taxes imposed by the other jurisdiction.]

e (Same as MPSC 602 (c))

or with the United States if he is otherwise a citizen of the United States.

Call Attention