

~~513.1~~

07
500

COMPARISON OF COVENANT WITH OTHER U.S. TERRITORIES

The most important element of the Covenant is Article I which states that the United States Government will have full sovereignty over the Commonwealth of the Northern Marianas. This Article clearly makes the new Commonwealth a territory of the United States. However, there are two unique provisions which do not apply to other U.S. territories.

1. Section 105 requires that legislation which would not be made applicable to the States to be effective in the Northern Marianas, the Marianas must be specifically named.
2. Section 105 also constitutes a self-imposed restriction on the plenary powers of the federal government to alter the fundamental relationship between the new Commonwealth and the federal government. This provision of mutual consent to alter the basic relationship is normally only contained in Articles of accession to Statehood and is not shared by any other territory, including Puerto Rico.

COMPARISON WITH OTHER TERRITORIES

1. Legislative Branches: Puerto Rico has its own Virgin Islands and American Samoa have constitutions. Guam has an Organic Act and unlike other territories may provide for disproportionate legislation. The Marianas will have the flexibility of their own constitution.

Executive: All the territories except American Samoa have elective Executives.

3. Judicial branches: All the territories except American Samoa

have a federal court system in addition to the local courts.

4. Federal-Commonwealth relationship: The basic relationship resembles more Guam than Puerto Rico. The Marianas will not be a federal instrumentality. Guam, Puerto Rico and the Virgin Islands are identical in this respect but unlike American Samoa. The same federal laws as now apply to Guam and/or the TTPI will also apply to the new Commonwealth.

5. Taxation: Federal Income Tax laws will apply exactly as they do to Guam and as they do similarly to the other territories.

6. Land: Land cannot be alienated to persons not of northern Marianas descent. This provision is similar to American Samoa but unlike those in Guam, Virgin Islands and Puerto Rico.

7. Representation: There will be no congressional representation for the Commonwealth unless Congress takes action. This is the same as American Samoa. Guam, Puerto Rico and the Virgin Islands have non-voting delegates to the U.S. House of Representatives.