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PROPOSED ANSWERS TO COVENANT ISSUES

ARTICLE I.

1. a. Residents of the Northern Mariana Islands, as part of the Trust Territory of the Pacific Islands, are entitled to their own right of self-determination and self-government. Article 6 of the Trusteeship Agreement which guarantees this right also conversely obligates the United States to permit this expression. As an historic part of the existing U.S. Territory of Guam, the Northern Mariana Islands will be able to become a part of the American political family as they have expressed their hope for over 20 years.
 - b. The Covenant recognizes that the Northern Mariana Islands are not as developed politically and economically as Guam. The people of the NMI may join with Guam as one U.S. Territory, if it is their desire at a future date.
 - c. The Covenant specifically recognizes in §105 that infraction may occur at a later date with the consent of the Northern Mariana Islands Government.
 - d. True. The Western and mid-Pacific Ocean area encompasses an area the size of the United States and vast ocean distances enforces local island identification and requires the United States to recognize these unique island characteristics.
2. a. 1. The agreement of the United States to refrain from exercising its plenary powers in no way diminishes its sovereign

power over the NMI. The areas in which the United States agrees to reserve for local autonomy parallel those areas granted the several states and to the several U.S. territories such as American Samoa and Puerto Rico.

2. a. 2. The right to local self-government is that shared by Puerto Rico as a Commonwealth Territory of the United States.
- a. 3. The guarantee of a consistent political relationship with the Federal Government provides the NMI with a continuity and stability required for meaningful political, social, and economic development from a non-self-governing island group into a fully self-governing U.S. Territory.
2. b. The Northern Mariana Islands right to local self-government parallels that given to States as regards purely local matters; the plenary power of the United States to enact legislation for the NMI is not impaired and may be exercised with the regard for the preservation of the fundamental elements of the political relationship between the NMI and the U.S. Government.
- c. This parallels the similar protections granted to the Puerto Rican Commonwealth Territory.
- d. Specific inclusion of the NMI in federal legislation will give the U.S. Congress the opportunity to explore the necessity for such legislation and will avoid random application of federal services and programs that may not produce the result for which they were originally enacted.

ARTICLE II.

1. a. Approval of the NMI Constitution will be in accordance with the constitutional processes of the United States, except with respect to the six month time requirement for disapproval so as to insure that some affirmative action will occur to otherwise delay implementation of local self-government in the Northern Mariana Islands.
- b. Above
- c. The scope of U.S. review of the NMI Constitution is consistent with U.S. guarantees of local self-government.
2. The Northern Mariana Islands bicameral legislature parallels the U.S. Congress and the American Samoan Legislature or "fono" where representation on a basis other than population is provided. The NMI legislature will reflect that the NMI is an island culture and grouping with particular island demographic features requiring this approach.
3. a. The authority of the Northern Mariana Islands is the same as granted to the Virgin Islands.
- b. Matters of "local concern" are proper subjects for the Commonwealth Government, the federal laws to be extended are, generally, to deal with the federal-territorial relationship common to all territories.

ARTICLE III.

1. a. All aliens are granted an option of how they will relate to the United States as aliens residing in the United States, as

full U.S. citizens, or as U.S. nationals as in American Samoa. American citizens may reject their U.S. citizenship at any time. The precise option in the Covenant is formulated to guarantee that all qualified NMI residents will reserve some rights of U.S. citizenship unless they take the affirmative step and prefer to relinquish these rights.

1. b. The variation between residency requirements reflects local desires and is in recognition of few foreign aliens whose entry and resident are controlled under Trust Territory law as opposed to numerous Trust Territory citizens from other districts who are granted the right to travel freely and reside in all the districts of the Trust Territory of the Pacific Islands.
2. Section 20 recognizes that U.S. citizens will receive certain rights in the NMI under §501 when the NMI Constitution is approved; this section also provides a reciprocity of treatment to local residents.

ARTICLE IV.

1. a. The NMI federal court is created to recognize that the Commonwealth-United States relationship is not exactly that between the Guam-United States. In all other respects, the NMI federal court will follow the federal judicial system established in the States. This treatment recognizes U.S. guarantees for local self-government.
- b. The Northern Mariana Islands and Guam federal courts will share administrative functions, such as clerk, secretaries, procurement, etc. The Federal District Judge for Guam may, if Congress agrees,

sit as the Federal District Judge for the NMI.

1. c. The authority of the NMI Federal Court to hear local cases follows that of Guam and the Virgin Islands.

ARTICLE V.

1. a. The additional provisions of the Federal Constitution extended to the NMI are designed to further clarify the United States-Northern Mariana Islands political and legal relationship.
 - b. Omit
 - c. Many provisions of the Federal Constitution extend to the Territories of their own force, e.g. Article II the Powers of the President, Article I, Sections 1-8 relative to the U.S. Congress, and Article III relating to the federal judiciary.
 - d. Other provisions of the U.S. Constitution will not be extended as the NMI is not fully integrated into the United States domestic institutions. Extension of other provisions would act to alter the basic United States-Commonwealth status relationship which the U.S. has agreed would occur only with local consent in recognition of local desires that such consent is fundamental to the relationship.
2. a. Guam already has a body of federal laws established to it. The developmental requirements of the NMI are recognized by how federal laws will extend to it.
 - b. The NMI has particular developmental requirements that can be met only by special treatment. The benefits extended to the NMI are based on precedents given either to the States or the other

territories.

3. a. U.S. immigration laws do not now apply to the NMI. The TTPI regulates its own immigration policies. The exclusion of the NMI from U.S. immigration laws will be during the remainder of the Trusteeship so as to be consistent with that policy. The U.S. immigration laws will thereafter apply, if U.S. Congress so desires.
- b. The exclusion of the NMI from the coastwise laws of the United States is based on the recognition that these laws do not now apply to the TTPI. During the remainder of the Trusteeship, the NMI will remain outside these laws. This follows the precedence set for American Samoa and recognizes that these laws have strict prohibitions on the sale and use of U.S. vessels which would be discriminatory to the NMI until local residents become U.S. citizens at the end of the Trusteeship.
4. a. Granting U.S. citizenship to immediate relatives follows current U.S. law.
- b. Local officials will become U.S. officials and, in any case, will be subject to federal court review.

ARTICLE VI.

1. Taxation authority for the NMI is granted in recognition of local self-government; this authority follows with Guam and Puerto Rico.
2. a. Import taxation is properly a local matter for the NMI which, like Guam, is outside the U.S. customs jurisdiction. This authority is to follow U.S. international agreements, however.

2. b. The NMI is a "developing" territory as part of the TTPI. The U.S. obligation to seek special trade treatment is in recognition both of this economic reality and of the particular geographic distance to the U.S. mainland. Other territories are more greatly developed and are, with the exception of Guam, more closely proximated to the mainland.
3. U.S. administration of the NMI Social Security System is required to effectuate local self-government and to protect local Social Security funds during the interim period under which the NMI will not receive the full U.S. Social Security Program.

ARTICLE VII.

1. a. Omit
- b. Omit
- c. Omit
- d. The United States is liable in the federal courts for all commitments it makes to members of its political family.
- e. Omit
- f. The inflationary adjustant clause is in recognition of past development problems in the NMI and reflects administrative needs for consistency in economic forecasting and planning.
- g. U.S. grants are currently used by the TTPI to satisfy U.S. matching grant requirements. This privilege is also continued for the NMI to reflect that local revenues remain insufficient to currently satisfy U.S. grant requirements.

1. h. The jurisdiction of the U.S. Comptroller is currently extended to the TTPI. These laws will remain in effect in the NMI until the end of the Trusteeship.

ARTICLE VIII.

1. a. The United States will lease certain lands back to local residents in recognition of the scarcity of land in the NMI and the need to maintain legal rights to these lands in the event their future use is required. Maintaining legal right to these lands will avoid land speculators from raising land prices to the level that would be prohibitive for acquisition by the U.S. Government so as to impair the ability of the United States to meet its security requirements.
- b. New lease agreements will compensate land owners and the NMI at a rate more reflective of current land values. Earlier agreements were based on 1944 land values and reflected little, if any, economic potential or developmental potentials.
2. a. The protections provided to NMI lands are based on the need to protect local residents against the loss of their lands. This protection is founded on the obligation of the United States to the NMI for the duration of the Trusteeship Agreement under Article 6, as well as on substantial executive legislative and judicial precedents in protecting local lands in Hawaii, Samoa, and in protecting Indian Tribal lands.
- b. Omit

2. c. "Persons of Northern Mariana Islands ancestry" is to include both those of Chamorro and Carolinian heritage. The NMI is otherwise best qualified to define who is of these racial groups.

ARTICLE IX.

1. a. Omit
2. Omit
3. Omit

ARTICLE X.

1. Omit
2. Omit