

N. Munn

STATEMENT OF EDWARD DLG. PANGELINAN, MARIANAS/WASHINGTON
LIAISON OFFICER, OFFICE OF TRANSITION STUDIES AND PLANNING,
GOVERNMENT OF THE NORTHERN MARIANA ISLANDS, BEFORE THE
COMMITTEE ON THE JUDICIARY, UNITED STATES SENATE,
OCTOBER 4, 1977

Mr. Chairman and Members of the Committee:

I am honored to appear before you today in support of S. 2149, a bill to create the district court for the Northern Mariana Islands. On behalf of the Northern Marianas people, I wish to thank the Chairman, the Committee and its staff for their prompt action in drafting this legislation and in conducting these hearings. We urgently request your assistance in securing approval of this legislation before the end of this session of Congress.

As you know, S. 2149 implements Article IV of the Covenant establishing the commonwealth of the Northern Mariana Islands approved by Congress and enacted into law in 1976. In reliance on the Covenant, the Constitution of the Northern Mariana Islands assigns important responsibilities to the federal court to be established by S. 2149. The Constitution was approved by the Northern Marianas people on March 6, 1977, and was transmitted to the President for approval by the United States on April 23, 1977. It is our understanding that the Constitution will be approved by the

United States sometime after October 22, 1977, and that constitutional government under the new Constitution will begin on January 9, 1978. It is extremely important that a federal district court be established and, hopefully, ready to function by that date -- only three months from now. In considering this legislation, I ask the Committee to consider the following points:

First, the district court will have all the customary responsibilities of a federal district court. Under the provisions of the Covenant, numerous United States laws become applicable in the Northern Marianas on the anticipated effective date of constitutional government, or January 9, 1978. If the district court is not established promptly, there will be no federal forum to consider the wide range of civil and criminal matters that arise under these laws after that date.

Second, the district court will have other substantial duties. To permit the ordered growth of an indigenous court system, our Constitutional Convention committed important responsibilities for local matters to the district court. For at least the first five years of Commonwealth government, the court will exercise jurisdiction over most civil cases in which more than \$5,000

is at issue and all criminal cases in which the defendant, if convicted, is liable to a prison term of more than five years or a fine greater than \$5,000. In addition, the district court will serve as the Commonwealth's appellate tribunal, hearing appeals from matters decided in the Commonwealth trial courts. One significant responsibility will be the interpretation of the Covenant and the Commonwealth Constitution.

Third, the Northern Marianas people believe that a judicial system must not only function efficiently but also command the respect of those it serves. The federal district court for the Northern Marianas, if promptly established, will substantially promote the achievement of both of these objectives. As a symbol of objective and learned justice, the district court would stand as an example to our local bench and bar and as a reassurance to our people. As the Constitutional Convention committee charged with recommending the structure of the judicial branch reported to the Convention, "The Committee believes that the citizens of the Commonwealth place a high value on judicial competence and experience and that it is particularly important that the first years of experience with a Commonwealth court system encourage the people to place their confidence in the new judicial system."

Lastly, prompt enactment of S. 2149 has an important symbolic significance. This legislation is non-controversial and is designed only to meet the obligations undertaken by the United States when it approved the Covenant. The Northern Marianas people displayed their affection and confidence in the United States when they overwhelmingly exercised their right of self-determination to become part of the United States as a Commonwealth. It is obviously important to both the United States and the Northern Marianas people that this new relationship get off to the best possible start.

Mr. Chairman, the need for action is great. I urge the Committee to move expeditiously to assure that the people of the Commonwealth of the Northern Mariana Islands will not be deprived of a federal district court.

Thank you.