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TO : Committee on Personal Rights/  
Natural Resources

DATE: 6-25-85

FROM: Legal Counsel

RE : Prohibition of Slavery  
Legal Opinion No. 04

QUESTION PRESENTED:

Is the prohibition of slavery included in the CNMI  
Constitution?

ANSWER: No.

QUESTION PRESENTED:

Is the prohibition of slavery covered by the Covenant?

ANSWER: Yes.

DISCUSSION:

The prohibition against slavery is found in Amendment XIII  
of the United States Constitution as follows:

Section 1. Neither slavery nor involuntary  
servitude . . . shall exist within the United  
States, or any place subject to their jurisdiction.

Section 2. Congress shall have the power to enforce  
this article by appropriate legislation.

The Covenant to Establish a Commonwealth of the  
Northern Mariana Islands specifically provides in Article  
V, Section 501 that the thirteenth amendment to the  
United States Constitution will be applicable within the  
Northern Mariana Islands.

COMMENT:

There is no restriction to adding an amendment to the Commonwealth of the Northern Mariana Islands Constitution that would include this right. Article I - Personal Rights - of the CNMI Constitution has many laws contained therein which are found within the United States Constitution and are made applicable by the Covenant, Article V.

QUESTION PRESENTED:

What is the position of the legislature if the prohibition of slavery is not included in either the Commonwealth of the Northern Mariana Islands Constitution or Covenant?

ANSWER: As the prohibition of slavery is set forth in the Covenant, the Commonwealth of the Northern Mariana Islands legislation need not enact laws to make slavery a crime in the Commonwealth of the Northern Mariana Islands.



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Assistant Attorney General