Application of US Constitution in Overseas Territories

Additional Analysis

(4) Areas under the control of the USMG

The very last in the hierarchy of types of United States governing authority overseas is United States occupation and control pursuant to conquest. In such a situation international law prescribes the limits of the occupied state, though for the time being the occupant may exercise supreme governing authority …..

----- this is **INTERIM STATUS** -----

A. Before ratification of Peace Treaty
(qualifies as "independent customs territory")

Example: West Berlin
(1945.04.28 to 1990.10.03)

B. After ratification of Peace Treaty

[*limbo cession*]

with USMG as principal occupying power
(qualifies as "unincorporated territory under USMG")

[*given to USA*]

becomes

(3) Unincorporated Territories which have not been the subject of Congressional legislation

under direct administrative authority of USMG

Example: Cuba
(1898.12.10 to 1902.05.19)

under delegated administrative authority of USMG

Example: Taiwan
(1945.10.25 to present)