

Proposal No.: CC-PR-4-29

Assigned to: Committee on Government Structure & Function

PROPOSAL TO AMEND CONSTITUTION

To add a new Section 4 to Article XII creating the Office of Independent Prosecutor.

Section 4.

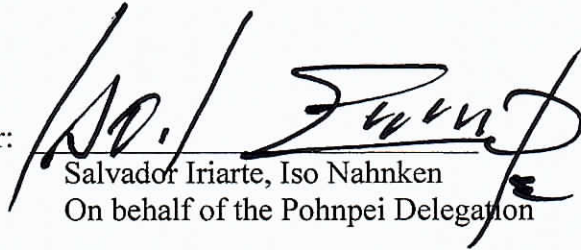
- (a) The Independent Prosecutor is appointed by the president with the advice and consent of two-thirds of the Congress. He serves one six-year term and may not be re-appointed to a consecutive term.
- (b) The President with consent of two-thirds of Congress may remove the Independent Prosecutor. In case of removal from office, the Chief Justice will "immediately appoint" an acting Independent Prosecutor who serves until a successor is appointed and confirmed by Congress.
- (c) The Independent Prosecutor is empowered to investigate and prosecute any person or agency at the national level, state level, or local level that receives, spends or administers public funds from the national government. His investigative and prosecutorial powers extend to the commission of any national offense by any national official and obstruction of his investigation and commission of perjury. He may compel the testimony of witnesses under oath and the production of documents.
- (d) The Office of the Independent Prosecutor shall be adequately funded by Congress.
- (e) No law, regulation, or directive shall be enacted which diminishes the power or independence of the Independent Prosecutor.

PURPOSE AND INTENT OF AMENDMENT:

As envisaged by this proposal, the Office of Independent Prosecutor will be an independent agency of the national government. To protect its independence, the proposal requires that the President can only dismiss the Independent Prosecutor with the consent of two-thirds of the members of Congress. It also provides that the agency shall be adequately funded and prohibits the national government from passing laws, adopting regulations, or issuing directives, which have the intent or effect of diminishing or eliminating the independence of this agency.

The amendment gives the Independent Prosecutor the protection he or she needs from pressures of the two political branches of the national government. Because of his constitutional independence and insulation from political pressure, the Independent Prosecutor will be in a much stronger position to investigate and prosecute white-collar crimes and crimes involving high officials of the national government. This political independence and insulation from politics is something that the Attorney General does not enjoy today.

Introducer:



Salvador Iriarte, Iso Nahnken
On behalf of the Pohnpei Delegation

Date: _____