

Proposal No.: CC-PR-4-62

Assigned to: Committee Government Structure  
& Functions

### PROPOSAL TO AMEND CONSTITUTION

To amend Article XI, Section 3 of the Constitution of the Federated States of Micronesia to provide for the qualifications of the Chief Justice and all associate justices of the FSM Supreme Court and any other established courts to be FSM citizens or nationals.

**Section 3.** The Chief Justice and all associate justices of the FSM Supreme Court and any other national court shall be citizens or nationals of the Federated States of Micronesia, and are appointed by the President with the approval of 2/3 of Congress. Justices shall serve for a term of 25 years, but can be nominated for a second term during good behavior.

#### PURPOSE AND INTENT OF AMENDMENT:

When the FSM Constitution was drafted, there were none or very few FSM citizens who were lawyers. Today, there are more qualified FSM citizens to be justices of the FSM Supreme Court. The FSM citizens know the customs and traditions which are supposed to be very important in making rulings. If justices of the FSM Supreme Court are FSM citizens, land cases can then be adjudicated in the FSM Supreme Court. Appealed land-cases from Chuuk and Kosrae state supreme courts can be handled by the FSM Supreme Courts. Finally, I see no justices from other countries in the US Supreme Court. Why should there be in the FSM Supreme Court?

Introducer:   
Kind K. Kanto

  
Cindy S. Mori, Delegation Chairperson

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