A RESOLUTION

Disapproving the continued service of retired FSM Supreme Court Justice Richard H. Benson, whose cumulative service as a temporary Justice has exceeded three months.

1 WHEREAS, the Constitution of the Federated States of Micronesia, article XI, section 9(b) provides that the Chief Justice of the FSM Supreme Court, as the chief administrator of the national judicial system, may assign judges among the divisions of the national court and give special assignments to retired Supreme Court justices and judges of state and other courts; and

2 WHEREAS, the Constitution of the Federated States of Micronesia, article XI, section 5 provides that the qualifications and compensation of justices and other judges may be prescribed by statute; and

3 WHEREAS, section 104 of title 4 of the FSM Code specifies that the Chief Justice may give special assignments pursuant to article XI, section 9(b) of the Constitution and that, in the case of temporary Justices appointed pursuant to this authority, the Congress may by resolution disapprove of the continued service of any temporary Justice whose cumulative service exceeds three months; and

4 WHEREAS, Retired Justice Richard H. Benson has been designated to act as a temporary Justice on multiple matters with cumulative service exceeding three months; now, therefore,
BE IT RESOLVED by the Thirteenth Congress of the Federated States of Micronesia, Third Special Session, 2004, that the Congress hereby disapproves of the continued service of temporary Justice Richard H. Benson, such that he shall hereafter be ineligible for further service as a temporary Justice for one year, unless Congress shall sooner revoke its disapproval; and

BE IT FURTHER RESOLVED that certified copies of this resolution be transmitted to the President of the Federated States of Micronesia and the Chief Justice of the Supreme Court of the Federated States of Micronesia.

Date: 1/15/04

Introduced by: /s/ Henry C. Asugar

Henry C. Asugar
(by request)