

WAM

A RESOLUTION

Requesting the President of the Federated States of Micronesia to direct the appropriate members of his staff to release the funding appropriated and allocated by Public Law No. 8-75 earmarked for the Faichuk region.

1 WHEREAS, pursuant to Public Law No. 8-75, the sum of \$10,100,000 was
2 appropriated to fund certain public projects in the Federated States of Micronesia,
3 and of that amount the sum of \$1,015,000 was appropriated and earmarked for
4 the Faichuk region; and

5 WHEREAS, the funds appropriated by said public law and earmarked for
6 certain regions in the State of Chuuk were released to the vendors or the
7 recipients of the funds except for those funds earmarked for the Faichuk region;
8 and

9 WHEREAS, the equal protection clause of section 4 of article IV of the
10 Constitution of the Federated States of Micronesia safeguards the citizens of the
11 Federated States of Micronesia against invidious actions by public officials; and

12 WHEREAS, SCREP No. 23 of the Micronesian Constitutional Convention of
13 1975 states that the equal protection clause means the "protection of equal
14 laws", and further states that the clause requires that "those similarly situated
15 must be similarly treated"; and

16 WHEREAS, all of the intended recipients of the funds appropriated by Public
17 Law No. 8-75 are similarly situated in that they are the beneficiaries of the funds
18 appropriated by said public law and, as such, should be treated similarly; and

19 WHEREAS, the release of the funds earmarked for other regions in the State
20 of Chuuk and the restraint of the funds earmarked for and allocated to the
21 Faichuk region is tantamount to a gross and invidious violation of the equal
22 protection clause of section 4 of article IV of the Constitution of the Federated
23 States of Micronesia on the grounds that the intended recipients of said funds are
24 not treated similarly in that some are favored while others are not, with those who
25 are favored receiving their money and those who are not favored receiving

1 nothing, and the action is invidious in that it is based on "race, ancestry, and
2 language"; and

3 WHEREAS, all members of the President's Cabinet of the Government of the
4 Federated States of Micronesia took the oath of office to "uphold, promote, and
5 support the laws and the Constitution" of the Federated States of Micronesia as a
6 condition precedent to their assumptions of their respective positions; and

7 WHEREAS, the invidious discrimination arising out of the disparity in the
8 treatment of the recipients of the funds appropriated by Public Law No. 8-75
9 violates the equal protection clause of the Constitution and the appropriate
10 Cabinet members who orchestrated the discrimination breached their duty of trust
11 and their oath of loyalty to the Constitution and the laws pursuant thereto; and

12 WHEREAS, the equal protection clause dictates that all recipients of the
13 funds appropriated by Public Law No. 8-75 must be treated similarly; and toward
14 that end the funds earmarked for and allocated to the Faichuk region should be
15 released; now, therefore,

16 BE IT RESOLVED by the Eighth Congress of the Federated States of
17 Micronesia, Fourth Regular Session, 1994, that the Congress hereby requests the
18 President of the Federated States of Micronesia to direct the appropriate
19 members of his staff to release the funding appropriated by Public Law No. 8-75
20 and earmarked for the Faichuk region; and

21 BE IT FURTHER RESOLVED that a certified copy of this resolution be
22 transmitted to the President of the Federated States of Micronesia.

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24 Date: 10/27/94

Introduced by: 
Kalisto Refalopei

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