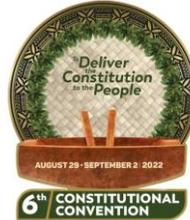


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To Deliver the Constitution to the People: 6th Constitutional Convention

“We are far from establishing a perfect government, however, with the foresight of these leaders, along with the prayers of our people, we are sure to be closer to our goal.”

On Monday, August 29, 2022, an official opening ceremony of the 6th Constitutional Convention was held at the Governor Rex. E. Lee Auditorium in accordance with the Governor’s Proclamation Constitutional Convention of 2022 that was signed on August 25, 2022. Honorable guests included Governor Lemanu Mauga, Lieutenant Governor Talauega Ale, Congresswoman Uifa’atali Aumua Amata, Department of Interior Assistant Secretary for Insular and International Affairs Carmen G. Cantor and Director of Policy Basil Ottley, President of the Senate Tuaolo Manaia Fruean, Speaker of the House Savali Talavou Ale, Paramount Chief Mauga Asuega, Chief Justice Michael Kruse and 129 respective delegates (each district was represented by a mixture of elected officials, village council members, and members of the general community.)

“This very gathering lays the future and the success of American Samoa. The 129 respective delegates will deliberate on issues that will move American Samoa forward,” stated Governor Lemanu in his welcoming remarks. He continued, “We are far from establishing a perfect government, however, with the foresight of these leaders, along with the prayers of our people, we are sure to be closer to our goal.”



In her first official travel of Assistant Secretary, Carmen G. Cantor offered best and well wishes as a guest in a momentous occasion. “In scheduling American Samoa as my first official journey, I was not just eager to take in the fable beauty of your homeland, and the generous spirits and strong character of American Samoa,” remarked Assistant Secretary Carmen Cantor. She continued, “I also wanted to set foot on your islands to better understand the sacred

responsibility entrusted to the Department of Interior from implementing the federal relationship with you, our fellow Americans.” A traditional ava ceremony concluded official business on day 1 of the Con-Con.



On Tuesday, August 30, 2022, official business began with 129 respective delegates taking oath to the task ahead. Delegates swore to “support, defend, and bear true faith and allegiance to the Constitution of the United States,” and “will well and faithfully uphold the laws of the United States applicable to American Samoa, and the Constitution and laws of American Samoa.”

As a result of Day 2, Rule 1 and Rule 2 were unanimously passed with minor modifications, and the election of the following leadership. Chairman

Honorable Tuaolo M.E. Fruean, Vice Chairman Honorable Faiivae Iuli A. Godinet, and Secretary Honorable Ti’alemasunu Dr. Etuale Mikaele.

As of Thursday, September 1, 2022, delegates from the Constitutional Convention have passed six amendments. The total eight amendments proposed by the Constitutional Review Committee are as follows:

1. ASG Amendment

Removing all references to our local government as *Government of American Samoa* and insert *American Samoa Government* in its place.

2. Veto Override Amendment

Removing the authority of the Secretary of Interior to approve or disapprove a bill passed by the Legislature over the Governor’s veto.

3. Chief Justice Amendment

Transferring the powers to appoint the Chief Justice from the Secretary of Interior to the American Samoa Government.

4. Secretary of Interior Amendment

Ceasing the Secretary’s power to review, overturn or intervene in the appeal of a decision of the High Court of American Samoa.

5. Impeachment Amendment (Also known as *Accountability Amendment*)

Adding an impeachment clause which is a crucial tool for holding government officers accountable for violations of the law and abuse of power.

6. American Samoa Ancestry Amendment (Also known as *The People’s Choice*)

Ensuring the constitution protects the lands, language, and Samoan way of life for persons of American Samoa ancestry and does not apply generally to other Samoans who are not of American Samoa ancestry.

7. Constitutional Process Amendment

Removing the authority of the U.S. Secretary of Interior to approve amendments and

introducing a new process whereby amendments can be approved by at least two-thirds of votes cast at the general election.

8. House Membership Amendment

Reapportionment and add representatives to Ituau and Ma'upu (Tualauta) Representative Districts and change the total number of Representatives.

The following amendments and its entirety have been unanimously passed:

- Government of American Samoa to American Samoa Government
- Veto Override
- Chief Justice
- Secretary of Interior

Delegates of the Con-Con have made modifications to the following **passed amendments**:

The **Impeachment Amendment** clause shall only include the Governor and Lieutenant Governor. Chief Justice, Assistant Chief Justice, Associate Judges and District Judges have been removed.

On the issue of reappropriation of membership to the House of Representatives, resulted in the addition of one representative to both District No. 12 Ituau (composed of the Villages of Nu'uuli, Fagasa, Matu'u, Faganeanea) and District No. 15 Ma'upu (composed of the Villages of Tafuna, Mesepe; Faleniu, Mapusaga Fou, Pavaiai, Iliili and Vaitogi). This brings the total representative in these respective Districts to three each under the **The House Membership Amendment**. As echoed by several delegates, upon the first Con-Con, the original number of Senators for Manu'a was 5, and over the years it was changed to 3. The issue was introduced to return the allocation of Senators for Manu'a back to the original total of 5 was brought to a vote and passed.

Upon request of delegates from Ma'uputasi, it was unanimously passed to change the spelling of the word, Ma'upu and Ma'uputasi to Ma'opu and Ma'oputasi. This was also supported by the delegates from Ituau, the Village of Malaeimi was added to District No. 12 Ituau.

On Friday, September 02, 2022, respective delegates proposed additional amendments to be discussed, including changes to the Swains Island clause. It was unanimously passed that Swains Island representatives shall have privileges of a member of the House, including the right to vote. The Ancestry Amendment and the Constitutional Process Amendment has been tabled for further discussion with the *Fono*. To officially conclude the 6th Constitutional Convention, about 126 of 129 delegates signed the new document to be on the ballot come election on November 8, 2022.



(Attached is the proposed amendment language compiled by the Constitutional Review Committee).

Otootoga o Suiga Taufaaofi
Proposed Amendment Language

<p>1) The American Samoa Ancestry Amendment O le Suiga mo Tagata e Tupuga mai i Tua'ā Amerika Samoa</p>

Article I, Section 3. Policy protective legislation.

It shall be the policy of the ~~Government of American Samoa~~ Government to protect persons of American Samoan ancestry against alienation of their lands and the destruction of the Samoan way of life and language, contrary to their best interests.

Such legislation as may be necessary may be enacted to protect the lands, customs, culture, and traditional Samoan family organization of persons of American Samoan ancestry, and to encourage business enterprises by such persons.

Vaega I, Maga 3. Tulafono e pupuia ai faiga tausisia.

O le a avea ma faiga tausisia a le Malo o Amerika Samoa le puipiuia o tagata tupuga mai i tua'ā Amerika Samoa le 'ave'esea o o latou fanua atoa ma le lepetia o lo latou soifuaga fa'aSamoa, fa'apea ma la latou gagana, pe a lē talafeagai ma o latou manuia atoatoa.

E mafai ona faia tulafono tatau mo le puipuiga o laueleele, tu ma agaifanua, atoa ma faiga maopoopo o aiga faaSamoa o tagata e tupuga mai i tua'ā Amerika Samoa, faapea ma le u'una'iina o le faiga o a latou pisinisi.

2) The House Reapportionment Amendment
O le Suiga e Toe Faatulaga ai Nofoa o le Maota o Sui

Article II, Section 2. Membership

The House of Representatives shall consist of ~~twenty~~ _____ members elected from the following representative districts....

O le Maota o Sui o le a aofia i ai faipule e ~~to'aluasefulu~~ _____ e palotaina mai i itumalo faafaipule ua faaalua i lalo ...

Representative District No. 12 Ituau — composed of the Villages of Nu'uuli, Fagasa, Matuu, Faganeanea,) ~~two~~ _____ Representatives;

Itumalo Faafaipule Nu. 12 Ituau -- aofia ai Nu'u o Nu'uuli, Fagasa, Matuu ma Faganeanea,) ~~lua~~ _____ Faipule;

Representative District No. 15 Ma'upu — composed of the Villages of Tafuna, Mesepa; Faleniu, Mapusaga Fou, Pavaiai, Iliili and Vaitogi,) ~~two~~ _____ Representatives

Itumalo Faafaipule Nu. 15 , Ma'upū – aofia ai Nu'u o Tafuna, Mesepa, Faleniu, Mapusaga Fou, Pava'ia'i, Iliili ma Vaitogi,) ~~lua~~ _____ Faipule;

3) Accountability Amendment
O le Suiga o le Faate'aga

Article II, Section 26. Impeachment

(a) The Governor, Lieutenant Governor, Chief Justice, Associate Justices, Associate Judges, and District Court Judges are subject to impeachment and, upon conviction, shall be removed from office.

(b) The Legislature shall provide for the manner, procedure, and causes for impeachment including for conviction of felonies and for a course of

conduct amounting to a gross abuse of power, as defined by law.

(c) The House of Representatives has the sole power to bring articles of impeachment upon a vote of at least 2/3 of the entire membership. The Senate has the sole power to try impeachment, with the Chief Justice presiding, and, may not convict unless at least 2/3 of the entire membership concur. The members when sitting for that purpose shall be on oath or affirmation.

(d) Conviction shall extend only to removal from office and disqualification to hold and enjoy any office of trust, honor, or profit under the Territory. The party, whether convicted or acquitted, is also liable to other prosecution under the law.

Vaega 2, maga 26, O le Faateaga.

(a) O le Kovana, Lutena Kovana, Faamasino Sili, Faamasino Lagolago, Faamasino Fesoasoani, Faamasino o le Faamasinoga Itumalo, e aofia uma i le Tulafono o le faate'aega, ma pe afai e faamaonia se solitulafono, o le a aveeseina mai lona tofiga.

(e) E faailoa mai e le Fono Faitulafono le auala, mafuaaga, ma le faatinoga o le faateaeeseina e aofia ai faamaoniga o solitulafono mamafa, ma amioga ua atagia ai se pule ua sili ona le amiotonu, e pei ona faamatalaina e le Tulafono.

(i) O le Maota o Faipule e i ai le malosiaga e faaulu ai le mataupu o le Faateaeeseina pe a ausia le palotaga e 2/3 o faipule uma o le Maota. E na'o le Maota o le Senate o loo i ai le malosiaga e faamasino ai le faate'aga, ma le auai o le Faamasino Sili, ma o le a le mafai ona faasalaina vagana ua fulisia le lua o vaetolu o le Maota atoa. O totino ua aofia ona se iloilogaga faapenei e tataua ona faatautoina pe ta'utinoina lo latou auai.

(o) O le faamaoniga o le solitulafono e aofia ai aveese mai le tofiga, ma faaleaogaina le avanoa e umia ma le fiafia se ofisa o loo i ai se faatuatuaga, mamalu, poo se tau'i i totonu o le Territori. O le tagata ua

aafia pe faamaonia le solitulafono pe leai, e mafai fo'i ona molia i isi tulafono a le malo.

4 & 5) The Judiciary Amendments **O Suiga o le Vaega o Faamasinoga**

Article III. Section 3. Appointments.

4) The Chief Justice Amendment

- a) The Governor ~~Secretary of Interior~~ shall appoint a Chief Justice of American Samoa and such Associate Justices as he may deem necessary, subject to confirmation by the Legislature.
- b) The Chief Justice and Associate Justices shall hold their offices during good behavior until resignation, retirement, death, or impeachment.

5) Limiting Secretary's Power

- c) The Secretary shall not review, overturn or intervene in the appeal of a decision of the High Court of American Samoa.”

Vaega III. Maga 3. Tofiga

O le a tofia e le Kovana ~~Failautusi o le Initeria~~ se Faamasino Sili o Amerika Samoa ma Faamasino Lagolago e manatu ia e tatau ai, ae faalagolago i le faamaoniga a le Fono Faitulafono.

E tatau i le Faamasino Sili ma Faamasino Lagolago ona *umia/nofoa* o latou nofoa i le amiotatau, se'ia o'o ina faamavae, litaea, maliu, po o le faate'aese.

Maga 5. Failautusi o le Initeria

E lē tatau i le Failautusi ona ia toe iloiloaina, faaleaogaina pe na te fa'auilavea i se talosaga apili/tagiusu i se Fa'ai'uga a le Fa'amasinoga Maualuga o Amerika Samoa.

6) Veto Override Amendment

O le Suiga i le Faaleaogaina o le Vito

Article II, Section 9. Enactment of law; vetoes.

Not later than 14 months after a bill has been vetoed by the Governor, it may be passed over his veto by a two-thirds majority of the entire membership of each House at any session of the Legislature, regular or special.

A o lei silia i le 14 masina talu ona vito se pili e le Kovana Sili, e tataua ona pasia lea lava pili e solia ai lana vito e le lua-o-vaetolu o le vaega to'atele o faipule uma o Maota ta'itasi i soo se aofia o le Fono Faitulafono, fono tele po o se aofia faapitoa.

~~A bill so repassed shall be represented to the Governor for his approval become law 90 days after the adjournment of the session in which it was repassed. If he does not approve it within 15 days, he shall send it together with his comment thereon to the Secretary of the Interior. If the Secretary of the Interior approves it within 90 days after its receipt by him, it shall become a law; otherwise it shall not.~~

~~O se pili la e toe pasia faapea o le a avea loa ma Tulafono I totonu o le 90 aso talu ona tuua le fonotaga sa pasia ai. o le a toe auina atu i le Kovana Sili mo lana faamaoniga. A fai na te le faamaonia lea pili i totonu o aso e 15, o le a ia auina atu loa lea pili faatasi ma ana fautuaga i ai i le Failautusi o le Initelia. A fai e faamaonia e le Failutusi o le Initelia lea pili i totonu o aso e 90 talu ona ia tauaaoina, o le a avea loa ma tulafono; ae a fai na te le faamaonia, o le a faapea loa ona le taualoga.~~

7) Constitutional Amendment Process or “People’s Approval

Process” O le Suiga o Tualumaga e Faamaonia ai Suiga o le Faavae

Article V, Section 3. Amendments

Amendments proposed by either House of the Legislature shall be submitted to the voters for ratification at the next regular general election. An amendment proposed by either House of the Legislature shall become effective if approved by at least two-thirds of the votes cast.

~~If a majority of such voters voting approve such amendment, the Governor shall, within 30 days after such approval shall have been officially determined submit the same to the Secretary of the Interior for approval or disapproval within 4 months after its receipt.~~

O suiga e faaofiina i so'o se Maota o le Fono Faitulafono ia auina atu i le aupalota e faamaonia i le faiga palota lautele e soso'o ai. O se suiga e faaofiina i so'o se Maota o le Fono Faitulafono e tatau ona aloa'ia pe afai e faamaonia e le i lalo ifo o le lua o vaetolu o palota na faitauina.

Article V, Section 4. Revision of the constitution.

Amendments or revised draft constitution proposed by constitutional convention shall be submitted to the voters for ratification at the next regular general election. An amendment proposed by constitutional convention shall become effective if approved by at least two-thirds of the votes cast.

O suiga po'o se Faavae Toe Tusia e faaofiina e ui mai i se Fono o le Faavae ia auina atu i le aupalota e faamaonia i le faiga palota lautele e soso'o ai. O se suiga po o se Faavae Toe Tusia e faaofiina e ui mai i se Fono o le Faavae e tatau ona aloa'ia pe afai e faamaonia e le i lalo ifo o le lua o vaetolu o palota na faitauina.

~~the Governor shall submit the same to the Secretary of the Interior for his approval, and if he approves the same, then the amendments shall become part of the Constitution or the proposed revised constitution shall replace this constitution, as the case may be.~~

8) GAS to ASG

Suiga o Mata'itusi faaPeretania o le Suafa o le Malo o Amerika Samoa

~~Government of American Samoa to American Samoa~~ Government.