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A RESOLUTION

Expressing concern that the concept of diversity jurisdiction as set forth in subsection (b) of section 6 of article XI of the Constitution of the Federated States of Micronesia may not be appropriate for the current circumstances in our Nation, expressing the sense of Congress that further study needs to be done with the goal of making appropriate revisions to that subsection, and respectfully requesting the Supreme Court of the Federated States of Micronesia to refrain from exercising its diversity jurisdiction in land cases when this would be constitutionally permissible.

1 WHEREAS, subsection (b) of section 6 of article XI of the
2 Constitution of the Federated States of Micronesia provides in
3 pertinent part that the National Courts, including the Trial Division
4 of the Supreme Court, shall have concurrent original jurisdiction in
5 cases involving what is known as "diversity" of the parties; and

6 WHEREAS, under the above-cited constitutional provision, matters
7 of purely local custom and interest, such as land cases, may be
8 decided by the National Courts, thereby creating friction between
9 different levels of government; and

10 WHEREAS, despite the concerns of some Members of Congress over
11 actions by the Supreme Court of the Federated States of Micronesia in
12 the exercise of its diversity jurisdiction, those Members and the
13 Congress as a whole acknowledge that the Court has no choice but to
14 follow the mandates of the Constitution; and

15 WHEREAS, despite its concern over the application of National
16 Court diversity jurisdiction to certain types of cases, the Congress
17 recognizes that it may be appropriate in other circumstances; now,
18 therefore,

19 BE IT RESOLVED by the Sixth Congress of the Federated States of
20 Micronesia, First Regular Session, 1989, that the Congress hereby
21 expresses its concern that the concept of diversity jurisdiction as
22 set forth in subsection (b) of section 6 of article XI of the
23 Constitution of the Federated States of Micronesia may not be
24 appropriate for the current circumstances in our Nation; and

25 BE IT FURTHER RESOLVED that it is the sense of Congress that

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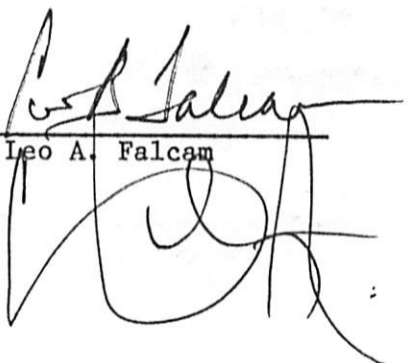
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1 further study needs to be done with the goal of making appropriate
2 revisions to subsection (b) of section 6 of article XI of the
3 Constitution of the Federated States of Micronesia; and

4 BE IT FURTHER RESOLVED that until such revisions can be made,
5 the Congress respectfully requests that the Supreme Court of the
6 Federated States of Micronesia refrain from exercising its diversity
7 jurisdiction in cases where an interest in land is at issue to the
8 extent that such refusal is permissible under the Constitution, and
9 that when such refusal is not permissible the Court certify
10 land-related issues to the appropriate State court whenever possible;
11 and

12 BE IT FURTHER RESOLVED that certified copies of this resolution
13 be transmitted to the President of the Federated States of Micronesia,
14 the Chief Justice of the Supreme Court of the Federated States of
15 Micronesia, the Governor of each State of the Federated States of
16 Micronesia, the Speaker of each State legislature of the Federated
17 States of Micronesia, and the Chief Justice of the State court of
18 each State of the Federated States of Micronesia.

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20 Date: May 12, 1989

Introduced by: 
Leo A. Falcam

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