

February 25, 2012

**Note:** The following contains the same syntax, grammar,<sup>1</sup> spelling,<sup>2</sup> and style choices<sup>3</sup> as appeared in the official 1960 Constitution (save the page numbers, and structure of the signature page).

-John L. Ward IV

Law Clerk to the High Court of Am. Samoa

---

<sup>1</sup> *See, e.g.*, CONST. OF AM. SAMOA art I, § 12 (the unnecessary comma here: "...advocates, the overthrow..."); art. II, § 1 (some subsections end in semi-colons, others with periods); art. II, § 3 (a colon does not follow "A Senator shall," but does follow "A Representative shall").

<sup>2</sup> *See, e.g.*, CONST. OF AM. SAMOA art I, § 3 ('police' in lieu of 'policy'); art. V, § 4 ("permenent").

<sup>3</sup> *See, e.g.*, CONST. OF AM. SAMOA art I, §15 (underlined only a portion of the section heading).

THE CONSTITUTION OF THE  
GOVERNMENT OF AMERICAN SAMOA

---

PREAMBLE

ARTICLE I BILL OF RIGHTS

SECTION

1. Freedom of Religion, Speech, Press, Rights of Assembly and Petition
2. No Deprivation of Life, Liberty, Or Property Without Due process
3. Policy Protective Legislation
4. Dignity Of The Individual
5. Protection Against Unreasonably Searches and Seizures
6. Rights Of An Accused
7. Habeas Corpus
8. Quartering of Militia
9. Imprisonment for Debt
10. Slavery Prohibited
11. Treason
12. Subversives Ineligible To Public Office
13. Retroactive Laws
14. Special Or Exclusive Privileges Not To Be Granted
15. Health, Safety, Morals And General Welfare
16. Education
17. Child Labor
18. Unspecified Rights And Privileges And Immunities

ARTICLE II THE LEGISLATURE

1. Legislature
2. Membership
3. Qualification of Members
4. Manner Of Election
5. Elections
6. Term Of Office
7. Qualifications Of Electors
8. Legislative Sessions
9. Enactment Of Laws – Vetoes
10. Passage Of Bills
11. Powers Of Each House
12. Freedom From Arrest
13. Vacancies
14. Public Sessions
15. Reading – Passage Of Bills
16. Title
17. Amendments and Revisions By Reference
18. Appointment To New Offices

19. Effective Date Of Laws
20. Legislative Counsel
21. Quorum
22. Qualifications And Officers
23. Adjourning Legislature
24. Compensation of Legislature
25. Limitation On Compensation Of Employees

### ARTICLE III JUDICIARY BRANCH

1. Judicial Power
2. Independence Of The Courts
3. Continuance Of Laws
4. Appointment

### ARTICLE IV EXECUTIVE BRANCH

1. Appointments
2. Governor
3. Secretary
4. Secretary of Samoan Affairs
5. Militia And Posse Comitatus
6. Executive Legislations
7. Supervision And Control By Governor, Organization Of Executive Branch
8. Annual Report
9. Pardoning Power
10. Recommendation Of Laws
11. Appointment of Officials
12. Removal Of Officers – Powers And Duties Of Officers

### ARTICLE V MISCELLANEOUS

1. Existing Officers
2. Existing Laws
3. Amendments
4. Revision Of The Constitution
5. Local Or Special Laws
6. Existing Rights And Liabilities
7. Oaths
8. General Power
9. Construction
10. Provisions, Self Executing
11. Seat Of Government
12. Effective Date

## CONSTITUTION OF AMERICAN SAMOA

Whereas the Congress of the United States, in its Act of February 20, 1929, provided that until the Congress shall provide for the Government of the islands of American Samoa, all civil, judicial and military powers shall be vested in such person or person and exercised in such manner as the President of the United States shall direct;

Whereas, by Executive order No. 10264 the President of the United States directed that the Secretary of the Interior should take such action as may be necessary and appropriate and in harmony with applicable law, for the administration of civil government in American Samoa;

Whereas, it is appropriate that, in the process of developing self-government, the people of American Samoa should enjoy certain rights and responsibilities inherent in the representative form of government; and

Whereas, it is desirable that these rights and responsibilities be clearly set forth in a Constitution, and the adoption of a Constitution is in harmony with applicable law;

Now, therefore, this Constitution, having been ratified and approved by the Secretary of the Interior and having been approved by the Constitutional Convention of the people of American Samoa, is established to further advance government of the people, by the people, and for the people of American Samoa.

### ARTICLE I BILL OF RIGHTS

**SECTION 1. FREEDOM OF RELIGION, SPEECH, PRESS, RIGHTS OF ASSEMBLY AND PETITION:** There shall be separation of church and government, and no law shall be enacted respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

**SECTION 2. NO DEPRIVATION OF LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS:** No person shall be deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use without just compensation.

**SECTION 3. POLICE PROTECTIVE LEGISLATION:** It shall be the policy of the Government of American Samoa to protect persons of 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 Samoan ancestry, and to encourage business enterprises by such persons. No change in the law respecting the alienation or transfer of land or any interest therein, shall be effective unless the same be approved by two successive legislatures by a two-thirds vote of the entire membership of each house and by the Governor.

SECTION 4. DIGNITY OF THE INDIVIDUAL: The dignity of the individual shall be respected and every person is entitled to protection of the law against malicious and unjustifiable public attacks on the name, reputation, or honor of himself or of his family.

SECTION 5. PROTECTION AGAINST UNREASONABLE SEARCHES AND SEIZURES: The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supports by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. Evidence obtained in violation of this Section shall not be admitted in any court.

SECTION 6. RIGHTS OF AN ACCUSED: No person shall be subject for the same offense to be twice put in jeopardy of life or liberty; nor shall he be compelled in any criminal case to be a witness against himself; and the failure of the accused to testify shall not be commented upon nor taken against him. In all criminal prosecutions, the accused shall have the right to a speedy and public trial, to be informed of the nature and cause of the accusation and to have a copy thereof; to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense. Every man is presumed innocent until he is pronounced guilty by law, and no act of severity which is not reasonably necessary to secure the arrest of an accused person shall be permitted. All persons shall be bailable by sufficient sureties except for capital offenses and rape, where proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed nor cruel or unusual punishment inflicted.

SECTION 7. HABEAS CORPUS: The writ of habeas corpus shall be granted without delay and free of costs. The privilege of the writ of habeas corpus shall not be suspended except by the Governor and then only when the public safety requires it in case of war, rebellion, insurrection or invasion.

SECTION 8. QUARTERING OF MILITIA: No soldier or member of the militia shall, in time of peace, be quartered in any house without the consent of the owner or the lawful occupant, nor in time of war, except in a manner prescribed by law. The military authority shall always be subordinate to the civil authority in time of peace.

SECTION 9. IMPRISONMENT FOR DEBT: There shall be no imprisonment for debt except in cases of fraud.

SECTION 10. SLAVERY PROHIBITED: Neither slavery, nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted shall exist in American Samoa.

SECTION 11. TREASON: Treason against the Government of American Samoa shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or a confession in open court.

SECTION 12. SUBVERSIVES INELIGIBLE TO PUBLIC OFFICE: No person who advocates, or who aids or belongs to any party, organization, or association which advocates, the overthrow by force or violence of the Government of American Samoa or of the United States shall be qualified to hold any public office of trust or profit under the Government of American Samoa.

SECTION 13. RETROACTIVE LAWS: No bill of attainder, ex post facto law, nor any law impairing the obligation of contracts shall be passed.

SECTION 14. SPECIAL OR EXCLUSIVE PRIVILEGES NOT TO BE GRANTED: The power of the Government to act for the general welfare of the people of American Samoa shall never be impaired by the making of any irrevocable grant of special or exclusive privileges or immunities. Special acts conferring corporate powers shall not be enacted. Corporations may be created under general laws, but all such laws may be amended or repealed.

SECTION 15. HEALTH, SAFETY MORALS AND GENERAL WELFARE: Laws may be enacted for the protection of the health, safety, morals and general welfare, of the people of American Samoa.

SECTION 16. EDUCATION: The Government shall operate a system of free and non-sectarian public education. There shall be compulsory education for all children between the ages of seven and sixteen years. The government will encourage qualified persons of good character to acquire further education, locally and abroad, both general and technical, and thereafter to return to American soma to the end that the people thereof may be benefited.

SECTION 17. CHILD LABOR: The employment of children under the age of sixteen years in any occupation injurious to health or morals, or hazardous to life or limb is hereby prohibited.

SECTION 18. UNSPECIFIED RIGHTS AND PRIVILEGES AND IMMUNITIES: The enumeration of certain rights in this Constitution shall not be construed to impair or deny other rights retained by the people. No law shall be made or enforced which shall abridge the privileges or immunities of the citizens of American Samoa.

— ARTICLE II —  
THE LEGISLATURE

SECTION 1. LEGISLATURE: There shall be a Legislature which shall consist of a Senate and House of Representatives.

The Legislature shall have authority to pass legislation with respect to subjects of local application, except that:

- (a) No such legislation may be inconsistent with this Constitution or the laws of the United States applicable in American Samoa;

- (b) No such legislation may conflict with treaties or international agreements of the United States;
- (c) The annual budget shall be as presented to the Congress of the United States subject to such allocations among departments and activities as may be made by the Governor as a result of increases or decreases in the amount of grant funds approved by the Congress, and the Governor shall inform the Legislature of his actions in this regard at its next regular session.
- (d) Legislation involving the expenditure of funds other than as budgeted shall include revenue measures to provide the needed funds.

The authority conferred upon the Legislature by this section shall not be construed as a limitation upon the legislative power vested in the Governor by Section 9 of this Article.

**SECTION 2. MEMBERSHIP:** The Senate shall consist of one member from each county, provided that there shall be an additional Senator from the Western District. The first such additional Senator shall be elected in and from Lealataua (Fofu) County in the election held in 1960; his successor in and from Leasina (Aitulagi) County; his successor in and from Tualata County; and his successor in and from Tualatai County, and thereafter in rotation from such four counties in the order named. Such additional Senator shall serve a term of two years.

The House of Representatives shall consist of members elected on the basis of population in such ratio as may be provided by law; provided that each county shall always have at least one representative regardless of population; and provided further that the total number of members shall never exceed 24. The first House of Representatives to be elected following the adoption of this Constitution shall be composed of one Representative from each county, except that Lealataua (Fofu) County shall have two Representatives and Ma'uputasi County shall have three Representatives. Representation shall be reapportioned by law at intervals of not less than 10 years.

The adult permanent residents of Swains Island may elect at an open meeting a delegate to the House of Representatives who shall have all of the privileges of a member of the House except the right to vote.

**SECTION 3. QUALIFICATION OF MEMBERS:**

- A Senator shall
- (a)-be a United States National;
  - (b)-be at least 30 years of age at the time of his election;
  - (c)-have lived in American Samoa for a total of at least five years and have been a bona fide resident thereof for at least one year next preceding his election; and

(d)-be the registered head of a Samoan family, who maintains his monotaga, that is, who fulfills his obligation as required by Samoan custom in the country from which he is elected.

A Representative shall:

(a)-be a United States National;

(b)-be at least 25 years of age at the time of his election; and

(c)- have lived in American Samoa for a total of at least five years and have been a bona fide resident of the county from which he is elected for at least one year next preceding his election.

A delegate from Swains Island shall have the qualifications of a representative except that in lieu of residence in a county he shall have been a bona fide resident of Swains Island for at least one year next preceding his election.

No person who shall have been expelled from the Legislature for giving or receiving a bribe or being an accessory thereto, and no person who shall have been convicted of a felony, shall sit in the Legislature, unless the person so convicted shall have been pardoned and have had restored to him his civil rights.

No person holding any other public office shall be eligible during his continuance in such office for membership in the Legislature.

**SECTION 4. MANNER OF ELECTION:** A Senator shall be elected in accordance with Samoan custom by the county council of the county he is to represent.

Representatives shall be chosen by secret ballot of the qualified electors of their respective counties; provided that in case a county has more than one representative such county shall be divided by law into as many divisions as it shall have representatives and one representative shall be elected from each such division by the electors thereof.

**SECTION 5. ELECTIONS:** Elections shall be held biennially in each even-numbered year beginning on the first Tuesday following the first Monday in November and ending not later than three weeks thereafter.

**SECTION 6. TERM OF OFFICE:** Each Senator except the additional Senator from the Western District shall hold office for a term of four years. Representatives including any delegate from Swains Island shall each hold office for a term of two years. The terms of all members of the Legislature including any delegate from Swains Island shall commence at noon on the third day of January following their election, except as otherwise provided.

**SECTION 7. QUALIFICATIONS OF ELECTORS:** Every person of the age of 20 years or upwards, belonging to either of the following classes, who shall have lived in American Samoa for a total of at least two years and have been a bona fide resident of the county or division where



he offers to vote for at least one year next preceding the election and who meets such registration requirements as may be proscribed by law shall be deemed a qualified elector at such election:

- (1) U.S. Nationals;
- (2) Other persons of at least one-half Samoan blood who owe no allegiance to any foreign sovereign state.

No person under guardianship, non compos mentis, or insane shall be qualified to vote at any election; nor shall any person who has been convicted of a felony be qualified to vote at any election unless he has maintained good behavior for seven years following the date of his conviction or his release from prison, whichever is the later.

**SECTION 8. LEGISLATIVE SESSIONS:** There shall be a regular session of the Legislature held in each year beginning on the second Monday in March and continuing for not to exceed 30 consecutive calendar days. The Legislature may meet in special session at the call of the Governor, but the aggregate of such special sessions during any calendar year shall not exceed fifteen calendar days.

No legislation may be considered in a special session other than that specified by the Governor in the call for the special session or in a special message to the Legislature while in session. The Governor shall address a joint meeting of the Senate and House at the opening of each session.

**SECTION 9. ENACTMENT OF LAWS: VETOES:** The enacting clause of all bills shall be: "BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA," and no law shall be enacted except by bill. Bills may originate in either House, and may be amended or altered or rejected by the other. The Governor may submit proposed legislation to the Legislature for consideration by it. He may designate any such proposed legislation as urgent, if he so considers it.

Every bill, having passed both Houses, shall be signed by the President of the Senate and the Speaker of the House, and shall, before it becomes a law, be presented to the Governor for his approval. If he approves it, he shall sign it and it shall become a law, and he shall deposit it in the office of the Secretary of American Samoa. But if it be not approved by him, he shall return it with his objections to the House in which it originated, which shall enter the same in their journal. Any bill not returned by the Governor within 20 days, after having been presented to him, shall become a law, whether signed by him or not, unless the Legislature by adjournment prevent such return, in which case it shall not become a law unless the Governor, within 45 days after adjournment shall sign it, in which case it shall become a law in like manner as if it has been signed by him before adjournment; and the Governor shall deposit it in the Office of the Secretary of American Samoa.

Not later than 14 months after a bill has been vetoed by the Governor, it may be passed over his veto by a two-third's majority of the entire membership of each House but may not be so repassed at the same session at which originally passed.

A bill so repassed shall be re-presented to the Governor for his approval. If he does not approve it within 20 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.

In the event that the Governor has submitted to the Legislature proposed legislation which he has designated as urgent, and the Legislature has failed to pass the same in its original form or an amended form acceptable to the Governor at the session in which it was submitted, the Governor may himself, with the approval of the Secretary of the Interior, promulgate such proposed legislation as a law.

If any bill presented to the Governor should contain several items of appropriation of money, he may object to one or more of such items, or any part or parts thereof, portion or portions of the bill. In such a case he shall append to the bill, at the time of signing it, a statement of the times or parts or portions thereof, to which he objects, and the items, or parts or portions thereof, so objected to shall not take effect.

Notwithstanding the provisions in this section with respect to a bill becoming a Law upon approval by the Governor or upon its approval by the Secretary of the Interior after its veto by the Governor or the provision permitting the Governor himself to promulgate laws under certain circumstances, changes in the laws referred to in Section 3 of Article III, shall not be effective unless the same shall have been enacted by the Legislature and approved by the Governor and the Secretary of the Interior. Furthermore, nothing in this section shall be deemed to permit any change in the law respecting the alienation or transfer of land or any interest therein to be effective unless such change shall have been approved by two successive Legislatures by a two-thirds vote of the entire membership of each house and by the Governor as provided in Section 3 of Article I.

**SECTION 10. PASSAGE OF BILLS:** A majority of all the members of each House, voting in the affirmative, shall be necessary to pass any bill or joint resolution.

**SECTION 11. POWERS OF EACH HOUSE:** Each House shall keep a journal of its proceedings and publish the same, determine its rules of procedure, punish members for disorderly behavior, and, with the consent of two-thirds of its entire membership, may expel a member, but not a second time for the same offense. Each House shall sit upon its own adjournments, but neither House shall, without the concurrence of the other, adjourn for more than three days, nor to any other place than that in which it may be sitting.

**SECTION 12. FREEDOM FROM ARREST:** Senators and representatives and any delegate from Swains Island in all cases except treason, felony, or breach of the peace, shall be privileged from arrest during a session of the Legislature, and in going to and returning from the same. No member of the Legislature shall be held to answer before any tribunal other than the Legislature itself for any speech or debate in the Legislature.

**SECTION 13. VACANCIES:** When vacancies occur in either House, the Governor, or the person exercising the function of Governor, shall issue writs of election to fill such vacancies

except if such vacancy occur within three months of the net regular election, no special election shall be held and the Governor may fill such vacancy by appointment of the person recommended by the County Chief of the County from which the vacancy arose. A person elected to fill a vacancy or appointed by the Governor to fill a vacancy shall take office upon his taking the oath of office and shall hold office during the remainder of the term of his predecessor.

SECTION 14. PUBLIC SESSIONS: The business of each House, and of the Committee of the Whole, shall be transacted openly and not in secret session.

SECTION 15. READING – PASSAGE OF BILLS: No bill shall be passed until copies of the same with amendments thereto shall have been made available for the use of the members; nor shall a bill become a law unless the same shall have been read on two separate days in each House previous to the final vote thereon. On final passage of all bills, they shall be read at length, section by section, and the votes shall be by yeas and nays upon each bill separately, and shall be entered upon the journal. The provisions in this section respecting the reading of bills shall be subject to the exception that a bill providing for a general revision of the statutes or Code of American Samoa shall be read in such manner as the Legislature may prescribe.

SECTION 16. TITLE: Every legislative act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be embraced in the title.

SECTION 17. AMENDMENTS AND REVISIONS BY REFERENCE: No law shall be amended or revised by reference to its title only; but in such case the act, as revised, or section or subsection as amended, shall be re-enacted and published at full length.

SECTION 18. APPOINTMENT TO NEW OFFICES: No member of the Legislature shall during the term for which he was selected and for one year thereafter be appointed to any office which shall have been created during such term.

SECTION 19. EFFECTIVE DATE OF LAWS: An act of the Legislature required to be approved by the Governor only shall take effect no sooner than 60 days from the end of the session at which the same shall have been passed, while an act required to be approved by both the Governor and the Secretary of the Interior or by the Secretary of the Interior only after its veto by the Governor and so approved shall take effect no sooner than 40 days after its return to the Governor by the Secretary of the Interior. The foregoing is subject to the exception that in the case of an emergency the act may take effect at an earlier date stated in the act, provided that the emergency be declared in the preamble and in the body of the act. A law promulgated by the Governor with the approval of the Secretary of the Interior shall become effective at the time specified therein.

SECTION 20. LEGISLATIVE COUNSEL: A Legislative Counsel shall be appointed by the Governor to assist and advise the Legislature and to perform such other and further duties as may be prescribed by law.

SECTION 21. QUORUM: A majority of each House shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day and may compel the attendance of absent members in such manner as each House may provide.

SECTION 22. QUALIFICATIONS AND OFFICERS: Each House of the Legislature shall be the judge of the qualifications of its members and shall choose its own officers.

SECTION 23. ADJOURNING LEGISLATURE: In case of disagreement between the two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper; but not such adjournment shall be beyond the time fixed for the next general session of the Legislature.

SECTION 24. COMPENSATION OF LEGISLATURE: The members of the Legislature including any delegate from Swains Island shall each receive for his services an annual salary of three hundred dollars, payable to such times as may be provided by law; provided that the salary of any such member or delegate in office on the effective date of this Constitution for the part of the year 1960 unexpired on such date shall bear the same relation to three hundred dollars as such unexpired part shall bear to one year, such salary for such unexpired part of 1960 to be paid on December 23, 1960.

Each member of the Legislature from Tutuila including Aunu'u shall be issued a pass by the Government of American Samoa good for daily round-trip public transportation between his village (if no public transportation to his village then between the point nearest his village to which public transportation is available) and Fagatogo during regular and special sessions of the Legislature. For his use in attending a session, whether regular or special, each member from Manu'a shall receive a pass from the Government of American Samoa good for one round-trip by ship between Manu'a and Tutuila. Any delegate from Swains Island shall be paid \$25,00 by the Government of American Samoa to cover the expense of his travel to attend a session, either regular or special. Members of the Legislature including any delegate from Swains Island shall receive no compensation, perquisite, or allowance whatsoever other than that specifically provided for by this section.

SECTION 25. LIMITATION ON COMPENSATION OF EMPLOYEES: No employee of the Legislature or of either House thereof shall be paid either directly or indirectly for a total of more than 50 days of service in connection with a regular session of the Legislature or for a total of more than 30 days of service in connection with special sessions in any one calendar year. For the purposes of this section, every employee of the Legislature or of either House thereof shall be deemed to be employed for services in connection with a legislative session.

— ARTICLE III —  
JUDICIAL BRANCH

SECTION 1. JUDICIAL POWER: The Judicial Power shall be vested in the High Court, the District Courts, and such other courts as may from time to time be created by law.

SECTION 2. INDEPENDENCE OF THE COURTS: The Judicial Branch of the Government of American Samoa shall be independent of the Executive and Legislative Branches.

SECTION 3. CONTINUANCE OF LAWS: The laws of American Samoa respecting the courts, including their jurisdiction, organization and operation, the judicial system, and the judiciary shall continue in force until otherwise provided by law. No change in any such laws, whether by amendment, repeal or by new statutory provision shall be effective unless the same shall have been enacted by the Legislature and approved by the Governor and by the Secretary of the Interior.

SECTION 4. APPOINTMENT: The Chief Justice of American Samoa shall be appointed as provided in the laws of the United States.

— ARTICLE IV —  
EXECUTIVE BRANCH

SECTION 1. APPOINTMENTS: The Governor of American Samoa and the Secretary of American Samoa shall be appointed as provided in the laws of the United States.

SECTION 2. GOVERNOR: The executive power shall be vested in the Governor of American Samoa, who shall take care that the laws be faithfully executed. He shall perform his duties under the general supervision of the Secretary of the Interior.

SECTION 3. SECRETARY: The Secretary of American Samoa shall have all the powers and duties of the Governor in the case of a vacancy in the office of Governor or the disability or temporary absence of the Governor. He shall record and preserve the laws and executive orders, and transmit copies thereof to the Secretary of the Interior. He shall have and perform such other duties as may be prescribed by law or assigned to him by the Governor.

SECTION 4. SECRETARY OF SAMOAN AFFAIRS: There shall be a Secretary of Samoan Affairs appointed by the Governor from among the leading chiefs. He shall hold office during the pleasure of the Governor. The Secretary of Samoan Affairs shall be the head of the Department of Local Government and be responsible for the proper administration of the District, County, and Village Affairs as provided by law and shall supervise all ceremonial functions as may be provided by law.

SECTION 5. MILITIA AND POSSE COMITATUS: The Governor may summon the posse comitatus or call out the militia to prevent or suppress violence, invasion, insurrection, or rebellion.

SECTION 6. EXECUTIVE REGULATIONS: The Governor or his designated representatives shall have the power to issue executive regulations not in conflict with this Constitution or any applicable law.

SECTION 7. SUPERVISION AND CONTROL BY GOVERNOR, ORGANIZATION OF EXECUTIVE BRANCH: The Governor shall have supervision and control of all executive

agencies and instrumentalities of the Government of American Samoa. There shall be no more than eight Executive Departments in the Government of American Samoa. There shall be no more than eight Executive Departments in the Government of American Samoa. No other instrumentality shall be created, organized, or established by the Governor or the Legislature, without the prior approval of the Secretary of the Interior, unless required by Federal programs.

SECTION 8. ANNUAL REPORT: The Governor shall annually make an official report of the transactions of the Government of American Samoa to the Secretary of the Interior.

SECTION 9. PARDONING POWER: The Governor shall have the power to remit fines and forfeitures, commute sentences, and grant reprieves and pardons after conviction for offenses against the laws of American Samoa.

SECTION 10. RECOMMENDATION OF LAWS: The Governor shall give the Legislature information on the state of the Government and recommend for its consideration such measures as he may deem necessary and expedient. He may attend or may depute another person to represent him at the meetings of the legislature, and may give expression to his views on any matter before such body.

SECTION 11. APPOINTMENT OF OFFICIALS: With the exception of elective officials, those appointed by the Secretary of the Interior, and those whose appointments are otherwise provided for, the officials of the Government of American Samoa including district, county and village officials shall be appointed by the Governor. Prior to appointing a district governor, a county chief, or a pulenu'u, the Governor shall request the recommendation of the appropriate district council as to who shall be appointed, in the case of a district governor; of the appropriate county council and district governor, in the case of a county chief; and of the appropriate village council, district governor, and county chief in the case of a pulenu'u.

SECTION 12. REMOVAL OF OFFICERS: POWERS AND DUTIES OF OFFICERS: The Governor may appoint or remove any officer whose appointment is not otherwise provided for. All officers shall have such powers and duties as may be conferred or imposed on them by law or by executive regulation of the Governor not inconsistent with any law.

— ARTICLE V —  
MISCELLANEOUS

SECTION 1. EXISTING OFFICERS: For the public convenience and to insure continuity in the operation of the Government and regardless of any other provision or provisions in this Constitution, all officers of American Samoa, including District, County, and Village in office on the effective date of this Constitution, shall, subject to the right of resignation and removal as may be provided by law continue to hold their respective offices until the expiration of the time for which they were respectively elected or appointed.

SECTION 2. EXISTING LAWS: In addition to the continuance of certain laws as provided for by Section 3 of Article III of this Constitution, all other laws of American Samoa not

inconsistent with this Constitution shall continue in force until they expire by their own limitation or are altered or repealed by competent authority.

**SECTION 3. AMENDMENTS:** Any amendment to this Constitution may be proposed in either house of the Legislature, and if the same be agreed to by three-fifths of all members of each house, voting separately, such proposed amendment shall be entered on the Journals, with the yeas and nays taken thereon. Such proposed amendment shall be referred to the next succeeding legislature, and if the same be agree to by three-fifths of all members of each house, voting separately, the Governor shall be so advised by the Legislature. The Governor shall then submit such proposed amendments to the voters eligible to vote for members of the House of Representatives at the next general election. If a majority of such voters voting approve such amendment, the Governor shall, within thirty days after such approval shall have been officially determined, submit the same to the Secretary of the Interior for approval or disapproval within four months after its receipt.

**SECTION 4. REVISION OF THE CONSTITUTION:** In view of changing conditions in American Samoa, the Governor shall appoint a new Constitutional Committee five years after the effective date of this Constitution to prepare amendments or a revised draft constitution to be submitted to the Governor who shall call a constitutional convention to consider the same. The delegates to the convention shall be selected by the respective county councils. The number of delegates from each county shall be the number obtained by dividing the population of the county, as shown by the last preceding Federal census, by 400, any fraction in the quotient obtained to be disregarded if such fraction be less than one-half and if such fraction shall be one-half or more it shall be considered to be one unit, provided that each county shall have at least one delegate, and provided further that Swains Island shall have one delegate selected by the adult permanent residents of the island in open meeting. If the convention approves such amendments or draft constitution either with changes made therein by the convention or without changes, the same as approved shall be submitted by the Governor to the voters eligible to vote for members of the House of Representatives at the next general election; and if a majority of the voters voting approve the amendments or proposed revised constitution, 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 this constitution or the proposed revised constitution shall replace this constitution, as the case may be.

**SECTION 5. LOCAL OR SPECIAL LAWS:** The Legislature shall pass no local or special act if a general act can be made applicable.

**SECTION 6. EXISTING RIGHTS AND LIABILITIES:** Except as otherwise provided in this Constitution all existing actions, writs, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, decrees, sentences, orders, appeals, causes of action, contracts, claims, demands, titles, and rights shall continue unaffected notwithstanding the taking effect of this Constitution.

**SECTION 7. OATHS:** All officers of American Samoa including District, County, and Village officers, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath:

“I, \_\_\_\_\_, of \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter, and that I will well and faithfully uphold the laws of the United States applicable in American Samoa, and the Constitution and laws of American Samoa. So help me God.”

SECTION 8. GENERAL POWER: The enumeration in this Constitution of specified powers shall not be construed as limitations upon the power of the Government of American Samoa to provide for the general welfare of the people.

SECTION 9. CONSTRUCTION: In this Constitution titles shall not be used for the purposes of construction and wherever any personal pronoun appears it shall be construed to mean either sex; also in this Constitution a special or particular provision shall control a general provision should there be inconsistency between a special or particular provision and a general provision.

SECTION 10. PROVISIONS SELF-EXECUTING: The provisions of this Constitution shall be self-executing to the fullest extent that their respective natures permit.

SECTION 11. SEAT OF GOVERNMENT: The seat of Government shall be at Fagatogo.

SECTION 12. EFFECTIVE DATE: This Constitution, ratified and approved on April 27, 1960, by the Secretary of the Interior, acting pursuant to authority vested in him by Executive Order Number 10264, dated June 29, 1951, of the President of the United States, and approved by the Constitutional Convention of the people of American Samoa in its meeting in Fagatogo, American Samoa, on April 27, 1960, shall become effective on October 17, 1960.

RATIFIED AND APPROVED:

/s/ Fred A Seaton  
Secretary of the Interior

We the undersigned being the duly appointed Delegates to the Constitutional Convention, do hereby certify that the above and foregoing document was approved by us in Convention assembled as the Constitution of American Samoa.

For and on behalf of  
Ma’oputasi County

/s/ Mauga Palepoi  
/s/ Lealaifuaneva P. E. Reid  
/s/ Paopaoailua  
/s/ Tufaga Fa’afua

For and on behalf of Alataua  
(Sasa’e) County

/s/ Le’iato  
/s/ S. Mulitauaoepele  
/s/ Mulitauaoepele Tamotu  
/s/ Fiatauiaulava

For and on behalf of Alataua  
(Sisifo) County

/s/ M. T. Tuitele  
/s/ E. L. Avegalio  
/s/ Maiava Sofala  
/s/ Salave’a Otela



/s/ Moelata L. Liufau  
/s/ S. P. Mailo  
/s/ Lutu Simaile  
/s/ Fano Shimasaki  
/s/ Pula N. Tuiteleleapaga  
/s/ Faumuina, John  
/s/ Leota T.  
/s/ Poiali'i T.

For and on behalf of Ituau  
County

/s/ Alo S.  
/s/ S. Lea'eno  
/s/ Tago L.  
/s/ L. T. Lagafuaina

For and on behalf of Ta'u  
County

/s/ T. Lefiti  
/s/ Rapi Sotoa  
/s/ Tauala  
/s/ Sa'ena A.

For and on behalf of Fitiuta  
County

/s/ Tufele Faia'oga  
/s/ Galea'i A.  
/s/ La'apui  
/s/ F. Paopao

For and on behalf of Falesao  
County

/s/ Aso'au Ofisa  
/s/ F. Malauulu  
/s/ T. Ma'o  
/s/ Fa'amausili

For and on behalf of Sa'ole  
County

/s/ Aifili P. Lauvao  
/s/ Faumuina  
/s/ Sonoma L. Tuatoo  
/s/ Utuleulua'iali'i

For and on behalf of Vaifanua  
County

/s/ Salofi P. Aumoeualogo  
/s/ S. F. Tuiasosopo  
/s/ T. A. Masaniai  
/s/ Lealaisalanoa

For and on behalf of Ofu  
County

/s/ F.T. Misaalefua  
/s/ Sai Tuanu'u  
/s/ Lei F. T.  
/s/ Velega P.

For and on behalf of Olosega  
County

/s/ Tuumamao Tuiolosega  
/s/ T. F. Laolagi  
/s/ Ape M.  
/s/ Tupua M. P.

/s/ Fuamatu Titipa  
/s/ Gago Fa'alofa  
/s/ F. Moi  
/s/ Misa F.

For and on behalf of Tualauta  
County

/s/ T. T. Letuli  
/s/ Pagofie  
/s/ Auau  
/s/ Maiava Arona

For and on behalf of Tualatai  
County

/s/ Satele Moasegi Teutusi  
/s/ Tuataglaloa E. Hunkin  
/s/ Tuiasina W. R.  
/s/ Afoa Sanerive

For and on behalf of Leasina  
County

/s/ Asuemu U. Fuimaono  
/s/ S. M. Tuilefano  
/s/ A. Moananu Apela  
/s/ Leasiolagi G.

/s/ Peter Tali Coleman  
Governor of American Samoa  
Chairman of the Constitutional  
Convention