

Tinian Papers Row

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# Legal Steps Mark Time

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SAIPAN—Sen. Lazarus Salii of the Congress of Micronesia is considering legal action against the Trust Territory attorney general because of his delay in prosecuting three TT employees charged with contempt of Congress.

A draft complaint to compel prosecution is sitting on Salii's desk. It could be filed in a week, said Salii, if Attorney General Richard I. Miyamoto does not proceed with the contempt charges involving subpoenaed land records.

Because Miyamoto was out of the office on sick leave this

week, Salii said he did not want to appear to be taking advantage of the attorney general's illness.

"But if he continues to delay on this, we'll have no choice but to have the Attorney General held in contempt of court," said Salii.

The senator, who is chairman of the Joint Committee on Future Status, last week accused Miyamoto of "stalling" and said he would not hesitate to use legal remedies to force the Attorney General's hand on the matter.

A subcommittee of the Joint Committee charged the three with contempt of Congress on July 27 when they refused to hand over subpoenaed

documents or testify about them. The employees are Kozo Yamada, chief of the TT Lands and Surveys Division, Maynard Neas, assistant chief, and Emmett Rice, an attorney and land law examiner for the division.

They have been told by U.S. and TT officials not to release the records.

What the Joint Committee wants to know is what transpired during meetings the three had in Washington about the disposition of public lands in Micronesia. Without this information, Salii has said, the Joint Committee could be placed at a serious disadvantage

in future political status talks with the United States.

Miyamoto was asked by the subcommittee to appoint a special prosecutor because of the "obvious conflict of interest" created by his serving as counsel to the land management employees.

The day following Salii's accusation that Miyamoto was "stalling," the Attorney General wrote Salii saying that "in anticipation of legal challenges" to prosecution of the contempt charges, his office lacked certain information on the factual and legal basis for the charges. Miyamoto's letter is being interpreted to mean the Attorney General's office may challenge the subcommittee's authority to instigate the contempt charges.

Basically, Miyamoto requested minutes or transcripts of the subcommittee meetings at which the decision to press the charges was made.

Salii called the Attorney General's letter a "delaying tactic."

"And I had to go to (Deputy High Commissioner) Peter Coleman even to get Miyamoto to send this," he explained.

Salii had Congress staff attorney Michael A. White respond to the letter the next day. Available transcripts were sent, along with assurances that procedural requirements were complied with.

The contempt case was one of the topics Salii discussed when he met on Guam last week with Ambassador Franklin Haydn Williams, chief status negotiator, for the U.S.

"I didn't change his mind on this," said Salii, "and he didn't change mine."

According to Salii, Williams said he and the TT administration "didn't want to damage three good TT employees" by proceeding with the charges against them.

"I can understand the loyalty of Neas and Rice to the American side," said Salii of the two American employees. The senator indicated, however, that he had a hard time accepting Yamada's refusal to divulge the contents of his talks with U.S. officials. Yamada is Ponapean.

Salii also said that some form of "political action" might be taken against both Miyamoto and Yamada if the situation is not resolved favorably.