

(MOTION TO DISMISS SANTOS CASE FILED)

SAIPAN, MAY 13 (MNS)---A MOTION TO DISMISS THE CIVIL CASE AGAINST MARIANA ISLANDS DISTRICT LEGISLATURE PRESIDENT VICENTE N. SANTOS HAS BEEN FILED IN TRUST TERRITORY HIGH COURT ON SAIPAN BY GUAM ATTORNEY JOAQUIN C. ARRIOLA. THE COURT HAS NOT YET SET A DATE FOR A HEARING ON THE MOTION.

SANTOS WAS CHARGED LAST MONTH WITH MISUSING OR CONVERTING TO HIS OWN USE MORE THAN \$35,000 IN DISTRICT LEGISLATURE FUNDS. THE CHARGES WERE FILED BY ~~PONAPE DISTRICT ATTORNEY MINOR POUNDS~~ ON BEHALF OF THE TRUST TERRITORY GOVERNMENT, THE PLAINTIFF IN THE CASE. A GOVERNMENT AUDIT OF THE OF THE DISTRICT LEGISLATURE CONDUCTED LAST YEAR REVEALED THE ALLEGED MISHANDLING OF FUNDS AND FINANCIAL ACCOUNTS. THE GOVERNMENT CASE SEEKS RESTITUTION OF THE MONEY.

ARRIOLA CITED FOUR GROUNDS ON WHICH HE BASED HIS MOTION FOR DISMISSAL, A MOVE WHICH HAD BEEN EXPECTED. THEY ARE: "(1) THE PLAINTIFF, TRUST TERRITORY OF THE PACIFIC ISLANDS, LACKS CAPACITY TO SUE; (2) THE PLAINTIFF... IS NOT THE REAL PARTY IN INTEREST AND HAS NO STANDING IN THIS COURT TO SUE; (3) THIS COURT LACKS JURISDICTION OVER THE SUBJECT MATTER; (4) AND THE COMPLAINT OF THE PLAINTIFF... FAILS TO STATE A CLAIM AGAINST THE DEFENDANT UPON WHICH RELIEF CAN BE GRANTED."

THE FEDERAL RULES OF PROCEDURE, AS AUTHORIZED BY THE RULES OF CIVIL PROCEDURE OF THE TRUST TERRITORY, ARE CITED AS THE BASIS FOR THE DISMISSAL MOTION, THE MOTION WAS ALSO OFFERED BASED ON RELEVANT PORTIONS OF THE CHARTER OF THE MARIANA ISLANDS DISTRICT LEGISLATURE AND THE MARIANA ISLANDS DISTRICT CODE.

SANTOS HAS THUS FAR REFUSED PUBLIC COMMENT ON THE CHARGES PENDING AGAINST HIM, BUT THE MOTION FOR DISMISSAL FILED FRIDAY (MAY 10) WAS HIS OFFICIAL RESPONSE TO THE CIVIL COMPLAINT AND SUMMONS WHICH WERE ISSUED TO HIM ON APRIL 11.

(DISTAD CONFERENCE DELAYED)

SAIPAN, MAY 13 (MNS)---THE SEMI-ANNUAL CONFERENCE OF TRUST TERRITORY DISTRICT ADMINISTRATORS WILL NOT BEGIN UNTIL TUESDAY (MAY 14) ACCORDING TO SPECIAL ASSISTANT FOR DISTRICT AFFAIRS J. BOYD MACKENZIE. HE SAID THE DALAY WAS CAUSE BY FLIGHTS CANCELLED BY AIR MICRONESIA OVER THE WEEKEND. THE MEETING WAS TO HAVE BEGUN MONDAY IN TRUK.

MACKENZIE SAID MARSHALLS AND PONAPE DISTRICT ADMINISTRATORS OSCAR DEBRUM AND LEO A. FALCAN WERE TO ARRIVE IN TRUK MONDAY AFTERNOON. THE OTHERS ATTENDING THE MEETING WILL BE LEAVING FOR TRUK TUESDAY MORNING. THEY ARE: FRANCISCO C. ADA, (MARIANAS); MACKENZIE; SPECIAL CONSULTANT, DWIGHT HEINE; THOMAS O. REMENGESAU (PALAU) AND HILARY TACHELIOL, REPRESENTING YAP DISTAD LEONARD AGUIGUI.

THE DISTAD'S CONFERENCE WILL BE HELD AT THE TRUK CONTINENTAL HOTEL.

AMONG THE MAJOR TOPICS TO BE DISCUSSED DURING THE FOUR-DAY MEETING ARE: BOATING SAFETY, AN INCREASING CONCERN IN THE TRUST TERRITORY WITH A COAST GUARD OFFICER AS THE GUEST SPEAKER, THE MICRONESIAN CONSTITUTIONAL CONVENTION AND THE UPCOMING SPECIAL SESSION OF THE CONGRESS OF MICRONESIA, A REVIEW OF THE TT BUDGET AND A REVIEW OF ALL LEGISLATION PASSED AND SIGNED INTO LAW THIS YEAR.

(LAW OF SEA CONSULTANT NAMED)

SAIPAN, MAY 13 (MNS)---THE CONGRESS OF MICRONESIA'S JOINT COMMITTEE ON THE LAW OF THE SEA HAS RETAINED A SAN FRANCISCO, CALIFORNIA ATTORNEY, FREDERICK WYLE, AS ITS CONSULTANT FOR THE UPCOMING INTERNATIONAL CONFERENCE ON LAW OF THE SEA IN CARACAS, VENEZUELA (SEE FOLLOWING STORY). WYLE, 45, IS A FORMER DEPUTY ASSISTANT SECRETARY OF DEFENSE WITH RESPONSIBILITIES IN THE AREA OF EUROPEAN AND

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NATO (NORTH ATLANTIC TREATY ORGANIZATION) AFFAIRS DURING THE JOHNSTON ADMINISTRATION. SINCE 1969 HE HAS BEEN IN PRIVATE PRACTICE IN CALIFORNIA.

ACCORDING TO CONGRESS STAFF ATTORNEY FRED RAMP, COUNSEL TO THE JOINT COMMITTEE, WYLE HAS HEADED NUMEROUS NEGOTIATING TEAMS AT INTERNATIONAL CONFERENCES AND NEGOTIATIONS, MAKING HIS EXPERIENCE AND ADVICE VALUABLE TO THE TRUST TERRITORY DELEGATION AT THIS MAJOR INTERNATIONAL CONFERENCE.

WYLE IS A GRADUATE OF HARVARD UNIVERSITY LAW SCHOOL, WHERE HE WAS ALSO A TEACHING FELLOW FOR ONE YEAR. FOLLOWING SIX YEARS IN PRIVATE PRACTICE IN CALIFORNIA AND NEW YORK, HE ENTERED GOVERNMENT SERVICE IN 1962, BECOMING A MEMBER OF THE UNITED STATES MISSION TO NATO IN PARIS, FRANCE. HE WAS A MEMBER OF THE POLICY PLANNING COUNCIL OF THE DEPARTMENT OF STATE FOR TWO YEARS BEFORE BECOMING DEPUTY ASSISTANT SECRETARY OF STATE IN 1965.

WYLE WILL BE ON SAIPAN NEXT WEEK FOR A MEETING BETWEEN THE JOINT COMMITTEE AND MEMBERS OF THE U.S. DEPARTMENT OF STATE'S TASK FORCE ON LAW OF THE SEA. THE WASHINGTON GROUP, HEADED BY FORMER U.S. CONGRESSMAN HOWARD POLLACK, WILL MEET FOR TWO DAYS, MAY 21 AND 22, WITH THE MICRONESIAN LAW OF THE SEA DELEGATION.

SENATOR ANDON AMARAICH (TRUK) IS CHAIRMAN OF THE JOINT COMMITTEE ON LAW OF THE SEA. OTHER MEMBERS ARE SENATOR AMATA KABUA (MARSHALLS), REPRESENTATIVE HERMAN GUERRERO (MARIANAS), AND REPRESENTATIVE MASAO NAKAYAMA (TRUK).

(NOTE: THE FOLLOWING STORY IS BASED ON AN ARTICLE BY WILLIAM F. NICHOLSON, AN ASSOCIATED PRESS WRITER. IT IS TAKEN FROM PACIFIC DAILY NEWS.)

(MAJOR INTERNATIONAL CONFERENCE NEXT MONTH)

CARACAS, VENEZUELA (FROM AP)---WHAT MAY BE THE LARGEST INTERNATIONAL MEETING EVER HELD STARTS NEXT MONTH IN CARACAS, VENEZUELA. THE UNITED NATIONS SPONSORED INTERNATIONAL CONFERENCE ON LAW OF THE SEA WILL CONVENE IN THAT SOUTH AMERICAN CITY ON JUNE 20, BRINGING TOGETHER REPRESENTATIVES OF EVERY SOVEREIGN NATION IN THE WORLD EXCEPT NORTH VIETNAM, AND REPRESENTATIVES OF AT LEAST ONE TERRITORY AS WELL, THE TRUST TERRITORY OF THE PACIFIC ISLANDS.

MICRONESIAN PARTICIPATION IN THE MEETING WILL BE THROUGH THE CONGRESS OF MICRONESIA'S JOINT COMMITTEE ON LAW OF THE SEA. THE ENTIRE MEMBERSHIP OF THE COMMITTEE, HEADED BY ITS CHAIRMAN, SENATOR ANDON AMARAICH OF TRUK, IS EXPECTED TO LEAVE THE TT JUNE 15 TO ATTEND THE CONFERENCE. OTHER MEMBERS ARE SENATOR AMATA KABUA OF THE MARSHALLS, AND REPRESENTATIVES MASAO NAKAYAMA OF TRUK AND HERMAN Q. GUERRERO OF THE MARIANAS. CONGRESS ATTORNEY FRED RAMP AND SPECIAL CONSULTANT TO THE JOINT COMMITTEE FREDERICK WYLE WILL ALSO ATTEND.

TECHNICALLY, THE MICRONESIAN DELEGATION WILL BE A PART OF THE MUCH LARGER UNITED STATES CONTINGENT, EXPECTED TO NUMBER ABOUT 100. BUT THE CONGRESS COMMITTEE HAS TAKEN A POSITION REGARDING LAW OF THE SEA THAT IS AT VARIANCE WITH THE POSITION EXPECTED TO BE ADVOCATED BY THE U.S., AND THUS THE MICRONESIAN DELEGATES WILL BE SPEAKING FOR THEMSELVES IN THIS INTERNATIONAL FORUM.

SOME 5,000 DELEGATES AND OBSERVERS FROM 150 NATIONS ARE EXPECTED FOR THE CONFERENCE. THE TENTATIVE AGENDA CONTAINS SOME 100 SEPARATE ITEMS, ACCORDING TO ASSOCIATED PRESS WRITER WILLIAM F. NICHOLSON, AND THE CONFERENCE IS DUE TO LAST FROM JUNE 20 UNTIL AUGUST 29.

"THIS IS GOING TO BE THE BIGGEST MEETING EVER HELD IN THE HISTORY OF THE WORLD." SAID A U.S. OFFICIAL TO NICHOLSON.

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"I WENT OVER THE LIST OF ISSUES WITH SOME OTHER PEOPLE RECENTLY AND IT TOOK US TWO AND A HALF HOURS."

JAPAN, A NATION DEPENDENT ON THE SEAS FOR TRANSPORT AND FISHING, IS EXPECTED TO SEND THE LARGEST DELEGATION, ABOUT 200. MICRONESIA'S UNOFFICIAL GROUP OF SIX IS LIKELY TO BE AMONG THE SMALLEST, ALTHOUGH IN ADVOCATING A MODIFIED ARCHIPELAGO THEORY OF TERRITORIAL WATERS WHICH COULD COVER AS MUCH AS TWO MILLION SQUARE MILES OF OCEAN, THE MICRONESIAN DELEGATION MAY WELL BE CLAIMING ECONOMIC RIGHTS TO ONE OF THE LARGEST OCEAN AREAS.

THE QUESTION OF TERRITORIAL WATERS IS ONE OF THE MOST DIFFICULT TO BE RESOLVED. IN THE ABSENCE OF WORKABLE INTERNATIONAL LAW, COUNTRIES NOW CLAIM 3 MILES, 12 MILES, 24 MILES, 62 MILES AND UP TO 200 MILES AS THEIR OFFSHORE TERRITORIAL LIMITS. SETTling THE QUESTION OF FISHING, MINERAL, AND OTHER RIGHTS WITHIN THESE WATERS IS ALSO A TOUGH QUESTION FACING THE CONFEREES. THE MICRONESIAN STAKE IN ALL OF THIS IS OBVIOUS. LIMITED IN TOTAL LAND AREA AND LAND-BASED RESOURCES, MICRONESIA MUST TURN TO THE SEA TO FIND HER GREATEST POTENTIAL WEALTH. DISCOVERIES AND TECHNOLOGICAL DEVELOPMENTS YET TO COME COULD HAVE TREMENDOUS IMPACT ON THE EXPLOITATION OF THE SEA AND HER RESOURCES. THE CONGRESS JOINT COMMITTEE ON LAW OF THE SEA HOPES TO ENSURE THAT MICRONESIANS WILL ALWAYS HAVE FIRST CLAIM AND RIGHT TO THEIR OCEAN RESOURCES.

SEVERAL EXPERTS ARE PREDICTING THAT THE SHEER SIZE OF BOTH THE CONFERENCE AND THE AGENDA, PLUS THE DIVERGING INTERESTS BETWEEN NATIONS, MAKE IT HIGHLY UNLIKELY THAT THE UPCOMING WILL SUCCEED IN DEVELOPING A NEW SEA LAW TREATY. BUT THE CONFERENCE WILL RAISE IMPORTANT ISSUES, AND MOST COUNTRIES RECOGNIZE THAT THE TIME IS GROWING SHORT FOR RESOLVING THEIR DIFFERENCES OVER OCEAN POLICY.

"AMONG THE RICHES AND PROMISES OF THE OCEAN," SAYS JOHN R. STEVENSON, A NEW YORK ATTORNEY WITH EXPERIENCE IN MARINE LAW WHO HAS BEEN APPOINTED CHIEF OF THE U.S. DELEGATION TO CARACAS, "THERE IS ALSO GREAT DANGER OF CHAOS AND CONFLICT. IT IS TO BE HOPED THAT THE DANGER IS CLEARLY PERCEIVED BEFORE THE COMMUNITY OF NATIONS DISCARDS ITS CHANCE TO DEFEND ITSELF WITH A JUST AND UNIVERSALLY RESPECTED SYSTEM OF LAW."

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