

(BURNETT DISQUALIFIES HIMSELF)

SAIPANN JUNE 12 (ANS) - TRUST TERRITORY CHIEF JUSTICE HAROLD W. BURNETT DISQUALIFIED HIMSELF TUESDAY (JUNE 11) FROM HEARING THE APPEAL OF ROGER L. ST. PIERRE, TT CHIEF PUBLIC DEFENDER. HOWEVER, HE CONTINUED THE RESTRAINING ORDER PREVENTING THE TRUST TERRITORY GOVERNMENT FROM REMOVING ST. PIERRE FROM HIS POSITION PENDING ASSIGNMENT OF THE CASE TO ANOTHER JUDGE. 1974

BURNETT, IN ISSUING HIS DECISION, CITED UNSPECIFIED "CONSIDERATIONS" AS THE GROUNDS FOR REMOVING HIMSELF FROM THE CASE. WHILE NO MOTION WAS RAISED TO HAVE BURNETT DISQUALIFY HIMSELF, EITHER BY ASSISTANT PUBLIC DEFENDER BENJAMIN ABRAMS REPRESENTING ST. PIERRE OR MARSHALLS DISTRICT ATTORNEY RUSSELL WALKER REPRESENTING THE TRUST TERRITORY, WALKER DID RAISE THE QUESTION IN CHIEF JUSTICE BURNETT'S CHAMBERS PRIOR TO LAST THURSDAYS (JUNE 6) HEARING. 11

BURNETT REFERRED TO SECTION 351, TITLE 5 OF THE TRUST TERRITORY CODE WHICH IS CONCERNED WITH THE DISQUALIFICATION OF JUDGES FROM HEARING CASES "IN WHICH HE... IS OR HAS BEEN A MATERIAL WITNESS, OR IS SO RELATED TO OR CONNECTED WITH ANY PARTY OR HIS ATTORNEY AS TO RENDER IT IMPROPER, IN HIS OPINION, FOR HIM TO PARTICIPATE IN THE HEARING AND DETERMINATION OF THE CASE."

"EVEN WHEN THE JUDGE IS NOT CONSCIOUS OF ANY SUCH BIAS OR PREJUDICE," BURNETT WROTE, "AND IT COULD ONLY BE (CONCLUDED) FROM THE OBJECTIVE RECORD, HE SHOULD DECLINE TO HEAR THE MATTER."

"WALKER REFERRED TO BURNETT'S TESTIMONY DURING ST. PIERRE'S HEARING BEFORE ADMINISTRATIVE JUDGE ROBERT SNASHALL LAST APRIL. THE CHIEF JUSTICE EXAMINED TRANSCRIPTS OF HIS TESTIMONY DURING THE HEARING BEFORE HE DISQUALIFIED HIMSELF.

WHILE HE DID NOT FIND SUFFICIENT GROUNDS ARISING FROM HIS TESTIMONY TO REMOVE HIMSELF FROM HEARING THE CASE, BURNETT STATED THAT THE FACT HE DID PARTICIPATE IN THE HEARINGS MAY APPEAR TO PREJUDICE HIS POSITION.

HE STATED IN HIS DECISION THAT, IN PART, "I TESTIFIED AS TO MY HIGH REGARD FOR PLAINTIFF'S (ST. PIERRE'S) PERSONAL AND PROFESSIONAL INTEGRITY; IN A LEGAL SENSE, SUCH TESTIMONY WOULD PROVIDE NO GROUNDS FOR DISQUALIFICATIONS.

"WHETHER MY APPEARANCE AS A WITNESS AT THE ADMINISTRATIVE HEARING WOULD REQUIRE MY DISQUALIFICATION," BURNETT CONTINUED, "IS NOT DETERMINATIVE HOWEVER, SINCE I AM SATISFIED THAT OTHER CONSIDERATIONS COMPEL ME TO (REMOVE) MYSELF."

THE CHIEF JUSTICE DID NOT ELABORATE ON THE "OTHER CONSIDERATIONS" WHICH HAD AFFECTED HIS DECISION. HE ALSO REFERRED TO "AN EXAMINATION OF MY PERSONAL CORRESPONDENCE DIRECTLY RELATING TO THIS (CASE)" WHICH, APPARENTLY, WOULD REMOVE HIS OBJECTIVITY IN HEARING THE APPEAL. BUT BURNETT DID NOT INCLUDE ANY OTHER REFERENCE TO THIS CORRESPONDENCE IN THE BRIEF.

ASSISTANT PUBLIC DEFENDER BEN ABRAMS SAID THAT HE WAS "DISAPPOINTED" WITH BURNETT'S "HIS RULING TOOK EVERYONE BY SURPRISE," ABRAMS SAID.

HE MENTIONED THAT BECAUSE JUDGE BURNETT HAD LISTENED TO BOTH HIS AND WALKER'S ARGUMENTS IN THEIR ENTIRETY BEFORE HE RULED ON HIS FITNESS TO HEAR THE CASE, HE WAS "QUITE SURPRISED" BY BURNETT'S DECISION TO DISQUALIFY HIMSELF.

THE TRUST TERRITORY HAS BEEN TRYING TO REMOVE ST. PIERRE FROM HIS POSITION AS CHIEF PUBLIC DEFENDER FOR OVER A YEAR. IT IS EXPECTED THAT A NEW TT JUSTICE WILL BE APPOINTED TO HEAR THE CASE WITHIN THE NEXT TWO WEEKS.

0-118

(THIESSEN RESIGNS)

SAIPAN, JUNE 12 (MNS)---TRUST TERRITORY DEPUTY HIGH COMMISSIONER PETER T. COLEMAN HAS ANNOUNCED THE RESIGNATION OF WAYNE C. THIESSEN AS CHIEF OF THE TRANSPORTATION AND COMMUNICATIONS.

COLEMAN SAID THE RESIGNATION WOULD BECOME EFFECTIVE JUNE 30, BUT THAT THIESSEN WOULD REMAIN WITH TT GOVERNMENT AS A SPECIAL CONSULTANT TO THE TRANSPORTATION DIVISION, INITIALLY FOR A PERIOD OF SIX MONTHS.

A DIVISION SPOKESMAN SAID WEDNESDAY (JUNE 12) THAT, IN HIS CONSULTING CAPACITY, THIESSEN WOULD PROVIDE PROFESSIONAL SERVICES TO THE TRANSPORTATION DIVISION IN THE AREAS OF ECONOMIC ANALYSIS AND STUDIES OF SHIP OPERATIONS, RATE STRUCTURES, SHIP DESIGN, AIRPORT DEVELOPMENT AND "OTHER AREAS OF TRANS-OCEAN AND INTER-ISLAND TRANSPORTATION DEVELOPMENT."

THIESSEN, 40, JOINED THE TRUST TERRITORY GOVERNMENT IN JULY, 1970, COMING TO MICRONESIA FROM HAWAII WHERE HE WAS A TRANSPORTATION MANAGEMENT CONSULTANT.

A REPLACEMENT FOR THIESSEN AS CHIEF OF THE TRANSPORTATION DIVISION HAS NOT YET BEEN ANNOUNCED.

(FISHERMEN HELD)

PALAU, JUNE 12 (MNS)---THE TWELVE FISHERMAN TAKEN INTO CUSTODY LAST WEEK AT HELEN REEF, IN SOUTHWESTERN PALAU DISTRICT, ARE BEING HELD THIS WEEK IN KOROR AWAITING DISPOSITION OF THE CHARGES AGAINST THEM.

THE TWELVE MEN, ALL TAIWANESE NATIONALS, WERE APPREHENDED WHILE ALLEGEDLY POACHING MARINE RESOURCES FROM THE UNPOPULATED REEF, WHICH IS LOCATED IN THE EXTREME SOUTHWESTERN CORNER OF THE TRUST TERRITORY. A FIELD TRIP VESSEL ON A ROUTINE VOYAGE, THE M/V Hafa Adai, SPOTTED THE MEN ON THE REEF WITH THEIR SHIP, THE NOB TEI SHENG GEN NUMBER 6, WAITING OFFSHORE. WHEN THE FISHING BOAT SIGHTED THE Hafa Adai IT FLED, LEAVING THE TWELVE STRANDED. IT IS BELIEVED THAT ONLY FIVE CREWMEN WERE ABOARD THE BOAT, INCLUDING THE CAPTAIN.

PALAU OFFICIALS HAVE CONFIRMED THAT THE BOAT IS THE SAME ONE THAT WAS APPREHENDED BY TWO U.S. NAVY PATROL GUNBOATS IN MAY AT HELEN REEF. THE SHIP WAS RELEASED MAY 27 AFTER PAYING SUBSTANTIAL FINES FOR ILLEGALLY TAKING MARINE RESOURCES FROM THE REEF, AND PROCEEDED TO SAIL DIRECTLY BACK TO THE SAME LOCATION AND RESUME THE SAME ILLEGAL ACTIVITIES. THE PRESENT WHEREABOUTS OF THE NOB TEI SHENG GEN ARE NOT KNOWN.

THE TAIWAN NATIONALS IN CUSTODY IN KOROR HAVE BEEN IDENTIFIED AS: THAI PO MING, WU CHIN SHAN, TAN SHIN BENG, NIAH TANG MAU, CHANG SHUN CHIA, CHUN CHEI LIAU, CHUN CHUN MING, CHUN SHIN LIA, LIM CHIN LING, LIM GUN SHIA, CHAUNG MING CHU, AND PI CHUN CHUNG.

(TWO APPLY FOR PERMITS)

SAIPAN, JUNE 12 (MNS)---A CONSTRUCTION COMPANY AND A PROFESSIONAL ACCOUNTING FIRM HAVE APPLIED FOR FOREIGN BUSINESS PERMITS, ACCORDING TO THE ECONOMIC DEVELOPMENT DIVISION OF THE DEPARTMENT OF RESOURCES AND DEVELOPMENT.

OVERSEAS CONSTRUCTION COMPANY, INC., OF SAIPAN, HAS APPLIED TO BECOME THE ONLY IN THE DEVELOPMENT OF RESIDENTIAL AND COMMERCIAL REAL PROPERTY ON SAIPAN. THEY HAVE INDICATED THAT THEY HOPE TO DO BUSINESS IN OTHER DISTRICTS IN THE FUTURE.

PALMER, WIGGS & HESTON, INC., A GUAM-BASED ACCOUNTING FIRM, SUBMITTED AN APPLICATION TO OFFER THEIR SERVICES IN

THE MARSHALLS, PALAU, PONAPE, TRUK AND YAP DISTRICTS. THEY ALREADY HAVE AN OFFICE ON SAIPAN. THE FIRM HAS PROFESSIONAL ACCOUNTING, AUDITING, TAX AND CONSULTING SERVICES.

THE TWO APPLICATIONS HAVE BEEN SENT TO THE APPROPRIATE DISTRICT ECONOMIC DEVELOPMENT BOARDS FOR REVIEW AND RECOMMENDATION.

(TRUK FAIR HELD)

TRUK, JUNE 12 (MNS)---THE ANNUAL TRUK DISTRICT FARMERS AND FISHERMEN'S FAIR WAS HELD ON MOEN ISLAND LAST WEEK, ACCORDING TO NOHA RUBEN, PUBLIC INFORMATION OFFICER OF TRUK DISTRICT.

SPEAKERS AT THE OCCASSION INCLUDED TT CHIEF OF AGRICULTURE BERMIN WEILBACKER, MAYOR OF MOEN FUJITA BOSSY AND ACTING DISTAD OF TRUK LEO DELAROSA.

THE THREE BEST FARMERS IN TRUK WERE AWARDED PRIZES WHICH INCLUDED A TRIP TO GUAM, ROTA, TINIAN AND SAIPAN FOR ONE WEEK. THE TRUK FISHING AUTHORITY ALSO AWARDED PRIZES TO THE FOUR BEST FISHERMEN OF THE YEAR WHILE THE TRUK DIVISION OF ECONOMIC DEVELOPMENT GAVE OUT PRIZES FOR THE BEST HANDICRAFT.

AS PART OF THE FAIR FISHERMEN PARTICIPATED IN A DERBY IN WHICH OVER 400 POUNDS OF REEF FISH AND OVER 350 POUNDS OF TUNA WERE CAUGHT IN ONE NIGHT, RUBEN REPORTS.

(SABLAN SELECTED FOR AFSI SCHOLARSHIP)

SAIPAN, JUNE 12 (MNS)---ONE MORE STUDENT FROM SAIPAN--MISS MARIA E. SABLAN--HAS BEEN SELECTED FOR THE AMERICAN FOREIGN SERVICE INTERNATIONAL SCHOLARSHIP, IT WAS ANNOUNCED TUESDAY (JUNE 11) BY HERMAN T. GUERRERO, ACTING SCHOLARSHIP AND STUDENT SERVICES OFFICER OF THE TT.

SABLAN'S SELECTION BRINGS TO A TOTAL OF 12 THE MICRONESIAN STUDENTS WHO WILL BE COMPLETING THEIR HIGH SCHOOL EDUCATION IN THE U.S. MAINLAND UNDER THIS PROGRAM.

THE TWELVE STUDENTS WILL SPEND A ONE-WEEK ORIENTATION ON GUAM BEFORE LEAVING FOR THE U.S. MAINLAND NEXT MONTH, GUERRERO SAID.