

(COURT HEARS MOTION ON DISQUALIFICATION)
SAIPAN, JUNE 20 (MNS) --- TRUST TERRITORY CHIEF JUSTICE
HAROLD W. BURNETT HEARD A MOTION WEDNESDAY (JUNE 19) TO
RECONSIDER HIS DISQUALIFICATION ORDER IN THE CASE OF TT CHIEF
PUBLIC DEFENDER ROGER L. ST. PIERRE.

FILE
MNS

BENJAMIN ABRAMS, REPRESENTING ST. PIERRE, PRESENTED
A LENGTHY BRIEF IN SUPPORT OF THE MOTION TO HAVE BURNETT
REVERSE HIS PREVIOUS ORDER TO DISQUALIFY HIMSELF FROM HEARING
THE CASE.

1974

ABRAMS INCLUDED TWO LETTERS IN THE BRIEF FROM THE CHIEF
JUSTICE TO ST. PIERRE, ONE OF WHICH BURNETT ADMITTED HAD BEEN
A PRIMARY FACTORY IN HIS DISQUALIFYING HIMSELF.

THE LETTER TO WHICH JUSTICE BURNETT REFERRED WAS DATED
APRIL 21, 1973. THERE WERE TWO SECTIONS IN THE LETTER THAT
COULD HAVE INDICATED THAT BURNETT'S OPINION WAS BIASED. AT
ONE POINT IN THE LETTER, BURNETT SAID, "I AM PREPARED TO APPEAR
IN YOUR BEHALF AT ANY TIME IT MAY APPEAR HELPFUL IN THE COURSE
OF THE PROCEEDINGS AGAINST YOU."

ABRAMS POINTED OUT THAT THIS WAS NOT A BASIS FOR
DISQUALIFICATION. FIRST, THE LETTER ITSELF DENIED A REQUEST
FROM ST. PIERRE FOR BURNETT'S PERSONAL SUPPORT AT THAT TIME.
SECONDLY, BURNETT HAD APPEARED ON ST. PIERRE'S BEHALF, AS HE
STATED HE WOULD, AT THE ADMINISTRATIVE HEARING HELD ON THE
CASE. IN REVIEW OF THE TRANSCRIPTS OF HIS TESTIMONY, BURNETT
FOUND THAT THEY DID NOT CONSTITUTE ADEQUATE GROUNDS FOR
DISQUALIFICATION.

THE SECOND STATEMENT IN THE LETTER THAT MAY HAVE BEEN
GROUNDS FOR DISQUALIFICATION WAS BURNETT'S CLOSING REMARK,
"I LOOK FORWARD TO YOUR EARLY, AND PERMANENT, RETURN."

ALLAN NICHOLSON, REPRESENTING THE TRUST TERRITORY,
SAID THAT THE REMARK SPOKE FOR ITSELF. HIS BRIEF, IN SUPPORT
OF BURNETT'S ORIGINAL ORDER, SAID THAT THE CHIEF JUSTICE
FELT THAT THERE WERE ADEQUATE GROUNDS FOR DISQUALIFICATION
AT THE TIME OF THE ORDER AND THAT, IN ITSELF, WAS SUFFICIENT
TO RETAIN THE ORDER.

ABRAMS, ON THE OTHER HAND, SAID "TAKEN IN THE CONTEXT
OF THE ENTIRE LETTER THIS COULD ONLY SHOW THAT THE COURT
WAS MERELY WISHING PLAINTIFF WELL AND BY NO MEANS INDICATED
THAT THE COURT WAS TAKING SIDES IN THE MATTER."

ABRAMS ALSO SAID THAT THE CHIEF JUSTICE HAD TO BE
PREJUDICED IN FACT TO DISQUALIFY HIMSELF. A JUDGE, HE SAID,
"MUST ACKNOWLEDGE HIS DISQUALIFICATION FOR PREJUDICE IN FACT,
WHICH THIS COURT HAS REPEATEDLY ADMITTED, DOES NOT EXIST."

ST. PIERRE'S BRIEF CITED THE COURT CASE OF COLE VS.
LOEW'S, INC., WHICH DEALT WITH A POSSIBLE DISQUALIFICATION
OF A JUDGE. THE BRIEF POINTS OUT: "THE COURT HELD THAT A
MERE PREJUDGMENT OF A QUESTION OF LAW DID NOT JUSTIFY
DISQUALIFICATION."

ABRAMS SAID THAT THE COURT WAS CONSIDERING A POINT OF
LAW, THAT IS WHETHER OR NOT ST. PIERRE WAS A TT EMPLOYEE, AND
THEREFORE, "THE EFFECT OF BIAS OR PREJUDICE, REAL OR
IMAGINED, IS OF MINIMAL CONSEQUENCE."

ONE OF THE TT'S PRIMARY ARGUMENTS IN SUPPORT OF THE
DISQUALIFICATION ORDER WAS THAT IF A DECISION WAS MADE TO
REVERSE THE PRIOR ORDER, THE PLAINTIFF (ST. PIERRE) WOULD
BE IN POSITION WHEREIN HE COULD NOT LOSE.

"EVEN IF THE PRESIDING JUDGE RULED AGAINST HIM,"
NICHOLSON SAID, "HE WOULD HAVE A BUILT IN GROUND FOR APPEAL
SINCE THE ORDER DID NOT STATE IN WHICH DIRECTION AN OBJECTIVE
VIEWER WOULD OBSERVE THE PERSONAL CORRESPONDENCE."

ABRAMS OBJECTED BY STATING THAT, TO THE CONTRARY, THEIR
CASE WOULD BE WEAKENED. THEY WOULD HAVE APPEALED A
DISQUALIFICATION, AND IF BURNETT HEARD THE CASE AND RULED
AGAINST THEM THEY COULD NOT APPEAL ON GROUNDS THAT HE WAS

0-201

UNFIT TO HEAR THE CASE, ABRAMS SAID.

AT THE CONCLUSION OF THE TWO PRESENTATIONS, JUSTICE BURNETT CALLED ABRAMS' WORK " EXCELLENT AND THOROUGH." HE DID NOT INDICATE WHEN HE WOULD RULE ON THE MOTION.

(SUIT UNDER STUDY)

SAIPAN, JUNE 20 (MNS)---THE CASE OF JUAN TENORIO AND ASSC., INC., CONTINUED INTO ITS SECOND DAY OF TESTIMONY WEDNESDAY (JUNE 19) IN THE TRUST TERRITORY HIGH COURT ON SAIPAN.

TENORIO FILED A COMPLAINT AGAINST THE TRUST TERRITORY GOVERNMENT CHARGING THAT THE LANDS AND SURVEYS DIVISION OF THE DEPARTMENT OF RESOURCES AND DEVELOPMENT DID NOT USE STANDARD DETERMINANTS IN AWARDING CONTRACTS TO SURVEY MICRONESIAN PUBLIC LANDS.

THREE WITNESSES WERE CALLED. PEDRO A. TENORIO, OFFICE MANAGER OF THE SAIPAN FIRM, ALLEGED THAT TENORIO AND ASSOCIATES WAS DISCRIMINATED AGAINST BECAUSE THEY HIRE FILIPINO WORKERS. ACCORDING TO TENORIO'S TESTIMONY, DONALD R. MAYO, SUPERVISOR SURVEYING SPECIALIST IN THE RESOURCES AND DEVELOPMENT DEPARTMENT, ALSO TOLD HIM THAT OTHER FIRMS WERE CHOSEN BECAUSE THEY WERE AMERICAN FIRMS AND PAID AMERICAN TAXES. JOSE P. TENORIO, PROJECT MANAGER OF THE COMPANY, CORROBORATED HIS TESTIMONY.

KOZO YAMADA, CHIEF OF THE LANDS AND SURVEYS DIVISION, WAS THE FINAL WITNESS OF THE DAY. HE STATED THAT THERE WAS NO WRONGDOING INVOLVED IN AWARDING THE CONTRACTS. YAMADA ALSO SAID THAT MAYO'S COMMENTS WERE MADE DURING A HEATED ARGUMENT.

TT CHIEF JUSTICE HAROLD W. BURNETT IS NOW STUDYING THE CASE TO DETERMINE IF SUFFICIENT GROUNDS EXIST TO CONTINUE THE CASE. HIS RULING IS EXPECTED ON FRIDAY.

(SUMMER STUDENT PROGRAM UNDERWAY)

SAIPAN, JUNE 20 (MNS)---A SPECIAL SUMMER PROGRAM AIMED AT "BRIDGING THE GAP" BETWEEN THE MICRONESIAN STUDENTS STUDYING ABROAD AND THEIR HOME DISTRICTS HAS JUST BEEN INITIATED AT THE HEADQUARTERS DEPARTMENT OF EDUCATION ON SAIPAN. A GROUP OF STUDENTS ATTENDING VARIOUS COLLEGES AND UNIVERSITIES IN THE UNITED STATES ARE PARTICIPATING IN THE PROGRAM.

NORMAN SMITH, ADMINISTRATIVE OFFICER FOR THE DEPARTMENT, EXPLAINED THAT THE IDEA BEHIND THE PROGRAM IS TO EXPOSE THE STUDENTS TO A WIDE VARIETY OF PROBLEMS WITHIN THE GOVERNMENT SO THEY CAN SEE THEM FROM A REALISTIC POINT OF VIEW.

"THE STUDENTS SHOULD BE EXPOSED TO A WIDE VARIETY OF PROBLEMS INHERENT IN THE 'TYRANNY OF BUREAUCRACY'--GOOD OR BAD--SO THAT THEY COULD COPE WITH THEM WHEN THEY COME BACK TO THEIR OWN DISTRICTS," SMITH SAID.

HE WENT ON TO EXPLAIN THAT TT STUDENTS SHOULD BE MADE AWARE NOT ONLY OF THE PROGRESS TAKING PLACE IN THEIR HOME ISLANDS, BUT ALSO WHY CERTAIN THINGS ARE NOT PROGRESSING THE WAY THEY SHOULD BE.

THE STUDENTS HAVE COMPLETED THE FIRST PHASE OF THE PROGRAM ON SAIPAN, AND EACH STUDENT LEAVES THIS WEEK-END FOR HIS OWN DISTRICT TO SPENT AT LEAST FOUR WEEKS WORKING ON A SPECIAL ASPECT OF THE PROJECT.

THE STUDENTS HAVE DIVIDED THEMSELVES INTO TWO GROUPS, ONE WORKING ON HOW TO IMPROVE STUDENT SERVICES, AND THE OTHER ON ORIENTATION FOR TT HIGH SCHOOL STUDENTS ENTERING INSTITUTIONS OF HIGHER LEARNING.

THE EDUCATION DEPARTMENT IS ALSO PLANNING TO HAVE THE STUDENTS WORK ON PROJECTS IN THE BI-LINGUAL AREA, TO DEVELOP CULTURALLY ORIENTED MATERIAL WHICH COULD BE USED BY SCHOOLS THROUGHOUT MICRONESIA.

"WE WANT TO LET PEOPLE KNOW WHAT IS GOING ON IN

EDUCATION AND IN OTHER DEPARTMENTS IN THE TT," STATED SMITH. "THIS IS THEIR COUNTRY, AND THEY SHOULD KNOW MORE ABOUT IT."

STUDENTS INVOLVED IN THE PROJECT INCLUDE: TINA TAKASHY, TRUK; ANGIE V. GUERRERO, SAIPAN; EVENCE BECHES, PALAU; MANNY VILLAGOMEZ, SAIPAN; IGNACIO SOUNWEI, TRUK; AWASIO ERRAM, TRUK; CELESTINE EMWALU, TRUK; LYDON CORNELIUM, KUSAIE; HENRY FALAN, YAP, THOMAS ERMAN, PALAU; LEO WILLIAMS, PONAPE; AND CELESTINE YANGILMAU, PALAU.

(MICRO-PLANNING SCHOOL ESTABLISHED)

SAIPAN, JUNE 19(MNS)---THE TERRITORIAL PLANNING OFFICER, PHILIP N. CHAMBERLAIN, SAID THIS WEEK THAT A SPECIAL PROGRAM WILL BE CONDUCTED AT THE NEWLY ESTABLISHED MICRO-PLANNING SCHOOL ON SAIPAN FOR MICRONESIAN TRAINEES BEGINNING JULY 1ST AND ENDING AUGUST 9TH.

ACCORDING TO CHAMBERLAIN, THIS YEAR'S PROGRAM IS THE FIRST OF FOUR SUMMER SESSIONS THAT WILL BE CONDUCTED DURING THE NEXT FOUR YEARS FOR FUTURE MICRONESIAN PLANNING OFFICERS.

THE OFFICE OF THE TERRITORIAL PLANNER WAS RECENTLY CREATED AS PART OF THE ADMINISTRATION'S PROGRAM TO DEVELOP THE TERRITORIAL COMPREHENSIVE PROGRAM. CHAMBERLAIN WAS RECENTLY CONFIRMED BY THE CONGRESSIONAL JOINT COMMITTEE ON ADMINISTRATIVE APPOINTMENTS TO HEAD THE NEW OFFICE.

CHAMBERLAIN SAID THE TRAINING PROGRAM IS AIMED AT UP-GRADING MICRONESIAN TRAINEES TO REACH A LEVEL OF PROFICIENCY TO REPLACE EXPATRIATES WITHIN THE NEXT FOUR YEARS. HE NOTED THAT EACH OF THE MICRONESIAN TRAINEES IS PRESENTLY ASSIGNED TO AN EXPATRIATE PLANNING OFFICER WHO IS CURRENTLY RESPONSIBLE FOR ASSIGNING AND ASSISTING IN CARRYING OUT A VARIETY OF PLANNING RELATED TO VARIOUS PROJECTS IN THE TT.

HE ALSO POINTED OUT THAT THE PROGRAM IS DESIGNED TO FAMILIARIZE THE TRAINEES WITH THE SOCIAL, FISCAL AND ECONOMIC ASPECTS OF A BALANCED AND COMPREHENSIVE PROGRAM FOR MICRONESIA.

ATTENDING THE PROGRAM NEXT MONTH WILL BE: FRANK WARAKAI FROM THE HEADQUARTERS ON SAIPAN; MARIANO BERMUDEZ, MARIANAS DISTRICT; AUGUSTINE DANNIS; TRUK; SERAPHIN JAMES, PONAPE; MARTIN JEKKEIN, MARSHALLS; LUKE MOON, YAP; AND FRANCISCO NGIRAILEMESANG OF PALAU. OTHER INTERESTED EMPLOYEES FROM THE VARIOUS AGENCIES OF THE TT GOVERNMENT WILL ALSO PARTICIPATE, CHAMBERLAIN SAID.

THE PROGRAM, WHICH IS JOINTLY SPONSORED BY THE TT TRAINING DIVISION AND THE OFFICE OF TERRITORIAL PLANNING, WILL OFFER COURSES IN THE FOLLOWING AREAS: PLANNING PROCESS IN MICRONESIA; DATA PROCESSING IN PLANNING; THE POLITICAL ASPECTS OF PLANNING; RURAL PROJECT PLANNING; POPULATION AND HOUSING; EMERGING NATIONS IN THE WORLD TODAY; HISTORY OF PLANNING; AND ECONOMIC ASPECTS OF PLANNING.

TO BE OFFERED ALSO ARE: MARI-CULTURE, THE STUDY OF MARINE RESOURCES IN THE TT; INTRODUCTION TO MANAGEMENT; LEGAL ASPECTS OF PLANNING; AND HOUSING AND URBAN DEVELOPMENT PROGRAMS AS RELATED TO DEVELOPMENT IN MICRONESIA.

CHAMBERLAIN SAID THE TT IS VERY FORTUNATE IN THAT SOME WELL-KNOWN VETERANS IN THE FIELD OF PLANNING, SOME OF WHOM ARE UNIVERSITY PROFESSORS, FROM VARIOUS AREAS OF THE WORLD HAVE ACCEPTED INVITATIONS TO TEACH THE COURSES IN THE PROGRAM. HE ALSO SAID THAT THIS PARTICULAR PROGRAM WILL BE COORDINATED WITH THE COMMUNITY COLLEGE OF MICRONESIA WITH THE VIEW OF MAKING IT PART OF THE NEW SCHOOL CURRICULUM FOR ACCREDITATION PURPOSES.

INSTRUCTORS FOR THE TRAINING PROGRAM ARE DONALD WOLBRINK, PRESIDENT OF DONALD WOLBRINK ASSOCIATES, HONOLULU, HAWAII, WADE FOX, OFFICIAL-IN-CHARGE OF COMPUTER AND DATA PROCESSING OPERATION FOR SOUTHWESTERN PENNSYLVANIA; GEORGE WALTER; PROFESSOR OF POLITICAL SCIENCE, UNIVERSITY OF PITTSBURG; AND

DAVID WESNEY, CHIEF PROJECT ANALYST WITH THE AUSTRALIAN BUREAU OF AGRICULTURAL ECONOMICS.

ALSO INCLUDE IN THE GROUP ARE: FRANK PAVICH, WHO IS WITH THE U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT, OFFICE OF HOUSING IN WASHINGTON; SENATOR LE PHUOC SANG FROM SOUTH VIETNAM, WHO IS CURRENTLY THE CHANCELLOR OF HOA-HAO UNIVERSITY; MICHAEL WEBB, PRESENTLY WITH THE UNITED NATIONS ASIAN INSTITUTE OF ECONOMIC DEVELOPMENT AND PLANNING STATIONED IN BANGKOK, THAILAND; AND ROBERT COVINGTON, WHO IS PRESENTLY ON A LOAN FROM THE U.S. DEPARTMENT OF LABOR TO THE TT GOVERNMENT AND IS WORKING AS A MANAGEMENT ANALYST FOR THE PROGRAM AND BUDGET OFFICE.

IN ADDITION, OTHER INSTRUCTORS INCLUDE: DR. JIM MCVEY, WHO IS PRESENTLY EMPLOYED BY THE MARINE RESOURCES DIVISION OF THE TT GOVERNMENT AND IS STATIONED IN PALAU DISTRICT AND EMMET RICE, LAND COURT EXAMINER FOR THE DIVISION OF LANDS AND SURVEYS.

CHAMBERLAIN CONCLUDED BY SAYING THAT HE HOPES THIS TRAINING PROGRAM WILL DEVELOP A CORPS OF MICRONESIAN PLANNERS WHO WILL EVENTUALLY REPLACE EXPATRIATES IN THE FIELD OF PLANNING AND FULFILL ONE OF MICRONESIA'S NEEDS, ESPECIALLY IN THE AREA OF BUILDING THE INFRA-STRUCTURE ESSENTIAL TO THE OVER-ALL DEVELOPMENT OF THE TT.