

File

(SENATE SESSION)

SAIPAN, JULY 24 (MNS) ⁷⁴ WEDNESDAY'S SENATE SESSION WAS A BRIEF ONE. THE ONLY OFFICIAL BUSINESS WAS THE INTRODUCTION OF TWO BILLS AND TWO JOINT RESOLUTIONS.

THE BILLS INCLUDE ANOTHER AMENDMENT TO THE CONSTITUTIONAL CONVENTION LAW (SB 351). THE AMENDMENT WOULD PROVIDE THAT THE TRADITIONAL LEADERSHIP DELEGATES TO THE CONVENTION, TWO FROM EACH DISTRICT, WOULD HAVE A VOTE, SOMETHING THEY DO NOT NOW HAVE. THE AMENDMENT ALSO SPELLS OUT MORE CLEARLY THE PROCEDURES FOR A REFERENDUM ON THE CONSTITUTION, PROVIDING THAT IT SHALL NOT BE DEEMED TO HAVE BEEN APPROVED UNLESS IT IS APPROVED BY A MAJORITY OF THOSE VOTING IN THE REFERENDUM AND "...BY A MAJORITY OF THOSE VOTING IN AT LEAST FOUR OF THE SIX DISTRICTS OF THE TRUST TERRITORY..." THE BILL ALSO WOULD PROTECT THE INTERESTS OF THE INDIVIDUAL DISTRICTS BY PROVIDING THAT "...THE CONSTITUTION SHALL NOT TAKE EFFECT IN ANY SUCH DISTRICT IF IT IS NOT APPROVED BY THREE-FOURTHS OF THOSE VOTING AT THE REFERENDUM IN THAT DISTRICT."

THE OTHER BILL IS AN APPROPRIATION MEASURE, TO PROVIDE \$153,100 FOR HEALTH SERVICE PERSONNEL, AND \$62,430 FOR THE HOSPITAL FEEDING PROGRAM IN THE TT (SB 350).

ONE OF THE JOINT RESOLUTIONS WOULD URGE THE SECRETARY OF INTERIOR TO REPEAL THAT PORTION OF SECRETARIAL ORDER 2918 WHICH REQUIRES THE REAPPORTIONMENT OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF MICRONESIA (SJR 123). THE MEASURE STATES THAT "...REAPPORTIONMENT AT THE PRESENT TIME WOULD TEND TO HINDER THE EFFECTIVENESS OF THE DELICATE BALANCE OF POWER AND AUTHORITY WHICH PRESENTLY EXISTS WITHIN THE CONGRESS OF MICRONESIA, AND THUS DETRACT FROM ITS COHESIVENESS..."

THE OTHER JOINT RESOLUTION ASKS THE U.S. CONGRESS TO AMEND CERTAIN PUBLIC LAWS TO EXTEND PROGRAMS OF FEDERAL ASSISTANCE WITH RESPECT TO FISHERIES TO THE TRUST TERRITORY (SJR 122). THE SAME MEASURE WAS INTRODUCED TUESDAY IN THE HOUSE.

THE SENATE WILL MEET AGAIN AT 10 THURSDAY MORNING.

(MARIJUANA RESTRICTIONS REMOVED)

SAIPAN, JULY 24 (MNS)---A RULING BY TRUST TERRITORY CHIEF JUSTICE HAROLD W. BURNETT HAS, IN EFFECT, REMOVED ANY RESTRICTIONS UPON THE SALE OR POSSESSION OF MARIJUANA.

JUSTICE BURNETT'S ORDER WAS ISSUED FOR THE CASE OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS VS. MARIANO R. BERMUDES. BERMUDES WAS CHARGED WITH VIOLATING TITLE 63, SUBCHAPTER 303 OF THE TRUST TERRITORY CODE AND TITLE 7, PART 162 OF THE TRUST TERRITORY CODE OF PUBLIC REGULATIONS. THE CASE WAS HEARD IN SEPTEMBER, 1973.

BOTH REGULATIONS PREVENT INDIVIDUALS FROM IMPORTING, USING, OR SELLING DRUGS WHICH THE DIRECTOR OF HEALTH SERVICES DEEMS DANGEROUS. PART 161 OF TITLE 7 LISTS MARIJUANA AS A DANGEROUS DRUG.

BERMUDES WAS ARRESTED AND CHARGED WITH POSSESSING AND SELLING MARIJUANA.

BURNETT'S ORDER HAS INVALIDATED THE REGULATIONS IN QUESTION, AND IN ADDITION INVALIDATES SUBCHAPTERS 301 AND 302 OF TITLE 63. SUBCHAPTER 301 DEFINES WHAT A DRUG IS, AND 302 EMPOWERS THE DIRECTOR OF TRUST TERRITORY HEALTH SERVICES TO DECIDE WHICH DRUGS HAVE "SUBSTANTIAL POTENTIAL" FOR ABUSE.

BY INVALIDATING THE STATUTES IN QUESTION, BURNETT'S

Not legalized in TTPI

ORDER MAKES IT IMPOSSIBLE FOR THE TRUST TERRITORY GOVERNMENT TO PROSECUTE AN INDIVIDUAL FOR THE SALE OR POSSESSION OF MARIJUANA. JUSTICE BURNETT'S RULING DOES NOT EFFECT THE STATUTES PROHIBITING THE SALE OR POSSESSION OF HEROIN OR OPIUM.

IN HIS ORDER, BURNETT SAID, "WHILE THE DEBILITATIVE AND ADDICTIVE EFFECTS OF USING (MARIJUANA) ARE STRONGLY DISCOUNTED, THOSE OF (OPIUM OR HEROIN) HAVE BEEN CONCLUSIVELY PROVEN AND UNIVERSALLY RECOGNIZED."

THE CHIEF JUSTICE INVALIDATED SUBCHAPTERS 301 THRU 303 OF TITLE 63 BECAUSE THEY FAILED "TO PROVIDE ... A CONSTITUTIONALLY MANDATED STANDARD AND AS SUCH CONSTITUTES AN UNLAWFUL DELEGATION OF LEGISLATIVE AUTHORITY."

BURNETT ALSO CRITICIZED THE VAGUE LANGUAGE OF SUBCHAPTER 301 WHICH DEFINES WHAT A DRUG IS. "THE MEANING OF 301, AND WHAT SUBSTANCES ARE INTENDED TO BE INCLUDED WITHIN IT, IS FAR FROM CLEAR," THE ORDER STATED.

SUBCHAPTER 302, IN DELEGATING AUTHORITY TO THE DIRECTOR OF HEALTH SERVICES TO DETERMINE DRUGS ON THE BASIS OF "CURRENT MEDICAL KNOWLEDGE," DOES NOT PROVIDE A "SUFFICIENTLY PRECISE STANDARD UPON WHICH THE DIRECTOR CAN BASE HIS DETERMINATIONS" BURNETT FOUND.

"THE MEDICAL PROFESSION," BURNETT SAID, "IS IN A STATE OF FLUX AS TO ITS APPRAISAL OF MARIJUANA AND IS DUBIOUS ABOUT THE SUBSTANCE'S ROLE IN DRUG ABUSE."

ANOTHER POINT IN QUESTION WAS THE FACT THAT BERMUDES COULD HAVE BEEN GIVEN A STIFFER SENTENCE FOR THE SALE AND POSSESSION OF MARIJUANA, UNDER THE STATUTES MADE INVALID, THAN HE COULD RECEIVE FOR IMPORTING AND SELLING OPIUM OR HEROIN.

BURNETT INDICATED HE DID NOT FEEL THIS WAS RIGHT, AND THIS WAS AN IMPORTANT FACTOR IN HIS INVALIDATING THE STATUTES IN QUESTION.

"THE CHALLENGED STATUTE," BURNETT FOUND, "CONSTITUTES AN UNLAWFUL DELEGATION OF THE LEGISLATIVE POWER (AND) IS VIOLATIVE OF THE EQUAL PROTECTION CLAUSE." THE CHIEF JUSTICE DISMISSED THE TRUST TERRITORY COMPLAINT AGAINST BERMUDES.

BERMUDES' ATTORNEY, ASSISTANT PUBLIC DEFENDER BENJAMIN ABRAMS, CALLED BURNETT'S ORDER A "COURAGEOUS AND ENLIGHTENED DECISION."

"THE EFFECT OF JUSTICE BURNETT'S RULING," ABRAMS SAID, "HIGHLIGHTS THE FALLACY OF SO-CALLED VICTIMLESS CRIMES SINCE ANY SELF-RESPECTING DOCTOR KNOWS THAT MARIJUANA PRESENTS NO THREAT TO THE USER OR COMMUNITY. THERE IS NO VICTIM," HE CONTINUED.

THE TRUST TERRITORY ATTORNEY GENERALS OFFICE HAD NO COMMENT ON THE ORDER.

ABRAMS SAID THAT HE HOPES THE CONGRESS OF MICRONESIA AND THE TRUST TERRITORY GOVERNMENT WILL USE THIS "OPPORTUNITY TO OBSERVE THE RESULTS OF THIS DECISION BEFORE ANY NEW LAWS AFFECTING THE USE OF MARIJUANA ARE ENACTED."

BURNETT'S ORDER, ABRAMS EMPHASIZED, DOES NOT PERMIT THE USE OF HEROIN OR OPIUM AND DOES NOT URGE INDIVIDUALS TO USE MARIJUANA.

(ALL USERS: PLEASE CREDIT CONGRESS OF MICRONESIA)
(REPRESENTATIVE MOSES TO TOUR AUSTRALIA)

SAIPAN, JULY 24 (CONGRESS RELEASE)---PONAPE REPRESENTATIVE RESIO MOSES HAS ACCEPTED AN INVITATION FROM THE GOVERNMENT

04739

OF AUSTRALIA TO TOUR THAT COUNTRY LATER THIS YEAR.

ACCORDING TO A LETTER FROM THE HONORABLE L.G. SELLARS, AUSTRALIAN HIGH COMMISSIONER TO THE REPUBLIC OF NAURU WHO IS PRESENTLY TOURING MICRONESIA, CONGRESSMAN MOSES HAS BEEN INVITED TO VISIT AUSTRALIA FOR TWO TO THREE WEEKS IN OCTOBER OR NOVEMBER OF THIS YEAR UNDER A PROGRAM SPONSORED AND PAID BY THE SPECIAL OVERSEAS VISITORS FUND.

THE PROGRAM IS ADMINISTERED BY THE AUSTRALIAN DEPARTMENT OF FOREIGN AFFAIRS AND IS DESIGNED TO FAMILIARIZE VISITORS WITH DIFFERENT ASPECTS OF AUSTRALIAN LIFE.

IT IS BELIEVED THAT REPRESENTATIVE MOSES'S TRIP WILL BE THE FIRST TIME A MICRONESIAN LEADER HAS VISITED A COUNTRY OTHER THAN THE UNITED STATES AS AN OFFICIAL GUEST OF A FOREIGN GOVERNMENT.

(ESEA ADVISORY COUNCIL MEETING IN PONAPE)

PONAPE, JULY 24 (MNS)---THE ELEMENTARY AND SECONDARY EDUCATION ACT (ESEA) TITLE III STATE ADVISORY COUNCIL MET IN PONAPE, JULY 8-12, TO REVIEW TITLE III PROJECT APPLICATIONS, TO DISCUSS PROGRESS REPORTS PRESENTED BY THE PROJECT DIRECTORS, TO DISCUSS PROBLEMS INVOLVED IN TITLE III AND OTHER EDUCATIONAL PROGRAMS IN MICRONESIA, AND TO MAKE RECOMMENDATIONS CONCERNING THESE PROGRAMS.

TITLE III OF THE ESEA IS DESIGNED TO ASSIST IN CREATING INNOVATIVE SOLUTIONS TO THE UNIQUE EDUCATIONAL PROBLEMS IN MICRONESIA. THERE ARE PRESENTLY SEVEN TITLE III PROJECTS IN MICRONESIA, THE ROTA BILINGUAL PROJECT, ELEMENTARY SCHOOL SCIENCE IMPROVEMENT PROJECTS, TOMILANG YAP BILINGUAL PROJECT, MICRONESIAN MATHEMATICS PROJECT, CCM TITLE III SPECIAL EDUCATION PROJECT, PROJECT PACIFIC, AND THE MARSHALL ISLANDS CULTURAL HERITAGE PROJECT.

DURING THE MEETING, DAVID PIERCY, HEADQUARTERS SPECIAL EDUCATION COORDINATOR, PRESENTED A COMPREHENSIVE DEVELOPMENT PLAN FOR SPECIAL EDUCATION IN THE TRUST TERRITORY AND MARCELLINO UMWECH, LANGUAGE PROGRAMS COORDINATOR FOR THE TT, PRESENTED AN OVERVIEW OF THE TT LANGUAGE ARTS PROGRAM.

RECOMMENDATIONS WERE MADE AT THE MEETING FOR SECOND YEAR FUNDING FOR THE TOMILANG YAP BILIGUAL AND CCM TITLE II SPECIAL EDUCATION PROJECTS, AND FOR FIRST YEAR FUNDING FOR THE PALAU SOCIAL STUDIES PROJECT AND YAP DISTRICT SCIENCE PROJECT.

PARTICIPATING IN THE CONFERENCE WERE CHAIRMAN TOSIWO NAKAMURA AND MASAHARU TMODRANG FROM PALAU; JOHN THARNGAN FROM YAP; FERMINLIKICHE AND MARK HENRY FORM TRUK; AUGUSTINE CASTRO FROM THE MARIANAS; REV. JORI LOKJOB AND KINJA ANDRIKE FROM THE MARSHALLS; HIMUL TULLENKUN AND SISTER DOROTHY NOOK FROM PONAPE; AND DR. LAWRENCE ZANE AND DR. CLARENCE MASUMOTYO, CONSULTANTS FROM HAWAII.

(TRUK DISTAD TOURS DISTRICT)

TRUK, JULY 24 (MNS)---A THREE DAY TOUR OF TRUK'S OUTER ISLANDS HAS BEEN COMPLETED BY TRUK DISTAD JUAN A. SABLAN.

ACCORDING TO NOAH RUBEN, TRUK PUBLIC INFORMATION OFFICER, SABLAN'S TOUR TOOK HIM TO ULUL, NOMUNWEITO, PULAP, AND TAMATAM PULUWAT ISLANDS.

THE PURPOSE OF THE TRIP, SABLAN SAID, WAS TO DISCUSS WITH ISLAND LEADERS "ISSUES THAT ARE OF GREAT IMPORTANCE TO THE TRUK ISLANDS AS WELL AS THE FUTURE OF MICRONESIA." THESE ISSUES INCLUDED THE UPCOMING MICRONESIAN

CONSTITUTIONAL CONVENTION, THE RETURN OF PUBLIC LANDS IN TRUK, AND THE POSSIBLE ESTABLISHMENT OF SMALL AIRFIELDS ON THE OUTER ISLANDS, RUBEN REPORTED.

SABLAN TOLD THE OUTER ISLAND LEADERS TO TELL THEIR CONSTITUTIONAL CONVENTION DELEGATE, SENATOR TOSIWO NAKAYAMA, IN WHAT DIRECTION THEY FELT MICRONESIA SHOULD GO. HE ALSO URGED THEM, RUBEN SAID, TO BECOME ACTIVELY INVOLVED IN DETERMINING MICRONESIA'S FUTURE POLITICAL STATUS.

THE ISSUE OF THE RETURN OF TRUK'S PUBLIC LANDS BROUGHT UP MUCH DISCUSSION. THE PEOPLE OF ULUL, SAID RUBEN, WANT THE OUTER ISLANDS REPRESENTED BY TWO ELECTED REPRESENTATIVES FOR EACH MAJOR ISLAND. THEY WOULD HELP DETERMINE THE EQUITABLE RETURN OF THE LAND. THE PULUWAT MUNICIPAL COUNCIL WENT ON RECORD AS FAVORING ONE REPRESENTATIVE FOR EACH ISLAND.

DISTAD SABLAN ALSO TOLD THE OUTER ISLANDERS THAT THERE WERE THREE POSSIBLE SITES FOR AIR FIELDS. THEY WERE ON SATAWAN IN THE LOWER MORTLOCKS, ULUL IN THE NOMUNWEITO GROUP, AND ON ALLET, PULUWAT IN THE WESTERN AREA.

COUNCIL MEMBERS ON PULUWAT AND ULUL EXPRESSED INTEREST IN THE IDEA, RUBEN REPORTED, BUT WERE UNABLE TO GIVE ANY FIRM RESPONSE SAYING THAT THEY NEEDED MORE TIME TO CONSIDER IT.

THE FIELD TRIP PARTY WAS GREETED BY COLORFUL RECEPTIONS ON EACH ISLAND. SAID RUBEN.

(LANGUAGE PROGRAM RECEIVES GRANTS)

SAIPAN, JULY 24 (MNS)---DIRECTOR OF EDUCATION DAVID RAMARUI HAS ANNOUNCED THAT THE TRUST TERRITORY LANGUAGE PROGRAM HAS BEEN AWARDED \$460,723 FROM VARIOUS TITLES OF FEDERAL PROGRAMS. THESE FUNDS ARE IN ADDITION TO THE \$56,267 GRANT AWARDED FROM ELEMENTARY/SECONDARY EDUCATION ACT (ESEA) TITLE III FUNDS FOR THE ONGOING BILINGUAL EDUCATION PROGRAMS IN YAP AND ROTA.

OF THE 4.6 THOUSAND DOLLARS AWARDED, \$75,142 WAS GRANTED FROM ESEA TITLE VII FUNDS FOR THE PONAPE, PALAU BILINGUAL EDUCATION PROJECTS BOTH IN THEIR THIRD YEAR OF OPERATION. ALSO COMING FROM ESEA TITLE VII FUNDS IS ANOTHER \$75,656 GRANT AWARDED FOR NEW PROJECTS IN TRUK AND IN THE MARSHALLS.

THE EDUCATION PROFESSION DEVELOPMENT ACT (EPDA) AWARDED A SECOND YEAR GRANT OF \$39,313 FOR THE TRAINING OF BILINGUAL EDUCATION TEACHERS IN MICRONESIA. RAMARUI STATED THAT THE UNIVERSITY OF HAWAII WILL TRAIN EDUCATORS IN THE AREAS OF CURRICULUM DEVELOPMENT AND INSTRUCTIONAL TECHNIQUES AND METHODOLOGIES.

THE EMERGENCY SCHOOL AID ACT (ESAA) AWARDED A NEW GRANT OF \$270,612 FOR READING DEVELOPMENT PROGRAMS IN ALL SIX DISTRICTS. EMPHASIS WILL BE PLACED ON IMPROVING READING SKILLS IN ENGLISH AND VERNACULAR ESPECIALLY FOR THE UPPER ELEMENTARY AND INTERMEDIATE LEVELS.

(NOTE TO EDITORS AND NEW DIRECTORS: THE FOLLOWING ARE CORRECTIONS TO AN MNS STORY OF JULY 23, (FENTRESS JOINS TT FLEET). PARAGRAPH FOUR, SENTENCE ONE SHOULD READ "THE SAIPAN SHIPPING COMPANY, ELANZO SAID, WILL PROVIDE AN ADVANCED CHARTER PAYMENT TO ACTIVATE THE FENTRESS." PARAGRAPH FIVE, SENTENCE ONE SHOULD READ "THE FENTRESS, ABOUT THE SIZE OF THE GUNNERS KNOT, CAN HOLD 30 TO 40 CONTAINERS, SAID ELANZO.")