

(CONGRESS THIRD DAY)

SAIPAN, JULY 25 (MNS) ⁷⁴ - AT THE END OF THE SENATE MEETING ON THE THIRD DAY OF THE CURRENT FIFTEEN-DAY SPECIAL SESSION OF THE CONGRESS OF MICRONESIA THURSDAY (JULY 25), MARIANAS SENATOR EDWARD PANGELINAN CALLED ON THE CONGRESS LEADERSHIP TO CONSIDER CALLING AN IN-HOUSE MEETING OF CONGRESS MEMBERS TO SET SOME PRIORITIES FOR LEGISLATION TO BE CONSIDERED IN THE NEXT TWELVE DAYS. PANGELINAN SAID HE WAS "CONCERNED" BECAUSE THREE DAYS OF THE SPECIAL SESSION HAD PASSED, AND VIRTUALLY NOTHING HAS BEEN DONE. HE SUGGESTED THAT PRIORITIES BE OUTLINED AND THAT THE AMOUNTS OF MONEY AVAILABLE TO THE CONGRESS FOR APPROPRIATION BE MADE KNOWN TO MEMBERS OF THE CONGRESS SO THAT THEY COULD PROCEED WITH THEIR WORK.

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IN RESPONSE, SENATE FLOOR LEADER AMBILOS IEHSI, PRESIDING OVER THURSDAY'S SENATE SESSION IN THE ABSENCE OF PRESIDENT TOSIWO NAKAYAMA AND VICE PRESIDENT LAZARUS SALII, ASSURED PANGELINAN THAT THE LEADERSHIP HAD MATTERS UNDER CONTROL.

THE THURSDAY SESSIONS IN BOTH THE SENATE AND THE HOUSE WERE QUITE BRIEF. THE SENATE MOVED PREVIOUSLY INTRODUCED RESOLUTIONS AND BILLS ALONG ON THE CALENDAR, AND A FEW NEW MEASURES WERE RECEIVED FOR CONSIDERATION.

ONE BILL WAS INTRODUCED IN THE HOUSE BY CONGRESSMAN RESIO MOSES OF PONAPE. IT CALLS FOR AN AMENDMENT TO THE TT CODE TO ALLOW DISTRICT LEGISLATURES AND MUNICIPAL GOVERNMENTS TO LEVY INCOME TAXES SIMILAR TO THE TERRITORY-WIDE INCOME TAX NOW IN EFFECT. (HB 248)

IN THE SENATE, TWO BILLS AND A JOINT RESOLUTION WERE OFFERED. ONE MEASURE WOULD ESTABLISH A MINIMUM WAGE FOR EMPLOYEES OF THE TRUST TERRITORY GOVERNMENT UNDER THE PUBLIC SERVICE SYSTEM. (SB 352) THE BILL PROVIDES FOR A MINIMUM WAGE OF EIGHTY CENTS PER HOUR TO BE EFFECTIVE JULY 1, 1975, AND FOR THIS TO BE INCREASED TO ONE DOLLAR PER HOUR ON JULY 1, 1976. THE BILL WAS INTRODUCED BY MARIANAS SENATOR OLYMPIO T. BORJA. THE OTHER BILL, INTRODUCED BY SENATOR WILFRED KENDALL OF THE MARSHALLS, CALLS FOR AN APPROPRIATION OF THIRTY-EIGHT THOUSAND DOLLARS TO PAY FOR SALARIES OF HEALTH SERVICES PERSONNEL IN THE MARSHALLS DISTRICT WHO ARE OTHERWISE SCHEDULED TO BE TERMINATED IN THE NEXT TWO YEARS BECAUSE OF BUDGET CONSTRAINTS. (SB 353)

THE JOINT RESOLUTION IN THE SENATE, INTRODUCED BY SENATOR PANGELINAN, REQUESTS THE U.S. GOVERNMENT TO CONTINUE FUNDING THE MICRONESIAN LEGAL SERVICES CORPORATION UNTIL THE TERMINATION OF THE U.S. TRUSTEESHIP AGREEMENT. (SJR 124)

BOTH HOUSES ADJOURNED AFTER THURSDAY'S SHORT MEETINGS TO CONVENE AGAIN FRIDAY (JULY 26) AT 10 A.M.

(COURT DISMISSES CONTINENTAL CASE)

SAIPAN, JULY 25 (MNS) --- THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT HAS DISMISSED A SUIT BROUGHT BY TEN SAIPAN RESIDENTS AGAINST TRUST TERRITORY HIGH COMMISSIONER EDWARD E. JOHNSTON AND CONTINENTAL AIRLINES AND RETURNED IT TO THE TT HIGH COURT.

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THE TEN HAVE BEEN ATTEMPTING TO STOP CONTINENTAL FROM COMPLETING ITS SAIPAN HOTEL ADJACENT TO MICRO BEACH. THE PLAINTIFFS, WHO INCLUDE HERMAN Q. GUERRERO, LINO M. OLOPAI, AND DAVID T. ALDAN, HAD ORIGINALLY TAKEN THEIR CASE TO THE TRUST TERRITORY HIGH COURT IN 1972. THEY ARE BEING REPRESENTED BY THE MICRONESIAN LEGAL SERVICES.

EDWARD KING, DEPUTY DIRECTOR OF LEGAL SERVICES, SAID, "WE HOPE TO RENEW LEGAL ACTION IN THE HIGH COURT BY THE END OF THE WEEK."

THE HIGH COURT RULED IN 1972 THAT TRUST TERRITORY OFFICIALS WERE NOT SUBJECT TO THE PROVISIONS OF THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) AS THE PLAINTIFFS HAD CONTENDED.

THE NEPA SAYS THAT THE FEDERAL GOVERNMENT MUST ISSUE AN ENVIRONMENTAL AND CULTURAL IMPACT STATEMENT BEFORE ANY MAJOR CONSTRUCTION ACTIVITY BEGINS ON PUBLIC LAND. THE CONTINENTAL HOTEL IS ON PUBLIC LAND, AND HIGH COMMISSIONER JOHNSTON DID NOT ASK FOR AN IMPACT STUDY BEFORE HE SIGNED

THE LEASE ALLOWING CONTINENTAL TO BEGIN CONSTRUCTION.

THE PLAINTIFFS TOOK THEIR CASE TO THE UNITED STATES DISTRICT COURT IN HAWAII. THE DISTRICT COURT DISMISSED THE CASE ON THE GROUNDS THAT THE TRUST TERRITORY GOVERNMENT IS NOT A U.S. FEDERAL AGENCY AND UPHOLD THE TT HIGH COURT'S RULING THAT NEPA REGULATIONS THEREFORE DID NOT APPLY TO TRUST TERRITORY OFFICIALS.

WHEN IT RULED, THE DISTRICT COURT SAID THAT THE U.S. TRUSTEESHIP AGREEMENT, THROUGH WHICH THE UNITED STATES ADMINISTERS MICRONESIA, CANNOT BE USED BY MICRONESIANS TO TAKE EITHER THE TT GOVERNMENT OR THE HIGH COMMISSIONER TO COURT FOR ALLEGED VIOLATIONS OF THAT AGREEMENT.

THE APPEALS COURT, HOWEVER, OVERTURNED THAT RULING AND STATED, "THE TRUSTEESHIP AGREEMENT CAN BE A SOURCE OF RIGHTS ENFORCEABLE BY AN INDIVIDUAL LITIGANT IN A DOMESTIC COURT OF LAW."

THIS MAKES THE TRUSTEESHIP AGREEMENT, IN EFFECT, THE MICRONESIAN CONSTITUTION. AS A RESULT OF THIS RULING MICRONESIANS CAN NOW TAKE THE TRUST TERRITORY GOVERNMENT TO A TT COURT FOR ALLEGED VIOLATIONS OF THE TRUSTEESHIP AGREEMENT.

THE APPEALS COURT ALSO HELD THAT A MICRONESIAN CITIZEN MAY, IF ALL LEGAL CHANNELS WITHIN THE TRUST TERRITORY HAVE BEEN EXHAUSTED, TAKE HIS CASE TO A UNITED STATES FEDERAL COURT. THIS LEGAL AVENUE, HOWEVER, CAN BE USED ONLY IN CASES INVOLVING VIOLATIONS OF THE TRUSTEESHIP AGREEMENT.

THE TRUST TERRITORY ADMINISTRATION HAD HELD THAT A MICRONESIAN COULD ONLY TAKE CASE INVOLVING VIOLATIONS OF THE TRUSTEESHIP AGREEMENT TO THE UN SECURITY COUNCIL.

THE APPEALS COURT, HOWEVER, FOUND THAT, "THE ALTERNATIVE FORUM, THE SECURITY COUNCIL, WOULD PRESENT TO THE PLAINTIFF OBSTACLES AS TO MAKE THEIR RIGHTS VIRTUALLY UNENFORCEABLE."

IN RETURNING THE CASE TO THE TT HIGH COURT, WHICH HAS HAD TECHNICAL JURISDICTION OVER THE MATTER WHILE AWAITING A FEDERAL COURT RULING, THE APPEALS COURT SAID, "SURELY, THE JUDICIAL BRANCH OF THE TRUST TERRITORY GOVERNMENT HAS THE AUTHORITY TO DETERMINE WHETHER OR NOT THE ACTION OF ITS CHIEF EXECUTIVE COMPLIES WITH A PROVISION IN ITS OWN CONSTITUTIONAL DOCUMENT."

THE APPEALS COURT RULING ALSO RECOGNIZED THE POSSOBILITY THAT THE TRUST TERRITORY HIGH COURT MAY FIND THAT IT DOES NOT HAVE JURISDICTION TO HEAR THE CASE.

IF THAT OCCURS, THE APPEALS COURT SAID, THE SAIPANESE PLAINTIFFS CAN TAKE THEIR CASE TO THE HAWAII DISTRICT COURT AGAIN. THE APPEALS COURT ALSO STATED THAT IT WAS FULLY AWARE OF THE POSSIBILITY THAT IT MAY AGAIN HEAR THE CASE.

"WE REFUSE TO LEAVE THE PLAINTIFFS WITHOUT A FORUM WHICH CAN HEAR THEIR CLAIM THAT THE HIGH COMMISSIONER HAS VIOLATED THE DUTIES ASSUMED BY THE UNITED STATES IN THE TRUSTEESHIP AGREEMENT," THE COURT SAID.

IN CLOSING ITS FINDINGS, THE APPEAL COURT ISSUED A STERN WARNING TO CONTINENTAL AIRLINES. CONTINENTAL, THE COURT STATED, SEEMS TO BE SAYING THAT SINCE THEIR NEW HOTEL HAS ALREADY BEEN COMPLETED, IT IS TOO LATE FOR THE COURTS TO STOP CONSTRUCTION.

"WE NOTE," THE COURT FOUND, "THAT CONTINENTAL INITIATED BULLDOZING ACTIVITIES AT THE MICRO BEACH WITHOUT NOTICE AND WHILE THE HIGH COMMISSIONER SUPPOSEDLY WAS GIVING FURTHER CONSIDERATION TO THE PROJECT."

THE APPEAL COURT CITED A 1936 CASE WHICH FOUND THAT ONCE A DEEDANT HAS BEEN NOTIFIED THAT A SUIT HAS BEEN BOUGHT AGAINST HIM, "EVEN THOUGH TEMPORARY INJUNCTION BE NOT GRANTED, HE ACTS AT HIS PERIL."

THIS MEANS THAT THE POSSIBILITY EXISTS, SHOULD THE CASE ULTIMATELY BE DECIDED IN FAVOR OF THE PLAINTIFFS, THAT THE SAIPAN CONTINENTAL HOTEL WILL HAVE TO BE REMOVED FROM ITS PRESENT LOCATION.

(CON CON DELEGATIONS MEET)

SAIPAN, JULY 25 (MNS)---DELEGATIONS TO THE MICRONESIAN CONSTITUTIONAL CONVENTION FROM PONAPE AND TRUK DISTRICTS RECENTLY HELD THEIR FIRST ORGANIZATION MEETINGS.

LEO FALCAM, DISTRICT ADMINISTRATOR OF PONAPE, WAS ELECTED CHAIRMAN OF THE PONAPE DELEGATION AT ITS MEETING HELD ON JULY 21. AFTER BEING ELECTED CHAIRMAN, FALCAM ASKED FOR COOPERATION BETWEEN THE DELEGATE MEMBERS AND THE PEOPLE OF PONAPE. OTHER OFFICERS ELECTED INCLUDE: HEINRICH IRIARTE, VICE CHAIRMAN; TADAO SIGRAH, SECRETARY; KIKUO APIS, TREASURE; AND DRC WEITAL, PUBLIC RELATIONS. WEITAL WILL SERVE AS A LIAISON BETWEEN THE DELEGATION AND THE PUBLIC.

DISCUSSIONS WERE HELD CONCERNING TWO POSSIBLE AMENDMENTS TO THE CURRENT CONSTITUTIONAL CONVENTION LAW; AN AMENDEMENT TO ALLOW THE TRADITIONAL LEADERS THE RIGHT TO VOTE, AND AN AMENDMENT TO POSTPONE THE DATE OF THE CONVENTION.

ATTENDING THE PONAPE DELEGATION MEETING WERE STRIK YOMA, DARO WEITAL, KIKUO APIS, WILLIAM EPERIAM, TADAO SIGRAH, HEINRICH IRIARTE, SENATOR BAILEY OLTER, APINEL MADEAK, AND LEO FALCAM.

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CHUTOMU NIMWES, DISTRICT DIRECTOR OF EDUCATION, WAS ELECTED CHAIRMAN OF THE TRUK DELEGATION AT ITS MEETING HELD ON JULY 24. THE DELEGATION MEMBERS DISCUSSED THE REFERENCE MATERIALS THAT THE PRE-CONVENTION COMMITTEE PLANS TO USE AND HOW THE MATERIALS WOULD BE DISSEMINATED. ACCORDING TO NOAH RUBEN, TRUK PUBLIC INFORMATION OFFICER, SENATOR ANDON AMARAICH WARNED THE TRUK DELEGATION THAT "THE TASK BEFORE US IS NOT EASY." RUBEN STATED, HOWEVER, THAT THE DELEGATION SEEMED CONFIDENT IN ITS ABILITY TO PERFORM THE WORK AHEAD OF IT.

ATTENDING THE MEETING IN TRUK WERE SENATOR AMARAICH, ISKIA SONY, CHUTOMU NIMWES, HANS WILLIANDER, FRANK NKFON, MAKETO ROBERT, TATASY WAINIT, KOTARO HELDARD, MANUEL SOUND, AND FUJITA BOSSY.

(EDLF LOAN FREEZE LIFTED IN MARIANAS)

SAIPAN, JULY 25 (MNS)---THE CHAIRMAN OF THE TRUST TERRITORY ECONOMIC DEVELOPMENT LOAN FUND BOARD EUSEBIO RECHUCHER HAS ANNOUNCED THAT THE RECENT "FREEZE" ON EDLF LOANS FOR THE MARIANAS HAS BEEN LIFTED AND THAT AN ADDITIONAL \$100,000 HAS BEEN ALLOCATED FOR MARIANAS DISTRICT LOANS.

DISTRICT ADMINISTRATOR FRANCISCO ADA SUBMITTED TO THE BOARD A REQUEST THAT THE FREEZE BE LIFTED BECAUSE A PROGRAM OF ACTIVE AND AGGRESSIVE FOLLOW-UP AND COLLECTION OF DELINQUENT LOANS HAD BEEN IMPLEMENTED BY THE DISTRICT LOAN BOARD. HE ASKED THAT THE BOARD GIVE SERIOUS CONSIDERATION TO THE REQUEST BECAUSE OF THE "VERY REGRESSIVE AND INIMICAL EFFECTS THAT THE 'FREEZE'...IS HAVING ON THE SURGING MARIANAS ECONOMY".

IN GRANTING THE REQUEST, THE BOARD COMPLIMENTED THE EFFORTS OF THE MARIANAS BOARD "ON THE FORMULATION OF AN EXCELLENT PLAN TOWARDS ESTABLISHING THE ADMINISTRATION OF THE EDLF LOANS ON A BUSINESS-LIKE BASIS". THE BOARD CONTINUED BY STATING THAT THE LIFTING OF THE FREEZE" IS DONE WITH A FULL EXPECTATION THAT IT WOULD RESULT IN REDUCTION OF THE DELINQUENCY RATE". IT WARNED, HOWEVER, THAT "IF AT THE EDN OF 3 MONTHS THE DELINQUENCY RATE IS STILL ABOVE 20 PERCENT, THE MORATORIUM WILL AGAIN BE IMMEDIATELY PUT INTO EFFECT."

(COCOMIT BOARD MEMBERS TO BE NOMINATED)

SAIPAN, JULY 25 (MNS)---IN ORDER TO ESTABLISH THE MICRONESIAN COCONUT PROCESSING AUTHORITY AS REQUIRED BY PUBLIC LAW 5-72, THE DIRECTOR OF RESOURCES AND DEVELOPMENT HAS REQUESTED EACH DISTRICT ADMINISTRATOR TO NOMINATE ONE PERSON FROM HIS DISTRICT TO SERVE AS A BOARD MEMBER. THE NOMINEES WILL THEN BE APPOINTED BY THE HIGH COMMISSIONER, SUBJECT TO THE ADVICE AND CONSENT OF THE CONGRESS OF MICRONESIA.

THE PURPOSE OF PUBLIC LAW 5-72 IS TO ESTABLISH A GOVERNMENT AUTHORITY TO PROCESS, MANUFACTURE AND SELL AT A PROFIT PRODUCTS DEIVED FROM THE COCONUT TREE AND TO PRESERVE AND REVITALIZE THE COPRA INDUSTRY. THIS MAY INCLUDE MANUFACTURE AND PROCESSING OF OIL; MAKING SOAP, COCONUT CHIPS, COCONUT CANDY, AND COCONUT MILK; MAKING PRODUCTS FROM THE SHELLS AND HUSKS; APROCESSING LIVESTOCK FEED FROM COCONUT CAKE; AND PRODUCING COCONUT TREE LUMBER AND VARIOUS OTHER PRODUCTS THAT CAN BE DERIVED FROM THE COCONUT PLAM.

THE CONGRESS OF MICRONESIA HAS APPROPRIATED \$500,000 TO FUND THE AUTHORITY TO BE EXPENDED AS FOLLOWS: \$300,000 FOR CONSTRUCTION AND PRODUCTION, \$50,000 FOR PERSONNEL AND ADMINISTRATION, \$150,000 FOR THE PURCHASE OR RAW MATERIALS TO BE USED IN THE PRODUCTION OF COCONUT PRODUCTS.

(TUN WELCOMES WORKSHOP)

6-0, JULY 25 (MNS)---YAP SENATOR PETRUS TUN, WELCOMING THE PARTICIPANTS AT THE DISTRICT PERSONNEL OFFICERS' WORKSHOP NOW BEING HILD ON YAP CALLED UPON THEM TO HIRE INDIVIDUALS WHO "SHARE IN THE RESPONSIBILITY AND POSSESS THE VISION THE WILL BE NECESSARY FOR NATION-BUILDING."

ACCORDING TO WILFRED GORONGFEL, YAP PUBLIC INFORMATION OFFICER. SENATOR TUN AND YAP DISTRICT ADMINISTRATOR LEONARD AGUIGUI WERE AMONG THE GUEST SPEAKERS AT THE MONDAY (JULU AAL CEREMONIES CONVENING THE PERSONNEL WORKSHOP.

"WORKING FOR OUR GOVERNMENT," TUN SAID, "WILL NOT JUST BE A JOV, BUT RATHER A PROFESSION THAT REQUIRES DEDICATION, AND A CONCERN FOR THE WELFARE OF MICRONESIA AS A NATION. NOT JUST CONCERN FOR A SALARY WITH CLEAN WORKING CONDITIONS."

ADDRESSING HIMSELF TO MICRONESIA'S FUTURE POLITICAL STATUS, SENATOR TUN CRITICIZED THE UNITED STATES FOR SETTING A "DANGEROUS PRECEDENT" BY NEGOTIATING WITH THE MARIANAS, GORONGFEL REPORTED. THE REST OF MICRONESIA, HE SAID, "HAS CHOSEN THE PATH OF ASSOCIATING FREELY, WITHOUT PERMANENT TIES BECAUSE WE WERE BORN. AND WANT TO REMAIN. MICRONESIANS.

"I BELIEVE," THE SENATOR CONTINUED, "WE SHOULD BE PROUD OF THE FACT THAT IT WAS OUR GENERATION WHICH WAS GIVEN THE CHALLENGE OF ASSUMING SELF-GOVERNMENT FOR MICRONESIA."

OTHER SPEAKERS WELCOMING WELCOMING THE PERSONNEL OFFICERS INCLUDED JOHN NORRIS, A U.S. WEATHER SERVICE PERONNEL OFFICER, AND MR. L. SHOOK, DIRECTOR OF THE GUAM CONSOLIDATED INDUSTRIAL RELATIONS OFFICE.

ALL DISTRICT PERSONNEL OFFICERS HAS WELL AS TT HEADQUARTERS STALL MEMBERS ARE ATTENDING THE WORKSHOP. IT IS SCHEDULED TO END FRIDAY (JULU WYLM