

Week in Review

SUMMARY OF NEWS OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS
Prepared by Micronesian News Service

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SPECIAL SESSION SLOW

The Congress of Micronesia's Special Session convened last week on Saipan. Floor activity, however, was very slow with the major congressional activity being the introduction of bills and resolutions.

Among the major pieces of legislation were proposed amendments to the constitutional convention law, an administration bill to make extensive changes in the government employees salary plan act, and a bill to reapportion the House of Representatives.

The proposed amendments to the constitutional convention law include an increase in the daily rate for convention delegates from \$25 to \$32.85.

Another senate amendment calls for the creation of a credentials committee to insure that all delegates to the convention are qualified.

The Trust Territory administration had a bill introduced to provide what they feel are necessary changes in the government employees salary plan act. The bill, if passed, would establish procedures for payment of a "local hire incentive premium" to certain employees, as well as other procedures designed to offset provisions of the original act which have made it difficult to hire or retain certain local hire, contract, and third-country national employees.

Yap Senator John Mangefel offered a bill which would reapportion the House of Representatives. According to Mangefel's bill, the Marshalls and Truk districts would increase their representatives to the House by one, while the Marianas and Palau would reduce their representatives by one. Yap's and Ponape's delegations to the House would remain the same.

A joint resolution was introduced in the House urging the U.S. State Department "to request through diplomatic channels, that the Pathet Lao forces release prisoner of war Emmett Kay." Kay, the last known American prisoner in Indochina, owned and flew for the former Micronesian Airlines. He was shot down in Laos while flying for an American air service based there.

The special session will end on August 6.

COURT REMOVES MARIJUANA RESTRICTIONS

A ruling by Trust Territory Chief Justice Harold W. Burnett last week removed any restrictions upon the sale or possession of marijuana in the TT.

Burnett dismissed a complaint brought by the Trust Territory against Mariano R. Bermudes of Saipan. Bermudes was charged with violating Title 63, subchapter 303 of the Trust Territory Code and Title 7, part 162 of the TT Code of Public Regulations. The case was heard in September, 1973.

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. 301 defines what a drug is, and 302 empowers the Director of TT Health Services to decide which drugs have "substantial potential" for abuse.

The Chief Justice's decision makes it impossible for the Trust Territory government to prosecute an individual for the sale or possession of marijuana. Justice Burnett's ruling, however, does not affect the statutes prohibiting the sale or possession of heroin or opium.

Burnett 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."

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 stated, "is in a state of flux as to its appraisal of marijuana and is dubious about the substance's role in drug abuse."

The TT Attorney General's Office filed an appeal last week. According to a Health Services official, the TT is also drafting legislation to make Trust Territory marijuana restrictions compatible with certain state laws in the U.S.

CONTINENTAL CASE DISMISSED

The United States Court of Appeals for the Ninth Circuit 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.

The ten, represented by the Micronesian Legal Services Corporation, have been attempting to stop Continental from completing its Saipan hotel adjacent to Micro Beach. The hotel is being built on leased public land.

The Appeals Court upheld a Hawaii District Court ruling that the Trust Territory government is not a U.S. federal agency. The court's ruling, however, overturned the district court's finding that the U.N. Trusteeship Agreement cannot be used by Micronesians in court as a legal document. "The Trusteeship Agreement," the court found, "can be a source of rights enforceable by an individual...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.

TT JOINS TUNA FOUNDATION

The Trust Territory has joined Guam, Hawaii, American Samoa and members of the American tuna fishing industry to form the Pacific Tuna Development Foundation, it was announced last week.

The foundation will be involved in improving the skipjack tuna fishing and processing industry in the western Pacific region. According to a spokesman from the Marine Resources Division of the Department of Resources and Development, Micronesian fishermen will be able to utilize the new fishing techniques developed to make tuna fishing a more profitable and viable enterprise in the Trust Territory.

The only tuna fishing technique now in use in Micronesia is live bait fishing. A lack of large quantities of live bait will limit the annual catch of skipjack when the total fishing industry is developed. Research to improve the bait situation is being conducted, along with studies on the possibility of bait farming and of bulk shipment of live bait to Micronesia and other Pacific islands.

BRIEFLY, HERE ARE SOME OTHER ITEMS WHICH MADE NEWS IN THE TRUST TERRITORY LAST WEEK:

The C.E.T.A. Manpower Service Council will hold its first meeting on Saipan this week to discuss Trust Territory manpower needs.

Truk District Administrator Juan Sablan completed a three day tour of Truk's outer islands last week. He met with local leaders to discuss issues ranging from the upcoming constitutional convention to the possible establishment of outer island airfields.

A container cargo ship, the M/S Fentress, will soon join the Trust Territory fleet. It can hold from 30 to 40 containers.

The TT Department of Education announced last week that the Trust Territory Language Program received a grant for \$460,723 from various U.S. federal programs.

The Micronesian Telecommunications Corporation, a proposed TT corporation, applied last week for a foreign investors business permit. They hope to offer communications services in all six districts.

Two U.S. Air Force para-medics parachuted onto Tobi Island in southern Palau last week and stabilized the condition of a five year old boy stricken with pneumonia.

The board of directors of the Development Bank of Micronesia will hold its first meeting this week on Saipan.

Marianas Senator Edward DLG. Pangelinan was the first person to be interviewed on the new ESG radio program "Dialogue for Micronesia."

The business permit application of the Micronesian Housing Corporation was rejected last week by the Marianas Economic Development Board. The board felt that local companies could presently offer the same services.

An incentive award was presented to Cesar L. Dumatol last week for his "outstanding efforts" in working with the Trust Territory census.

Ms. Katalina T. Seman of Saipan began her duties as the new Assistant Clerk for the Congress of Micronesia's House of Representatives. Ms. Seman, 24, replaces Singkitchy George who is now with the Department of Education on Kusaie.

The Rev. Edmund Kalau arrived on Yap last week completing his around the world flight in his new twin engine airplane.

The conclusions of the latest meeting of the Trust Territory Health Council were released last week. Among the highlights of the conference were discussions of improving service for passenger patients on Air Micronesia and the removal of dangerous pesticides from the districts.

Josephuis Tiobech of Palau will begin his first year of study at the California Maritime Academy with a full Transportation scholarship, it was announced.

The Ponape and Truk delegations to the Micronesian Constitutional Convention held their first organizational meeting last week.

The Director of the Resources and Development Department asked each District Administrator last week to submit nominees for the Micronesian Coconut Processing Authority.

Yap Senator Petrus Tun, welcoming the District Personnel Officer's Workshop held on Yap last week, called upon them to hire individuals who "share in the responsibility and possess the vision that will be necessary for nation building."