

CALL USERS PLEASE CREDIT THE CONGRESS OF MICRONESIA)
(NAKAYAMA AND HENRY JOIN PROTEST)

SAIPAN, AUGUST 28 (CONGRESS RELEASE) 1974 THE PRESIDING OFFICERS OF THE CONGRESS OF MICRONESIA HAVE WRITTEN A LETTER TO INTERIOR SECRETARY ROGERS C.B. MORTON GIVING STRONG SUPPORT TO THE CONCERNS RAISED BY THE CO-CHAIRMAN OF THE JOINT COMMITTEE ON PROGRAM AND BUDGET PLANNING THIS WEEK OVER PROPOSED TT BUDGETARY CHANGES.

JOINT COMMITTEE CHAIRMAN RAYMOND SETIK AND CO-CHAIRMAN BAILEY OLTER SENT A STRONG LETTER OF PROTEST TO MORTON EARLIER THIS WEEK BECAUSE-UNKNOWN TO THE COMMITTEE--BUDGET PRIORITIES HAD BEEN REARRANGED AT THE URGING OF AMBASSADOR FRANKLIN HAYDN WILLIAMS, WHO HAD MADE COMMITMENTS TO HELP FIND WAYS TO FUND A POWER PLANT ON SAIPAN TO THE MARIANAS STATUS COMMISSION DURING THE RECENT FOURTH ROUND OF FUTURE STATUS NEGOTIATIONS. WILLIAM'S PROPOSAL, WHICH HAS BEEN ENDORSED BY THE DEPARTMENT OF THE INTERIOR AND THE HIGH COMMISSIONER, PROPOSES TO SHIFT \$4.5 MILLION FROM PREVIOUSLY PLANNED TT PROJECTS.

IN THEIR LETTER DATED AUGUST 22, 1974 TO SECRETARY MORTON, SENATE PRESIDENT TOSIWO NAKAYAMA AND HOUSE SPEAKER BETHWELD HENRY SAID THEY FOUND IT "EXTREMELY DISTURBING" THAT THE EXECUTIVE BRANCH OF THE TT GOVERNMENT AND WILLIAM'S OFFICE OF MICRONESIAN STATUS NEGOTIATIONS HAVE TWICE REARRANGED FUNDING PRIORITIES AFTER THE CONGRESS OF MICRONESIA HAD THOROUGHLY REVIEWED THE BUDGET--WITHOUT ANY FURTHER CONSULTATION.

ACCORDING TO THE CONGRESS LEADERS, THE REASON BEHIND POSTPONING THE FUNDING OF A BADLY NEEDED FIELD TRIP SHIP IN THE 1975 REGULAR BUDGET WAS AN ACCELERATED LAND CADASTER PROGRAM TO SPEED UP THE RETURN OF PUBLIC LANDS TO THE PEOPLE OF MICRONESIA.

"HOWEVER, WE ARE CERTAIN," WROTE NAKAYAMA AND HENRY, "THAT THE PEOPLE OF MICRONESIA WERE NEVER AWARE THAT THIS PROGRAM WOULD BE CARRIED OUT AT THE EXPENSE OF THE TWO NEW VESSELS WHICH ARE SO RUEENTLY NEEDED THROUGHOUT THE TRUST TERRITORY."

"NOW IT IS PROPOSED THAT A PROJECT IN ONE DISTRICT BE FUNDED EITHER AT THE EXPENSE OF MORE INTER-ISLAND VESSELS IN 1975, IN A PROPOSED \$15 MILLION SUPPLEMENTAL BUDGET OR AT THE EXPENSE OF PROJECTS IN OTHER DISTRICTS IN 1976. WE BELIEVE IF EITHER OF THESE LATTER PROPOSALS WERE TO BE CARRIED OUT, THEY WOULD BE TANTAMOUNT TO A BREACH OF CONFIDENCE AND GOOD FAITH ON THE PART OF THE UNITED STATES GOVERNMENT TO THE PEOPLE OF MICRONESIA."

THE SENATE PRESIDENT AND SPEAKER OF THE HOUSE ASKED MORTON TO TAKE "APPROPRIATE MEASURES" TO FIND ALTERNATE WAYS TO FUND THE MARIANAS POWER PLANT, SAYING THAT THEY UNDERSTOOD "THERE ARE SEVERAL ALTERNATIVES AVAILABLE."

"IF MICRONESIA IS TO BECOME TRULY SELF-GOVERNING IN THE FUTURE," WROTE THE PRESIDING OFFICERS, "THEN IT IS MANDATORY AND INEVITABLE THAT MICRONESIANS MUST CONTINUE TO INCREASE THEIR RESPONSIBILITIES IN THE DECISION-MAKING PROCESS IN BUDGETARY AS WELL AS OTHER MATTERS."

"HOWEVER, RECENT EVENTS," THEY SUGGESTED, "WOULD SEEM TO BELIEVE THE ASSURANCES WE HAVE BEEN GIVEN THAT THE UNITED STATES GOVERNMENT WILL ASSIST THIS PROCESS."

IN THIS REGARD, THE CONGRESS LEADERS NOTED THAT ACCORDING TO TESTIMONY GIVEN BEFORE THE UNITED NATIONS TRUSTEESHIP COUNCIL LAST JUNE BY U.X. AMBASSADOR BARBARA M. WHITE, THE U.S. GOVERNMENT THEN WAS CONDUCTING A "BASIC STUDY ON A NUMBER OF MEASURES TOWARD INCREASED SELF-GOVERNMENT FOR MICRONESIA," AND

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THAT SOME OF THESE STEPS WOULD BE IMPLEMENTED BY THE END OF 1974 OR EARLY IN 1975.

NAKAYAMA AND HENRY INFORMED MORTON THAT "WHILE WE WERE GRATIFIED TO LEARN OF THIS 'BASIC STUDY' WE WERE ALSO SOMEWHAT AMAZED SINCE WE WERE NEVER INFORMED THAT IT WAS BEING CONDUCTED NOR WHAT KINDS OF SUBJECTS AND PROPOSALS ARE BEING CONSIDERED."

"WE HAVE YET TO RECEIVE ANY ADDITIONAL INFORMATION CONCERNING THIS STUDY SINCE THE TIME OF AMBASSADOR WHITE'S STATEMENT," THEY ADDED.

CONCLUDING THEIR LETTER, NAKAYAMA AND HENRY SAID: "CONSIDERING THAT IT IS THE MUTUAL DESIRE OF BOTH THE PEOPLE OF MICRONESIA AND THE ADMINISTERING AUTHORITY TO END THE TRUSTEESHIP AGREEMENT SOONER RATHER THAN LATER, WE LOOK FORWARD TO PARTICIPATING IN THE FORMULATION OF PLANS AND PROGRAMS WHICH WILL BRING THIS GOAL CLOSER TO ACHIEVEMENT. CONSEQUENTLY, WE BELIEVE IT IS BOTH DESIRABLE AND NECESSARY THAT WE BE KEPT INFORMED ABOUT SUCH PROJECTS."

(BURNETT ON ESG)

SAIPAN, AUGUST 28 (MNS)---TRUST TERRITORY HIGH COURT CHIEF JUSTICE HAROLD W. BURNETT SAID ON SAIPAN THIS WEEK THAT THE TRUSTEESHIP AGREEMENT WHICH DEFINES THE RESPONSIBILITIES OF THE UNITED STATES AS THE ADMINISTERING AUTHORITY CAN PROVIDE LEGAL RECOURSE FOR MICRONESIAN CITIZENS TO REFER THEIR CASES TO U.S. FEDERAL COURTS. HE CITED THE RECENT RULING OF THE U.S. NINTH CIRCUIT COURT OF APPEALS IN THE CONTINENTAL HOTEL CASE WHICH, IN EFFECT, MAKES THE TRUSTEESHIP AGREEMENT A CONSTITUTION FOR MICRONESIA.

APPEARING ON THE EDUCATION FOR SELF-GOVERNMENT PROGRAM "DIALOGUE FOR MICRONESIA," THE CHIEF JUSTICE DISCUSSED THE SELECTION OF HIGH COURT JUDGES, THE INDEPENDENCE OF THE JUDICIAL BRANCH FROM THE EXECUTIVE BRANCH, THE CONFLICT OF STATUTORY LAWS AND CUSTOMARY LAWS, AND THE RIGHT TO TRIAL BY JURY.

ASKED ABOUT THE INDEPENDENCE OF THE JUDICIAL BRANCH, JUDGE BURNETT INDICATED THAT HIS OFFICE IS COMPLETELY INDEPENDENT FROM THE EXECUTIVE BRANCH. BUT STUDIES SHOULD BE MADE TO DETERMINE HOW FAR THE TT COURT MAY GO IN BALANCING THE POWER OF THE EXECUTIVE BRANCH. HE SAID NO ONE KNOWS HOW FAR THE AUTHORITY OF THE COURTS EXTENDS AT THE PRESENT TIME. INDEPENDENCE OF THE JUDGES IS ASSURED BY THE SECRETARIAL ORDER ESTABLISHING THE TT GOVERNMENT AND ALSO BY THE FACT THAT HIGH COURT JUSTICES ARE CIVIL SERVICE APPOINTEES, THUS PROTECTING THEM FROM BEING FIRED FOR MAKING UNPOPULAR DECISIONS, JUDGE BURNETT ASSERTED.

CONCERNING THE CONFLICT OF STATUTORY LAWS AND CUSTOMARY LAWS IN COURT PROCEEDINGS, JUDGE BURNETT EXPLAINED THAT WHEREVER CUSTOMARY LAW IS NOT IN COLFLICT WITH LAWS MADE BY THE LEGISLATIVE PROCESS OR THE TT CODE, THEY MAY BE DEFENDED IN COURT. HE ADDED THAT DISTRICT COURT JUDGES ARE ALL MICRONESIANS AND CAN INTERPRET LOCAL CUSTOMARY LAW. HE WENT ON TO EXPLAIN THAT THERE HAVE ALSO BEEN MANY CHANGES IN CUSTOMARY LAW DUE TO THE PRESSURES OF DEVELOPMENT IN THE SOCIETY.

"IT IS UP TO THE DISTRICT LEGISLATURES TO IDENTIFY THE LOCAL CUSTOMARY LAW WHICH THE PEOPLE FEEL SHOULD BE MAINTAINED AND ENFORCED BY THE COURTS," BURNETT SAID. "AS TIMES CHANGE IT WILL BE MORE IMPORTANT TO HAVE THIS LISTING AS A GUIDE FOR THE COURTS. THE LEGISLATURES SHOULD ALSO DETERMINE WHAT CUSTOMS SHOULD BE MADE INTO STATUTORY LAWS AND WHICH ONES SHOULD SERVE AS GUIDES FOR THE COURT TO MADE DECISIONS." THE QUESTINN OF LAND OWNERSHIP HAS BROUGHT MANY OF THE TRADITIONAL CONCEPTS TO

THE COURTROOM, BURNETT SAID.

REGARDING THE SELECTION OF JUDGES, BURNETT STATED THAT HE FAVORS SOME FORM OF APPOINTMENT OVER ELECTION. JUDGES, HE CONTENDS, "SHOULD BE FREE OF THE PRESSURES OF RUNNING FOR POPULAR ELECTION."

ASKED HOW HE FELT AS AN AMERICAN INTERPRETING LOCAL CUSTOMARY LAW, JUDGE BURNETT REPLIED THAT HE WAS NOT ALTOGETHER COMFORTABLE WITH IT, SAYING THE MORE HE LEARNS THE LESS HE UNDERSTANDS. HE ALSO SAID THAT THERE HAS BEEN MUCH DISCUSSION ABOUT THE SELECTION OF A MICRONESIAN HIGH COURT JUDGE. HOWEVER, HE SAID, A JUDGE FROM THE MARIANAS, FOR EXAMPLE, WOULD HAVE JUST AS HARD A TIME INTERPRETING PONAPEAN CUSTOM AS DOES AN AMERICAN. "LEGAL PROBLEMS ARE ALSO GETTING MORE SOPHISTICATED, AND A MICRONESIAN HIGH COURT JUSTICE SHOULD HAVE SOMETHING MORE THAN JUST GRADUATION FROM A LAW SCHOOL TO QUALIFY," JUDGE BURNETT POINTED OUT. THE CONGRESS OF MICRONESIA HAS GONE ON RECORD RECOMMENDING THAT A MICRONESIAN JUDGE BE APPOINTED.

ON THE QUESTION OF THE RIGHT TO A TRIAL BY JURY GUARANTEED BY THE TRUST TERRITORY CODE TO MICRONESIANS, JUDGE BURNETT STATED THAT WHILE THE FIGHT IS THERE, THE DISTRICT LEGISLATURES MUST PASS ENABLING LEGISLATION FOR IT TO BE AVAILABLE IN THE COURTS. SO FAR, THE MARIANAS DISTRICT LEGISLATURE HAS PASSED SUCH LEGISLATION BUT IT HAS NEVER BEEN USED, AND THE MARSHALLS DISTRICT HAS USED IT ONCE. BUT THE DECISION OF THE JURY IN THAT CASE WAS REVERSED ON APPEAL BECAUSE OF THE RELATIONSHIPS OF THE JURY MEMBERS TO THE PEOPLE INVOLVED IN THE TRIAL.

JUDGE BURNETT WAS INTERVIEWED BY A PANEL CONSISTING OF JON ANDERSON, MICRONESIAN NEWS SERVICE, ELIAS THOMAS, MICRONESIAN BROADCASTING SERVICE, AND CHRISTINA SMITH, A MICRONESIAN INDEPENDENT CORRESPONDENT STATIONED ON SAIPAN. THE PROGRAM WILL BE BROADCAST THROUGHOUT THE TT.

(STRICKEN PONAPEAN YOUTH AIRLIFTED)

PONAPE, AUGUST 28 (MNS)---A PONAPE YOUTH STRICKEN WITH HEPATITIS WAS AIRLIFTED TO GUAM'S NAVAL AIR STATION (NAS) AND RUSHED BY AMBULANCE TO NAVAL HOSPITAL MONDAY MORNING (AUG. 26), ACCORDING TO A NEWS REPORT IN GUAM'S PACIFIC DAILY NEWS.

LORENZO P. LAPORE, 17, "IS DOING OK," AN AIR FORCE SPOKESMAN SAID. NAVY DR. ROGER CASE DESCRIBED THE PATIENT'S CONDITION AS "STABLE."

THE NAVY'S RESCUE COORDINATION CENTER WAS NOTIFIED OF LAPORE'S CONDITION SUNDAY NIGHT (AUG. 25). THE CENTER IMMEDIATELY NOTIFIED AIR FORCE AUTHORITIES AND A C-130 HERCULES OF ANDERSON AIR FORCE BASE'S 54TH RECONNAISSANCE SQUADRON WAS CALLED BACK FROM A NIGHT TRAINING FLIGHT FOR THE MERCY MISSION.

THE PLANE TOOK OFF EARLY MONDAY MORNING, LANDING ON PONAPE'S UNLIGHTED AIRSTRIP JUST AFTER DAYBREAK, PICKING UP LAPORE AND HIS BROTHER WHO ACCOMPANIED HIM ON THE TRIP BACK TO GUAM.

THE C-130 WAS PILOTED BY MAJ. FORREST DYE, ALSO ABOARD WERE CMDR. CASE AND HOSPITALMAN DAN ALEXANDER, BOTH ASSIGNED TO THE NAS FLIGHT SURGEON'S OFFICE.

(MARIANAS LEGISLATURE SPECIAL SESSION)

SAIPAN, AUGUST 28 (MNS)---MARIANAS DISTRICT ADMINISTRATOR FRANCISCO C. ADA HAS GRANTED THE MARIANAS DISTRICT LEGISLATURE A FOUR-DAY SPECIAL SESSION TO BEGIN SEPTEMBER FOURTH, ACCORDING TO A SPOKESMAN FOR THE DISTRICT LEGISLATURE.

THE SPECIAL SESSION WAS GRANTED AT THE REQUEST OF THE LEGISLATURE'S LEADERSHIP TO CONSIDER A BILL PROVIDING FOR THE RETURN OF PUBLIC LANDS TO LEGAL ENTITIES IN MICRONESIA AND TO DEBATE A RESOLUTION WHICH CALLS FOR SEPARATE ADMINISTRATION OF THE MARIANA ISLANDS DISTRICT APART FROM THE OTHER DISTRICTS OF THE TRUST TERRITORY.

THE LEGISLATURE IS CURRENTLY MEETING IN IT'S SECOND REGULAR SESSION, WHICH IS SCHEDULED TO END SEPTEMBER 3.

THE LAST TIME A SPECIAL SESSION WAS HELD BY THE DISTRICT LEGISLATURE WAS IN MAY, 1972, WHEN A SPECIAL SESSION WAS CALLED TO CREATE THE MARIANAS POLITICAL STATUS COMMISSION.

(AUSTRALIAN OFFICIAL HERE)

SAIPAN, AUGUST 28 (MNS)---AN AUSTRALIAN DIPLOMATIC OFFICIAL ASSIGNED TO NAURU IS CURRENTLY TOURING THE TRUST TERRITORY. JEFF HART, THIRD SECRETARY OF THE AUSTRALIAN HIGH COMMISSION ON NAURU, WAS ON SAIPAN THIS WEEK, AND WILL TRAVEL TO TRUK, PONAPE AND MAJURO DURING THE NEXT TWO WEEKS.

HART'S VISIT COMES ON THE KEELS OF A TRIP TO PALAU, YAP AND THE MARIANAS BY L.G. SELLARS, THE AUSTRALIAN HIGH COMMISSIONER ON NAURU. HART SAID WEDNESDAY (AUG. 28) THAT HE AND SELLARS ARE SHARING THE TRAVEL RESPONSIBILITIES, AND HE WILL CONCENTRATE HIS TIME IN TRUK AND PONAPE. HE PLANS TO SPEND A TOTAL OF EIGHT DAYS IN THOSE TWO DISTRICTS.

THE AUSTRALIAN HIGH COMMISSION ON NAURU HAS AN INFORMAL REPORTING RESPONSIBILITY FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS, HART EXPLAINED. HE SAID HE WOULD BE MEETING WITH GOVERNMENT OFFICIALS AND MEMBERS OF THE CONGRESS OF MICRONESIA DURING HIS TOUR. HART WAS TO LEAVE SAIPAN FOR TRUK THURSDAY.