

(BURNETT DENIES RESTRAINING ORDER)

File

SAIPAN, SEPTEMBER 23 (MNS)-24 A TEMPORARY RESTRAINING ORDER TO PREVENT THE SAIPAN CONTINENTAL HOTEL FROM OPENING ANY FURTHER ROOMS OR USING ANY MORE ISLAND WATER WAS DENIED FRIDAY (SEPT. 23) BY CHIEF JUSTICE HAROLD W. BURNETT. THE ORDER HAD BEEN SOUGHT BY ATTORNEYS FOR THE MICRONESIAN LEGAL SERVICES CORPORATION, REPRESENTING THE TEN SAIPAN PLAINTIFFS WHO HAVE BEEN FIGHTING THE MICRO BEACH LOCATION OF THE HOTEL FOR MORE THAN TWO YEARS.

ARGUMENTS ON THE REQUEST WERE HEARD IN THE HIGH COURT CHAMBERS ON SAIPAN THURSDAY AFTERNOON. BURNETT RULED FRIDAY MORNING. HE POINTED OUT THAT THE PURPOSE OF A TEMPORARY RESTRAINING ORDER IS TO RETAIN THE STATUS QVO IN THE FACE OF SOME PROPOSED OR EXPECTED CHANGE. IN THE CASE OF THE SAIPAN CONTINENTAL, THE HOTEL HAS BEEN SUBSTANTIALLY COMPLETED SINCE JUNE, AND THERE ARE NO PLANS FOR OPENING ADDITIONAL ROOMS IN CONNECTION WITH FRIDAY'S DEDICATION OF THE FACILITIES. FINDING NO NEED FOR THE TEMPORARY RELIEF THAT A RESTRAINING ORDER WOULD PROVIDE, BURNETT DENIED THE REQUEST.

THE PLAINTIFFS HAD ALSO ASKED THAT THE COURT ORDER THE HOTEL TO ACTIVATE ITS WATER DESALINIZATION PLANT AND DISCONNECT FROM ISLAND WATER. ALTHOUGH THE SAIPAN CONTINENTAL HAD BEEN BILLED AS BEING VIRTUALLY SELF-SUFFICIENT IN WATER WHEN IT OPNEO, TESTIMONY THURSDAY REVEALED THAT THE DESALINIZATION PLANT IS NOT NOW BEING USED, AND IN FACT IT WAS ONLY OPERATED FOR A FEW DAYS SEVERAL MONTHS AGO.

BURNETT FOUND, HOWEVER, THAT LEGALLY THE HOTEL IS ENTITLED TO USE ISLAND POWER AND WATER UNDER TERMS OF ITS LEASE. HE RULED THAT AN ORDER FROM THE COURT TO THE HOTEL TO STOP USING ISLAND WATER WAS ALSO NOT WARRANTED, AND ACCORDINGLY DENIED THAT REQUEST AS WELL.

"IN DENYING THE REQUEST FOR A TEMPORARY RESTRAINING ORDER," JUDGE BURNETT STATED, "I AM NOT BASING SUCH A DETERMINATION ON ANY REJECTION OF THE NINTH CIRCUIT COURT OF APPEALS DECISION REGARDING THE TRUSTEESHIP AGREEMENT." HE SAID THE ORGINAL CONTINENTAL CASE FILED BY THE PLAINTIFFS SHOULD PROCEED "ON ITS MERITS" AND POINTED OUT THAT THE DEFENDANTS HAVE BEEN INFORMED THEY WERE PROCEEDING AT THIER OWN RISK WITH THE CONSTRUCTION OF THE HOTEL WHILE THAT CASE WAS STILL PENDING.

NO DATE HAS YET BEEN SET FOR ARGUMENTS IN THE TT HIGH COURT ON THE CASE. THE CALIFORNIA COURT HAD RULED THAT THE CASE SHOULD BE RETURNED TO THE TRUST TERRITORY FOR ADJUDICATION, AND ALSO FOUND THAT THE TRUSTEESHIP AGREEMENT UNDER WHICH THE U.S. ADMINISTERS THE TT CAN BE A BASIS FOR LEGAL GRIEVANCES BROUGHT BY MICRONESIAN CITIZENS.

CHIEF JUSTICE BURNETT ALSO APPROVED FRIDAY A REQUEST BY MLSC ATTORNEY EDWARD KING THAT DEPOSITIONS IN THE CONTINENTAL HOTEL CASE BE TAKEN FROM G. EDWARD COTTER, PRESIDENT OF CONTINENTAL HOTELS, WHILE HE IS ON SAIPAN FOR THE DEDICATION CEREMONIES. MLSC LAWYERS AND CONTINENTAL'S ATTORNEY, FORMER TT CHIEF JUSTICE ROBERT SHOECRAFT, AGREED TO TAKE COTTER'S DEPOSITION SUNDAY MORNING AT 10:00 A.M.

(ALL USERS PLEASE CREDIT THE CONGRESS OF MICRONESIA)
(CONGRESSMEN TO FAR EAST)

SAIPAN, SEPTEMBER 23 (CONGRESS RELEASE)---SEVERAL MEMBERS OF THE CONGRESS OF MICRONESIA'S JOINT COMMITTEE ON FUTURE STATUS AND RESOURCES AND DEVELOPMENT ARE SCHEDULED TO LEAVE

10905

THE TRUST TERRITORY THIS WEEKEND ON A TRIP TO THE FAR EAST TO CARRY OUT THE MANDATE OF SENATE JOINT RESOLUTION 79.

THE RESOLUTION DIRECTS THE TWO JOINT COMMITTEES "TO STUDY THE POSSIBILITIES OF ECONOMIC AND DEVELOPMENTAL ASSISTANCE FROM NATIONS OF THE PACIFIC BASIN." THE PARTY IS SLATED TO VISIT JAPAN, THE REPUBLIC OF SOUTH KOREA, AND THE REPUBLIC OF THE PHILIPPINES. TWO BUSINESSMEN AND VARIOUS REPRESENTATIVES FROM THE EXECUTIVE BRANCH WILL ACCOMPANY THE JOINT COMMITTEES ON THIS TRIP.

SJR 79 FURTHER NOTED THAT "THE JOINT COMMITTEE (JCFS) AND THE U.S. DELEGATION AGREED THAT MICRONESIA WOULD HAVE ACCESS TO AND SHOULD MAKE USE OF OTHER RESOURCES OF CAPITAL FOR ECONOMIC ASSISTANCE AND DEVELOPMENT," AND "IN ORDER TO ANALYZE THE SITUATION, REQUIRES INFORMATION CONCERNING THE AVAILABILITY OF SUCH FINANCIAL ASSISTANCE FROM COUNTRIES OTHER THAN THE UNITED STATES."

THE TRUST TERRITORY DELEGATION IS COMPRISED OF THE FOLLOWING PEOPLE FROM THE CONGRESS OF MICRONESIA: SENATOR LAZARUS SALII, CHAIRMAN OF THE JOINT COMMITTEE ON FUTURE STATUS; SENATE PRESIDENT TOSIWO NAKAYAMA; KALEB UDUI, LEGISLATIVE COUNSEL, SABO ULECHONG, SENATE CLERK; AND MRS. JANET CRALEY, SENATE JOURNAL CLERK. FROM THE EXECUTIVE BRANCH: EUSEBIO RECHUCHER, DIRECTOR OF THE DEPARTMENT OF RESOURCES AND DEVELOPMENT; KOICHI WONG, DEPUTY DIRECTOR OF PUBLIC WORKS; WILLIAM STEWART, ECONOMICS CONSULTANT FROM THE DEPARTMENT OF RESOURCES AND DEVELOPMENT; AND BUSINESSMEN JOSE C. TENORIO AND N. ETPISON.

THE PARTY EXPECTS TO COMPLETE ITS FAR EAST TRIP ON OR ABOUT OCTOBER 10.

(MEDICAL SUPPLIES AIRDROPPED)

SAIPAN, SEPT. 20 (MNS)---A NAVY P-3 AIRCRAFT FROM THE NAVAL AIR STATION ON GUAM AIRDROPPED EMERGENCY MEDICAL SUPPLIES FOR A DIABETIC PATIENT ON KAPINGAMARANGI ATOLL, PONAPE DISTRICT TUESDAY MORNING (SEPT. 17).

LIEUTENANT COMMANDER ALAN R. PENDLETON, TT MILITARY LIAISON OFFICER SAID THREE DRUMS OF MEDICAL SUPPLIES WERE DROPPED ON THE ATOLL. HE SAID THE MEDICAL SUPPLIES WERE PROVIDED BY THE NAVAL REGIONAL MEDICAL CENTER ON GUAM.

THE SUPPLIES WERE SUFFICIENT TO SUSTAIN THE PATIENT'S CONDITION UNTIL THE ARRIVAL OF REGULAR SCHEDULED FIELD TRIP VESSEL. A HEALTH AIDE ON THE ATOLL WILL ADMINISTER THE MEDICATION TO THE PATIENT WITH INSTRUCTIONS THROUGH RADIO COMMUNICATIONS FROM DR. IRWIN ON PONAPE.

THE REQUEST FOR MEDICAL SUPPLIES WAS RECEIVED BY THE RESCUE COORDINATING CENTER ON GUAM MONDAY EVENING, (SEPT. 16). TUESDAY MORNING THE AIRCRAFT TOOK OFF ON THE EIGHT HOUR TURN-AROUND FLIGHT TO KAPINGAMARANGI ATOLL, THE SOUTHERNMOST POINT IN THE TRUST TERRITORY.

(WOTJE SUPERDISPENSARY DEDICATION)

SAIPAN, SEPT. 20 (MNS)---A TWELVE BED SUPER DISPENSARY ON WOTJE ATOLL, MARSHALLS DISTRICT WILL BE DEDICATED SATURDAY (SEPT. 21).

A SPOKESMAN FOR THE HEADQUARTERS DEPARTMENT OF HEALTH SERVICES SAID THE FACILITY WAS BUILT IN A JOINT VENTURE BETWEEN HEALTH SERVICES, COMMUNITY DEVELOPMENT AND THE MARSHALL ISLANDS DISTRICT LEGISLATURE.

A NAVY SEA BEE TEAM AND SOME LOCAL HELP FROM THE MARSHALLS WORKED TOGETHER TO COMPLETE THE NEW DISPENSARY.

THE DISPENSARY IS TYPHOON RESISTANT AND, ACCORDING TO A HEALTH SERVICE OFFICIAL, THE FACILITY WILL RELIEVE SOME OF THE PRESSING PROBLEMS OF HEALTH CARE DELIVERY IN THE OUTER ISLANDS IN THE MARSHALLS.

DR. JACK HELKENA, CHIEF OF DENTAL SERVICES, WILL REPRESENT THE DEPARTMENT OF HEALTH SERVICES AT THE DEDICATION CEREMONY.

(DAS FOR MARSHALLS AND TRUK)

SAIPAN, SEPT. 20 (MNS)---TWO DISTRICT ATTORNEYS HAVE BEEN HIRED IN THE TRUST TERRITORY FOR THE MARSHALLS AND TRUK DISTRICTS, LYLE RICHMOND, CHIEF, LEGAL DIVISION, ATTORNEY GENERAL'S OFFICE ANNOUNCED THIS WEEK.

JACK D. LAYNE, 33, WILL BE STATIONED IN TRUK DISTRICT. A GRADUATE OF BAYLOR LAW SCHOOL IN TEXAS IN 1966, LAYNE'S MOST RECENT JOB WAS DISTRICT COUNSEL FOR THE SMALL BUSINESS ADMINISTRATION PRIOR TO BEING HIRED IN THE TT.

HE BEGAN HIS LAW PRACTICE AS AN ASSISTANT CITY ATTORNEY IN LUBBOCK, TEXAS, FROM 1965-67, WAS AN ASSISTANT COUNTY ATTORNEY IN LUBBOCK, TEXAS, FROM 1967-68, AND SUBSEQUENTLY WAS AN ATTORNEY FOR THE STATE SAVINGS AND LOAN ASSOCIATION FROM 1968-69. FROM 1969-70, HE WAS IN PRIVATE PRACTICE IN LUBBOCK, TEXAS.

LAYNE REPLACES ALLAN NICHOLSON, WHO HAS BEEN ASSIGNED TO WORK IN THE MARIANAS AS A DISTRICT ATTORNEY.

HARLEY J. EARWICHER, 44, HAS BECOME MARSHALL ISLANDS DISTRICT ATTORNEY EFFECTIVE SEPTEMBER 7. HE WAS A GRADUATE OF PEPPERDINE SCHOOL OF LAW IN ANAHEIM, CALIFORNIA IN 1968. HE THEN WORK AS A DEPUTY DISTRICT ATTORNEY FOR THE CITY OF SAN DIEGO FOR TWO YEARS. IN 1971-74, HE WAS IN PRIVATE PRACTICE IN ESCONDIDO, CALIF.

EARWICHER REPLACES RUSSEL W. WALKER, WHO RESIGNED AND HAS MOVED TO CALIFORNIA.

(BOOKKEEPING AND ACCOUNTING SEMINAR)

SAIPAN, SEPT. 20 (MNS)---THE TERRITORIAL ECONOMIC OPPORTUNITY OFFICE (TEOO), IN COOPERATION WITH THE AUDITING FIRM OF WILFONG AND COMPANY OF LOS ANGELES, CALIF., IS SPONSORING A TWO-DAY SEMINAR BEGINNING ON SEPTEMBER 24, FOR FISCAL OFFICERS IN CHARGE OF BOOKKEEPING AND ACCOUNTING FOR THE COMMUNITY ACTION AGENCIES AND HEAD START PROGRAMS IN MICRONESIA.

ACCORDING TO WILLIAM ALLEN, ACTING DIRECTOR OF TEOO THE SPECIAL TRAINING IS NECESSARY IN ORDER TO FAMILIARIZE NEW ACCOUNTING STAFF WITH FEDERAL FISCAL RECORDING AND REPORTING PROCEDURES AS WELL AS TO IMPROVE STAFF UNDERSTANDING OF ACCOUNTING PRINCIPLES.

IT WILL ALSO ENABLE THE TEOO TO INTRODUCE A SIMPLIFIED ACCOUNTING MANUAL SPECIALLY DEVELOPED FOR THE SEMINAR BY ITS CONTRACTOR, WILFONG AND CO.

THE TRAINING IS BEING SUPPORTED BY A TECHNICAL GRANT TO THE TEOO FROM THE REGIONAL OFFICE OF ECONOMIC OPPORTUNITY IN SAN FRANCISCO.

THE SEMINAR WILL ALSO BRING TOGETHER THE FIVE EXECUTIVE DIRECTORS OF THE MICRONESIAN CAAS WHO WILL HOLD A MEETING OF THE MICRONESIAN COMMUNITY ACTION DIRECTORS ORGANIZATION CONCURRENTLY WITH THE SEMINAR. COORDINATOR OF THE SEMINAR IS BILL JACKSON OF THE COMMUNITY DEVELOPMENT DIVISION.