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(CHICOM RELEASE STATEMENT)

SAIPAN, DEC. 18 (NS) ~~4~~ TRUST TERRITORY HIGH COMMISSIONER EDWARD E. JOHNSTON RELEASED WEDNESDAY (DEC. 18) THE FOLLOWING STATEMENT ON SAIPAN RELATING TO SERIOUS AND MISLEADING NEWS ARTICLES THAT HAVE BEEN PRINTED IN RECENT DAYS ABOUT THE TRUST TERRITORY.

"IN APRIL 1973, AT A HEARING BEFORE THE SUBCOMMITTEE ON TERRITORIES AND INSULAR AFFAIRS OF THE U.S. SENATE INTERIOR COMMITTEE, THE SUBCOMMITTEE CHAIRMAN, SENATOR J. BENNETT JOHNSTON, JR. (WHO HAD RECENTLY VISITED THE TRUST TERRITORY) PROPOSED THAT TRUST TERRITORY SHOULD BE SUBJECT UNDER THE EXPENDITURE AND PROGRAM AUDITING FUNCTIONS OF THE FEDERAL COMPTROLLER ON GUAM.

"I TESTIFIED IN FAVOR OF SENATOR JOHNSTON'S PROPOSED AMENDMENT STATING THAT "IT WOULD BE VERY HELPFUL TO US AND I CERTAINLY HAVE NO OBJECTION."

"THE AMENDMENT, WHICH WAS MADE PART OF OUR BUDGET CEILING AUTHORIZATION LEGISLATION, WAS PASSED BY THE U.S. SENATE, SUBSEQUENTLY ACCEPTED BY THE U.S. HOUSE AND BECAME PUBLIC LAW 93-111.

"THE FEDERAL COMPTROLLER, MR. FLOYD FAGG, HAS ASSURED ME THAT HIS FIRST REPORT TO THE SECRETARY OF THE INTERIOR SHOULD BE READY NEXT MONTH. IT WILL BE A THOROUGH COMPREHENSIVE REVIEW OF ALL OUR T.T. PROGRAMS BASED ON OVER SIX MONTHS IN-DEPTH AUDITING BY THE COMPTROLLER AND HIS STAFF.

"ONE MIGHT WELL WONDER THEN, ABOUT THE NECESSITY OF SENDING A TEAM OF THREE "INVESTIGATORS" TO SPEND A FEW DAYS IN THE T.T. BY WAY OF TAHITI, BALI, SINGAPORE, SYDNEY, HONG KONG, AND OKINAWA. IT IS MY UNDERSTANDING THAT THEY DID NOT EVEN CONTACT THE GUAM COMPTROLLER, WHO IS PERFORMING A MISSION SPECIFICALLY ASSIGNED TO HIM BY A FEDERAL LAW ORIGINALLY SUGGESTED BY THE SAME COMMITTEE WHICH EMPLOYS THE "INVESTIGATORS."

"MR. DREYFUS AND MR. BIERNE, TWO OF THE INVESTIGATORS WHO CONTACTED VARIOUS PERSONS THROUGHOUT THE T.T., SEEMED TO BE GENUINELY INTERESTED IN OUR PROBLEMS AND ASSURED ME ON TWO OCCASIONS THAT "WE ARE NOT ON A WITCHHUNT; WE REALLY WANT TO HELP YOU IN THE AREA OF PUBLIC WORKS." WE ARE ASTOUNDED AT THE SUGGESTION BY REPORTER JOHN SIMONDS THAT THE U.S. SENATE WOULD DEMAND "A PRICE FOR A CONSTRUCTIVE APPROACH TO THE INVESTIGATION ON THE PART OF CONGRESS." THE RESPONSIBILITIES OF THE U.S. TRUSTEESHIP OVER MICRONESIA CERTAINLY EXTEND TO THE U.S. CONGRESS AS WELL AS THE EXECUTIVE BRANCH OF THE ADMINISTERING AUTHORITY AND TO TAKE ANYTHING LESS THAN A CONSTRUCTIVE APPROACH TO SOLVING THE TRUST TERRITORY'S MANY "BUILT-IN" PROBLEMS, WOULD BE A SERIOUS BREACH OF THE TRUSTEESHIP.

"I AM AMAZED THAT SO MUCH OF THE U.S. TAXPAYERS MONEY HAS BEEN SPENT LARGELY TO ACCOMMODATE ONE VOLATILE MALCONTENT, RICHARD THORPE, WHOSE ACCUSATIONS AGAINST ME, DEPUTY HIGH COMMISSIONER COLEMAN, ATTORNEY GENERAL MIYAMOTO AND OTHERS HAVE ALREADY BEEN COMPLETELY DISCREDITED AFTER THOROUGH INVESTIGATIONS BY NISO AND THE U.S. ATTORNEY ON GUAM.

"AFTER SEVERAL DAYS OF ATTEMPTS AT ILLEGAL ACTIVITY IN PALAU- WHICH INCLUDED PHYSICAL VIOLENCE - THE DISTAD OF PALAU TOM REMENGESAU STATED IN AN OFFICIAL REPORT "MR. THORPE HAD OFFICIALLY ENTERED THE DISTRICT AS A TOURIST AND HAD BEEN INFORMED BY OUR IMMIGRATION OFFICER TO CONDUCT HIMSELF AS A TOURIST. NOT ONLY DID HE ATTEMPT TO CONDUCT BUSINESS INSTEAD, BUT DID SO IN AN ABUSIVE ANTI-SOCIAL AND THREATENING MANNER. ON TWO DIFFERENT OCCASIONS HE MADE LOUD, BOISTEROUS AND THREATENING REMARKS IN THE DISTRICT ADMINISTRATOR'S OFFICE TO SUCH AN EXTENT THAT HE DISRUPTED THE WORK FLOW AND VIOLATED THE INTEGRITY OF THE OFFICE. I

NIGHT ALSO ADD THAT HE ASSURED ME OF FOUR OF MY STAFF OFFICERS BEING REMOVED FROM THEIR OFFICES. FURTHERMORE, HE ENTERED OUR POWER PLANT WITHOUT AUTHORIZATION AND ASSAULTED OUR POWER PLANT SUPERVISOR. MR. RICHARD THORPE IS NOT ONLY UNWELCOME HERE BUT AN UNDESIRABLE ALIEN BECAUSE OF THE PERSONAL MANNER IN WHICH HE HAS CONDUCTED HIMSELF WHILE PRESENT IN THIS DISTRICT. HIS PERSONAL CONDUCT, AS STATED BEFORE, HAS BEEN ABUSIVE, ANTI-SOCIAL THREATENING AND DISRUPTIVE TO THE PEACE AND WELL-BEING OF THE CITIZENS AND RESIDENTS OF THIS DISTRICT. IN SUMMARY, HE IS PERSONA NON GRATA."

"ACTUALLY, HOWEVER, AS I STATED TO THE PRESS IN HONOLULU, WE WELCOME ANY PUBLIC HEARINGS ON MICRONESIA'S PROBLEMS AND PLEDGE OUR FULL COOPERATION. OUR BOOKS AND RECORDS ARE ALWAYS OPEN - WE HAVE NOTHING TO HIDE.

"WHAT SOME PERSONS FROM WASHINGTON MAY NOT FULLY UNDERSTAND IS THE NUMBER ONE PRIORITY OF OUR MISSION TO PROPERLY TRAIN MICRONESIANS TO TAKE OVER EVERY PHASE OF GOVERNMENT IN THE FAIRLY NEAR FUTURE. THIS, AND OUR LIMITED BUDGET, HAVE PREVENTED (AND WISELY SO, I BELIEVE) THE BUILDING UP OF A COMPLETE U.S. FEDERAL STYLE "PAPER-WORK" BUREAUCRACY WHICH THE FUTURE GOVERNMENT OF MICRONESIA COULD PROBABLY NEVER AFFORD. THE SECRETARY OF THE INTERIOR IS IN FULL ACCORD WITH OUR PLAN FOR TRAINING AND PROMOTING MICRONESIANS AT ALL LEVELS OF THE T.T. GOVERNMENT. AND ONLY LAST MONTH MR. CARPENTER, THE DIRECTOR OF TERRITORIAL AFFAIRS, WROTE TO URGE US TO "ACCELERATE" THE PROCESS OF REPLACING EXPATRIATES WITH TRAINED AND QUALIFIED MICRONESIANS. I AM SURE THAT DEPARTMENT OF INTERIOR REPRESENTATIVES WILL HELP US EXPALIN THIS PART OF OUR TRUSTEESHIP MISSION AT THE SCHEDULED PUBLIC HEARINGS.

"SENATOR HIRAM L. FONG, WHO RECENTLY VISITED FOUR OF OUR SIX DISTRICTS, AND MISSED THE OTHER TWO ONLY BECAUSE OF ADVERSE WEAAHTER CONDITIONS HAS TOLD THE PRESS THAT HE "HAD NOT HEARD OF ANY PROBLEMS WITH THE AMERICAN ADMINISTRATION THERE." HE ALSO STATED THAT THE SENATE SHOULD HEAR "BOTH SIDES OF THE STORY."

"WE IN THE TRUST TERRITORY GOVERNMENT ARE IN FULL AGREEMENT AND LOOK FORWARD TO NEXT MONTH'S HEARINGS IN WASHINGTON."

(CALL USERS, PLEASE CREDIT THE CONGRESS OF MICRONESIA)
(CONGRESS CLARIFIES ITS LAND POSITION)

SAIPAN, DEC. 17 (CONGRESS RELEASE) -- AT THE REQUEST OF THE LEADERSHIP OF THE CONGRESS OF MICRONESIA, MEMBERS OF THE CONGRESS STAFF ISSUED A STUDY TUESDAY CLARIFYING WHAT THEY CALLED "MISLEADING STATEMENTS" BY THE HEAD OF THE INTERIOR DEPARTMENT'S OFFICE OF TERRITORIAL AFFAIRS, STANLEY S. CARPENTER, FOLLOWING A MEETING WITH MICRONESIANS LEADERS IN HONOLULU LAST WEEK. THE SUBJECT OF THE TWO-DAY MEETING WAS THE RETURN OF MICRONESIAN PUBLIC LANDS.

THE STUDY, AUTHORED BY CONGRESS STAFF ATTORNEY MICHAEL A. WHITE AND PUBLIC INFORMATION SPECIALIST BRIAN FARLEY, BOTH OF WHOM WERE IN ATTENDANCE AT THE HONOLULU MEETING, SAID STATEMENTS MADE BY CARPENTER THAT THE MARIANAS, MARSHALLS AND PALAU DISTRICTS "STRONGLY SUPPORTED" IMPLEMENTATION OF A LAND RETURN PLAN THROUGH A SECRETARIAL ORDER OF THE INTERIOR DEPARTMENT ARE "INACCURATE" AND "MISLEADING." THE STUDY SAID THAT WHILE TWO OF THE THREE DISTRICT DELEGATIONS DID SUPPORT THE USE OF AN EXECUTIVE ORDER TO ACCOMPLISH THE RETURN OF LANDS, EACH OF THE THREE "ASKED FOR CONDITIONS IN ANY ORDER WHICH DIFFER FROM THE U.S. LAND POLICY STATEMENT."

POINTING OUT THAT THE TRADITIONAL CHIEFS OF PALAU DISTRICT DID NOT SUPPORT THE U.S. LAND RETURN PLAN, THE STUDY ALSO NOTED THAT CERTAIN REPRESENTATIVES FROM THE MARIANAS DISTRICT PARTICIPATED IN THE FINAL DAY'S WALKOUT, SUPPORTING THE CONGRESS' POSITION.

"THERE WAS NO 'STRONG SUPPORT' AS CARPENTER CLAIMED," STATED THE STUDY.

THE STUDY SAID THAT CARPENTER'S STATEMENT THAT THE PROPOSED SECRETARIAL ORDER WOULD BE "PERMISSIVE" WAS ALSO AN EXAGGERATION. "THE ORDER WILL FORCE CONDITIONS ON THE PEOPLE OF MICRONESIA. THE MAJOR OBJECTION OF THE CONGRESS IS NOT THE MANNER OF IMPLEMENTATION OF THE POLICY STATEMENT, WHETHER IT IS BY EXECUTIVE ORDER OR THROUGH LEGISLATIVE ACTION. THE REAL ISSUE IS PROTECTION OF MICRONESIAN LAND RIGHTS. THE PRESENT U.S. POLICY, NO MATTER HOW IT IS IMPLEMENTED, IGNORES THESE RIGHTS."

STATEMENTS BY CARPENTER THAT EITHER METHOD OF IMPLEMENTATION "WOULD RETURN THE SAME AMOUNT OF LAND" TO MICRONESIANS WERE ALSO UNTRUE, ACCORDING TO THE STUDY. IT NOTED THAT SENATE BILL 296, PASSED BY THE CONGRESS OF MICRONESIA AND VETOED BY THE HIGH COMMISSIONER, WOULD HAVE RETURNED MORE LAND BECAUSE IT WOULD HAVE INCLUDED MILITARY RETENTION LANDS. THE PROPOSED SECRETARIAL ORDER WOULD NOT RETURN THESE LANDS. THE STUDY ALSO NOTED LATENT DIFFERENCES WHICH COULD AFFECT EVERY DISTRICT OF THE TRUST TERRITORY IN THE FUTURE.

"THE CONGRESS LAND BILL WAS VETOED," CONTINUED THE STUDY, "BECAUSE IT WAS SUPPOSEDLY INCONSISTENT WITH THE U.S. LAND POLICY STATEMENT. BUT THE PEOPLE OF MICRONESIA WERE NEVER GIVEN A CHANCE TO INFLUENCE THIS POLICY. THE CONGRESS BILL WAS CONSISTENT WITH THE WISHES OF THE MICRONESIAN PEOPLE, BECAUSE AFTER LENGTHY HEARINGS REPRESENTATIVES FROM ALL SIX DISTRICTS UNANIMOUSLY APPROVED THE BILL. THE U.S. POLICY STATEMENT, THEREFORE, IS INCONSISTENT WITH THE INTERESTS OF THE MICRONESIAN PEOPLE," THE STUDY CONCLUDED.

CONCERNING MEETINGS BETWEEN CARPENTER AND VARIOUS SEPARATE DISTRICT DELEGATIONS, THE STUDY INDICATED THAT THIS CAN BE SEEN "AS FURTHER EVIDENCE OF THE DIVIDE AND CONQUER POLICY OF THE UNITED STATES."

"THE U.S. SAYS IT DOES NOT MEAN TO UNDERMINE THE AUTHORITY OF THE CONGRESS OF MICRONESIA, YET THE UNITED STATES HAS BY-PASSED THE CONGRESS NOT ONLY ON THE PRESENT LAND ISSUE, BUT CONCERNING MICRONESIAN WAR CLAIMS, SEPARATE STATUS NEGOTIATIONS, THE LIFTING OF FOREIGN INVESTMENT RESTRICTIONS, THE IT BUDGET, THE TINIAN MORATORIUM, AND MANY OTHER ISSUES."

"CARPENTER ALSO ALLEGES THAT THE CONGRESS REFUSED TO DISCUSS THE ISSUES IN 'MORE DEPTH' BECAUSE THE CONGRESS DELEGATES, ALONG WITH OTHERS, WALKED OUT OF THE HONOLULU MEETING. THE ONLY REASON THE CONGRESS LEFT THE MEETING WAS BECAUSE CARPENTER REFUSED TO DISCUSS THE ISSUES IN DEPTH. OUR DELEGATES HAD ALREADY SPOKEN TWICE, BUT NOTHING NEW CAME FROM CARPENTER EXCEPT A REPEATED EXPLANATION OF THE SAME POLICY STATEMENT. HAD HE EXPRESSED A WILLINGNESS TO COMPROMISE, THE DELEGATION WOULD CERTAINLY HAVE STAYED, AND CARPENTER CERTAINLY MUST HAVE KNOWN THAT."

EXPLAINING THE ISSUE IN MICRONESIAN TERMS, THE STUDY SAID, "LET US VIEW OUR SO-CALLED PUBLIC LANDS AS A CANOE. THE U.S. HAS HELD THIS CANOE SUPPOSEDLY ON OUR BEHALF FOR THE PAST 30 YEARS. THE CONGRESS TOOK A LOOK AT THIS CANOE IN OUR LAST SESSION AND FOUND THAT THE PADDLES AND SAILS ARE NOW MISSING AND THAT THERE ARE HOLES IN IT. THE CONGRESS THEN FIXED UP THE CANOE, AND ADDED THE PADDLES, THE SAIL, AND FILLED THE

HOLES. BUT THE UNITED STATES BY VETOING OUR ACTIONS, IS TELLING THE CONGRESS, 'NO, WE DO NOT WANT TO RETURN YOUR CANOE AFTER YOU HAVE FIXED IT; IT MUST BE RETURNED TO YOU THE WAY WE GIVE IT TO YOU. IF YOU DO NOT LIKE THIS, THEN WE WILL FORGET ABOUT THE CONGRESS AND TAKE THE CANOE DIRECTLY TO THE DISTRICTS. AS IT WAS BEFORE YOU FIXED IT.' BUT, "CONTINUED THE STUDY," IF A DISTRICT SLIPS INTO THIS CANOE, THEY WILL FIND A SINKING CANOE FULL OF WATER, WITH NO PADDLES TO GUIDE IT, AND NO PAIR TO FIX IT."

ALTHOUGH HE DID NOT ATTEND THE HONOLULU MEETING LAST WEEK, CONGRESS JOINT COMMITTEE ON FUTURE STATUS CHAIRMAN LAZARUS SALII HAS BEEN CLOSELY FOLLOWING THE LAND RETURN ISSUE, SINCE AMBASSADOR FRANKLIN H. WILLIAMS ANNOUNCED THE CONDITIONS OF THE U.S. LAND POLICY STATEMENT DURING STATUS NEGOTIATIONS IN NOVEMBER, 1975, AND WAS THOROUGHLY BRIEFED ON THE HONOLULU MEETING. IN COMMENTING ON THE CONGRESS STAFF STUDY, SALII SAID THAT HE WAS IN AGREEMENT WITH, "THE U.S. RESTRICTIONS ON THE RETURN OF OUR LAND HAVE NOT CHANGED EVEN THOUGH WE STRONGLY OBJECTED TO FOUR MAJOR POINTS OVER ONE YEAR AGO," SALII ADDED. "AND NOW, WITH INTERIOR SECRETARY MORTON PREPARING TO ISSUE AN EXECUTIVE ORDER WITH THESE RESTRICTIONS STILL ATTACHED, MORTON WILL BECOME AN UNWITTING VICTIM OF AMBASSADOR WILLIAMS' AND CARPENTER'S MISCALCULATED DESIGNS IN MICRONESIA."

(HEFNER DENIES SONODA REINSTATEMENT)

SAIPAN, DEC. 18 (MNS)---TRUST TERRITORY HIGH COURT ASSOCIATE JUSTICE ROBERT A. HEFNER HAS DISMISSED A COMPLAINT FILED TO PREVENT MARIANAS DISTRICT COURT ASSOCIATE JUDGE JESUS A. SONODA FROM BEING REMOVED FROM HIS POSITION ACCORDING TO A STORY CARRIED IN WEDNESDAY'S (DEC. 18) PACIFIC DAILY NEWS.

JUDGE HEFNER RULED THAT "THE HIGH COMMISSIONER (EDWARD E. JOHNSTON) HAD THE COMPLETE AUTHORITY AND DISCRETION TO NOT REAPPOINT (SONODA)."

HEFNER'S OPINION CONCLUDES:

"IN THE FINAL ANALYSIS AND CONSTRUING PLAINTIFF'S (SONODA'S) COMPLAINT IN THE MOST FAVORABLE LIGHT POSSIBLE, IT ALLEGES THAT THIS SPECIFIED TERM EXPIRED AND HE WAS NOT REAPPOINTED. THAT FROM AUGUST 2, 1974 TO NOVEMBER 7, 1974 HE WAS A HOLDOVER JUDGE OR A DE FACTO JUDGE. THIS STATUS WAS TERMINATED ON NOVEMBER 7, 1974."

SONODA, REPRESENTED BY GUAM ATTORNEY BENJAMIN ABRAMS FILED SUIT AGAINST CHIEF JUSTICE HAROLD BURNETT, HIGH COMMISSIONER EDWARD E. JOHNSTON AND THE TT, SEEKING TO RESTORE HIMSELF AS A MARIANAS DISTRICT JUDGE AFTER HE WAS INFORMED IN A PERSONNEL ACTION SIGNED BY BURNETT THAT HE (SONODA) WOULD NOT BE REAPPOINTED.

ABRAMS MAINTAINED THAT THE NOTICE GIVEN SONODA NOVEMBER 7, EFFECTIVE NOVEMBER 11, VIOLATED REGULATIONS THAT A TT EMPLOYEE MUST BE GIVEN 90 DAYS' NOTICE OF DISMISSAL.

"WE'RE NOT TRYING TO SAY JUDGES CAN'T BE REMOVED FOR CAUSE BUT THIS OFFENDS THE MOST BASIC CONCEPTS OF FUNDAMENTAL LIBERTIES AND DUE PROCESS," ARGUED ABRAMS.

CARLOS SALII, ASSISTANT ATTORNEY GENERAL RESPONDED: "EMPLOYEES OF THE EXECUTIVE BRANCH NO DOUBT ARE ENTITLED TO NOTICE, BUT THERE ARE NO REGULATIONS REQUIRING A HEARING FOR JUDGES. SONODA'S TERM HAD EXPIRED AND HE WAS NOT REAPPOINTED."

SINCE JUDGE BURNETT COULD NOT HEAR THE CASE BECAUSE HE IS A DEFENDANT, GUAM SUPERIOR JUDGE PAUL L. ABBATE, A DESIGNATED TT JUDGE BY THE U.S. SECRETARY OF THE INTERIOR, WAS AUTHORIZED TO SIGN THE ORDER.

A TEMPORARY RESTRAINING ORDER AGAINST BURNETT, JOHNSTON, AND THE IT WAS GRANTED IN NOVEMBER BY ABBATE.

AFTER JUDGE ABBATE SIGNED THE TEMPORARY ORDER TO HALT SONODA'S REMOVAL PENDING FURTHER ACTION, BURNETT APPOINTED HEFNER TO HEAR THE CASE. ABRAMS THEN FILED A PETITION SEEKING A WRIT OF PROHIBITION TO KEEP HEFNER FROM PRESIDING, STATING THAT SINCE BURNETT IS A PARTY IN THE SUIT, HIS APPOINTMENT OF HEFNER WAS "NULL AND VOID."

HEFNER THEN LIFTED THE RESTRAINING ORDER EARLY THIS MONTH DECLINING TO DISQUALIFY HIMSELF AFTER ABRAMS INTRODUCE A MOTION TO THAT END.

HEFNER'S WRITTEN OPINION, THE DAILY NEWS STORY POINTED OUT, DENYING THE RESTRAINING ORDER, STATED THAT DISTRICT COURT JUDGES ARE APPOINTED BY THE HIGH COMMISSIONER FOR SPECIFIED PERIODS: JOHNSTON APPOINTED SONODA TO A THREE-YEAR TERM AUGUST 2, 1971, MEANING THAT HE WAS A DE FACTO JUDGE (IN FACT BUT NOT BY LAW) AFTER AUGUST 2, 1974 AND THEREFORE NOT ENTITLED TO A HEARING.

ACCORDING TO THE DAILY NEWS STORY, JUDGE CANNOT BE REMOVED FOR CAUSE UNTIL THERE HAS BEEN A HEARING AND HEFNER'S OPINION IS THAT SONODA WAS NOT A REGULAR JUDGE AFTER AUGUST 2, 1974 BUT A DE FACTO ONE.

"NEITHER COUNSEL NOR THIS COURT HAS FOUND ANY AUTHORITY TO APPLY THE NORMAL NOTICE REQUIREMENT, HEARING PROCEDURES OR PROTECTIVE DEVICES GIVEN TO THE REGULAR CIVIL SERVANT OR IT EMPLOYE TO APPOINTEES WHO SERVE FOR DEFINITE SPECIFIED TERMS," STATED HEFNER.