

(TRUK'S BOSSY SEATED)

1975

SAIPAN, JANUARY 28 (MNS) ---THE SENATE OF THE CONGRESS OF MICRONESIA (COM) VOTED TO SEAT SENATOR-ELECT NICK BOSSY OF TRUK TUESDAY (JAN. 28).

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IN A LATE AFTERNOON SESSION THE SENATORS FIRST ADOPTED THE CREDENTIALS COMMITTEE REPORT, ONE WHICH DECLARED "YOUR COMMITTEE HAS FOUND AN ELECTION WHICH WAS ADMINISTERED IN SUCH A CARELESS MANNER AS TO CONSTITUTE CRIMINAL NEGLIGENCE...

"...IN THE LIGHT OF THE SUBSTANTIAL AND MATERIAL IRREGULARITIES IN THE CONDUCT AND ADMINISTRATION OF THE ELECTION IN QUESTION WHICH OCCURRED, WE ARE UNABLE TO SAY THAT THE RESULT ACCURATELY REPRESENTED THE WILL OF THE PEOPLE OF TRUK," STATED THE REPORT.

MARSHALLS SENATOR AMATA KABUA SUCCESSFULLY MOVED TO HAVE ONE RECOMMENDATION OF THE COMMITTEE REPORT STRICKEN BEFORE THE REPORT WAS ADOPTED. THIS WOULD HAVE BEEN FOR THE SENATE TO RECOMMEND TO THE HIGH COMMISSIONER THAT HE "SUSPEND THOSE OFFICIALS RESPONSIBLE FOR THE ADMINISTRATION OF THE (TRUK ELECTION) PENDING A FULL INVESTIGATION BY THE ATTORNEY GENERAL...AND THAT CRIMINAL PROSECUTION OF THOSE PERSONS WHO HAVE BEEN FOUND TO HAVE VIOLATED THE LAW" BEGIN.

THE SENATORS VOTED, HOWEVER, NOT TO ACCEPT THE RECOMMENDATION THAT THE TRUK SENATORIAL ELECTION BE DECLARED NULL AND VOID BY A VOTE OF SIX TO FIVE (6-5).

THEN, IN AN 8-3 VOTE, THE SENATORS DECIDED TO SEAT SENATOR-ELECT NICK BOSSY. HE WILL BE OFFICIALLY SWORN IN WEDNESDAY (JAN. 29), AT 4:00 P.M.

PRIOR TO THE VOTE, YAP SENATOR PETRUS TUN, WHO WAS ON THE COMMITTEE, SPOKE IN FAVOR OF ACCEPTING THE COMMITTEE'S REPORT SAYING THAT "EVIDENCE OF ELECTION VIOLATIONS WAS OVERWHELMING." (SEE FOLLOWING STORY)

SENATOR ROMAN IMETUHL (PALAU) SUBMITTED A MINORITY REPORT IN WHICH HE STATED THAT HE DID NOT CONCUR WITH THE FINDINGS OF THE MAJORITY OF THE CREDENTIALS COMMITTEE. "I STILL MAINTAIN THAT THERE IS NO EVIDENCE TO SUPPORT THE RECOMMENDATIONS" (THAT NICK BOSSY NOT BE SEATED), HE STATED.

MARSHALLS SENATOR WILFRED KENDALL COMMENTED AFTER THE VOTE TO SEAT THAT HE WAS "APPALLED AT THE ACTION OF THE SENATE." HE NOTED THAT THE CREDENTIALS COMMITTEE HAD WORKED FOR OVER TWO WEEKS ON THE CONTESTED ELECTION. "ANY ELECTION FROM HERE ON OUT," HE DECLARED, "LEGAL OR NOT LEGAL, WILL BE ACCEPTED."

IN OTHER SENATE ACTIVITY A BILL GRANTING THE TRADITIONAL CHIEFS WHO ARE DELEGATES TO THE MICRONESIAN CONSTITUTIONAL CONVENTION (CONCON) THE RIGHT TO VOTE (SB 6-34) PASSED SECOND AND FINAL READING AND WAS SENT TO THE HOUSE FOR FURTHER CONSIDERATIONS. SENATOR JOHN MANGEFEL (YAP) CASTED THE ONLY DISSENTING VOTE.

FOURTEEN BILLS WERE INTRODUCED IN THE SENATE. THE BILLS WOULD: PROVIDE FOR THE PRESERVATION, DEVELOPMENT AND MAINTENANCE OF THE ARCHEOLOGICAL SITE, ARTIFACTS, OBJECTS AND PROPERTY DISCOVERED AT THE ULIBOT AND FAUBA EXCAVATIONS ON TCL, TRUK DISTRICT, AND APPROPRIATE FUNDS FOR IT, (SB 6-61); APPROPRIATE \$250,000 TO PURCHASE HEAVY EQUIPMENTS FOR PROJECTS AND SERVICES IN TRUK DISTRICT, (SB 6-62); EMPOWER THE PRE-CONVENTION COMMITTEE OF THE CONCON TO APPOINT A CREDENTIALS COMMITTEE AND PRESCRIBE ITS DUTIES, (SB 6-63); PROVIDE FOR A TWO-YEAR FARMERS' TRAINING PROGRAM IN PONAPE, (SB 6-64); SET ASIDE AT LEAST 20 ACRES OF PUBLIC LAND IN THE PALIKIR AREA, SOKENS MUNICIPALITY, PONAPE, FOR A BLACK PEPPER PLANTATION AND

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TO APPROPRIATE FUNDS THEREFORE, (SB 6-65); PROVIDE FOR THE CHARTERING OF CREDIT UNIONS, (SB 6-66); PRECLUDE THE TT GOVERNMENT FROM OWNING HOUSING UNITS AND TO DESIGNATE TT EMPLOYEES ENTITLED TO HOUSING AND LODGING ALLOWANCES, (SB 6-67); A NATURALIZATION BILL (SB 6-68); ESTABLISH THE COMMUNITY COLLEGE OF MICRONESIA UNDER THE BOARD OF REGENTS, (SB 6-69); CREATE A BOARD OF TRUSTEES FOR COM AND MICRONESIAN OCCUPATIONAL CENTER, (SB 6-70); AMEND A SECTION OF PUBLIC LAW 46-38 TO REQUIRE THAT THE ADMINISTRATION OF THE MARINE RESOURCES LOAN FUND AT THE DISTRICT LEVEL BE DONE BY THE APPROPRIATE DISTRICT FISHING AUTHORITY, (SB 6-71); ESTABLISH AN INTER-DISTRICT STUDENT EXCHANGE PROGRAM AND APPROPRIATE \$5,000 FOR ITS PURPOSE, (SB 6-72); AMEND PART OF THE TT CODE TO EXEMPT MEMBERS AND EMPLOYEES OF ANY BOARD, COMMISSION, AGENCY, AUTHORITY, OR OTHER BODY OR POSITION CREATED BY A DISTRICT LEGISLATURE FROM THE PROVISIONS OF THE TT PUBLIC SERVICE SYSTEM ACT UNLESS SPECIFICALLY INCLUDED BY DISTRICT LAW, (SB 6-73); AND REQUIRE ALL EMPLOYEES, EXCEPT THOSE SPECIFICALLY EXEMPTED BY PROVISIONS OF THE ACT, PERFORM AS CLASSROOM TEACHERS FOR AT LEAST ONE INSTRUCTIONAL PERIOD PER DAY, (SB 6-74).

TWO SENATE JOINT RESOLUTIONS WERE INTRODUCED, ONE REQUESTING THE SECRETARY OF THE INTERIOR THROUGH THE HICOM TO AMEND DEPARTMENTAL ORDER 2918 TO ALLOW VACANCIES IN THE SENATE TO BE FILLED BY ELECTION VICE APPOINTMENT BY THE HICOM, (SJR 6-7); AND THE OTHER REQUESTING THE U.S. CONGRESS TO ALLOW THE MICRONESIAN DEVELOPMENT BANK TO ADMINISTER AND MANAGE FUNDS FROM THE ECONOMIC DEVELOPMENT LOAN FUND OF THE TT, (SJR 6-8).

IN THE HOUSE ONE MORE BILL PASSED SECOND AND FINAL READING AND WAS SENT TO THE SENATE FOR FURTHER ACTION. THE MEASURE IS TO APPROPRIATE \$31,000 TO DEFRAY THE OPERATION AND CONTINGENT EXPENSES OF THE TT PERSONNEL BOARD, (HB 6-7).

IN OTHER FLOOR ACTION REP. POLYCARP BASILIUS DELIVERED A SPEECH IN WHICH HE SUPPORTED THE HIGH COMMISSIONER, WHO HE CLAIMED BECAME INVOLVED IN A CONTROVERSY OVER A U.S. SENATE INVESTIGATION OF THE TRUST TERRITORY. (SEE FOLLOWING STORY)

EIGHT BILLS, THREE HOUSE JOINT RESOLUTIONS AND ONE HOUSE RESOLUTION WERE INTRODUCED. THE BILLS WOULD: APPROPRIATE \$60,000 TO DEFRAY THE COST OF TRAINING NOT LESS THAN 12 YOUTH TRAINING OFFICERS OUTSIDE THE TT, (HB 6-79); A MEASURE TO ADD CERTAIN SECTIONS TO THE TT CODE RELATING TO UNFAIR TRADE PRACTICES OF NONCITIZENS DOING BUSINESS IN THE TT, (HB 6-80); REPEAL PUBLIC LAW 5-85 TO PROVIDE FOR A NEW DEFINITION OF THE WORD "NONCITIZEN" AS USED BY THE FOREIGN INVESTORS BUSINESS PERMIT ACT, (HB 6-81); CREATE A COM FINANCIAL OFFICE, (HB 6-82); APPROPRIATE \$350,000 TO CONSTRUCT AND OPERATE VARIOUS FACILITIES FOR THE TRUK BOATBUILDING PROGRAM IN TRUK DISTRICT, (HB 6-83); A BILL TO AMEND CERTAIN SECTIONS OF THE TT CODE TO AUTHORIZE THE CHARTERED DISTRICT LEGISLATURES AND CHARTERED MUNICIPAL GOVERNMENTS TO ESTABLISH SURTAXES ON WAGES, SALARIES AND GROSS REVENUES UNDER TITLE 77 OF THE TT CODE, EXCEPTING DISTRICTS WHO ESTABLISH THE SURTAXES FROM SHARED REVENUE PROVISIONS OF TITLE 77, (HB 6-84); AMEND CERTAIN SECTIONS OF THE TT INCOME TAX LAW TO PROVIDE FOR A GRADUATED TAX, (HB 6-85); AND A BILL TO APPROPRIATE \$7,000 TO COMPLETE THE CONSTRUCTION OF ONE ICE PLANT IN NGEREMLENGHI MUNICIPALITY, PALAU DISTRICT, (HB 6-86).

THE HOUSE JOINT RESOLUTIONS ARE: REQUESTING THE HICOM TO SEEK THE COOPERATION OF THE DISTRICT ADMINISTRATORS OF THE SIX DISTRICTS IN APPLYING FOR FUNDS EARMARKED FOR OLDER CITIZENS UNDER U.S. PUBLIC LAW 93-29 AND TO APPLY FOR FUNDS TO CONSTRUCT SENIOR CITIZENS' COMMUNITY HALLS IN ALL SIX DISTRICTS, (HJR 6-18); REQUESTING THE U.S. CONGRESS TO AMEND THE FOOD STAMP ACT OF

1964 TO INCLUDE THE TT, (HJR 6-19); AND AUTHORIZING THE NICOM TO ACCEPT AND EXECUTE A GRANT FOR AN AIRPORT DEVELOPMENT AID PROGRAM (ADAP) PROJECT FOR THE CONSTRUCTION OF TWO STALL CRASH/FIRE RESCUE BUILDING FOR THE SAIPAN INTERNATIONAL AIRPORT ON SAIPAN FROM THE FAA, U.S. DEPARTMENT OF TRANSPORTATION, (HJR 6-20).

THE HOUSE RESOLUTION REQUESTS THE ATTORNEY GENERAL'S OFFICE TO INVESTIGATE ANY ABUSES AND VIOLATIONS OF THE FOREIGN INVESTORS BUSINESS PERMIT ACT AND TO SUBMIT A REPORT ON ITS FINDINGS AND RECOMMENDATIONS TO THE COM, (HR 6-5).

THE HOUSE WILL MEET AT 3:00 P.M. WEDNESDAY (JAN. 29), AND THE SENATE AT 4:00 P.M.

(ALL USERS PLEASE CREDIT THE CONGRESS OF MICRONESIA)
(TUN'S REMARKS)

SAIPAN, JANUARY 28 (CONGRESS RELEASE)---"THE ISSUE IS NOT WHICH CANDIDATE WE SHOULD SEAT. THE ISSUE IS WHETHER OR NOT WE SHALL SEAT A SENATOR-ELECT WHO WAS THE WINNER IN AN ELECTION WHICH WAS HELD SO OUT OF CONFORMANCE WITH THE LAWS...", STATED YAP'S SENATOR PETRUS TUN IN A SPEECH DELIVERED TUESDAY (JAN. 28) SPEAKING IN FAVOR OF THE MAJORITY'S REPORT TO DECLARE THE TRUK SENATORIAL ELECTION "NULL AND VOID" AMONG OTHER THINGS.

TUN NOTED: "WE ARE A GOVERNMENT OF LAWS. AS MEMBERS OF THE SENATE, WE ARE SWORN TO UPHOLD THOSE LAWS, NO MATTER WHAT WE MAY THINK ABOUT THEM."

CONTINUING: "IF WE WILL NOT FOLLOW THOSE LAWS, NONE OF US HAS ANY BUSINESS SITTING HERE," TUN SAID. HE ALSO NOTED THAT "THIS CONGRESS ADOPTED THE LEGISLATION UNDER WHICH THOSE ELECTIONS ARE ADMINISTERED. IT DID SO BECAUSE THERE WAS A VALID AND IMPROTANT PURPOSE FOR THE EXISTENCE OF EVERY ONE OF THE PROVISIONS IN THE LAW."

SENATOR TUN ALSO INDICATED THAT THE REPORT SUBMITTED FOR THE MEMBERS' REVIEW REPEATEDLY SAYS THAT "THE EVIDENCE OF SUBSTANTIAL AND MATERIAL VIOLATIONS OF THE LAW" IN THE TRUK ELECTION WAS "OVERWHELMING." HE WENT ON TO SAY THAT "THE LAWS IN THIS CASE WERE BROKEN, AND WE CANNOT AND WE MUST NOT 'IGNORE' THAT FACT."

SENATOR TUN CONCLUDED: "THE PEOPLE OF MICRONESIA ARE WATCHING US, NOW MORE THAN EVER. CAN WE FACE THEM IF WE IGNORE THE OVERWHELMING WEIGHT OF THE EVIDENCE IN THIS CASE?" HE URGED FOR THE ADOPTION OF THE RECOMMENDATIONS CONTAINED IN SPECIAL COMMITTEE REPORT NUMBER 6-3 AND SAID: "THE DIGNITY AND HONOR OF THE SENATE CAN BE PRESERVED ONLY IF WE DO SO."

(ALL USERS: PLEASE CREDIT CONGRESS OF MICRONESIA)
(BASILIUS SUPPORTS NICOM)

SAIPAN, JAN. 28 (CONGRESS RELEASE)---REPRESENTATIVE POLYCARP BASILIUS OF PALAU DELIVERED A SPEECH IN THE HOUSE TUES. (JAN. 28) IN SUPPORT OF THE HIGH COMMISSIONER WHO HAS LATELY BECOME INVOLVED IN CONTROVERSY OVER A U.S. SENATE INVESTIGATION OF THE TRUST TERRITORY.

"MR. SPEAKER, TO PUT IT BLUNTLY, WE HAVE ENOUGH REAL PROBLEMS HERE IN OUR ISLANDS WITHOUT MICRONESIA BECOMING A POLITICAL "FOOTBALL" AS IT WERE, IN WASHINGTON, D.C." HE SAID REFERRING TO CHARGES BY A PRIVATE U.S. CITIZEN WHICH HAD LET TO AN INVESTIGATION OF THE USE OF GRANT FUNDS IN MICRONESIA.

BASILIUS NOTED HE "DEPLORES" SUCH CHARGES BECAUSE "ANY SENSIBLE MICRONESIAN, AND ANY PERSON WHO IS FAMILIAR WITH MICRONESIA, CAN SEE THAT ADMINISTERING SUCH A PLACE IS NEARLY AN IMPOSSIBLE JOB, BECAUSE OF MICRONESIA'S SIZE.

AND THE SCATTERED LOCATION OF ITS ISLANDS," AND "...SUCH CRITICISM...TENDS TO HIDE THE REAL ISSUES IN MICRONESIA."

SAYING THAT HE TOO IS "AGAINST WASTE AND MISMANAGEMENT IN GOVERNMENT..." HE INDICATED THAT THE INVESTIGATION NOT ONLY WILL BRING INTO QUESTION THE HIGH COMMISSIONER'S INTEGRITY," BUT PRESENT THE LIKELIHOOD THAT IMPORTANT LEGISLATIVE APPROPRIATIONS FOR MICRONESIA MAY BE CUT."

CONTINUING, "I WANT TO GO ON RECORDED TO STATE THAT THIS CONGRESS SHOULD OPPOSE THE REPLACEMENT OF THE PRESENT HIGH COMMISSIONER ON "POLITICALLY" MOTIVATED GROUNDS," BASILIUS SAID. HE SAID HE WOULD ONLY SUPPORT JOHNSTON'S REPLACEMENT IF HE "WERE ASSURED THAT THE NEW HIGH COMMISSIONER WOULD BE A MICRONESIAN."

CONGRESSMAN BASILIUS POINTED OUT: "IT IS CLEAR THAT THE TRUST TERRITORY NEEDS MORE ASSISTANCE, NOT LESS FROM THE UNITED STATES FOR THE NEXT FEW YEARS, BUT THAT THIS INCREASE MAY BE 'DOOMED' BY 'PARTISAN POLITICAL CONSIDERATIONS' WHICH HAVE NO MEANING FOR US HERE IN MICRONESIA, BUT WHICH HAVE GREAT IMPACT ON OUR ISLANDS AND PEOPLE."

REPRESENTATIVE BASILIUS NOTED: "WHILE REASONS DIFFER AS TO THE REASONS, IT IS PLAIN THAT DEVELOPMENT OF MICRONESIA BY THE U.S. IN THE PAST 30 YEARS HAS BEEN LIMITED, EITHER BY FUNDS, OR BY THE KNOWLEDGE OF HOW TO GET THINGS DONE IN MICRONESIA OR FOR POLITICAL REASONS."

BASILIUS INDICATED THAT FUNDS ARE LIMITED AND THAT CONGRESS "HAS BEEN FORCED TO TAKE THE INITIATIVE TO LOOK FOR SOURCES OF MONEY FROM COUNTRIES AND ORGANIZATIONS OUTSIDE OF AMERICA. HOWEVER, EVEN IF OTHER COUNTRIES WERE WILLING TO HELP US, THIS AID WOULD HAVE TO BE APPROVED BY THE UNITED STATES, A VERY 'UNLIKELY' PROPOSITION, SINCE IT WOULD BE EMBARRASSING TO WASHINGTON, D.C., TO SEE OTHER COUNTRIES HAVING TO HELP A TRUSTEESHIP ADMINISTERED BY THE UNITED STATES."

HE ALSO MADE REFERENCE TO DISCUSSIONS HE'S HEARD THAT RECOMMENDATIONS 'MAY BE' MADE TO THE VISITING U.S. SENATE COMMITTEE TO "GIVE JOBS IN THE TRUST TERRITORY TO AMERICAN CITIZENS IN THE MAINLAND WITH THE STATUS OF U.S. CIVIL SERVANTS." HE SAID SHOULD THIS DISCUSSION MATERIALIZE, IT WILL "REVERSE THE LONG STANDING POLICY OF THE ADMINISTRATION AND THE CONGRESS TO PHASE OUT CIVIL SERVICE EMPLOYEES, AND WOULD THUS REPRESENT A STEP BACKWARD IN LOCALIZING OUR GOVERNMENT EMPLOYEES."

THE PALAU CONGRESSMAN REITERATED THAT THE PRESENT HIGH COMMISSIONER HAS "DEMONSTRATED THAT HE IS EXPERIENCED,... KNOWS MICRONESIA WELL, ITS PEOPLE AND ITS PROBLEMS, AND THAT HE CAN WORK WELL WITH THIS CONGRESS." HE CONCLUDED: "MICRONESIA SHOULD NOT BE PENALIZED FOR PARTISAN POLITICAL MANEUVERINGS OCCURRING 10,000 MILES AWAY."