

Wakako

hee

HIGHLIGHTS

August 1, 1974

OFFICE OF THE HIGH COMMISSIONER
TRUST TERRITORY OF THE PACIFIC ISLANDS
SAIPAN, MARIANA ISLANDS



Special Session Convenes on Saipan

The Special Session of the Fifth Congress of Micronesia convened on Saipan, July 23. Among the major pieces of legislation that have been introduced are proposed amendments to the constitutional convention law, an administration bill to make extensive changes in the government employees salary plan act, a bill to reapportion the House of Representatives, and several appropriation bills.

The proposed amendments to the constitutional convention law include an amendment to allow the traditional delegates a vote in the convention; a measure to declare the constitutional convention election in delegate districts one and two in Palau null and void, to redraw the boundaries of those two districts, and to call for a new election there; an amendment which calls for the creation of a credentials committee to insure that all delegates to convention are qualified; and a measure that provides daily compensation for convention delegates.

The Trust Territory administration introduced a bill to provide what it feels 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 the bill, the Marshalls and Truk districts would increase the number of their representatives to the House by one, while the Marianas and Palau districts would reduce the number of their representatives by one. Yap's and Ponape's delegations to the House would remain the same.

The Special Session will end on August 6.

Basilus Appointed Public Information Chief

Trust Territory High Commissioner Edward E. Johnston announced the appointment of Bonifacio Basilus of Palau as Chief of the Public Information Division at Headquarters on Saipan.

Basilus, 33, replaces James H. Manke, who completed just over four years of service with the TT Government on Friday, July 26.

The HiCom's announcement said the appointment of Basilus will take effect officially on August 4, but until that time he will serve in an acting capacity as head of the division that produces the quarterly *Micronesian Reporter* magazine, the High Commissioner's newsletter, *Highlights*, and the daily *Micronesian News Service* (MNS).

Born in Ngchesar Village, Babelthuap, Basilus was educated at Xavier High School in Truk and the College of Guam, and received his B.A. degree in journalism from the University of Hawaii in 1968. He has worked as a radio announcer and editor in Palau, and was the district public information officer from 1968 to 1971. From 1971 to 1973 he served as Administrative Officer for Palau District Administrator Thomas O. Remengesau, before coming to Saipan to assume the position of Assistant Chief of the Public Information Division in January 1973.

Last week High Commissioner Johnston presented Manke with an honor award in recognition of his service with the government. The presentation was made at a regular meeting of the cabinet. The citation reads:



High Commissioner Edward E. Johnston presents James H. Manke (left) with an honor award during the regular meeting of the High Commissioner's cabinet.

"During his four years with the Trust Territory Government he has carried out his duties in a manner and to a degree reflecting the highest standards of public service, and has demonstrated an unswerving commitment to the policy of training Micronesians in the public information field, including a Micronesian successor as division chief. Through his expertise and considerable abilities, he has made a significant contribution to the goal of a fully informed Micronesian public."

Continental Case Returned to TT

The United States Court of Appeals for the Ninth Circuit has 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 have been attempting to stop Continental from completing its Saipan hotel adjacent to Micro Beach. The plaintiffs, represented by Micronesian Legal Services, had originally taken their case to the Trust Territory High Court in 1972. At that time the High Court ruled that Trust Territory officials were not subject to the provisions of the National Environmental Policy Act (NEPA), as the plaintiffs had contended.

The NEPA states that the federal government must issue an environmental and cultural impact statement before any major construction activity begins on public land. The Continental Hotel is on public land, and High Commissioner Johnston did not ask for an impact study before he signed the lease allowing Continental to begin construction.

The plaintiffs then took their case to the United States District Court in Hawaii. The District Court dismissed the case on the ground that the Trust Territory government is not a U.S. federal agency and upheld the TT High Court's ruling that NEPA regulations therefore did not apply to Trust Territory officials.

When it ruled, the Hawaii District Court said that the U.N. Trusteeship Agreement, through which the United States administers Micronesia, cannot be used by Micronesians to take either the TT government or the High Commissioner to court for alleged violations of that agreement.

The Appeals Court, however, overturned that ruling and stated, "the Trusteeship Agreement can be a source of rights enforceable by an individual litigant 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.

The Appeals Court also held that a Micronesian citizen may, if all legal channels within the Trust Territory have been exhausted, take his case to a United States federal court. This legal avenue, however, can be used only in cases involving violations of the Trusteeship Agreement.

The Trust Territory administration had held that a Micronesian could only take cases involving violations of the Trusteeship Agreement to the UN Security Council.

The Appeals Court, however, found that, "the alternative forum, the Security Council, would present to the plaintiff obstacles as to make their rights virtually unenforceable."

In returning the case to the TT High Court, which has had technical jurisdiction over the matter while awaiting a federal court ruling, the Appeals Court said, "Surely, the judicial branch of the Trust Territory government has the authority to determine whether or not the action of its chief executive complies with a provision in its own constitutional document."

The Appeals Court ruling also recognized the possibility that the Trust Territory High Court may find that it does not have jurisdiction to hear the case. If that occurs, the Appeals Court said, the Saipanese plaintiffs can take their case to the Hawaii District Court again. The Appeals Court also stated that it was fully aware of the possibility that it may again hear the case. "We refuse to leave the plaintiffs without a forum which can hear their claim that the High Commissioner has violated the duties assumed by the United States in the Trusteeship Agreement," the Court said.

In closing its findings, the Appeals Court issued a stern warning to Continental Airlines. Continental, the Court stated, seems to be saying that since their new hotel has already been completed, it is too late for the courts to stop construction. The Court cited a 1936 case which found that once a defendant has been notified that a suit has been brought against him, "even though a temporary injunction be not granted, he acts at his peril."

This means that the possibility exists, should the case ultimately be decided in favor of the plaintiffs, that the Saipan Continental Hotel will have to be removed from its present location.

Ponape was the scene of two conferences early last month. A special conference for District Administrators (left photo) was held July 11 through July 12 to discuss the implementation of the new administrative law bill. Also attending the conference were High Commissioner Johnston, Special Assistant for District Affairs J. Boyd Mackenzie, and the six district attorneys. Officials representing the Federal Housing Authority met with TT housing officials at PATS (right photo) to discuss rules and regulations for applying for federal housing assistance and the possibility of the TT participating in the Federal Government Leased Housing Program.



Briefly

The Joint Land Committee for the Marianas and the United States began deliberations over U.S. land needs in the Marianas. The negotiators met to determine, among other issues, the method of acquisition, the price, and the joint uses of land that the United States has previously indicated it needs in the Marianas.

The United States Senate passed a bill to protect Hawaii and American Pacific territories from the first 160 days of any dock or shipping strike originating on the West Coast. The bill now has to pass the U.S. House of Representatives before it becomes law.

According to Deputy Director of the TT Personnel Department, Podis Pedrus, Headquarters staff members and district personnel officers met in Yap recently for the TT District Personnel Officers' Workshop and discussed aspects of personnel management.

The U.S. Department of Labor granted the Trust Territory \$315,000 for providing transitional jobs in the public service field.

Marianas District Administrator Francisco C. Ada announced the appointment of Allan Nicholson as Marianas District Attorney. Nicholson previously served as District Attorney for Truk.

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

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.

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 transferred to the Department of Education on Kusaie.

Pursuant to the request of the John F. Kennedy Center for Research on Education and Human Development of the George Peabody College for Teachers, Nashville, Tennessee, a notice of the availability of a Federal Report of the National Science Foundation concerning a review and evaluation of juvenile delinquency prevention programs follows:

Available October, 1974
Literature Review and Evaluation of
Juvenile Delinquency Prevention Programs
Federal Report of the
National Science Foundation (RANN)
For Information Write to:
Institute on Youth and Social Development
George Peabody College, Box 60
Nashville, Tenn. 37203

Josephus Tiobech of Palau has received an appointment to the California Maritime Academy. According to a spokesman of the Division of Transportation of the Department of Transportation and Communications, Tiobech will receive a full Transportation scholarship for his studies.

The Ponape and Truk delegations to the Micronesian Constitutional Convention held their first organizational meetings last month. Ponape District Administrator Leo Falcam was elected Chairman of the Ponape Delegation and Chutomu Nimwes, Truk District Director of Education, was elected Chairman of the Truk delegation.

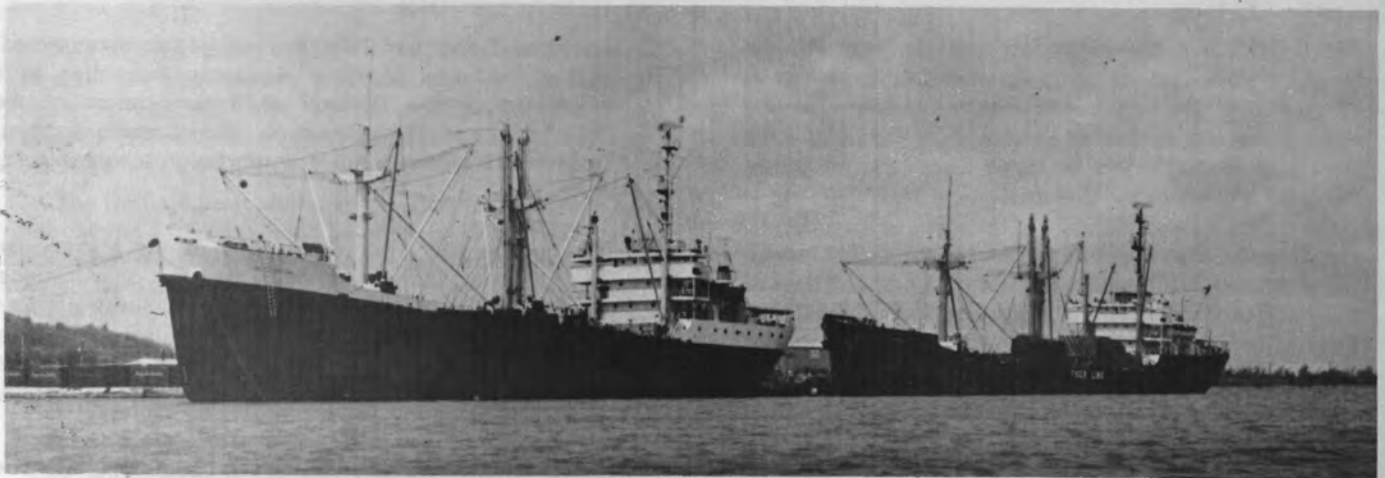
A new container cargo ship will soon begin operations in the Trust Territory. According to Ywao B. Elanzo, Acting Chief of Transportation, the *MS Fantress* is being readied in Oakland, California, for Micronesian service.

According to a report from the Economic Development Division of the Department of Resources and Development, the Marshall Islands Seafood Enterprises has been issued a TT business permit to develop tuna, lobster, and other marine resources in the Marshalls. Kabua Kabua, a Marshallese Paramount Chief, is the president of the company. The business permit application of the Micronesian Housing Corporation was rejected by the Marianas Economic Development Board because it felt that local companies could offer the same services.

High Commissioner Edward E. Johnston presented an incentive award to Cesar L. Dumatol for his "outstanding efforts" in working with the Trust Territory census. Dumatol, who is employed in the Headquarters Disaster Control Office, trained district census supervisors, census enumerators, and checkers and coders. Present at the award ceremony were (l to r) Director of Public Affairs and Chairman of the Incentive Awards Committee Strik Yoma; High Commissioner Johnston; William Stewart, 1973 Census Coordinator; Dumatol, and Jonathan Koshiba, Acting Disaster Control Officer.



Three Ships in Port



The MS Muskingum and the MS Herkimer at Saipan's Tanapag Dock.

The weekend of May 18, 1974, provided a rare occurrence for Micronesian sea transportation when all three of the Trust Territory's major logistic vessels were in Saipan at the same time during various portions of their transoceanic voyages. It is possibly the only such simultaneous entry of large Micronesian ships in one port during the last several years, perhaps not to be repeated for many more years.

The *MS Muskingum*, under the command of Captain Tedrick J. Melander of Kusaie, was the first to arrive, coming from the Marshalls District after completing an emergency run, lifting foodstuffs and other vital materials to Kusaie, Majuro and Ebeye. The *MS Muskingum* is now under time-charter to Saipan Shipping Company, making scheduled runs between Trust Territory ports and Japan, Taiwan and the Philippines.



The MS Muskingum, the MS Gunners Knot and the MS Herkimer at anchor in the Tanapag harbor.

The *MS Muskingum* was joined in Saipan a few days later by the *MS Herkimer*, which had just completed a successful voyage, hauling copra through the Trust Territory to Japan and the Philippines, and returning with a full load of cement and other construction materials. The *MS Herkimer*, under the command of Captain Alejandro Soria, is presently under charter to United Micronesia Development Association (UMDA), operating as Tiger Line.

The *MS Gunners Knot* returned to Micronesia after more than five months outside the Trust Territory and arrived in Saipan a few hours before the *MS Herkimer* departed. The well-known Micronesian vessel, under the command of Captain Paul Tolise, was placed under charter after leaving Taiwan by Saipan Shipping Company for a voyage from Japan to the Trust Territory. The ship provided a much needed resupply of many foodstuffs and other items to Ponape and Truk during April and May.



HIGHLIGHTS

Bonifacio Basilius, Editor
Rhonda Holland, Assistant Editor
Nick Guerrero, Graphic Artist

Public Information Office

TRUST TERRITORY of the PACIFIC ISLANDS
Saipan, Mariana Islands 96950