

Draft constitution sets 1985 Ponape elections

KOLONIA, Ponape -- A draft constitution which would shorten the terms of office for the present governor and next legislature will be presented to the Ponape State Constitutional Convention for final approval when it is reconvened on Jan. 9, according to convention Chairman Leo A. Falcam.

The draft also would establish a council of the highest traditional leaders to advise the government and would prohibit the introduction of nuclear and

other hazardous materials.

The draft document was completed by the Style and Transition Committee on Nov. 21. The convention was recessed in October for the Nov. 11 legislative elections.

Falcam said that he would call the convention back into plenary session on Jan. 9, and that he hopes to complete action on the final draft with a signing ceremony on Jan. 14.

"There are several proposals in the

draft that have not done through second reading in plenary session," Falcam said, noting that he instructed the convention staff to include them in draft to be subject to approval on second reading when the convention is reconvened.

The articles subject to second reading are: V, Tradition and Traditional Leaders; IX, Judiciary; XI, Conservation, Development and Land, and XVI, Transition, according to Falcam.

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Dismissal Procedure Upheld

KOLONIA, Ponape — In its first case determining the constitutionality of a Congress law, the FSM Supreme Court upheld a provision of the National Public Service System Act allowing a management official to make the final dismissal decision.

It first determined that it has authority to review Acts of Congress for constitutionality.

In a separate decision, the court found that a fighting and drunken defendant taken into police custody of Ponape State Prison committed the national code crime of escape by fleeing from a state police car while being transported from the police station to the Ponape

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BELATED BIRTHDAY CELEBRATION — President Tosiwo Nakayama is cutting the cake while First Lady Miter Nakayama looks on during belated celebration Nov. 25 of his 52nd birthday by his cabinet in the President's Conference Room. Nakayama turned 52 on Nov. 23 while visiting Truk.

Truk proposes police academy

MOEN, Truk — Resolutions to establish a Micronesian Police Academy here and make the Truk State Hospital the Federated States medical referral center were approved during a Truk state government leadership conference held Nov. 21-23 in the Continental Hotel.

The conference also approved a resolution supporting the tax revision measure proposed by President Tosiwo

Nakayama to increase local revenues which is pending in the FSM Congress.

Seven resolutions were adopted during the conference which was attended by the President; FSM Senators Raymond Setik, Jack Fritz and Koichi Sana; Gov. Erhart Aten; State Legislature Speaker Kisande Sos, and State Court Chief

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The present draft was sent to Honolulu for review by attorney Alan Burdick and University of Hawaii political science Professor Norman Meller, who served as consultants to the convention. Burdick is to return Dec. 4 to Ponape with the draft to meet with the Style and Transition Committee.

The Transition article states that the election date for the legislature members, governor and lieutenant governor under the Constitution shall be held in 1985. Other articles set the second Tuesday in November every four years as the general election date for all elective offices and the following Jan. 3 as the date they take office.

Gov. Resio Moses was elected to a four-year term in a runoff race with Falcarn on March 29, following the March 8 gubernatorial election. Moses took office on May 1, under provisions of the state charter.

Elections were held Nov. 11 for members of the Third Ponape State Legislature and they are to take office on Jan. 3 under the charter.

Guilty plea entered in beating death

KOLONIA, Ponape — Edwin Etpison, a Palauan residing in Kosrae, pleaded guilty on Nov. 7 before FSM Supreme Court Chief Justice Edward King to manslaughter in the Aug. 27 beating death of Larson J. Abraham, a fellow construction worker.

The FSM Attorney General's Office will ask for the maximum sentence of 10 years in prison for manslaughter under the National Criminal Code when Etpison is sentenced Jan. 17 by King.

Etpison went drinking with Abraham, a Kosraean, and Ronny Ngrachareang, a Palauan, about 9 p.m. Aug. 26. They picked up Uchel Ichiro, another Palauan, at the Sterling Skilling Hotel at 1 a.m. Aug. 27, drank until about 2 a.m. and then went to the end of the construction on the cross-island road to the new Kosrae airport.

There the victim passed out from drinking and Etpison pulled him out of the pickup truck they were using and beat him with a rock until he was dead, according to records in the Attorney General's Office, while the two other Palauans watched without participating. One reportedly tried to get Etpison to stop the beating.

Etpison threatened his companions with a knife and told them to help him dispose of the body. The body was taken to a deserted beach in Malem, seven or eight miles from the death scene, at 5 a.m. and dumped at the edge of the

The current legislature amended the Constitutional Convention Act to move the referendum from Nov. 11 to July 2, 1984, to allow for completion of the draft, after the convention requested that it be delayed until March.

The proposed transition provision states that it is to go into effect upon certification of its ratification by the governor, who would have up to 15 days after the referendum to certify it.

The article on tradition, states that there shall be a "Mwoalen Wahu," or Council of High Chiefs, consisting of the nahnmwarki and nahnken, or two comparable traditional leaders from each "wehi," or kingdom.

The Mwoalen Wahu would act as the honorary joint head of state, would give advice on all major issues in the state government, would assist in upholding the customs and traditions of Pohnpei in the system of law and would be funded by state government law.

Article XII on Education, Health and Public Safety prohibits the introduction, storage, use, testing and disposal of nuclear, chemical, gas and biological

water, according to the records.

The body was discovered about noon Aug. 27 and taken to the Kosrae State Hospital where Dr. Rudy Yuchongio performed an autopsy and determined that the death was due to brain damage.

Ngrachareang and Ichiro were given immunity by the prosecutors to provide testimony against Etpison.

The charge against Etpison was reduced from murder to manslaughter by the government because there was no direct evidence, other than the statements of the two companions, and a confession by Etpison which was considered inadmissible in court, an official of the Attorney General's Office said.

There will be no appeal of the conviction or sentence, due to the guilty plea, officials said.

Voc ag funds available

KOLONIA, Ponape — The FSM Congress made available \$30,000 for the fiscal 1984 Vocational Agriculture Grant Program, and applications must be submitted by Jan. 1 for the funds, according to Deputy Education Chief Weldis J. Welley.

Application forms may be requested from the Chief of Education, Social Services Department, FSM National Government, Kolonia, Ponape, ECI 96941. Public and private non-profit educational organizations, institutions and agencies are eligible to apply.

weapons, power plants and waste materials in the state and directs the legislature to enact statutes to control harmful substances not listed above.

Article IX on the Judiciary changes the name of the Ponape State Court to the Pohnpei State Supreme Court headed by a State Supreme Court Chief Justice, with not more than four associate justices with 12-year terms. It provides that inferior courts and adjudicatory bodies may be established by law.

The article on Conservation, Development and Land states that there shall be an overall State Master Economic Development Plan to be established by statute. A five-year development plan was drafted under the current administration to be part of the FSM National Development Plan required by the Compact of Free Association with the United States.

The article also prohibits lease of land for indefinite periods, and states that all existing indefinite use agreements would become void five years after the effective date of the Constitution. It calls for the state government to notify the municipalities within three years what public land is being used and make unused land available for private use through homesteading.

The proposed draft has a preamble and articles on territory and jurisdiction; supremacy; citizenship; fundamental rights; suffrage and elections; the legislative branch; the executive; taxation and public finance; general provisions; local government, and constitutional amendments.

The territory and jurisdiction article states that the state would comprise all lands, reefs, waters, airspace and subsoil belonging to the state within the FSM at the time the Constitution goes into effect.

The fundamental rights article has 22 sections, including one barring the death penalty.

Members of the legislative must be at least 25 years old and residents of Ponape for 25 years. Persons convicted of a felony are ineligible, members cannot hold other public offices and salary increases for the legislature will not apply during the term of office enacted.

The governor and lieutenant governor are to be elected on separate tickets, as opposed to Truk and Yap; must be at least 35 years old; must be legal residents of the state for at least 35 years and reside in the state at least 10 years prior to election, though absence from the state while on government service, or attending school shall not constitute an interruption of residence.

Truk invites Police academy

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Justice Soukichi Fritz in addition to a number of state leaders.

The conference was initiated by Gov. Aten who invited the President and members of the National Congress to attend. It is the first time this type of conference has been convened.

JLC Resolution No. 1 notes that indefinite use agreements on land occupied by the Truk government will expire in May, 1984; cites a resolution approved by the fifth FSM Chief Executives Conference urging the TT government to turn over \$1,399,229 remaining from 1980 funds appropriated for land acquisition and the national government to seek more funds, and joins the chief executives in urging the High Commissioner to expedite the transfer of "funds sufficient to conclude such land acquisition transactions."

JLC Resolution No. 2 states that state expenditures exceeded its fiscal 1983 revenues due to "inflationary factors and the wholly unanticipated medical and fuel costs resulting from the recurrence of cholera."

It resolved to report the Truk state financial crises to the TT High Commissioner, U.S. Interior Secretary and the U.N. General Assembly president.

JLC Resolution No. 3 asks the High Commissioner to transfer all capital improvement project functions to the FSM national government as requested by the Chief Executives during their Nov. 1-5 conference in Ponape.

JLC Resolution No. 4 states that because Moen is the geographical center of the FSM and Truk State Hospital staff facilities are equal to, or exceed those in the other states, the hospital should be designated the medical referral center for patients from throughout the FSM.

JLC Resolution No. 5 urges the creation of a Micronesian Police Academy in Truk to serve the FSM, Marshall Islands and Palau.

JLC Resolution No. 6 urges the Truk State Legislature, FSM Congress and Micronesian Maritime Authority to provide additional financial and technical support to complete the development of the fisheries complex on Dublon Island, Truk Lagoon.

JLC Resolution No. 7 supports the President's tax revision measure for the FSM "to begin assuming its financial responsibility as a nation" to shoulder its share of government operations costs, finance new programs and offset the progressive decline of U.S. grant funds under the 15-year Compact of Free Association.

Mid-84 FSM stamp issue seen

KOLONIA, Ponape — The first issue of FSM postage stamps in connection with the transition from the U.S. to the new FSM Postal Service should take place by mid-1984, according to Interim Postmaster General Leo Falcam.

Falcam, who was named to the interim post on Nov. 8 after being nominated on Nov. 2 by President Tosiwo Nakayama to be the permanent FSM Postmaster General, said that he plans to hold a contest offering prizes for the winning designs for the first cover issue of stamps.

He said that he will designate a committee with representatives from the four FSM states to select the stamps designs which should "illustrate traditions, history and culture which are really genuinely important to us, the FSM people."

FSM Washington attorneys on behalf of the Status Commission so far have identified two philatelic agents, Inter-governmental Philatelic Co. of New York and Crown Agents Security Philatelic Services of London, who are interested in printing and distributing postage stamps for the Federated States, according to Falcam.

The Washington attorneys were forwarding their price quotations, market outlets, number of issues, length of contracts and estimated revenue to the FSM, he said.

The FSM Congress, through its operations will have final approval of "any agreement this office enters into with a philatelic agent," Falcam said.

Falcam said that he plans to meet with U.S. Postal Service officials in Honolulu in mid-December. He also said that he hopes to meet with representatives of the two philatelic agents at the same time.

"Once I meet with the U.S. Postal people, I will have a better fix on the transition (timing)," he said, after estimating it would take at least six months to prepare for the transition, including developing a minimum acceptable staff and securing operations funding.

The U.S. Postal service is to turn existing facilities and equipment in the FSM over to its postal service when the transition is completed, he said.

The staff is expected to include a secretary, an assistant to help with the administration of the service, postal inspectors, a philatelic advisor and a financial manager, or accountant, Falcam said, noting that he is searching to lease office space in a privately-owned building in Kolonia to house the FSM Postal Service headquarters.

The Third FSM Congress appropriated \$60,000 to start up the Postal Service when it enacted PL 3-13 to establish

it, he said, adding that the Congress also passed a Postal Crimes Act during its second regular session in November.

Under an interim postal services agreement signed by President Nakayama, the U.S. Interior Department and the U.S. Postal Services last October, current employees in the FSM will have the option of being transferred to U.S. Postal Service stations outside of the FSM, or to remain with the FSM Postal Services where they would be given first priority for positions in the Federated States, Falcam said.

Current employees will have 30 days to decide whether to transfer, or take the positions with the FSM Postal Service, after they are offered positions with the FSM Postal Service, he said.

Dorm funds proposed In legislature

KOLONIA, Ponape — Bills to provide funds to complete the Community College of Micronesia men's dormitory construction and Ponape Community Action Agency women's program were introduced during the first day of the Ponape State Legislature Fifth Special meeting, according to PSL Information Officer Joseph C. Alanzo.

Senator Kasiano Joseph introduced LB 634-83 to authorize \$10,000 to complete construction of the CCM men's dorm, while Senator Yosuo Phillip and Job Micah sponsored LB 635-83 to provide \$20,000 for the PCAA women's program.

Phillip and Sen. Relio Yamada introduced LB 636-83 to provide \$6,000 to finance secondary roads maintenance in Kolonia and LB 637-83 to authorize \$20,000 to purchase dump trucks for Kolonia Town.

A resolution to issue a Thanksgiving Day proclamation thanking the United States for the assistance given to the Micronesian people during the U.N. trusteeship was introduced by Senator Nelson Pelep.

Speaker Salter Etse appointed Senators Joanes Edmund, Ignacio Rodriguez, Joseph Moses and Pedrus Silbanuz to represent the legislature at a conference on government organization and effectiveness Nov. 20-26 at the Guam Legislature Building. They were accompanied by Assistant Legislative Counsel Henry Biza.

Corps of Engineers briefs....

KOLONIA, Ponape — Col. Michael M. Jenks, Honolulu District Engineer, U.S. Army Corps of Engineers, issued a federal permit on Oct. 3 to Yulian Fine, chief of Sopo Village, Fefan island, Truk State, authorizing construction of protective seawalls along the shoreline of Sopo Village.

"Under this permit," Colonel Jenks explained, "about 1,020 feet of seawall will be constructed along the village shoreline to protect the existing taro patch from salt water damage.

"The seawall will be constructed of basalt rocks from upland sources," he said. "This project will convert some shoreline mangrove swamp area to taro patch."

The application for this permit was publicized in June for public review and comments. No objections were raised against the seawall project during the ensuing review and processing period.

KOLONIA, Ponape — Col. Michael M. Jenks, Honolulu District Engineer, U.S. Army Corps of Engineers, issued a federal permit on Oct. 6 to Steven Bartolome, Kolonia, Ponape, authorizing construction of landfill in nearshore waters of Kolonia Bay fronting his property at Mwalok village.

"This permit," the District Engineer said, "authorizes Bartolome to construct a 9,000-square-foot landfill area which he will use to build more living space for his family with a small fish market, pigpen, and boat house.

"He plans to use hand-collected rocks and coral rubble to construct the landfill," Jenks said.

Bartolome's application for this permit was publicized in March, 1983, for public review and comments.

KOLONIA, Ponape — Col. Michael M. Jenks, Honolulu District Engineer, U.S. Army Corps of Engineers, issued a federal permit on Sept. 22 to Ms. Christina Samuel, authorizing construction of landfill in nearshore tidal waters adjacent to the Dewen Nehu River outlet at Kolonia.

"This permit," Jenks said, "authorizes the construction of a 2,000-square-foot residential landfill which Ms. Samuel will use for more living space for her family. Approximately 300 cubic yards of upland fill material will be used to construct the landfill."

The application for this permit was publicized in April for public review and comments. No objections were raised during the ensuing review and processing period.

KOLONIA, Ponape — Col. Michael M. Jenks, Honolulu District Engineer, U.S. Army Corps of Engineers, issued a federal permit on Oct. 11 to Anna W. Mijares, Moen, Truk State, authorizing construction of residential landfill adjacent to Winipat Waterway at Nepukos.

"This permit," the District Engineer explained, "authorizes Ms. Mijares to construct an 850-square-yard fill area extending from her existing property. Approximately 1,760 cubic yards of basaltic boulders and upland fill material will be used for this project. Rock fill and riprap will be used to protect the fill area from erosion. The fill area will be used to construct additional living space for Ms. Mijares' family."

The application for this permit was publicized in August for public review and comments.

"No objections to the proposed landfill were raised during the ensuing permit review and processing period, leading to the decision to grant the permit," Colonel Jenks added.

Instructors sought

KOLONIA, Ponape — Part-time instructors are being sought for the College of Micronesia Continuing Education Center program in Ponape, according to CEC Coordinator Oliver Joseph.

Joseph said that he is seeking people with professional and technical skills who would like to earn extra money by teaching credit and non-credit CEC courses on the Community College of Micronesia campus.



LAI KAPW CEREMONY — Community College of Micronesia President Catalino Cantero, center, is directing the distribution of about 1,000 pounds of fish caught Nov. 15 by CCM students and faculty during Nov. 16 Ponapean Laid Kapw ceremony dedicating a new 23-foot boat and 40 horse power motor purchased by the college for research and recreation. In the background from right are Gov. Resio Moses, FSM Resources and Development Secretary Bernard Helgenberger and Lt. Gov. Strik Yoma.

Committee staff To visit FSM

KOLONIA, Ponape — Kathy Johnson of the House Interior Committee staff is scheduled to make an orientation trip Nov. 28 - Dec. 14 through Micronesia, according to Acting Assistant Secretary of Interior for Territorial and International Affairs Richard Montoya.

Ms. Johnson will be accompanied by Laurie Neville of the OTIA Micronesia Desk and Tommy Perez of the OTIA Technical Assistance Office in Guam, Montoya said in a Nov. 21 dispatch to President Tosiwo Nakayama.

Ms. Johnson "is especially interested in capital improvement projects," Montoya said, requesting meetings with appropriate officials throughout the TTPI.

She is scheduled to arrive in Guam on Nov. 28, then go to Saipan, Nov. 30; Majuro, Dec. 1; Ponape, Dec. 4; Guam, Dec. 7; Yap, Dec. 8; Koror, Dec. 10; Truk, Dec. 13, and back to Guam on Dec. 14 to depart for Honolulu.

Personnel notes....

KOLONIA, Ponape — The Office of the Public Auditor is advertising three auditor positions with the intention of finding at least one Micronesian with the qualifications to fill one of them, according to the FSM Personnel Office.

The positions advertised are junior, staff and senior auditors; the minimum salaries range from \$347.20 to \$553.60 biweekly, and the qualifications include a college degree in accounting for all three and range from two to five years of experience.

The closing date was extended to Dec. 22, with applications to be obtained from and submitted to: Office of Personnel, FSM National Government, Kolonia, Ponape ECI 96941.

KOLONIA, Ponape — The College of Micronesia is seeking a personnel officer to be located in its central office here with a minimum \$15,000 annual salary. The position requires a degree in public or business administration and five years of personnel management experience.

Applications must be sent by Dec. 9 to the College of Micronesia, Office of the Chancellor, Kolonia, Ponape ECI 96941.

KOLONIA, Ponape — Applications are being accepted through Dec. 6 for a staff attorney III for the FSM Public Defender's Office in Colonia, Yap, with a \$23,171.20 minimum annual salary by the Office of Personnel.

Mangar, Etier get Finance posts



Mangar

Etier

KOLONIA, Ponape — FSM Finance Secretary Al Tuuth announced the appointment of former Yap State Political Affairs Officer Patrick Mangar as department administrative officer effective Nov. 8 and the transfer Nov. 2 of Luther (Lou) C. Etier from the Public Auditor's Office to Accounting Division Chief.

Mangar served as political affairs officer in the Yap Public Affairs Department since 1981, after serving two years as chief legislative liaison officer for the department.

He served 1967-79 at the TT headquarters in Saipan as an information officer and assistant chief of the Political Affairs Division.

Mangar, 37, is a native of T'enfar village, Gagil Municipality, Yap, who was graduated from George Washington High School, Guam, and the College of Guam and took post-graduate and extension courses in public administration and editing.

Etier, 49, became senior auditor in the FSM Public Auditor's Office, after

serving nine years as a Reno, Nevada, city accounting division supervisor. He is a graduate of Midwestern State University, Wichita Falls, Texas.

FSM Public Auditor John Dye said that he would begin recruiting for an expatriate to replace Etier, and hoped to have someone in the position soon after Jan. 1.

"I am agreeing to the transfer (of Etier) for the overall good of the government," Dye said, adding, "Filling the Accounting Division position is a critical need for the government."

Nena attends conference

KOLONIA, Ponape — FSM Administration Management Chief Reed Nena attended a top level public administration conference Nov. 7-11 in Suva, Fiji, according to Budget Officer Del Pangelinan.

Nine Pacific island countries were represented at the conference which was organized and convened by the U.N. Development Advisory Team. They are Fiji, Kiribati, Niue, Palau, Western Samoa, Solomon Islands, Tonga, Tuvalu and the FSM.

The conference was opened by University of the South Pacific Vice Chancellor Geoffrey Caston. Its topics included management, decentralization, localization, training and staff development, industrialization and overseas assistance available through the USP Institute of Social and Administrative Studies.

Kakuyo Maru Revisits Ponape

KOLONIA, Ponape — "KAKUYO MARU," a 190-foot Japanese Education Ministry training vessel from Nagasaki University revisited Ponape, Oct. 12-15, as part of the four-month ocean training course for students studying marine science and navigation.

Kakuyo Maru with maximum trial speed of 16.017 knots, is one of the three floating classroom vessels equipped with sensitive electronic machines for navigation, purse-seining and marine life studies, utilized by the Japanese Education Ministry for students for the Nagasaki University, according to Makiyo Yoshimitsu, 23, the only woman cadet on board.

The 1,044.38 gross-ton Kakuyo Maru has 29 crew members, 14 scientists from Japan and Republic of China and eight cadets who took part of the four-year college requirement of four months to study fisheries in a trip that originates from Japan to Ponape, Taiwan and back.

The ship was scheduled to arrive Taiwan on Nov. 24 where it would discharge nine Taiwanese scientists who have been participating in the training and research during this trip.

Capt. Shigeo Abe and his crew hosted a reception Nov. 14 on board the Kakuyo Maru for local dignitaries, including Ponape State and the national government officials.

IMF advisor arrives

KOLONIA, Ponape — Romulo O. Sison of the Central Bank of the Philippines arrived in Ponape on Oct. 26 to serve for one year as the International Monetary Fund (IMF) advisor to the FSM, according to Senator Elias H. Thomas, Banking Board Chairman.

Sison is on loan to the IMF to advise the FSM on banking policy, regulations and operations.

At the Central Bank of the Philippines, Sison has been the assistant director to the deputy governor for supervision and examination.

He served the bank 20 years going from examiner to technical assistant to the director in the bank, after serving as a financial manager and consultant in private business firms. He also taught finance, banking, accounting and economics at two universities for the past 17 years.

Sison, a Certified Public Accountant, received master's degrees and specialized in development economics at Ateneo de Manila University, University of the Philippines and University of Wisconsin.



PRESIDENT ATTENDS RECEPTION — President Tosiwo Nakayama, left, is being greeted by Capt. Shigeo Abe during reception held Oct. 14 on the Kakuyo Maru, a University of Nagasaki marine science training vessel which visited Ponape Oct. 12-15 during a four-month cruise. The ship visited during another training cruise in October, 1982.

Says state justices may decide when to start up

KOLONIA, Ponape — The chief justices of the new state courts in the FSM may decide when their courts can start functioning and hearing cases, according to a set of questions and answers issued Nov. 3 by the FSM Supreme Court.

The TT High Court and FSM Supreme Court Chief Justices need not be involved until functioning state courts already exist and are ready to assume the High Court's remaining cases, according to the statement.

The statement of questions and answers was prepared in response to requests for information, and to carry out the Supreme Court's duty to assist the state courts.

A legal opinion of the Solicitor's Office of the U.S. Interior Department has also suggested that the FSM Supreme Court should serve as liaison between the state courts and the Trust Territory High Court in fulfilling the requirements of Interior Secretarial Order 3039 concerning establishment of new courts, according to FSM Supreme Court Chief Justice Edward C. King.

King said that he discussed the procedures with the President and governors in meetings during the week of the fifth Chief Executives Conference here Nov. 1-5.

Yap established its state court last year, and the other states are in various stages of developing their courts. Truk and Ponape have nominated and confirmed their chief justices and their legislatures are considering associate justice nominations. The Kosrae State Court will be established when its constitution goes into effect in January.

Amid reports that the TT High Court Chief Justice is reluctant to certify the Truk and Ponape courts because he doubts the qualifications of their justices, or has other objections, the Supreme Court statement said, "The only legal requirements for state courts to begin functioning are those set out in the state Charters or Constitutions and Judiciary Act, and neither the High Court nor the FSM Supreme Court have any powers to determine when the state courts should begin functioning.

"The High Court Chief Justice may only consider whether 'functioning courts exist,'" the statement says.

"No other matters may be considered by him in deciding whether to issue the written determination," the statement says. "If functioning courts exist, then (Interior Department Secretarial Order 3039 on transition) says that his determination 'shall be in writing.'"

The determination by the High Court that a state court is functioning "cannot properly be made until after the state

courts have begun to function," although the statement notes that probably nobody would object and points out that both the FSM Supreme Court and Yap State Court received certification before they began operating.

The Secretarial Order says that determination that "functioning courts exist" shall be made upon request by the chief judicial officer in the respective jurisdictions.

The Interior Department Solicitor General's Office has said that the Supreme Court Chief Justice is the chief judicial officer in the FSM.

Chief Justice King said that he will immediately notify the High Court when he receives word from a state court that it is functioning and is ready to accept transfers of cases and funds from the Trust Territory High Court.

The Supreme Court statement says that the Secretarial Order confirms the power of the states to establish their courts and bars the High Court Chief Justice from controlling details, or assessing legality of the state courts.

Detailed control by the High Court, the statement says, would be contrary to the purpose of Secretarial Order 3039, which is "to provide the maximum permissible amount of self-government...."

"Moreover, the order obviously anticipates an inherent conflict of interest," the state observes, noting that "it was predictable that the High Court might be reluctant to issue the written determination which will trigger transfer of its cases, assets and funds to the new court."

A practical consideration for the state courts is that they may not want immediately to taken on the burden of all pending cases before the High Court.

The new courts may prefer to start only with newly filed cases and function that way for a few months before accepting the High Court cases, the statement says.

In that case notice to the High Court that "functioning courts exist" should be delayed until the state court desires transfer of cases and funds.

Title to existing court facilities has been transferred to the states with the right reserved by the High Court to use some of the facilities when necessary. Since the High Court justices live in Saipan and come to the FSM only periodically, a sharing arrangement could be worked out with little difficulty, the statement suggests.

The state courts should seek funding from their legislatures and the FSM Congress to begin functioning for a few months to avoid being "forced prematurely" to seek a transfer of High Court funds by requesting certification, according to the statement.

The state courts may want to seek advice from the High Court and Supreme Court on judicial administration, but under Secretarial Order 3039 neither courts may control their decisions, as to when the state courts should begin functioning.

Siron goes to Honolulu

KOLONIA, Ponape — Former External Affairs Department Administrative Officer Nishima Siron left Ponape on Nov. 19 to assume his duties as FSM Liaison Officer in Honolulu, according to Secretary Andon Amaraich.

Siron was replaced on rotation of foreign service officers by former Honolulu Liaison Officer Tadao Sigrah as the department administrative officer, effective Oct. 1.

Siron, 38, is a native of Truk who served as chief clerk of the FSM Congress, 1979-80, and Interim Congress of Micronesia Senate clerk, before becoming the FSM Liaison Officer in Guam, 1980-82. He received a BA in political science from the University of Guam in 1970.

Sigrah, 38, a native of Kosrae and a UOG graduate, is a former Congress of Micronesia House chief clerk and a former special assistant to the President who served 1980-83 as the FSM Liaison Officer in Honolulu.

FSM Supreme Court Calender

TRIAL DIVISION — STATE OF PONAPE
Weeks of November 25 - December 6, 1983

DATE/TIME	CASE NO./CASE NAME	PROCEEDING
Nov. 25/ 9 a.m.	1982-525 FSM v. Jonas	Sentencing
Nov. 29/ 9 a.m.	1983-542 FSM v. Eggersmeier	Trial
Nov. 29/ 9 a.m.	1983-543 FSM v. Joerg	Trial
Nov. 30/ 9 a.m.	1983-508 FSM v. Doone	Sentencing
Dec. 06/ 9 a.m.	1983-011 In re John Sproat	Hearing

Notice....

KOLONIA, Ponape — FSM Supreme Court Chief Justice Edward King ordered the sale, or disposal of the Miyako Maru, a 100-foot steel-hull Japanese long-line fishing boat with two refrigeration holds, owned by Ponape Ocean Products, Inc., and Oceania Marine Products Co., Ltd.

Bids for the vessel are to be submitted by Dec. 9 to Martin F. Mix, P.O.Box 143, Ponape ECI 96941. It will be sold as it is and where it is for cash only with the purchaser to be responsible for its movement.

Following is the Nov. 10 order in Civil Case No. 36-81, Isao Nishimura vs. the owners, and Civil Action No. 1982-020, Ponape Federation of Cooperative Associations vs. the owners:

"The plaintiff in the above entitled case having advised the Court that all efforts to dispose of the Miyako Maru have failed and that the Miyako Maru is deteriorating and may possibly sink in its present position, thereby presenting a hazard to navigation; and

"The plaintiff also having represented that the previous proposed purchaser of the vessel, David Nelms, has failed to respond to correspondence; and the Court having provided notice of this proposed order to all interested parties and having received no objection from those parties;

"IT IS HEREBY ORDERED:

"1. The Miyako Maru shall be offered for sale by notices to be carried in the earliest two available editions of the National Union

"2. If an offer or offers for the vessel are received then the vessel shall be sold to the highest bidder and the proceeds thereof turned over to the Chief Clerk of this Court for distribution to the creditors pursuant to court order to be entered after hearing at a later date;

"3. If no bidders respond to the notice in the National Union, the vessel shall be put at the disposal of Marine Resources Department of the State of Ponape for sinking to make an artificial reef.

"4. Counsel for plaintiff, Martin F. Mix, shall be responsible for carrying out this order. Upon completion of the actions provided for here, but in any event no later than January 31, 1984 he shall file a written report notifying the Court of his actions hereunder. Thereafter, the case may be closed.

"So ordered the 10th day of November, 1983."

Court upholds dismissal system

(Continued from page 1)

State Jail, before investigation had been completed and when no formal charges had been filed.

In Venancio Suldán vs. FSM, the court upheld the decision by President Tosiwo Nakayama to dismiss Suldán for failing to show up for duty and abandoning his post as an FSM police officer in 1981, in an Oct. 28 decision by Chief Justice Edward King.

Suldán, who was represented by Micronesian Legal Services Corp. attorney Patricia Billington, had argued that the law was unconstitutional in allegedly denying due process under the FSM Constitution by providing for a final decision by a management official, without expressly requiring that the official review the hearing record.

In his 25-page decision, King held that the National Public Service System Act provided adequate due process. The Act provides for a hearing by an ad hoc three-member panel.

King held that a full review of the record is necessary before the official making the final decision may overrule the ad hoc committee's recommendation on the basis of factual disagreements.

The Court held that a review of the hearing record is not essential if the official accepts the committee's recommendation or disagrees only on a point of law, unaffected by the facts.

The law states that the review panel "shall forthwith transmit (its recommendation) with such supporting documentation as it deems appropriate, to the highest management official responsible for the agency in which the appellant is or was employed.

The decision of that management official shall be final."

The ad hoc panel had recommended reinstatement of Suldán's because his supervisors in the Attorney General's Office had credited him with sick leave and annual leave for absences cited as grounds for termination.

The President disagreed because he did not believe the granting of leave credit constituted a waiver of the government's right to object to the police officer's failure to carry out his responsibilities.

The decision noted that the President agreed with the facts reported by the panel and disagreed only on their legal effects.

The Court also accepted Nakayama's representation that he had carefully reviewed the entire record.

The Court also rejected Suldán's contention that the Act allows biased management officials to pass final judgment.

After holding that the Act prohibits

final decisions by a management official who is biased, the Court found that Nakayama was not biased against Suldán.

In FSM vs. Lorenzo Doone, the court found in a Nov. 9 decision by King that Doone was guilty of criminal escape under the FSM National Criminal Code for fleeing from state policeman authorized to enforce both state and national law.

The escape occurred before a decision had been made as to what charges would be filed against the defendant, and before a determination whether the charges would be state or national.

The court said that even if illegally detained, a prisoner has no right to escape from a "custodial facility" and that a police car is a custodial facility."

"The law generally requires that a prisoner test the legality of his detention in a court of law rather than attempt to enforce his own claim to freedom", the court said. Otherwise, "chaos would ensue".

The defendant's escape from the moving police car also caused "substantial risk to harm to officer Edgar Manasa and the police car" after Doone had been arrested in the March 3, 1983 drunken disturbance at the home of his uncle.

Ponape Public Defender Loretta Faymonville represented Doone, while Assistant Attorney General Carl Ullman argued both cases for the FSM.

Waste removal planned

KOLONIA, Ponape — The U.S. Environmental Protection Agency approved funding for the removal of hazardous wastes from nine sites in the Trust Territory of the Pacific Islands and ship them to California for disposal, according to the TT Environmental Protection Board.

The board also stated in its announcement that:

"The wastes are located in various locations in the islands and generally consist of unused or discarded substances which cannot be permanently stored or disposed of in their present locations.

"Although no adverse impact on public health has been observed because of these materials, the EPA in consultation with local officials has determined that their safe removal and disposal is desirable to prevent any future problems which may arise.

"The EPA will be joined by the Coast Guard in directing and carrying out the removal operation.

"Special shipping containers will be brought in and a team of highly-trained personnel will pack the materials in container and arrange for shipping.

FSM eyes trade, Bank membership

KOLONIA, Ponape — An FSM delegation left Ponape Nov. 23 on a fact finding mission to Australia, New Zealand and Manila.

In Australia and New Zealand, the delegation plans to explore possibilities for trade relations aids and technical assistance, especially in the area of manpower development and training.

Australia and New Zealand are major contributors to development activities in the South Pacific region and to the regional programs and projects through which the FSM is receiving benefits.

While in Manila, the delegation will discuss membership requirements and application procedures with Asian Development Bank officials, according to External Affairs Secretary Andon Amaraich.

"The U.S. State Department has written to the U.S. director at the bank, John A. Bohn Jr., informing him of U.S. interest in sponsoring the FSM, Marshalls and Palau for ADB membership," Amaraich said.

The delegation making the exploratory visit to the ADB headquarters is headed by Deputy External Affairs Secretary Asterio Takesy and includes FSM Congress External Affairs Committee Chairman Isaac Fijir, and John H. Sullivan, an economic consultant.

Amaraich said that the purpose of the visit to the ADB is to explore possible assistance to the FSM.

"The ADB loans funds to member countries for economic development purposes for long periods of time at low interest rates," Sullivan said. "Particularly concessional rates are available from the Asian Development Fund where a typical loan is repayable in 40 years, including a grace period of 10 years, at a service charge of 1 per cent.

"The bank also provides technical assistance grants to assist recipient countries design and develop projects and subsequently to obtain expert advisory services in the project implementation state," Sullivan said.



ILO OFFICIALS MEET WITH VICE PRESIDENT — International Labor Organization Chief Technical Advisor Frank Lunn, third from left, and Training Consultant David Parish, second from left, are discussing plans to bring their Trades Training and Testing program to the FSM with Vice President Bailey Olter, right. Others shown are FSM Labor Officer Simon Poll, left, and Immigration and Labor Division Chief Gideon Doone, second from right.

Skills certification planned

KOLONIA, Ponape — The U.N. Development Program and International Labor Organization are preparing to bring their Trades Training and Testing program to identify, upgrade and certify skilled workers to the FSM by mid-1984, according to Chief Technical Advisor Frank Lunn of the ILO office in Fiji.

The FSM national government invited the UNDP and ILO to bring the program to the Federated States to identify trained tradesmen and encourage them to certify their skills for better employment prospects through continuous training, according to Lunn who was accompanied by ILO Training Consultant David Parish.

They paid a courtesy visit Nov. 28 to Vice President Bailey Olter and met with Resources and Development Secretary Bernard Helgenberger and Immigration and Labor Division officials, before meeting with other national government officials. They arrived Nov. 25 in Ponape and are scheduled to leave Dec. 1.

The FSM will be one of 10 Pacific Basin countries to host the UNDP-ILO training and certification program, according to Lunn, who said that the UNDP will fund three trainers to work with

counterpart trainers in the FSM for three years.

The program will include training in vocational skills, such as carpentry cabinet making, brick and block laying, painting, plumbing, motor vehicle mechanics, heavy plant mechanics and operation, gas and electric welding, diesel engine mechanics, electrical repairs and installation, air conditioning, refrigeration and power linesman.

The training program, depending on the participants' skill levels will range from one week to one month, according to Lunn who said there will be three levels of tests to determine the skill levels which include 1) Basic for beginners; 2) intermediate for persons with three years of experience in the trade area 3) final for persons with five years of experience in the trade.

The training will be "100 per cent practical work directed to people already employed to upgrade skills and certify their skill levels with a nationally recognized certificate," Parish said.

The scheme is being currently conducted in Fiji, Niue and the Solomons to meet demands for non-formal training for the construction, mechanical and electrical industries.

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