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Senate approves Compact

KOLONIA, Pohnpei - The U.S. Senate unanimously approved the Compact of Free Association with the FSM and Marshall Islands late Thursday, Washington Representative Earl Iton reported Nov. 15 in a telephone call to President Tosiwo Nakayama.

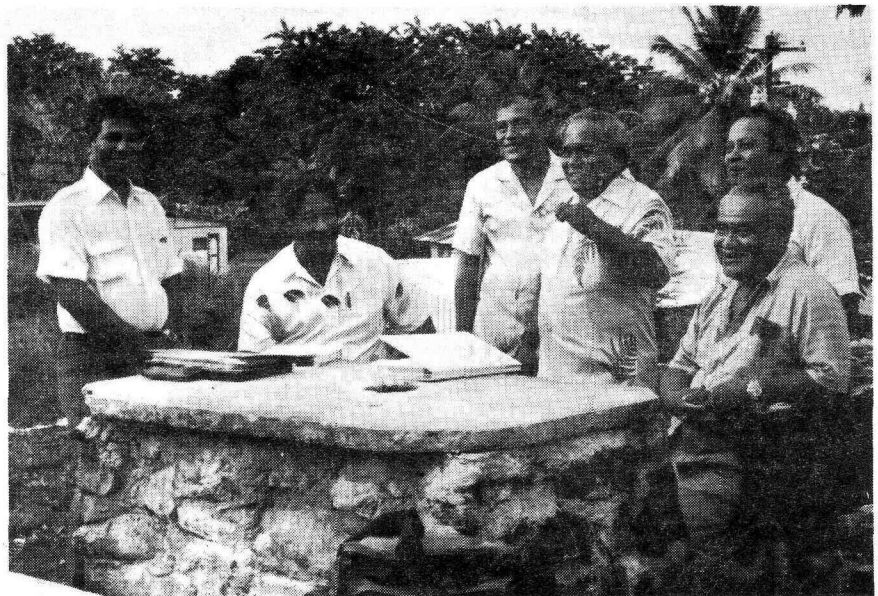
The Senate voted by unanimous consent at 10:15 p.m. to adopt the Compact and its enabling resolution.

FSM Washington attorney James T. Stovall III told the President, governors and Congress members during a Nov. 13-14 conference here on the Compact that the Senate was to adopt amendments introduced by Energy and Natural Resources Chairman James McClure of Idaho and Finance Chairman Robert Packwood of Oregon.

The two areas of concern which have not been resolved, Stovall said, are 1) the negotiated tax and trade incentives which were diminished in the resolution approved July 25 by the House and in the Senate Finance Committee amendments, and 2) the marine resources provision.

Plans were made to avoid sending the Compact resolution to a Senate-House conference committee by sending the Senate-passed bill to the House where a compromise version worked out by Senate and House committees would be substi-

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CHIEF EXECUTIVES CONVERGE - The FSM President, Vice President and governors are gathered Nov. 13 during the two-day conference on the Compact of Free Association outside of the Kolonia Town Building for a photo session with National Geographic Society photographer Melinda Berge. From left are Truk Gov. Erhart Aten, President Tosiwo Nakayama, Pohnpei Gov. Resio Moses, Vice President Bailey Oltar, Kosrae Gov. Yosiwo George (standing) and Yap Gov. John Mangefel.

Congress cuts supplemental funds

KOLONIA, Pohnpei - The Fourth FSM Congress ended its Second Regular Session with the passage during the final day, Nov. 12, of six bills, including a \$1,043,317 fiscal 1986 supplemental budget appropriation for the national government.

The Congress also approved during the final day seven resolutions, including the unanimous confirmation of FSM Assistant Attorney General Carl "Bud" Ullman to replace David Nevitt as Attorney General.

The Congress approved a total of 18 bills and 16 resolutions during the 30-day session which began Oct. 14.

A bill to fund the construction

of an FSM federal building in Kosrae to house national government offices there was defeated on the final day when another bill to create a National Commercial Bank was tabled while a resolution was passed to study the feasibility and cost of the FSM Development Bank conducting commercial banking activities.

The supplemental budget increase, which included \$906,459 from the FSM General Fund and \$135,858 from the U.S. Special Grant, or Interior Department funds, was \$2,880,751 less than the \$3,924,068 increase to \$15,405,304 for the year requested by

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FFA head visits

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Wolfe conviction upheld

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Congress ends session cutting funds, okaying Ullman

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The executive branch based on anticipated Interior funding, if the Compact of Free Association is not implemented during the fiscal year.

The increase did not include funding requests by the executive for the proposed 1986 FSM Olympic Games; FSM Washington Representative's staff housing; rotation of education and health services coordinators in Guam and Honolulu; a new economic liaison office in Fiji; a U.S. Relations Division in the External Affairs Department, and a proposed in aid to nonpublic schools in the FSM.

Other bills approved during the final day: Authorize national Revenue personnel to inspect dutiable and prohibited items in the FSM Postal Service and appropriate \$510,500 for fiscal 1986 Kosrae state projects, \$230,000 for Mortlock Islands projects in Truk, \$25,000 to host a South Pacific Forum Fisheries Conference next year and \$1 million for Pohnpei public projects.

Other resolutions approved during the final day: Declare that the so-called Pell grants by the U.S. government for post-secondary students are essential and must be preserved and congratulate President Tosiwo Nakayama for recognizing the needs of Faichuk area people in the Truk Lagoon in his Oct. 21 State of the Nation Message.

Others approve the Oct. 29 Japanese fishermen's goods and services agreement, provide for equal distribution among the states of the Japanese goods and services and at 18.25 million yen or about \$85,000 each, ask the President to create a working group to implement the Air Transportation Task Force recommendation to create a domestic airline and ask the President to join in creating a task force to study commercial banking by the FSMDB.

Bills approved Nov. 11: Provide for national government responsibility for FSM Development Bank debts when approved by the President and Congress by law, authorize the President to issue passports on the effective date of the Compact, appropriate \$50,000 to combat leprosy in the FSM, appropriate \$100,000 to enforce the national criminal code in the states, appropriate \$500,000 for Yap public projects and appropriate \$1.17 million for Truk public projects.

A bill to officially change the name of the Federated States Dev-

elopment Bank to Federated States of Micronesia Development Bank was approved Nov. 10 and bills to designate development authorities as allottees for fiscal 1982 public projects in the Truk Lagoon and throughout Truk, except the Mortlocks, for fiscal 1985 projects were approved Nov. 1.

The Congress earlier voted to eliminate the 5 per cent spending restriction on new programs and \$50 equipment purchase ceiling and voted Oct. 28 to override the President's Sept. 5 veto of its bill to require approval by the Congress and state legislatures for the implementation date of the Compact.

Resolutions approved earlier in the session: Express sympathy and condolences to the people of Guam for the Oct. 26 death of Archbishop Flores; extend congratu-

lations and commendation to Pius "Mau" Piallug of Satawal, Yap, for his traditional navigation achievements; invite the President to deliver his Oct. 21 State of the Nation Message, and express appreciation to Alton K. Higashi for his service to FSM students in Hawaii.

Others express sympathy and condolences to the family of the late Truk State Associate Justice Sebastian Frank who died Sept. 27 and to the family of former Guam Gov. Manuel Flores Leon Guerrero who died Oct. 9; congratulate Lazarus E. Salii on his election as the president of Palau, and express appreciation to former Congress Economist Winfried Kwami Biddier and Information Officer Marialice Eperiam for their services.

FFA Director Muller visits FSM

KOLONIA, Pohnpei - The first official visit of South Pacific Forum Fisheries Agency Director D.A. Philipp Muller of Western Samoa coincided with FSM Congress approval of funds to host the 1986 Forum Fisheries Conference here.

Muller visited Pohnpei, Nov. 9-14, en route from Palau to Majuro on his first tour of Micronesia since taking office in January, 1981.

The Fourth Congress approved during the final day, Nov. 12, of its Second Regular Session a \$25,000 appropriation to host the conference during the week of April 28 in Pohnpei.

Muller said that one purpose of the visit was to discuss preliminary arrangements for the conference.

"The main reason I am here is the official visit," he said.

"I came to see what we can do for the FSM and follow up on ongoing projects," Muller said, citing FFA sponsored training workshops, study tours and development projects; exchange of statistical data on fisheries conservation, and joint negotiations among Forum members and observers with the United States on a regional fisheries treaty.

"A tremendous amount of progress has been made, but a few key issues remain," in the negotiations with the United State, he

said, stating that he is "optimistic that we will see a treaty in place, (but) how soon, I don't know."

Muller said that the treaty is "crucial" to five or six Forum countries, including the FSM.

The FSM is an observer member of the Forum and has been a full member of the FFA since 1983. The agency is headquartered in Honiara, Solomon Islands.

Muller made courtesy calls on President Tosiwo Nakayama and Gov. Resio Moses and met with FSM External Affairs and Micronesian Maritime Authority and Pohnpei State Conservation and Resource Surveillance officials.

Muller is a career public servant who received a degree in mathematics from the University of Auckland, New Zealand, and served as superintendent in charge of the Apia Observatory, chairman of the Western Samoa Public Service Commission and as a U.N. field expert in geo-hydrology, before being nominated by his government to the FFA post.

Girl Scouting offered

KOLONIA, Pohnpei - A meeting was scheduled for Nov. 14 at the Ohimine Elementary School here for sixth-eighth grade girls interested in Girl Scouting, according to Becky Hynicka of New York City, advisor to Girl Scouting in Micronesia.

Ms. Hynicka visited Nov. 3-8 to assist Pohnpei women in organizing Girl Scouting on the island, as a followup to a June 5-12 Women's Leadership Conference in Truk.



Muller

U.S. Senate approval sends Compact back to House

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tuted and sent back to the Senate for final congressional approval.

Stovall said this procedure would accomplish the same purposes as a conference.

"Now without being too speculative, we can entertain a real hope that the Compact will be out of the Senate by Thanksgiving and the whole congressional procedure could be completed by Christmas," Stovall said, before leaving Pohnpei on Nov. 14 to return to Washington.

Stovall said that the way was cleared for Senate action when South Carolina Senators Strom Thurmond and Ernest Hollings agreed to remove their unrelated amendment to restrict textile imports. The textile provision was approved Nov. 13 as a separate bill by the Senate.

He said that the U.S. government will have to wait until the FSM completes its review of the final amendments to the Compact resolution made by the U.S. Congress and determining whether they are acceptable or not, before requesting action by the U.N. Trusteeship and Security councils on terminating the 1947 Trusteeship Agreement which gave the United States administrative authority over Micronesia.

Stovall said that it appears that it would not take long for the U.N. councils to consider the petition to terminate the trusteeship.

The governors cited their concerns about the law enacted by the Fourth FSM Congress during its Second Regular Session by overriding the President's veto. The law requires approval by the state legislatures and Congress of the effective date of the Compact before the President can agree to implement it.

The President suggested that the Compact should be analyzed by the members of FSM Status Commission after the U.S. Congress completes action to determine whether it should be approved or there are substantive changes which should be submitted to a new plebiscite and that the President would submit the commission's recommendations to the legislatures and Congress for their consideration.

In the remote event that the U.S. Congress does not approve the Compact, the President will call a State-National Leadership Conference to determine whether to pursue a new status alternative.

He indicated that most of the

trade incentives would be restored in a proposed compromise worked out with Packwood "which comes a long way back toward Headnote 3a," and would allow most FSM goods to be shipped duty free to the United States.

"This must be agreed to by the House, however," Stovall said.

A development loan fund to encourage U.S. businesses to invest in the FSM and Marshall Islands is being negotiated between U.S. Congress and administration officials to compensate for the loss of some of the negotiated tax incentives, Stovall said.

The final compensation figure has not been determined and is expected to be settled when the House acts on the compromise package, according to Stovall.

The loan fund would be administered by the Micronesian governments which would determine how the money is used and what type of investment they want to attract, according to FSM Status Commission legal counsel Greg Swartz.

The prohibition on use of Compact funds for marine surveillance beyond the 12-mile limit recognized by the United States has been changed to a nonbinding understanding that the funds would not be used, according to Stovall who called it "a major concession" by congressmen who support U.S. tuna interests.

"The most significant part of it, from our standpoint," he said, is the provision that "Compact money is treated as U.S. foreign assistance under the Fishermen's Protective Act."



ULLMAN SWORN IN - President Tosiwo Nakayama, right, is administering the oath of office Nov. 14 in his office to former Chief Litigator Carl (Bud) Ullman as the third FSM Attorney General, replacing David Nevitt who resigned.

"This provision would place the FSM on the same basis under the Fishermen's Protective Act and the Magnuson Act as all other foreign countries," Stovall said.

"Also, the reimbursement procedure has rarely been implemented against foreign countries by the U.S. government," he said.

Participants in the conference were the President, Vice President Bailey Oltar, External Affairs Deputy Secretary Asterio Takasy, Attorney General Carl Ullman, Swartz and Stovall, representing the FSM executive branch and Speaker Bethuel Henry and Senators Elias Thomas and Pedro Harris of Pohnpei, Raymond Setik and Nick Bossy of Truk and John Haglaga of Yap.

From the states were Gov. Erhart Aten of Truk; Gov. John Mangefel, Legislature Speaker Joseph Ayin and Special Consultant to the governor Petrus Tun of Yap; Gov. Yosiwo George and Legislature Floor Leader Gaius Nedlic of Kosrae, and Gov. Resio Moses and his special assistant for federal relations, Santiago Joab, of Pohnpei.

Kagoshima Vessel visits

COLONIA, Pohnpei - The Kagoshima Maru arrived here Nov. 9 with a group of scientists from the Kagoshima University, Japan, Research Center for the South Pacific to study the human and natural environment of the FSM, according to national Marine Resources Chief Mike Gawel.

The research party includes 32 scientists of various disciplines, eight postgraduate students and one accounting officer under the direction of Professor Akio Inoue, director of the Research Center for the South Pacific, and Professor Shozo Hayasaka of the Kagoshima University science faculty.

The 1,290-ton vessel Kagoshima Maru was scheduled to be docked in Pohnpei to Nov. 15 when it is scheduled to depart for Truk, arriving there Nov. 19, after conducting an open sea oceanographic survey.

The group is divided into five survey teams to study 1) land use and ecosystems conservation, 2) coastal waters resource utilization and primary production, 3) the effect of environmental conditions on public health, 4) socio-economic and political development and 5) oceanic structure and fluctuations.

The research group is scheduled to publish a "prompt report" in English on the expedition by mid-1986 and a full report in 1987.

Head Start goes to Pingelap

KOLONIA, Pohnpei - Pingelap became the first outer island to be served by the Pohnpei Family Head Start Program, Inc., when it added four new centers in September for pre-school children, according to its executive director, Nancy Salomon.

The other new centers are in Pis, Madolenihmw Municipality; Sekere, Sokehs, and Porakiet, Kolonia Town, which, in addition to Pingelap, have high incidences of communicable diseases and other health care problems, Mrs. Salomon noted.

"The reason for expansion into those areas is to improve primary health care, nutrition education, dental education and health services delivery in cooperation with the State Hospital," she said.

Head Start, a family oriented program funded by the U.S. Health and Human Services Department, provides meals, medical examinations, health services and classroom preparation for pre-school children from low-income families with the support of their parents' organizations and volunteer teachers' aides, she said.

"As far as I'm concerned, the outer islands people are the most eligible for the program, because

Barge contract signed

KOLONIA, Pohnpei - A \$1 million contract was signed Oct. 11 with Bellingham (Washington) Marine and Propulsion, Inc., to purchase a 1,738 gross ton barge, install four 2,000 kilowatt Alco diesel generators and tow it to Pohnpei to serve as a floating power plant, according to an Oct. 24 release by the governor's office.

The contract was signed by State Community Services Director Berman Weilbacher who said the barge is scheduled to arrive here and be in place at Tekehtik Island across from the Kolonia garbage dump by April, 1986.

The generators are among eight units being provided by the U.S. Interior Department with the first two being installed in Truk and two others being reconditioned in California for installation in Yap.

Administration of the Pohnpei project was turned over to the state in July by the FSM government.

The U.S. Army Corps of Engineers issued Oct. 21 a federal permit to Weilbacher to construct an 8,500-square-foot landfill to complete a 66,000-square-foot landfill area near the Kolonia dock in Tekehtik for a power plant switchyard and distribution lines.

they are the most isolated from the main island," Mrs. Salomon said.

"I really want to expand to the rest of the outer islands (Mokil, Ngatik, Nukuoro and Kapingamarangi in Pohnpei)," she said, adding, "I'm seeking the assistance of the FSM and state governments to have Head Start established on these outer islands."

With the addition of the four new centers, the Pohnpei Head Start program has 11 centers with a total of 14 classrooms, she said, noting that the Kolonia Center is the largest with three classrooms serving preschool children whose parents are from the other FSM states, Yap, Truk and Kosrae.

The Pohnpei Head Start enrollment was almost doubled from 165 pupils in the 1984-85 school year to 327 this year, while its funding allocation was increased from \$224,400 last year to \$367,407 this year and number of teachers was increased from 21 to 29 this year, according to Mrs. Salomon.

An average of three volunteers at each of the seven centers being operated last year worked six hours a day and contributed a total of 1,084 volunteer hours valued as \$17,559.36 based on the \$1.68 an hour Head Start minimum wage, she said.

The Pohnpei Head Start program has graduated 6,037 students since it was started in 1965, according to Mrs. Salomon.

Ag grants available

KOLONIA, Pohnpei - Public and nonpublic nonprofit educational organizations and institutions may apply by Jan. 15 to FSM Education Chief Daro Weital, Box 490, Kolonia, Pohnpei BCI 96941, for funding under the fiscal 1986 Vocational Agriculture Grant Program.

Weital said that \$30,000 is available for the fiscal 1986 program and grants will be made on the basis of the number of FSM students to be trained, number of project instructors and their expertise, kinds of training offered, training duration, internal monitoring and evaluation, infrastructure and support systems, public information about the project, advance research and budget specifications and justifications of each project.

Citing public, private and post-secondary institutions which have received vocational agriculture grants in the past, Weital said, "We are hoping for as many different applications as possible."

Teacher certification Regulations set

KOLONIA, Pohnpei - FSM Teacher Certification Regulations were promulgated Aug. 9 by the national Education Division, after being approved July 30 by President Tosiwo Nakayama, according to Education Chief Daro Weital.

The regulations were drafted by the Education Division and Attorney General's Office and approved by the state education directors, Weital said, to replace Trust Territory teacher certification regulations and establish requirements for certification of primary and secondary public and chartered nonpublic school teachers in the FSM with the force of law.

The regulations state that no person shall teach in public or private elementary and high schools for more than 90 days without being certified by FSM Education Division chief or his designee at the recommendation of the state education directors and establishes three types of certificates, including:

1) Temporary certificate for individuals who do not have at least an associate degree (two-year college) to teach for one year, provided that they demonstrate satisfactory pursuit of an associate or higher degree.

2) Special certificate for up to three years to teach traditional culture and skills, regardless of whether the persons have academic credentials.

3) Continuing certificate for three years for teachers who have an associate degree or higher, renewable to teachers with at least a bachelors degree, or who possess an associate degree and who have completed at least 12 semester hours of college-level studies during the time the previous continuing certificate was in effect.

Correction

MOEN, Truk - State Senator Resty Shotaro was sworn in Aug. 20 by Truk State Legislature Speaker Simeon Innocenti to replace former State Senator Kasimiro Engichy, not Kasimiro Innocenti (who does not exist) as reported by the Aug. 30 NATIONAL UNION.

"Also, the Credentials Committee did not vote 17-2 to recommend seating Resty Shotaro," according to the Speaker who said, "It was the legislative assembly which voted to approve the unanimous recommendation of the committee."

Pohnpei celebrates first anniversary of constitution

COLONIA, Pohnpei - FSM President Tosiwo Nakayama joined Pohnpei leaders Nov. 8 in celebrating the first anniversary of state's constitution by urging them to work with the national government in attaining "our goal in life... to be free at last."

The President joined Gov. Resio Moses, Legislature Speaker Salter Etse, State Supreme Court Chief Justice Edwel Santos and State Associate Justice Carl Kohler as speakers during the Pohnpei State Constitution first anniversary ceremony in the State Legislature chamber here.

While urging Pohnpeians to work toward building a nation and termination of the U.N. trusteeship agreement, the President commended the United States, saying, "A lot of us who have seen unfree people will appreciate the freedom that we have enjoyed thus far under the tutelage of the United States government."

Nakayama said that Pohnpei should rejoice in the fact that it has a constitution which spells out how the government should serve the people.

He said school children should reflect on what the constitution means and how to make Pohnpei a better place, and suggested that they commemorate the day by planting crops such as yams and coconut trees to mark the second anniversary of the state constitution.

The President said that while Micronesians do not have the resources that Americans and others have to reach the moon, "we can think, we can do things just the same as those people who called themselves civilized people."

"We have our own civilization in our own way, and we must be proud of it because it is our way," he said. "We must be proud of our constitution because it is our constitution."

He said that the FSM started from a small beginning at the municipal and state levels and now is at the national level of building "a step where we can walk and attain our goal in life and that goal is to be free at last."

The governor opened the ceremony by stating, "Today is a day when we, all Pohnpeians, can hold our heads high and be proud, proud that one year ago today we accomplished a feat of great importance," according to the English text of the speech which he delivered in Pohnpeian.

Moses said that by implementing a constitution which was written by democratically elected officials who consulted with the peo-



POHNSPEI CELEBRATES CONSTITUTION ANNIVERSARY - Gov. Resio Moses, standing, is addressing the Nov. 8 first anniversary ceremony for the Pohnpei State Constitution in the State Legislature chamber. From left are FSM Supreme Court Chief Justice Edwel Santos, Legislature Speaker Salter Etse, Moses, President Tosiwo Nakayama and Vice President Bailey Olter. In the foreground is the Rev. John Curran, S.J., Superior of Jesuits in Micronesia, who gave the invocation.

ple "for the first time since outsiders set foot ashore our island we have again taken complete control of our land, of our home."

By ratifying and implementing the constitution, the governor said, "We have delegated authority and power to our legislature, our governor and to our chief justice; we have decided that permanent interest in land shall be restricted to Pohnpeian citizens who are also 'pweldak' (indigenous) of Pohnpei, (and) we have established our local governments."

"But we have also decided that we will not forget our customs and traditions," he said, adding, "we shall uphold, respect and protect the customs and traditions of the traditional kingdoms of Pohnpei."

The chief justice, who was a delegate to the Pohnpei State Constitutional Convention, in an English-language translation which he provided for his speech which was delivered in Pohnpeian, said that in deciding to conduct the convention proceedings in Pohnpeian and to draft the constitution in that language, "We were contemplating drafting a constitution that will not require outsiders to interpret for us, or even suggest its interpretation for us."

The convention committee report on the judiciary article, Santos

said, "emphasizes that 'foreign rules are not to be used' in determining the meaning of our constitution or any provision thereof."

"This is a constitutional command that we, the Pohnpei citizens under the authority of our constitution begin to stand steadfastly on our feet and make our own destiny so that we can truly rebuild Pohnpei for Pohnpeians," he said.

To continue letting outsiders interpret the Pohnpei constitution for Pohnpeians would be a breach of the oath to uphold that constitution taken by state elected and appointed officials.

Citing a statement by a former South Vietnamese official at a recent religious retreat in Pohnpei for Asian and Pacific leaders, Santos said, "I ask that everyone of us, in all walks of life here in Pohnpei, 'straighten our hearts, convert our souls and take care of our citizens.'"

Santos said that in recognizing the Supreme Being of God in the oath of office and preamble of the constitution, "God elevates our leaders to perform his work on Pohnpei."

He said that Pohnpei's leaders should work toward distributing its natural wealth and opportunities "equitably" among its citizens.

Wolfe theft conviction upheld

MOLOKAI, Pohnpei - The FSM Supreme Court Appellate Division affirmed the 1984 conviction of Charles Wolfe of theft by deception of Truk investors who gave him \$60,000 for nonexistent stock in a bogus airline.

Wolfe was convicted July 27, 1984, in the FSM Supreme Court Trial Division in Truk of one of three counts of theft by deception in taking \$45,000 from the investors Feb. 3, 1983, in Truk and sentenced Sept. 24, 1984, to two years in jail with credit for five months spent in Honolulu and Truk jails awaiting extradition and trial because he was unable to post \$45,000 bond.

The final six months of his sentence was to be suspended if he performed community service while in jail.

Wolfe was released in March from the Truk State Jail on bail, pending the appeal, and allowed to return to Honiului, according to the Attorney General's Office which said he waived extradition and is subject to returning to Truk to serve the remainder of his sentence.

The remaining \$15,000 was delivered to Wolfe in Hawaii which is outside FSM jurisdiction.

In a Nov. 5 opinion signed by FSM Chief Justice Edward C. King and two designated judges, including Palau Supreme Court Chief Justice Mamoru Nakamura and Northern Marianas Commonwealth Court

Judge Herbert D. Soll, the Appellate Division rejected the appeal to overturn the conviction on the grounds that Wolfe intended to fulfill the promises made Jan. 31, 1983, in Truk to the investors and that he did not receive a fair trial because the court denied his request to obtain a deposition in California from his ailing attorney, Jerry Abbott.

The court found that Wolfe intentionally misstated the facts on Jan. 31, 1983, when he sold the investors 40 per cent of the stocks which did not exist in Trans Pacific Airline, Inc., which was not incorporated until Oct. 26, 1983, and told them he would deliver by March 8, 1984, the first of two amphibious airplanes for service between Moen and the Truk outer islands when he did not have control over those airplanes.

It said that his "dubious dreams cannot provide a defense against criminal liability for his misrepresentations of existing facts."

The opinion stated that trial court "was justified in refusing to stop the trial for the deposition of Jerry Abbott," because "the defendant failed to establish clearly on the record either that Abbott could not and would not have come to testify upon the request of Wolfe, or that Abbott had information which would have been useful to Wolfe in this case."

Cruise ship Permit challenged

MOLOKAI, Pohnpei - The FSM courts should be open to claims of business officials who question the legality of foreign investment permits which may provide harmful competition, according to FSM Supreme Court Chief Justice Edward C. King.

Two Truk dive shops are challenging the legality of a foreign investment permit issued to Seaward Holdings-Micronesia which operated cruise ship tours for divers in Truk and Pohnpei.

The plaintiffs are seeking a declaration that the foreign investment permit issued to Seaward is not effective, in part because the presence of Senator Elias Thomas of Pohnpei on the Foreign Investment Board as its chairman allegedly violates the FSM Constitution prohibition against a member of Congress holding "another public office or employment."

King denied Oct. 4 a motion by the attorneys for the defendants, Seaward Holdings-Micronesia, the FSM Foreign Investment Board and Thomas, to dismiss the suits by Mikiuo Aisek of Blue Lagoon Dive Shop and Chineina Graham of Micronesia Aquatics. The motion to dismiss asserted that the plaintiffs lacked standing to sue as they failed to state a cause of action upon which relief can be granted.

Trial is set for Dec. 4 in the civil action.

In an Oct. 9 hearing, King upheld the defendants' request to order the plaintiffs to disclose their business records to show the extent of injury by the competition from the Thorfinn tours which were conducted January-April, but he rejected a request for disclosure of who is paying the plaintiffs' legal fees.

The Thorfinn is en route to Pohnpei and scheduled to arrive Dec. 10, according to Barrie Michelsen, attorney for Seaward Holdings.

Two take bar oath

MOEN, Truk - Associate Justice Richard Benson administered here Oct. 6 the oath to Truk Public Defender Gary Marr and Micronesian Legal Services Corp. Truk Office Directing Attorney Herbert Whitaker who passed the Sept. 19 bar examination to practice law in the FSM Supreme Court, according to Justice Ombudsman Kerio D. Walliby.

Truk State Court Chief Justice Soukichy Fritz and FSM Senator Jack Fritz attended the ceremony.

FSM Supreme Court Calender

TRIAL DIVISION-PHONPEI

Date/Time	Case Name	Charge	Proceeding
Nov. 18, 9 a.m.	FSM v Gilsate	Murder	Trial
Nov. 19, 9 a.m.	FSM v Towns Payless	Tax	Trial
9 a.m.	FSM v Mid Pac	Tax	Trial
Nov. 20, 9 a.m.	Florida Luda et. al. v Maeda Road Const.	Damage	Pretrial
Nov. 21, 9 a.m.	Hiyane v Inak	Debt	Trial
9 a.m.	FSM v Loney	Rape	Sentencing
Nov. 22, 9 a.m.	Sets v Island Hardware		Hearing on Motion for Writ of Execution

Nov. 25, 9 a.m.	Aisek v Foreign Investment Board	Injunction Relief	Deposition
Nov. 26, 9 a.m.	FSM v Damarlans	Burglary	Sentencing
Dec. 3, 9 a.m.	Aisek v Foreign Investment Board	Injunction Relief	Pretrial
Dec. 4, 9 a.m.	Aisek v Foreign Investment Board	Injunction Relief	Trial
Dec. 10, 9 a.m.	Pannelo v Pohnpei	Damages	Hearing
APPELLATE DIVISION-MOEN SESSION			
Dec. 17, 9 a.m.	Skilling v FSM	Embezzlement	Oral argument
APPELLATE DIVISION-PHONPEI SESSION			
Dec. 19, 9 a.m.	Jones v FSM	Embezzlement	Oral argument

Cornelius first Justice Pro Tem

LELU, Kosrae - State Education Department Administrative Officer Lyndon Cornelius was sworn in Oct. 1 by Chief Justice Harry Skilling as the first Justice Pro Tem for the Kosrae State Court, according to an Oct. 15 State Information Office release.

Cornelius was nominated by the State Court chief justice and confirmed by the Kosrae State Legislature, as provided by the 1984 Kosrae Judiciary Act, to serve for one year which may be extended by the chief justice, presiding over all cases designated by the chief justice or an associate justice, when one is seated.

Cornelius was graduated from Malem Elementary School and Kosrae High School; attended Whittier College in California for two years; was graduated with a BA in sociology from the University of Hawaii, and served as a Kosrae High School teacher, Micronesian Legal Services Corp. counselor and Kosrae Vocational Rehabilitation Program coordinator, before becoming Education Department administrative officer.

To sentence Loney

KOLONIA, Pohnpei - Kerhard Loney of Palikir, Sokehs Municipality, Pohnpei, is confined to jail awaiting sentencing Nov. 21 in the Oct. 31 conviction FSM Supreme Court Chief Justice Edward C. King of sexual assault and robbery for forcing a woman Sept. 11 to have sexual intercourse next to a pig pen in Kolonia and robbing her of \$1.45, according to National Justice Ombudsman Nick-ontro Johnny.

Rency Menisio, 35, of Fason, Tol Island, Truk, was sentenced Oct. 11 by FSM Associate Justice Richard Benson to five years in jail, after pleading guilty to assault with a dangerous weapon in the July 25 stabbing of Kernes Efini.

Menisio, who was paroled in 1979 by the Trust Territory High Court after serving 10 years in the Truk jail of a 25-year sentence in 1969 for second degree murder, was allowed by Benson to return to Tol to make a traditional apology, prepare his belongings and see his family, before he started Oct. 27 serving the sentence, according to Justice Ombudsman for Truk Kerio D. Walliby.

Death claim limit 'tolled' for minors

KOLONIA, Pohnpei - FSM Supreme Court Chief Justice Edward C. King ruled that the FSM two-year statutory limitation on wrongful death claims does not apply to minor children in denying a motion by Maeda Road Construction Co., Ltd., to dismiss the suit filed Feb. 1, 1985, by the widow of Miswo Luda on behalf of their four children.

King also denied a motion to dismiss claims by the widow, Florida Luda, on her own behalf, stating in an Oct. 15 opinion that "the record does contain reference to facts which might cast doubt on the otherwise obvious conclusion that the statute expired as to Mrs. Luda's individual claims."

A pretrial hearing is set for Nov. 20 before King in the civil action.

Mr. Luda died Jan. 8, 1982, from injuries sustained the previous day when a motorcycle he was driving on the Nampil River road in Nett Municipality, Pohnpei, collided with a Maeda Road Construction Co. dump truck, according to the opinion.

King first held that the Feb. 1 original complaint was properly served on a "managing and general agent" of the company when it was delivered Feb. 4 by an FSM law enforcement officer to Tadao Tanaka, project manager of a Maeda Road Construction Co. and Maeda Road Construction Co. project in Moen, Truk, in the absence of Maeda officials in Pohnpei.

King upheld the plaintiff's argument that the two-year statutory limitation for wrongful death

claims in the FSM Code is suspended, or stopped temporarily for children by the FSM Code "tolling" provision which states, "If a person entitled to a cause of action is a minor...when the cause of action first accrues, the action may be commenced within the times limited in this chapter after the disability is removed."

Escape ruling upheld

KOLONIA, Pohnpei - The FSM Supreme Court Appellate Division affirmed Sept. 5 the Trial Division conviction of Lorenzo Doone for the criminal offense of escaping from police custody while under arrest for the misdemeanor charge of disturbing the peace.

Doone was convicted Nov. 28, 1983, of escaping March 3, 1983, and was sentenced to Nov. 28, 1983, to one year in jail which was suspended pending his serving 30 days in jail, paying a \$25.50 fine and being on probation one year.

The Oct. 11 opinion signed by FSM Associate Justice Richard Benson and two designated justices, including U.S. District Judge Samuel P. King of Hawaii and Palau Supreme Court Associate Justice Alan Lane, cited the FSM Code which says that "a person commits the offense of escape if he unlawfully removes himself from official detention" which includes "detention for law enforcement purposes."

Doone reportedly was arrested by Pohnpei State Police without a warrant at the home of an uncle who complained that he was drunk and fighting and was taken to the police station where he was informed that he was being charged with disturbing the peace. He was being driven to the Pohnpei jail in a police car when he opened the door, jumped out and ran away.

The court held that the police vehicle was "a facility for custody," and "since the appellant removed himself from a facility for custody his is guilty of escape."

Road work transferred

KOLONIA, Pohnpei - All road construction and maintenance personnel and equipment were transferred Oct. 28 to the Pohnpei Transportation Authority from the State Community Services Department, according to an Oct. 30 release by the Office of Gov. Resio Moses.

Apology issued

KOLONIA, Pohnpei - FSM Information Advisor Tom Bryan issued a formal apology to former FSM Senator Hiroshi Ismael of Kosrae for any anguish or embarrassment caused to him or his family by mentioning in the Oct. 15 NATIONAL UNION that his nomination to be Kosrae State Court Chief Justice was rejected by the state legislature.

"I truly apologize for any embarrassment or anguish which Senator Ismael may have suffered," Bryan said.

The reference to his rejection by the legislature was intended to put into historical perspective the story about the nomination of Rison Wakuk as state court associate justice being rejected, according to Bryan who said that no malice was intended toward Ismael.

President asks Asia-Pacific leaders to pray for Compact

KOLONIA, Pohnpei - President Tosiwo Nakayama welcomed participants to the Asia Pacific Leaders' Retreat, urging them to pray for expeditious approval of the Compact of Free Association in the U.S. Congress, so the FSM government can work together with them.

The President addressed the fellowship dinner Oct. 31 in the Cliff Rainbow Hotel, opening the four-day nondenominational Christian leaders' retreat which was hosted by Pohnpei Gov. Resio Moses.

The retreat was held in Pohnpei at the invitation of former Lt. Gov. Strik Yoma who attended a similar retreat in Manila, shortly before his death in 1984, according to Dr. Gil McArthur of Sydney, Australia, Pacific coordinator for World Vision International which sponsored the event.

"I hope that in one of your prayers you could remember the poor people of the Federated States of Micronesia who have struggled for so many years to attain the political station that you are all now enjoying, so that someday we can stand beside you and say that we are a proud government and let's do things together," Nakayama said.

The President cited the Micronesian struggle for nearly 400 years to regain unity and self-determination, culminating with 15 years of negotiations under the U.N. Trusteeship Agreement to establish a new political status under the Compact.

"We are at the verge of either going into a new status, or going to a state of confusion," Nakayama said, citing "the frustration that we all have over the lack of expeditious action on the part of our brothers in the U.S. Congress" and stating that "we are in a rather confusing period of time at this point."

Former South Vietnam Senator Loc Le Chau, who is the World Vision Asia-Pacific field officer in Manila, gave Oct. 31 the keynote address, "The Death of Nation," citing "the failure of leadership" as the primary cause of



ADDRESSES RETREAT - President Tosiwo Nakayama, standing, is addressing the Oct. 31 fellowship dinner opening the Asia Pacific Christian leadership retreat in the Cliff Rainbow Restaurant in Pohnpei. From left are Dr. Tevita Puloka of Tonga; the Rev. Alex Palsis of Kosrae; Nakayama; Dale Larson of Seattle, Washington; Former South Vietnam Senator Loc Le Chau, and Pohnpei Chief Justice Edwel Santos.

his government's fall in 1975 to Communist forces.

Loc personified the U.S.-backed South Vietnamese leadership as a "defaulting leadership" which was corrupt and greedy, lacking unity, vision and spiritual integrity while being infected by Marxist "atheistic humanism."

The retreat continued Nov. 1-2 with a Bible reading by Archbishop Sir Marcus Loane of Sydney, former primate or head of the Anglican Church in Australia and "leadership perspectives" presented by Dr. Tevita Puloka, a Methodist minister from the Kingdom of Tonga, and Michael Maeliau, president of the South Seas Evangelical Church in the Solomon Islands.

The participants toured Pohnpei Island and the governor hosted a fellowship dinner for them Nov. 2 at the Villege Hotel. The Rev. Tony Unson, a Catholic priest

from Manila, gave the sermon for the combined worship service which was held Nov. 3 in the Protestant Mission here.

Other FSM participants were Goa. Yosiwo George, State Senator Donald Jonah and the Rev. Alex Palsis of Kosrae; Lt. Gov. Hilary Tacheliol and Vice Speaker Mike Riginang, Yap; Legislature Speaker Salter Etse, State Senator Joseph Moses, State Chief Justice Edwel Santos, Associate Justices Carl Kohler and Judah Johnny, Special Assistant to the Governor for Federal Programs Santiago Jobab, Special Assistant for Outer Islands Affairs Shem Jimmy and Deacon Gernawo Victor, Catholic Church, Pohnpei; Community College of Micronesia President Catalino Cantero, and Congress Speaker Bethwel Henry, Chief Justice Edward King, Micronesian Affairs Deputy Chief Gabriel Ayin and Micronesian Affairs Chief Johnny Hadley, chairman of the retreat coordinating committee, representing the national government.

Also attending were the Rev. John Key of Sydney, South Pacific field director; the Rev. Mac Bradshaw of Manila, evangelism and leadership director, and Maika Bovoro of Fiji, special associate for Pacific relations, World Vision International, in addition to youth leader Bien Delgado and businessman Narsico Padilla, Manila; John Karetji, the Mission Aviation Fellowship, California, and Dr. William Shaw, Dayton, Ohio, Crosscurrents International Institute president

Abuse workshop set

KOLONIA, Pohnpei - A national workshop on Education Against Substance Abuse is scheduled to be held Dec. 2-6 in Pohnpei, according to FSM Education Chief Daro Weital.

The workshop will be the first step toward implementing the program which has been developed by the national Education and Health Services divisions throughout the FSM.

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