

A RESOLUTION

Denouncing unconstitutional practices by the FSM Department of Justice and repeated acts of unlawful prosecutorial misconduct by Assistant Attorney General Matthew Crabtree.

1           WHEREAS, on February 19, 2004 the Supreme Court of the  
2           Federated States of Micronesia issued an order in Criminal Case  
3           No. 2002-1502 involving charges filed against a Chuukese citizen  
4           which disqualified FSM Assistant Attorney General Matthew  
5           Crabtree from acting as a prosecutor in that matter; and

6           WHEREAS, the order of disqualification was based on Court  
7           recognition that Attorney Crabtree harbored emotionally driven  
8           bias and hostility against the Chuukese citizen he tried to  
9           prosecute; and

10          WHEREAS, the order of disqualification was also supported by  
11          a finding that Mr. Crabtree's personal interests were  
12          sufficiently strong to prevent him from responsibly exercising  
13          the discretionary functions of his position with the Department  
14          of Justice; and

15          WHEREAS, the court order of disqualification additionally  
16          found that Attorney Crabtree's behavior in pursuing a matter in  
17          which he had a conflict of interest due to emotional hostility  
18          and personal bias was in violation of his ethical  
19          responsibilities under the rules governing attorneys licensed in  
20          the FSM; and

1           WHEREAS, the prior orders of disqualification also  
2 recognizing that attorney Crabtree's emotional bias and hostility  
3 toward the Chuukese citizens involved prevented him from  
4 impartially performing his duties as a prosecutor employed by the  
5 FSM; and

6           WHEREAS, Attorney Crabtree also reportedly engaged in  
7 inappropriate acts in connection with obtaining search warrants  
8 against a local attorney's office during the course of earlier  
9 investigations targeting Chuukese citizens against whom he also  
10 held personal bias and hostility; and

11           WHEREAS, allegations of Attorney Crabtree's inappropriate  
12 behavior in misrepresenting facts he had no reason to believe  
13 were true were conveyed to an Associate Justice of the FSM  
14 Supreme Court but no further action was taken to investigate the  
15 impropriety of Attorney Crabtree's conduct; and

16           WHEREAS, Attorney Crabtree continually engages in  
17 prosecutorial misconduct by filing charges in matters in which he  
18 is disqualified due to conflicts of interest and personal bias;  
19 and

20           WHEREAS, Attorney Crabtree has focused a substantially  
21 disproportionate amount of resources, time and energy pursuing  
22 Chuukese citizens despite repeated Court rulings that his lack of  
23 impartiality in such matters gives rise to the appearance of  
24 impropriety; and

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1           WHEREAS, Attorney Crabtree is on the record stating that he  
2 fears for his life while in Chuuk as a result of which the FSM  
3 Department of Justice has been required to spend tens of  
4 thousands of dollars providing for his security, including  
5 sending more than a dozen national police officers to Chuuk on  
6 FSM patrol vessels when he travels there for court hearings; and

7           WHEREAS, in the course of prosecuting Chuukese citizens the  
8 FSM Department of Justice acting through Attorney Crabtree has  
9 repeatedly sought onerous orders taking on a punitive character  
10 prior to submitting sworn testimony or otherwise establishing the  
11 existence of probable cause to believe wrongdoing has occurred;  
12 and

13           WHEREAS, the FSM Department of Justice, acting through  
14 Attorney Crabtree and Assistant Attorney General Anthony Welch,  
15 has systematically approached the presentation of cases against  
16 Chuukese citizens in a fashion to deny them effective assistance  
17 of counsel by charging multiple individuals under circumstances  
18 where it is known there is an inadequate supply of attorneys  
19 standing by to defend them; and

20           WHEREAS, the FSM Department of Justice, acting through  
21 Attorney Crabtree and Attorney Welch, has more recently  
22 undertaken efforts to restrict attorney availability in matters  
23 targeting Chuukese citizens in particular by attempting to modify  
24 the rules presently entitling every accused with the  
25

1 right to assistance of counsel as provided for under the FSM  
2 Constitution; and

3 WHEREAS, Assistant Attorneys General Welch and Crabtree  
4 individually have systematically targeted Chuukese FSM citizens  
5 and those seeking to assist them in a manner designed to deprive  
6 them of fundamental constitutional right including but not  
7 limited to basic due process rights, privacy rights and right to  
8 effective counsels; and

9 WHEREAS, the FSM Department of Justice appears purposefully  
10 lethargic in recruiting a qualified Secretary of Justice subject  
11 to Congressional advice and consent capable of stemming the  
12 systematic course of prosecutorial misconduct endemic to the  
13 litigation attorneys presently employed by the department,  
14 including most notable Attorney Crabtree, which the FSM Supreme  
15 Court has repeatedly determined lack the impartiality needed to  
16 fulfill the responsibilities of their office; and

17 WHEREAS, the lack of controls over attorney conduct at the  
18 FSM Department of Justice finds unreasonably biased and  
19 emotionally driven individuals free to exert their will in a  
20 manner depriving FSM citizens of the constitutional safeguards to  
21 which they are entitled; and

22 WHEREAS, Assistant Attorney General Welch directed staff of  
23 the Department of Finance and Administration not to provide any  
24 information to a defense counsel during discovery as authorized  
25 under appropriate laws and rules of the FSM Supreme Court and not  
26 Mr. Welch's action constitutes an act for obstruction of Justice

1 unbecoming of an officer of the court and an official of the  
2 Department of Justice; and

3 WHEREAS, Attorney Crabtree's emotional hostilities against  
4 Chuukese citizens has led to disrespectful and undignified  
5 behavior unbecoming of an attorney entrusted with the  
6 responsibilities of someone in his position; now, therefore,

7 BE IT RESOLVED by the Thirteenth Congress of the Federated  
8 States of Micronesia, the Third Regular Session, 2004, that the  
9 Congress hereby denounces the above-identified instances of  
10 prosecutorial misconduct and unconstitutional behavior, expresses  
11 deep concern over the disproportionate and often times  
12 unnecessary utilization of resources against Chuukese citizens  
13 presently and formerly prosecuted by the Department of Justice;  
14 attorneys who are neither fair minded nor impartial (as found by  
15 the FSM Supreme Court on multiple occasions), and objects to  
16 Assistant Attorney General Matthew Crabtree's continued  
17 employment as a litigator with the FSM Department of Justice.

18 BE IT FURTHER RESOLVED that Congress calls upon the Acting  
19 Secretary of the Department of Justice to fulfill the  
20 responsibilities of that position by providing proper oversight  
21 and control of FSM prosecutors so as to avoid the ongoing  
22 problems with disqualification and the repeated instances of  
23 unethical attorney behavior as determined by the FSM Supreme  
24 Court.

25 BE IT FURTHER RESOLVED that Congress calls upon the Acting  
26 Secretary of the Department of Justice to undertake serious steps

1 to locate a qualified individual to fill the position of  
2 Secretary of Justice so that the attorneys within that department  
3 prone to engage in abusive conduct detrimental to the rights and  
4 dignity of FSM citizens may no longer capitalize on the lack of  
5 accountability and oversight with the department;

6 BE IT FURTHER RESOLVED that Congress calls upon the Chief  
7 Justice of the FSM Supreme Court to investigate Attorneys Matthew  
8 Crabtree and Anthony Welch as part of the disciplinary process in  
9 accordance with the FSM Supreme Court Chuuk trial division  
10 findings of unethical behavior within that department leading to  
11 the dismissal of multiple matters and as otherwise reported to  
12 the Court's associate justices or as set forth in pending  
13 lawsuits against the FSM Department of Justice and these two  
14 lawyers revealing systematic prosecutorial misconduct and  
15 unlawful behavior;

16 BE IT FURTHER RESOLVED that both Matthew Crabtree and  
17 Anthony Welch are hereby declared persona non grata and that the  
18 President takes such action as are necessary to send both Mr.  
19 Welch and Crabtree out of the FSM as soon as possible;

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21  
22  
23

24 BE IT FURTHER RESOLVED that certified copies of this  
25 resolution be transmitted to the President of the Federated

1 States of Micronesia and the Chief Justice of the Supreme Court  
2 of the Federated States of Micronesia.

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7 ADOPTED: June 4, 2004

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Peter M. Christian  
Speaker  
FSM Congress

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ATTEST: \_\_\_\_\_

Liwiana K. Ramon  
Chief Clerk  
FSM Congress

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