A RESOLUTION

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

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

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

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

WHEREAS, the court order of disqualification additionally found that Attorney Crabtree’s behavior in pursuing a matter in which he had a conflict of interest due to emotional hostility and personal bias was in violation of his ethical responsibilities under the rules governing attorneys licensed in the FSM; and
WHEREAS, the prior orders of disqualification also recognizing that attorney Crabtree’s emotional bias and hostility toward the Chuukese citizens involved prevented him from impartially performing his duties as a prosecutor employed by the FSM; and

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

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

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

WHEREAS, Attorney Crabtree has focused a substantially disproportionate amount of resources, time and energy pursuing Chuukese citizens despite repeated Court rulings that his lack of impartiality in such matters gives rise to the appearance of impropriety; and
WHEREAS, Attorney Crabtree is on the record stating that he fears for his life while in Chuuk as a result of which the FSM Department of Justice has been required to spend tens of thousands of dollars providing for his security, including sending more than a dozen national police officers to Chuuk on FSM patrol vessels when he travels there for court hearings; and

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

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

WHEREAS, the FSM Department of Justice, acting through Attorney Crabtree and Attorney Welch, has more recently undertaken efforts to restrict attorney availability in matters targeting Chuukese citizens in particular by attempting to modify the rules presently entitling every accused with the
right to assistance of counsel as provided for under the FSM Constitution; and

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

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

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

WHEREAS, Assistant Attorney General Welch directed staff of the Department of Finance and Administration not to provide any information to a defense counsel during discovery as authorized under appropriate laws and rules of the FSM Supreme Court and not Mr. Welch’s action constitutes an act for obstruction of Justice
unbecoming of an officer of the court and an official of the
Department of Justice; and

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

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

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

BE IT FURTHER RESOLVED that Congress calls upon the Acting
Secretary of the Department of Justice to undertake serious steps
to locate a qualified individual to fill the position of Secretary of Justice so that the attorneys within that department prone to engage in abusive conduct detrimental to the rights and dignity of FSM citizens may no longer capitalize on the lack of accountability and oversight with the department;

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

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

BE IT FURTHER RESOLVED that certified copies of this resolution be transmitted to the President of the Federated
States of Micronesia and the Chief Justice of the Supreme Court of the Federated States of Micronesia.

ADOPTED: June 4, 2004

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Peter M. Christian
Speaker
FSM Congress

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Liwiana K. Ramon
Chief Clerk
FSM Congress