

TRUK STATE COURT HOUSE: ITS FUNCTION AS A PUBLIC OFFICE

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INTRODUCTION

Group Purpose

Since the start of Micronesia's series of foreign occupation (Spanish 1886-1899, German 1899-1914, Japanese 1914-44, and now American) each establishing an administration during its time, many new innovations, ideas, and practices have been introduced. They were either accepted freely by the Micronesians or imposed upon them. Receiving these changes not only meant an eventual dependency on alien goods and materials but also initiation into a new way of life. Among the many changes brought by each administrator is a law system, structured and geared for a modern society and almost totally different from the simple traditional law system of Micronesia composed of village elders and chiefs. As the years progressed and each administration mandated, the legal system became more complex, parallel to Micronesia's further rising dependency on foreign goods. Micronesia was becoming a modern society. Her traditional judiciary system was entering into a state of obsolescence. New laws were established with institutions to enforce them, and new courts were formed to justify and try accordingly to these laws. In the present, the law system, which is based on the Anglo-American legal system, is administered in modern day courts modeled entirely after the American Judiciary system.

It is the purpose of this paper to attempt illustration of the Anglo-American courts, their functions as public offices, found in Micronesia today. Because the members of the court house group were limited to work only in Truk, we will be using the Truk State Court House as a general representative of the other courts in Micronesia. We hope to achieve our above goal by presenting the offices and their functions within the Truk State Court House and other related offices, giving statistics on cases filed and tried in the Truk Court House for the past two years, showing the court house expenditures for the past two years, and explaining the court house interactions with the few remaining traditional courts.

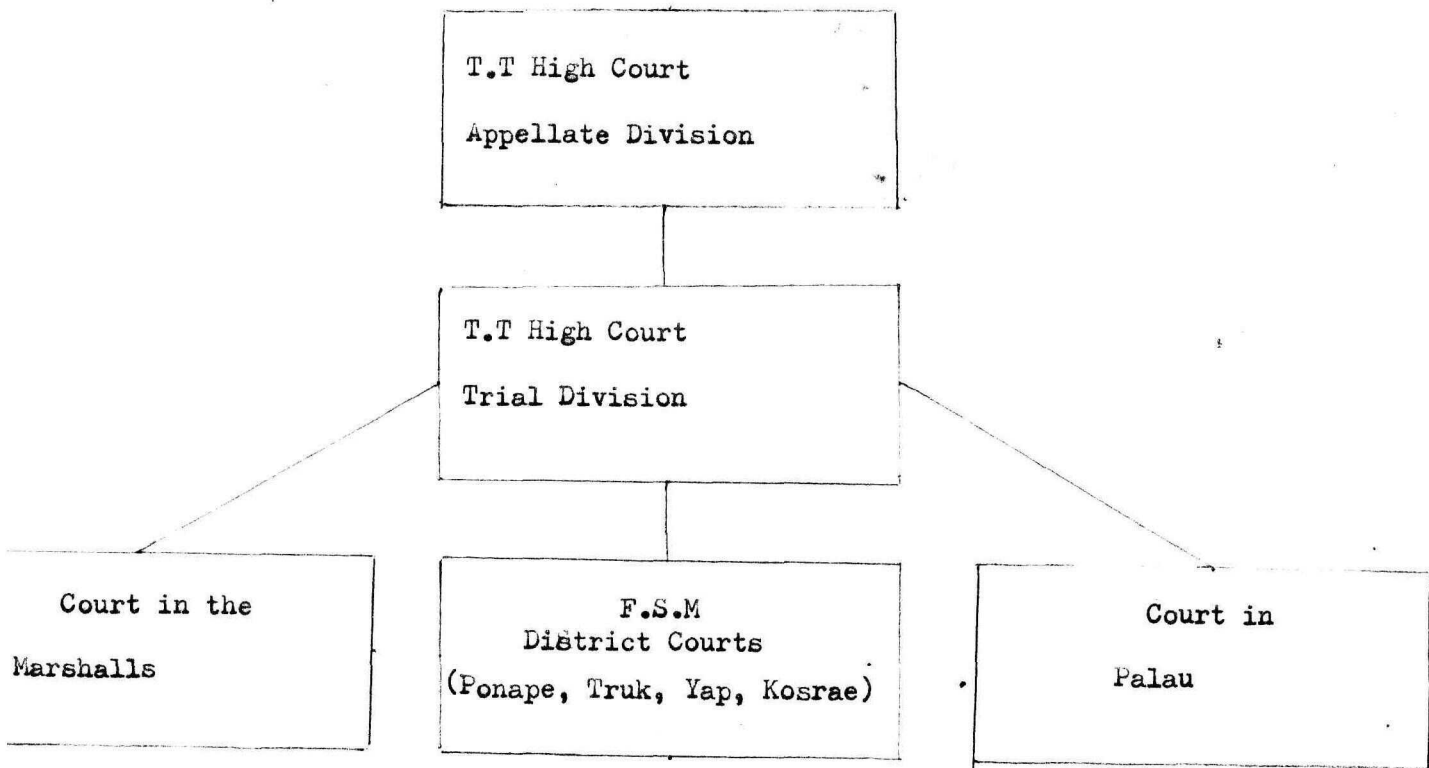
Basic History Of The Truk Court House

The Anglo-American legal system was first introduced in Truk and Micronesia in 1945 under the administration of the U.S Navy. It was at that time when the Trust Territory Judiciary Division was stationed in Truk. In 1962 the Trust Territory Government moved its headquarters to Saipan leaving behind the Truk District Court House, as it was known then. The court house was located in Nantaku village on Moen and housed two courts: The Trust Territory High Court and the Truk District Court. The building used was a shabby quonset hut built of wood and metal sheets. In 1964 the first Trukese Judge was appointed, Sokichy Fritz, to be an associate to Judge Sugray, who was the presiding Judge that time. Funds were requested by Judge Sugray in 1968 for building a new court house from the U.S Congress. In 1969 preliminary actions were taken on the new court house, designed by Thomas J. Davis inc. of Guam, and it was to be constructed by an Australian contractor. The present day court house was finally completed in 1972 and on July 6, of that same year it was dedicated. The property on which the court house is situated (Nantaku) is leased to the Trust Territory Government by the private sector. The building itself belongs to the Truk State Government; however, the personal property which includes desk, typewriters, etc. belong still to the T.T Government.

JURISDICTION OF THE COURTS

Trust Territory High Court

Technically the Trust Territory High Court has jurisdiction over all court matters within the Trust Territory. Actually it tries all land cases, maritime, and criminal cases which are subjected to over \$2000.00 fine and five years imprisonment. The Trust Territory High Court consists of a trial division and an Appellate division. The trial division being under the Appellate division. (Refer to diagram below.)



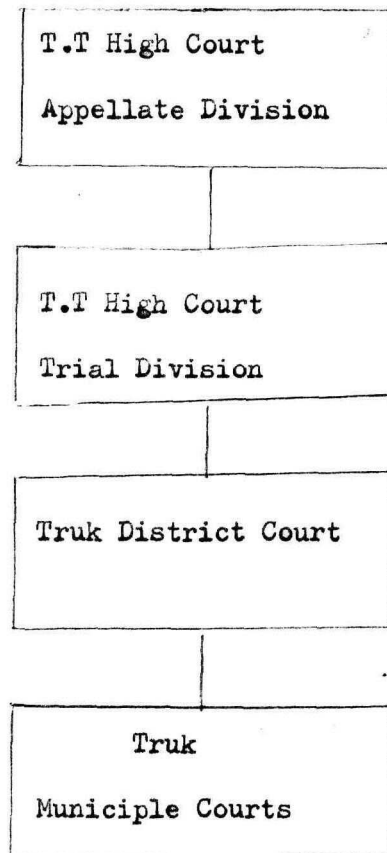
Truk District Court

The Truk District Court is allowed to try criminal and civil cases only; Criminal cases that do not exceed \$2000.00 in fine and five years imprisonment and civil cases that are not a thousand dollars in fine. The District Court is minor to the T.T court and administers over the municipal courts which only preside over criminal and civil cases not exceeding \$100.00 in fine.

(Refer to diagram A below.)

Diagram A

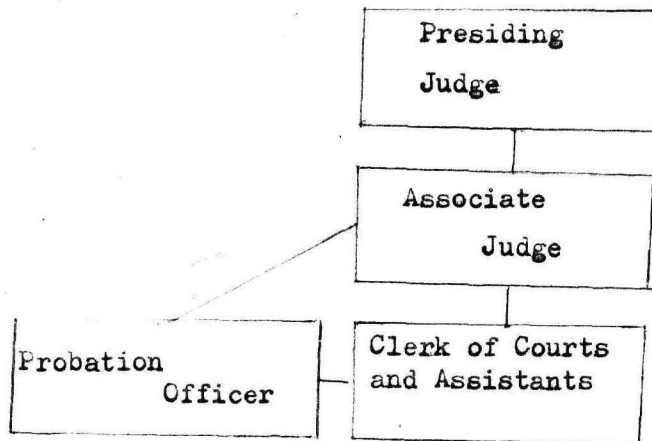
Court Hierarchy on Truk



OFFICES WITHIN THE DISTRICT COURT

Diagram B

District Court Hierarchy



Presiding Judge and Associates

The presiding Judge is the overall head of the District Court and administers justice regularly with aid from his Associate Judges. He has jurisdiction in both the District Court and the Municipal Courts. He is responsible for all the employees of the District Court and all the judges of his court. Some of his duties are seeing to it that the needs of both courts under his jurisdiction are met; he does this by proposing the yearly budget of the courts, and requesting funds for court projects. He also appoints court employees, makes changes within the court house, and keeps the courts in presentable and qualified status in order to practice. The Associate Judges are responsible for helping the Presiding Judge perform these duties.

Clerk of Courts

The primary duties of the clerk of the court and his assistants are to keep available to the public accurate records of court cases, money handled by the court, legislations of the F.S.M Congress, the state legislature, orders of the High Court, and instructions of the Chief Justice. He also acts as an interpreter and translator for the court. He assists the courts in explaining its procedures, and issues its notices.

Probation Officer

The Probation Officer is responsible for providing information to the courts on convicted defendants for sentencing; he investigates the defendants' background (including past criminal records, employment history, and his relations with his family and the community.) The Officer also investigates the backgrounds of adjudged delinquent children (including compiling and preparing reports of investigations on individual case prior to sentencing and appealing in courts and providing recommendations for sentencing.) He is also responsible for persons on suspended sentences, probation or parole. The Officer, at the same time, provides written reports to the courts for alleged violation of conditions of probations by defendants or delinquent children and may recommend alternative punishments for such violation. Besides that, the Probation Officer assists in the maintenance of records for active criminal cases, and contacts agencies, private individuals, or companies to secure employment for defendants. He also performs other incidental duties as required.

RELATED OFFICES

Public Affairs

The Public Affairs Office is related to the Court House according to the Truk State law 3-25 which is the organization of the executive branch. The Office is bonded to the Court House due to the Truk State law 5-32 section 33 which regards nomination of municipal court judges. Its main responsibility is to deal with and regulate municipal and civil matters. The Public Affairs Office is also in charge of putting out public announcements or orders regarding the nomination of municipal judges by way of the Chief Magistrate. Also when required, investigates the procedure or way in which a municipal judge is elected if irregularities arise.

Public Safety

The Department of Public Safety is related to the Court System due to the fact that it enforces laws and maintains peace for the general public. The Public Safety Office provides information regarding cases which are brought to the attention of the Attorney General's office. With its testimony and information, the Public Safety Office helps the Attorney General's office in determining whether a case should be brought to court.

Public Defender

The Public Defender Office is funded by and a branch of the F.S.M National Government. The Office plays a major role in the functioning of the Court House in that it provides for the general public (for those who can not afford private lawyers) attorneys for criminal cases only. It also advises other law parties in Micronesia on legal matters. The Public Defender Office is the main upholder of the rights given to an individual by the F.S.M Constitution.

Attorney General

The Attorney General receives technical supervision from the Attorney General of the Trust Territory and administrative or line supervision from the Governor. The office of the Attorney General prosecutes all criminal cases, other actions in law, and any case the government is a part of or has any interest. His office works closely with the Department of Public Safety and its duties include assisting in drafting proposed legislation and promulgating laws, rules, and regulations when requested by the Governor or other offices. The Attorney General Office renders opinion on all legal questions and also reviews and approves virtually all contracts to which Truk State is a part.

Legal Services

The Micronesia Legal Services is a private agency founded by the United State Congress. Their main purpose is to represent plaintiffs that can not afford private lawyers. With its headquarters in Guam it has an office in each district center in Micronesia. They only deal with civil cases. They process cases which they agree as true problems through a series of methods. Like the Public Defender's office, the Micronesian Legal Services also gives legal counseling to other law parties.

Legislature

The Truk Legislature approves and appropriates the budget of the court house and its expenditures. The funds come from the U.S Department of Interior. Laws are formulated by the Legislature and interpreted by the court house.

Statistics on Court Cases

The members of the court house group thought it necessary in order to express the function of the court house as a public office to present statistics cases both criminal and civil that were filled and disposed of within the past two years. Refer to pages 9, 10, 11.

Truk District Court Cases for 1982 <u>CRIMINAL CASES</u>	Pending at start	Filed	Disposed	Pending at end
Traffic	82	180	212	50
Misdemeanors	65	180	170	75
Felony	10	16	20	6
<u>CIVIL CASES</u>				
Regular	30	171	135	67
Small claim	4	4	3	5
<u>JUVENILE CASES</u>				
Juvenile	7	22	25	4
Cases for 1983 <u>CRIMINAL CASES</u>				
Traffic	35	812	802	45
Misdemeanors	76	389	422	43
Felony	6	6	12	0
<u>CIVIL CASES</u>				
Regular	96	274	285	85
Small claim	5	12	14	3
<u>JUVENILE CASES</u>				
Juvenile	1	32	33	0

Trial division of the T.T high court. Cases for 1982 <u>CIVIL CASES</u>	Pending at start	Filed	Disposed	Pending at end	Filed in the district ctr.	Filed in the Outer islands	Pending one year or more.
Land	158	9	40	136	1221	18	996
Contract	53	36	30	59	974	0	93
Damages other than contracts	27	2	4	24	216	0	167
Others	8	0	2	6	64	0	61
TOTAL	246	52	76	225	2058	18	1299

CRIMINAL CASES

Murder	1	0	1	0	3	0	0
Homicides other than murder	0	0	0	0	0	0	0
Crimes against persons	5	0	3	2	21	0	19
Crimes against property	3	6	3	6	39	0	2
TOTAL	9	6	7	8	63	0	21

Trial division of the T.T high court. Cases for 1983 <u>CIVIL CASES</u>	Pending at start	Filed	Disposed	Pending at end	Filed in the district ctr.	Filed in the Outer islands	Pending one year or more.
Land	144	53	41	156	156	0	105
Contract	70	4	20	53	53	0	52
Damages other than contracts	30	24	2	45	45	0	25
Others	6	0	63	4	4	0	4
TOTAL	250	81	0	258	258	0	186
 <u>CRIMINAL CASES</u>							
Murder	0	0	0	0	0	0	0
Homicides other than murder	0	0	0	0	0	0	0
Crimes against persons	2	4	1	5	5	0	3
Crimes against property	6	0	5	1	1	0	1
TOTAL	8	4	6	6	6	0	4

THE COURT SYSTEM IN VIEWS OF THE TRADITIONAL SYSTEM

Before the Anglo-American Legal System was introduced to Truk, problems were settled by elders of the island and the chief. The traditional court system was conducted by the chief and went like this: The chief heard the testimony of all the people involved, then he consulted the advice of the island's elders. With this information he then gives a verdict. The guilty party is often sentenced to pay a tribute in food and island materials such as breafruits, coconuts, lavalava, fish, rope etc.. to the chief and the plaintiff as an apology. The plaintiff usually offered gifts to the defendant as a symbol of forgiveness. Settlement is then established.

Nowadays a complaint or crime is brought to the Department of Public Safety for investigations. If the case is not solved within the Department of Public Safety, it is then brought to the attention of the Attorney General's Office. The case then undergoes examinations through legal processes to determine whether it should be taken to court, dismissed, or settled within the Attorney General's Office itself. A case against the state which is taken to court is prosecuted by the Attorney General's Office. The plaintiff or accused is defended by the Public Defender and Micronesian Legal Services accordingly. Criminal cases are defended by the Public Defender and Civil cases by the Micronesian Legal Services.

A case brought to a traditional chief today is still treated as it was before; however, the accused will be prosecuted in court if he had committed a crime against the state. The court does recognize custom and tradition and has in the past made judgement in views of them. A case solved by a traditional chief then brought to court usually gets a minimized sentence.

EXPENDITURES OF THE TRUK DISTRICT COURT HOUSE

The budget of the Truk court house is funded by the U.S Congress. The U.S Congress sends the funds to the T.T Head Quarters on Saipan. It is then sent to the Truk State Legislature which in turn reappropriates the Truk court house on its budget and spendings. Below is the Truk court house fiscal for the years 1982,83, and propsed for 1984.

<u>Year</u>	<u>Spent on</u>	<u>How much</u>
1982	Micronesian personnel services	\$3,332.32
1982	Personnel benefits	\$43.78
Total		\$3,376.10
1983	Micronesia personnel services	\$365.58
1983	Personnel funding	\$99,503.96
1983	Supplies/Materials	\$2,955.54
1983	Overtime employees	\$1,084.01
1983	Miscellaneous const. services	\$1,276.30
1983	Petroleum and Lubricants	\$510.60
1983	Foods stuff	\$15.10
1983	Rentals	\$173.00
Total		\$105,984.09
1984	Micronesian personnel services	\$36,447.55
1984	Personnel benefits	\$534.04
1984	Supplies/Materials	\$57.10
1984	Overtime employees	\$31.54
1984	Workmen insurance	\$882.00
1984	Equipments	\$7,500.00
Total		\$45,482.23
Overall total		\$154,482.42

Data taken directly from Truk Finance Office

GROUP OBSERVATION

It would be redundant to mention all observations by the court house group for they have been expressed on the previous pages; however, a critical issue of the Truk District Court has yet to be communicated. During the whole of the period used to obtain data for this paper, the Truk District Court was and still is in the process of being certified by the Trust Territory High Court into the Truk State Court. The certification is delayed due to difficulties in meeting the State Court requirements given by the T.T High Court to the Truk District Court. As a State Court, the Truk District Court will be given the jurisdiction of the T.T High Court. It will be allowed to try the same cases tried in the T.T Court today, maritime, law, murder, etc., except those cases filed against the Trust Territory. The certification of the Truk District Court is part of an overall disengagement progress of Micronesia from the T.T Government. So far the Chief Justice and two Associate Justices for the Truk State Court have been appointed. Legal matters and practical actions still have to be done in order for the certification to take place. The State Court will be housed in the Truk State Court House building, which is currently housing the T.T High Court and the Truk District Court.

CONCLUSION

A major innovation, among the many changes introduced to Micronesia by her foreign occupants, is the law system used by Micronesia's administrators. The current law system in Micronesia is the Anglo-American Legal System, which was first brought by the U.S Navy in 1945. Like the other law system introduced by the Spanish, German, and Japanese the Anglo-American Legal System has become dominant over the traditional legal system in Micronesia. Justice is administered in Micronesia today through court houses identical in its ways to those in the U.S; meaning, similar offices and functions within the court house, related offices, legal progresses of trying cases, administering justice, and the function of the court house as a public office. In short the court house is an instrument of good and peace in that it administers justice without prejudice. As an instrument it has many parts that aid it in keeping justice such as: The Department of Public Safety, the Attorney Generals Office, and other legal institutes.

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