



Celebrates *25 years*
of Legal Assistance
to the People of Micronesia

MLSC: How It All Began

Interviews with Senators Tony de Brum and Herman R. Guerrero

Although the beginning of MLSC was the result of a collective effort by many dedicated people, perhaps more than anyone, Senators Tony de Brum and Herman R. Guerrero deserve much of the credit for leading the effort to establish the program. In the following interviews, Tony and Herman describe how it all began.

Senator Tony de Brum was Secretary of Foreign Affairs for the Republic of the Marshall Islands for over four years and a key negotiator for the Marshalls of the Compact of Free Association with the United States. He was elected as a Majuro Senator in the Nitijela in November 1983, and has been re-elected every four years since then. He was interviewed by John Silk of the MLSC staff on November 7, 1983 in Majuro. Excerpts follow:

THE BEGINNING

JOHN: *"Where does MLSC's history begin?"*

TONY: "It begins in a hotel room in Los Angeles. It was 1970, at a nation-wide headstart Convention. I represented the Marshall's Community Action Agency as the Executive Director. Herman R. Guerrero, Executive Director of the CCA program in the Northern Marianas, was there, too, along with the other directors from throughout Micronesian."

"One evening, Herman and I were drinking Coors beer in our room with Gary Wiseman from the Office of Economic Opportunity. Gary brought up the subject of legal services. Herman and I agreed that it was a program we could use. We went to Washington, D.C., and spent three days drafting the proposal."

"A grant was made and we had a CAA Board meeting on Guam. The Board agreed to establish the program. There were 350 applications for Executive Director. Edward DLG. Pangelinan, Mamoru Nakamura and Herman R. Guerrero did the interviewing, and Ted Mitchell was hired as the first Executive Director."

JOHN: *"Were there any difficulties in setting up MLSC?"*

TONY:

"Oh yes, there were difficulties, especially from the Trust Territory Government. One of the problems was that they wanted the T.T. Attorney General to have a say in the hiring of law-

yers. We had a fight over this, and won. MLSC got off the ground right away."

JOHN: *"What did you see as the role of MLSC?"*

TONY: "You may recall that during those days there were government attorneys on these islands. There were also some Peace Corps lawyers but they weren't permitted to really get involved in some of the legal problems. We saw the role of MLSC as filling this vacuum."

"A lot of people say that the legal services program started because there was money available for it! No, that is not true. There was lots of money available for other programs which we turned down. We accepted legal services because we saw a very great need for it. All the CAA programs wanted it, except the T.T. Attorney General's office."

JOHN: *"Do you think we would have been better off today if there were no MLSC?"*

TONY: "Oh, no, I think that it would have been a mortal sin for the leaders of OEO in Micronesia if we had not done something to fill that vacuum. If I didn't push to bring about this legal services program, I really doubt that I would be one with myself."

JOHN: *"Thus, you felt there was a need for the program?"*

TONY: "Absolutely, there's still a need for it now. I believe MLSC has done a good job over the years when you consider the kind of modest beginning we made 12 years ago."

JOHN: *"Could you be more specific in why you say there was a great need?"*

TONY: "All one needs to do is to go back over the history of the Trust Territory and see what kind of legal shenanigans were pulled on the people. There were government and sometimes private lawyers, American lawyers; you can see why we became a legal society just like the U.S. when the lawyers landed here. Look at the land cases, look at the lease on Kwajalein, look at the lease on Uliga, the lease on the old airport, the lease on the new airport for that matter. This new air-

port lease is shameful. The government officials took full advantage of people who have no knowledge of the law, no knowledge of what a fair modern lease looks like." "The fact is, the people had no access to legal services. Without legal services, you have to pay an arm and a leg for help."

JOHN: *"Do you think MLSC has fulfilled your early expectations?"*

TONY: "MLSC has legally gone beyond expectations in its performance. We've had some really good services rendered to the people in the last 12 years. MLSC has represented the People of Enewetak all these years. I had a disagreement with an aspect of that representation. But, this whole project of the people resettling their homeland would never have been put together the way it was without MLSC. One of the Enewetak chiefs, Iroij Abraham, who just passed away, lived and breathed MLSC. He did not get to return with his people to the northern island of Enjebi, but he had no control over it. It's sad. But he is one client who probably got more than one hundred and ten percent support from MLSC. Had it not been for MLSC, there would be no Binton Abraham leading his people again."

THE FUTURE

JOHN: *"Do you see a need for MLSC to continue?"*

TONY: "I personally see the need for MLSC to continue. I think MLSC can be one of those programs where the new nations of Micronesia can cooperate, can have a unified approach to legal services much the same way we have done with education — the College of Micronesia. We have agreed that the three governments will have a unified post-secondary college system — the College of Micronesia with a nursing school in the Marshalls, a technical school in Palau, and the main campus in the Federated States of Micronesia. I think something like that can be worked out for MLSC. It will have to be a policy decision of the government. My personal view is that it should be done."

JOHN: *"What do you see as MLSC's strength?"*

TONY: "One is not having to answer to any politicians on what you do. The area of legal work and political work have a tendency to overlap sometimes. Always make an honest effort to keep that boundary sacred and not lay a clear path to the political desires of any one group or combination of groups. Then it will be alright."

JOHN: *"What about our weaknesses, do you see any?"*

TONY: "Too small. We have a new judicial system that's coming together that needs to be oiled. Its component parts must be able to move smoothly and efficiently and quickly to provide legal service. If we don't have enough judges, or enough legal counsel, or enough critical support, or enough transportation, then that machinery cannot function properly and we lose one of the most important areas of government."

"Another problem is that I think MLSC should get more involved in training. In preparing our own people for much of this work. That doesn't necessarily mean sending people off to law school; lots of things that we encounter in our legal life can be handled properly through trained local counsel. MLSC can do a good job in this area, for example, like yourself, Johnsay Riklon and others in Micronesia. But I think MLSC could strengthen this component a bit. Maybe even train ourselves or someone who could do this on a routine basis and provide training on one island after another."

"One more point. Nitijela members know nothing about your caseloads, and how much lawyer time or counselor time is required for various problems. I think there needs to be more regular communication for the purpose of keeping our government informed so that the question of providing legal assistance through MLSC can be logically discussed in the Cabinet and Nitijela."

JOHN: "Thank you, Tony. Amen."

(This interview was conducted in Marshallese and later translated by John Silk).

An Interview with Herman R. Guerrero



Former Senator Herman R. Guerrero was Executive Director of Mariana Islands District Community Action Agency (MIDCAA) at the time of MLSC's beginning. He was a member of the Congress of Micronesia as a representative from Saipan and later elected several times to the Senate of the Congress of the Commonwealth of the Northern Mariana Islands. He was interviewed by MLSC Executive Director Ronald G. Kirschenheiter on November 26, 1996, in Saipan. Excerpts follow:

MLSC: *"What do you remember about the beginning of MLSC?"*

"Tony had most of it right, but actually the idea for MLSC started even earlier. I had been selected as the Executive Director of the Mariana Islands District Community Action Agency which was funded by the Office of Economic Opportunity (OEO). OEO also funded community action agencies in Palau, Pohnpei, the Marshalls, all the rest of the districts across Micronesia. I think they were given a planning grant to start these community action programs. We got ours and if my recollection is correct, I was hired in 1968."

MLSC: *"So you got your funding here in Saipan?"*

Guerrero: "Yes, we got it here. I was hired in 1968, replacing a Peace Corps volunteer, who was at the time the then (acting) Executive Director. When I got in, I tried to find out the purpose of this CAA program. The Office of Economic Opportunity was trying to fund programs throughout the United States and I do not know who made it possible for this program to come out to the Trust Territory. I would imagine it was the Peace Corps who suggested it, got the program started and got the local communities to take over. At least in Saipan. They organized the board of directors and the board of directors hired the staff."

MLSC: *"What made you interested in legal services?"*

Guerrero: "First, the CAA was supposed to bring an awareness in Micronesia to the people of the Northern Marianas about everything that was going on because lots of people were just beginning to learn the U.S. system. We were just beginning to learn to govern ourselves, about business, economic development and so forth. Most importantly, at least for the Marianas, we wanted to be able to stand on our own feet and be able to do things and do them the right way, the legal way. So we had money to update the economic development programs, the headstart programs, education programs but we did not have money to upgrade the legal assistance program and that came up in my agency when people began to realize what CAA was all about.

"They decided to come to the meeting of the board of directors and asked legal questions that we could not answer. Some people would come to my office with the understanding that CAA was a federal government program and was here to help. The people were asking what should they do if they want to sell land and do not know how to go about it or some other business transaction."

"At that time, I tried to get a Peace Corps volunteer attorney to work in my office but unfortunately, the Peace Corps volunteer who was a lawyer was not allowed to give those kinds of opinions or to handle cases. At that time also, we organized a Micronesian group and we called ourselves, the Micronesian Community Action Directors Organization (MCADO.) If I am not mistaken, I was the first president of that organization."

"Through MCADO - the organization met every quarter on different islands, I discussed my needs for legal services in the community. Everybody agreed that they needed it too, but some did not feel they needed these services as much as I did on Saipan. We acknowledged that we really needed this assistance and explored areas where we could get funding for this."

"A few months later a representative from OEO came to Saipan. A representative usually came to Saipan every six months to check on our programs in Micronesia. During the representative's visit, I inquired if OEO had any funding for legal assistance."

MLSC: *"What was the OEO representatives response?"*

Guerrero: "At first she said no but she also said that there were legal services programs in the U.S. I asked her how could Saipan be given assistance in this matter? She said that maybe Saipan could not be given this type of program because the island and population were so small. I asked her, what if we all pulled together to make it a Micronesian-wide program? She said that this was a possibility but one of their policies was that you had to have a certain population base. This stayed in the back of my head all the time because it was an enormous problem."

MLSC: *"What finally happened?"*

Guerrero: "Well, in late 1970, I represented CAA in the Marianas and Tony de Brum represented CAA in the Marshalls and we met for a meeting in Los Angeles. Tony and I got to drinking in our hotel room - Tony's got a good memory, we were drinking Coors beer, at the time that was the thing to do - and Gary Wiseman was there discussing the headstart problems. Tony and I raised the issue with Mr. Wiseman. I knew he was the appropriate person to raise the issue with because he was the head of OEO in Micronesia. He told us that there were legal services programs in the U.S. and he could help us out."

"Tony and I got really excited and asked how we should proceed with this. Mr. Wiseman said that he was going to give us a planning grant and give MCADO a chance to develop a legal services program. This was when Tony and I went to Washington, D.C., to prepare the proposal that was given to us by OEO."

MLSC: *"Once you submitted the proposal, were there any problems before MLSC got started?"*

Guerrero: "We did not have any problems with OEO. OEO was ready to fund us as soon as we submitted the proposal and it saw the need to help us. But we did have many problems with the High Commissioner at that time and the Trust Territory (TT) Attorney General. The problem was they wanted to control legal services. They wanted to say how we ran legal services. We were a local, autonomous body and we wanted to operate and run the program ourselves. We did not want government participation from the executive or the legislative."

MLSC: *"Do you know why the High Commissioner and the TT Attorney General wanted to control MLSC and opposed it at the beginning?"*

Guerrero: "Because they knew very well that the goal of legal services was to educate the poor people, especially as to their legal rights - to fight for what they stand for and there were lots of cases going on, legal disputes between the citizens and against the government."

MLSC: *"What was one of the major disputes?"*

Guerrero: "The major one was Enewetak. Enewetak surfaced from day one of legal services up to when I left. I have a feeling that the Trust Territory Attorney General was instructed by the High Commissioner to oppose legal services. That was my hunch. I could be right because of the Enewetak cases and some other cases."

MLSC: *"What happened when the TT government opposed establishing MLSC?"*

Guerrero: "I called a meeting of the various CAA directors and it then became an effort by all the members. The only way we could move was through the Congress of Micronesia. We requested the Congress to step in and help us. The Congress did step in to help but some of the members, like Amata Kabua from the Marshalls, pulled back a little. It was difficult because some of the leaders

in the Congress of Micronesia were kind of pulling us back."

MLSC: *"What could congress do to help?"*

Guerrero: "We wanted the members to pass a resolution to support us and MLSC. The resolution was to ask LSC to fund the program, to request the TT government to honor and respect the program, and especially asking all the Micronesian leadership to support the program."

MLSC: *"Did you get your resolution?"*

Guerrero: "We finally got it but it took us three long months to get, maybe even longer than that ... then we hired Ted Mitchell as Executive Director."

MLSC: *"Once the program got started, what were some of the problems keeping it going?"*

Guerrero: "We were always fighting for money. Money was a problem from the start until now as I understand it. We encountered these same problems when I was the President of the MLSC Board of Directors."

MLSC: *"When were you board president of MLSC?"*

Guerrero: "At the beginning, I was elected the MLSC board president starting in 1971 to about 1976 when I resigned."

MLSC: *"During those years, you believe lack of money was the program's biggest problem?"*

Guerrero: "Money has always been the biggest problem. There was also the problem of the U.S. Congress maybe cutting the funding and the High Commissioner not giving MLSC much support. We tried to lobby with the Congress of Micronesia to help the program. We did not get support from the High Commissioner but we did get support from the local legislature. Maybe not as much as we wanted but they did support us."

"You have to understand, it was very difficult. At least in Saipan, MLSC was also representing outsiders. I think maybe that was how I lost my election because I stood up and voted for it. The local people cannot understand why MLSC has to assist people other than Micronesians - like the Filipino people. The local people cannot understand why or how MLSC can represent these people against them when the program is for them, Micronesians, and not for outsiders."

MLSC: *"Did MLSC have a big problem with this issue?"*

Guerrero: "They did, some, and it was a hot issue. Even the legislature tried to withdraw funds and I said, you guys are nuts. You know it is wrong to discriminate and here you are discriminating yourselves. "No discriminating," applies to every human being. MLSC was just doing what it was supposed to do."

MLSC: *"What do you think are the biggest challenges facing MLSC in the future?"*

Guerrero: "One of the biggest challenges of MLSC is to bring an awareness to the people that we will not discriminate against other people. I think MLSC has come a long way to educate the people that all people must be treated the same and MLSC is a non-discriminating office when it comes to servicing people with needs. At least I have seen that this is working in the Marianas. People are beginning to accept the fact that we are now Americans."

"The other thing, MLSC has provided the people insight and awareness of their legal rights in terms that people can stand on their feet and fight back for their rights. This is very important because in the old days, people did not stand up for their rights but always gave a "yes" answer. People got screwed but they complied with whatever decision was made for them. When they went to court they lost. The court did not say, this was because you do not understand, so when MLSC came along they began to educate the people, make the people more cautious in writing contracts between themselves and the government, business and other people. It made them fully aware of the importance of contractual obligations, responsibilities and other matters."

MLSC: *"Looking back, what do you think were some of the weaknesses with the program? What were some of the mistakes or problems you may regret? I am curious and your answers will help me to do my job better."*

Guerrero: "I think one of the biggest weaknesses was the board members, they should have been stronger. Most of the board members I was dealing with back in those days were really good. I think people like Tony, me, Peter Sugiyama from Palau were the fighters from the board - some of the others were kind of laid back. You have to have a strong board to continue the MLSC program. I cannot think of any other mistakes or problems, except that back then, just like now, we wished that we

had more lawyers. In those days, the number we had, was not adequate, but at least we got the program started."

MLSC: *"Do you think MLSC is still needed?"*

Guerrero: "I think as long as there is government, business and people, then yes we need legal services. I think legal services should always be a part of modern society. We still need legal services, there is no question about it, especially now that we have lots of smart people, especially investors, that come to Saipan. Even with the many lawyers here, many of our people cannot afford paying them. We have public defenders but they do not have enough lawyers to accommodate the people with their needs and they do criminal work. Definitely we need and would like to see this program continued."

MLSC: *"As a past president of MLSC, do you have any advice or recommendations to make for the program?"*

Guerrero: "I would recommend that the leadership pull together and go to Washington and lobby for the program. There are people in Washington who are sympathetic to Micronesia. I would advise they take people like me or Tony who are familiar with the beginning of the program or some other people from the community, get the local politicians together and go to Washington and lobby. We need MLSC."

