

THE SUNDAY NEWS

Agana, Guam U.S.A.

A Gannett Newspaper

FWC 24-hour forecast: Skies will be partly cloudy with isolated showers. Winds easterly, 12-18 mph with gusts to 25 mph decreasing to 6-12 mph after sunset. Seas 7-10 feet. Surf conditions are hazardous with breakers averaging 8-11 feet on eastern and northern reefs.

Grand Jury Indicts Crime

A STATEMENT BY THE GRAND JURY, TERRITORY OF GUAM, FEBRUARY 21, 1974; AND GIVEN TO THE SUNDAY NEWS FOR PUBLICATION.

We, the undersigned, members of the Grand Jury for the Territory of Guam duly impaneled on January 2, 1974, do hereby make the following statement and wish that it be broadcast and advertised to the members of the Guam Legislature, to the Department of Public Safety, to the Attorney General's Office, to the Office of the Federal Attorney, to the Judges of all courts and to all citizens of the Territory of Guam.

We, as citizens of the Territory of Guam and as members of the Grand Jury for 1974, make it known that we are deeply concerned about the high incidence of major and infamous crimes occurring in the Territory and that we are furthermore and more specifically distressed that those charged with legislative action and with the apprehension, charging, prosecuting, convicting and sentencing of criminals are not adequately discharging their responsibilities to the citizens of this Territory and that the general public and its institutions and organizations are not aroused and are not reacting to the serious threat imposed by the 'takeover' of our society by criminal elements.

We wish to make it known that we consider the following concerns to be a menace to the welfare of the citizens of this Territory and that immediate and effective corrective action must occur in order to reestablish peace and order within our society and if the security of life and property is to be maintained for the normal functioning of family life and the healthy conduction of commerce:

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(1) The Guam Legislature must address itself more seriously to the welfare and safety of the citizens of the Territory. The Attorney General has advised the Grand Jury that no legislation exists whereby certain business establishments, being constantly the haven and the source of assaults and other criminal acts and constantly requiring supervisory police manpower, can be padlocked as undesirable.

Present gun control laws are a demonstrated failure. Limitations for and punishments, under law, for gun possession and use are inadequate.

The Grand Jury recommends that all forms of serious crime including, most specifically, murder and assault and attempts thereof, be properly dealt with by law and that punishment be both more severe and mandatory.

The Grand Jury further recommends that habitual felons and the unlawful possession and the use of deadly weapons should be considered for life imprisonment without parole.

(2) The Grand Jury is aware that prostitution is flourishing and expanding, that gambling appears to exist with immunity and that the use of and trafficking in hard drugs exists on our streets and in our public secondary schools. Furthermore, it has been reported to members of the Grand Jury that the lives of at least one Judge and members of the Department of Public Safety have been threatened because of acts they have taken or of acts they might be expected to take against criminals. It is the position of the Grand Jury that these activities constitute a threat to the citizens of the Territory and are a menace to its youth and that the maximum enforcement of law, throughout the entire criminal justice system, is essential to the well-being of the Territory.

(3) The Grand Jury wishes to commend the integrity and objectivity of Judge Abbate and Mr. Herbert Hoover in the pointing out the corrupting influences existing in the Police Division of the Department of Public Safety. The Grand Jury is dismayed that the effectiveness of police officers and the morale of the Division is adversely affected by political interference, by promotional policies that ignore individual merit and qualifications and by a demonstrated lack of effective leadership and a noted lack of the maintenance of high operational standards. The Grand Jury is gravely concerned that of a total of 1508 arrests made in 1973, over 70% are unaccounted for.

(4) The Grand Jury wishes to express its displeasure concerning the practices by the Attorney General's Office of plea-bargaining and of incidents of the reduction of charges against defendants in anticipation that conviction may be the more readily assured. The Grand Jury wishes to state that they believe defendants should be charged for the offenses evident against them and vigorously prosecuted on all counts. The Grand Jury further charges the Attorney General's Office to immediately make public its record of filings in court, dismissals, convictions, acquittals and cases set for trial, sentencing or those awaiting further proceedings - both felonies and misdemeanors. The Grand Jury is distressed that of a reported 293 cases filed in Island Court over 56% were dismissed or have received no action.

(5) The Grand Jury wishes to state that, within the spirit and intent of the law, it believes the primary responsibility of the courts is to protect and preserve society but that the courts of Guam are splitting hairs and making unwarranted interpretations of the intent of the law in order to ease the burden and reduce or eliminate the punishment for those charged and convicted of criminal activity. The Grand Jury wishes to condemn, in general, the practices of placing unreasonable and unjustified burdens for perfection upon the functions of the Attorney General, the practices of dismissing on technical grounds unrelated to guilt or innocence and the practices of suspending sentences.

In particular, the grand Jury wishes to censure the dismissal of a felony charge against one indicted Francisco S. Quinata in relation to his possession of a deadly automatic weapon. The Grand Jury abhors the affects this action will have upon the criminal element of the Territory and the encouragement thus provided for the continuing and increased possession and use of deadly weapons by the Territory's undesirable persons. In this connection, the Grand Jury wishes to insist upon close and unrelenting cooperation between the Department of Public Safety and the Attorney General's Office in the establishment of complete and correct cases against those so charged. It would seem appropriate that the Attorney General's Office would assume the burden of properly orienting the Department of Public Safety as to the requirements of law in respect to the processes of arrest and the compilation of evidence.

(6) The Grand Jury wishes to condemn the reported coddling of prisoners at the Territorial Adult Facility and the existence of an unqualified and underqualified staff at the Youth Facility. The Grand Jury believes that smoking should be discouraged among minors, not encouraged as at present. The Grand Jury believes that criminal activity should be punished and that all persons in confinement should contribute to and make restitution to the public good. The Grand Jury recommends that confines at the Territorial Prison and at the Youth Facility be made to participate in the maintenance of public roads, parks, buildings and grounds.

The Grand Jury, being aware of the high incidence of crime among our juveniles and young adults, wishes to stress that without the maintenance of law and order and without the criminal elements of our society being brought to justice that a decent and healthy environment for our young people cannot exist. Toward the establishment of a stable and productive and rewarding social order, the Grand Jury wishes to enlist the aid of every responsible citizen.