

# 'Censorship by exile' in Micronesia

Now living in Guam, banned editor Sherry O'Sullivan launched in August her *Micronesia News Magazine*, distributing it widely. The first issue contained a barrage of information embarrassing the FSM government, including on corruption.



By PETER CRONAU

A JOURNALIST really gets the hint when the president of the country in which she has been working sends a letter which effectively bans her from the country — censorship by another means. This extraordinary happening occurred in July to Sherry O'Sullivan, the now former editor of *The FSM News*, the only newspaper published in the Federated States of Micronesia (FSM).

The letter from President Jacob Nena, the President of FSM, was delivered to O'Sullivan, a Canadian citizen, on the evening of July 16 in Guam. It stated 'the entry or presence of said Sherry O'Sullivan is not in the best interests of the Government of the Federated States of Micronesia and therefore her entry or presence is not permitted'.

The efforts to muzzle O'Sullivan began in March when a resolution by the FSM Congress accused *The FSM News* of 'distortions' and 'inaccuracies'. O'Sullivan says her 'deportation order', Resolution 9-106, was passed 'unanimously' by the FSM Congress on March 19, however she says several senators she later spoke to claimed to know nothing of the case on the day following the vote.

The Resolution called on O'Sullivan to be declared an undesirable alien and sought to have her deported immediately, using an obscure subsection of the immigration law that refers to persons or activities that 'are not in the best interests of the government'. At the same time, O'Sullivan was overruled by her two local partners whom she claims censored a story she tried to run in the paper that reported on the first case of tax evasion to be filed against a local

businessperson in the FSM. O'Sullivan says that tax evasion is 'a national sport' in the FSM and that the Government's first case on tax evasion will have enormous significance on future tax accountability.

At the time, the *Pacific Daily News*, a popular Guam paper in FSM, took up O'Sullivan's case in an editorial. It said that 'actions to censor her are misdirected and, instead, end up posing a serious threat to the right of free speech and a free press in the Federated States of Micronesia'.



O'Sullivan ... censored and barred.

Resorting to political action makes a mockery of the democratic process and sends a message to FSM citizens and resident aliens that freedom of speech is at the whim of politicians.

The leaders of the national FSM government and the member states need to recognise that this approach of dealing with the press and free speech in general not only muddies the waters of understanding, but starts the erosion of constitutional rights of this fledgling democracy.

Since then various media freedom organisations world-wide have taken up O'Sullivan's case, including the Committee to Protect Journalists, the Society of Professional Journalists, and Pacific Media Watch. The story censored by the board had reported on the first case of tax evasion to be filed against a local businessperson in the FSM. The censorship comprised blackening out the name of the defendant company in the case, the Panuelo Gas Station, and further blackening out the amounts of income and tax paid by the company.

The original article had pointed out that the manager of the gas station had allegedly under-reported revenue by as much as \$543,000 for 1994 and \$200,000 for 1995. One defendant has since pleaded guilty to two counts, receiving a \$500 suspended fine. The maximum penalty available had been \$1000 fine and a year's jail on each count. The FSM government is expected to try to collect \$200,000 in back taxes and penalties.

On April 4, O'Sullivan, was finally sacked by her management board. According to O'Sullivan, her two local partners, Elsa Thomas and Frank Panuelo, revealed they had voted her out at a 'secret' meeting held on March 27.

'They both justified and supported their decision in the last paper to censor



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the Panuelo tax evasion case, but were angry at me because of the way it was done. They wanted it "disappeared", not merely blacked out as I was instructed,' says O'Sullivan.

As a result of the sacking, *The FSM News* closed; O'Sullivan had been the only employee.

Plans by O'Sullivan to publish a private newsletter to explain her case were temporarily thwarted by the refusal of a local publishing firm to undertake the printing. On April 10, Good News Press returned the job unprinted.

'Reverend Kalau told my lawyer that he is a private businessman and has the right to turn away any business,' says O'Sullivan.

Then on April 15 O'Sullivan received a deportation order from the FSM immigration department, who was notified by her former employers that she was no longer employed by them. It gave her 15 days to leave FSM. O'Sullivan commenced legal action against her former board.

O'Sullivan traveled to Guam where on June 6 she addressed the Micronesia Chapter of the Society of Professional Journalists. There she learnt that the FSM Immigration had distributed a letter instructing all commercial passenger carriers — and non-official carriers such as fishing boats — not to transport her back to FSM.

The grounds for finding that she should not be allowed back into FSM were that she had allegedly accepted compensation while an 'unpaid volunteer' in the early days of *The FSM News*. O'Sullivan says she had received no salary at that stage but had received food from her employer while working voluntarily to establish the paper over several months.

Despite this banning, O'Sullivan, in possession of a valid return airline ticket back to FSM, attempted on June 12 to board an Air Nauru flight back to Pohnpei, but she says she was prevented from doing so by Air Nauru staff.

'I understand veiled threats were made regarding their [Air Nauru's] future in the FSM should I be placed aboard that flight, or any other flight,' says O'Sullivan.

It is understood that National Police later met the flight at Pohnpei airport, boarding the plane before allowing passengers to disembark. O'Sullivan has been prevented from returning to her place of dwelling, her new job with a new publication, *Micronesia News Magazine*, all her possessions, as well as her lawyer who is pursuing a libel case on her instruction.

'Without any vestige of due process, I have been tried, convicted and banned,' she says. 'I have been separated from pursuing my career as a journalist.'

Then in July came the official banning by President Nena. 'The good news is that it opens up an avenue to the FSM Supreme Court, where this all belonged

in the first place,' says O'Sullivan. The case continues.

Now living in Guam, O'Sullivan published in August her *Micronesia News Magazine*, distributing it widely. The first issue contained a barrage of information sure to be embarrassing to the FSM government, with articles on the state of the FSM economy, government spending, claimed misuse of government funds and electoral abnormalities, and an item cautioning potential foreign investors.

The magazine's main feature report is by Stephen Myerson, the former head of a task force established in 1995 to root out Government corruption. He lists an array of corrupt practices in many levels of government and described several senior FSM politicians as 'the best money can buy'.

'I found that there was practically no media coverage of [corruption] matters, in part because the political leaders refuse to allow the concept of true public awareness and participative government,' he writes.

'Opportunity seasoned with greed is the recipe for corruption,' he concludes.

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□ Peter Cronau, of Bushfire Media, is co-director of Pacific Media Watch and an Australian-based journalist specialising in Pacific affairs. He is also on the editorial board of PJR.

Email: [bfmedia@peg.apc.org](mailto:bfmedia@peg.apc.org)

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