

GUAM DAILY POST • TUESDAY, OCTOBER 22, 2019

Drug testing prior to legislative employment proposed, concerns raised

By Oyaol Ngirairiki
deskeditor@postguam.com

In his continued effort to ensure all government employees are held to a zero-tolerance standard for illegal drug use, Sen. James Moylan has introduced Resolution 236-35.

"The Legislative branch, unlike the Executive and Judicial branches, and many private businesses, does not practice a drug testing policy as part of a condition of employment," a press release from Moylan's office states.

Sen. Régine Biscoe Lee, in response, reiterated that employees' constitutional rights must be protected, and noted that senators already have the ability to vet and monitor their employees.

The new resolution calls for the Guam Legislature to adopt all applicable provisions of the Department of Administration's Drug-Free policy, which requires a drug test as part of hiring a new employee, a press release from Moylan's office states. Testing isn't required for senators, but "they can certainly volunteer to take one, too," the release states. A cannabis

test wouldn't be required, the release added.

Resolution 236-35 replaces 16-35, introduced earlier this year and "sitting idle" for about 250 days, according to Moylan.

Concerns about constitutionality

"This modified resolution addresses the concerns raised by Rules Chairperson Régine Biscoe-Lee, and thus instead of reinventing the wheel, the Legislature would merely adopt a policy already existing in the government," Moylan said.

Lee was critical of the original resolution, saying the suggested drug testing is unconstitutional and would violate employees' rights. Additionally, employees tested under the program could file costly lawsuits against the Legislature.

In an Oct. 16 letter to Moylan regarding the original Resolution 16-35, Lee wrote: "While I appreciate the humble admission that this resolution isn't

perfect, its imperfections are far too egregious and dangerous to consider the measure further."

In a statement released Monday, Lee noted: "While the courts have already made it abundantly clear that the government cannot drug test all applicants for all jobs as a precondition for employment, members of the 35th Legislature have had the power since day one to promote and ensure a drug-free workplace.

"First, each and every senator has the duty to vet employees before offering them a job. Second, each and every senator has the authority to dismiss workers they suspect of using illegal drugs."

'Bold statement'

Moylan notes that Lee's concerns about violating the 4th Amendment refers to an opinion by former Attorney General Elizabeth Barrett-Anderson, who previously, expressed that "random" testings have been proven to violate certain constitutional rights.

According to Moylan's press release, he has reiterated, on several occasions, that Resolution 16-35 was not intended to mandate "random" tests within the legislative branch, but rather to allow it as a pre-employment process for new hires, according to the release.

"Since this discussion has emerged, the amount of support our office has been receiving on this issue has been overwhelming," Moylan said. "People have expressed that the policymaking branch of the government needs to at least practice being a drug-free branch of government."

The former AG's opinion stated that "a broad brushed attempt to institute random, suspicionless drug testing of all government of Guam employees without regard to the nature of the employee's duties and the specific violation intended to be addressed will offend constitutional protections against warrantless searches."

If the resolution is adopted, the Committee on Rules would have up to 10 days to identify the applicable provisions of DOA's Drug-Free Policy, and promulgate the policy for the Guam Legislature.



Régine Biscoe Lee



James Moylan

GPD gets 7 new vehicles



NEW GPD RIDES: Six Mitsubishi Outlanders and one GMC Sierra are the newest police vehicles to be added to the Guam Police Department's fleet. They were displayed Monday at Adelup. Dontana Keraskes/The Guam Daily Post

By Nick Delgado
nick@postguam.com

The Guam Police Department received seven new vehicles at a cost of about \$190,000 with the help of grant funding.

"These vehicles will go a long way in serving the needs of our community and keeping them safe," Police Chief Stephen Ignacio said.

Gov. Lou Leon Guerrero said, in part,

anything that would help Guam police officers "get out there into the community is very significant and very helpful for us."

The police department received a GMC Sierra truck that was funded by DPW's Office of Highway Safety operations grant. It will be assigned to GPD Highway Patrol.

GPD also received two Mitsubishi Outlanders funded by the Edward Byrne Justice assistance grant that will be assigned to the Federal Task Force operations, and four additional Mitsubishi Outlanders funded by the Police Patrol Vehicle and Equipment Fund. The four vehicles will be assigned to patrol operations, the governor said.

HAFA ADAI

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GUAM BOARD OF EXAMINERS FOR OPTOMETRY

Regular Board Meeting,
Tuesday, October 29, 2019
at 8:30 A.M.

at the 2nd Floor, Suite 209 Health Professional Licensing Board Office Board Conference Room, Tertaje Professional Building, Hagåtña, Guam.

For more information please contact the Board office at 735-7405 thru 12. Persons with disabilities needing special accommodations may call the ADA coordinator at 735-7172 or the telecommunication device for the Hearing/Speech Impaired (TDD) at 649-1801. Executive meeting may be called if necessary.

GUAM DAILY POST • SUNDAY, OCTOBER 27, 2019

US officials assure allies after Trump leaves Syria

WASHINGTON (Tribune News Service) - As President Donald Trump claims victory in the Turkish-Russian takeover of northern Syria, members of his government are traveling the globe in an attempt to control the damage and reassure spooked allies about U.S. intentions.

Defense Secretary Mark Esper on Thursday attended an uncomfortable session of NATO in Brussels where members harshly criticized Turkey's incursion into Syria and apparent U.S. acquiescence. Turkey's bloody military operation that killed scores of Kurdish fighters formerly allied with the U.S. came after Trump essentially reignited the move by President Recep Tayyip Erdogan.

"Turkey put us all in a very terrible situation, and I think the incursion's unwarranted," Esper said ahead of the meeting of the North Atlantic Treaty Organization. The 29-member post-World War II trans-Atlantic body includes most of Western Europe and Turkey as members, along with the U.S.

Turkey, Esper said, was "heading in the wrong direction."

His comments contrasted with those of Trump, who a day earlier claimed the results of Turkey's inva-

sion - in which Turkish forces hooked up with Russia to take control of an enormous swath of Syrian territory once home to the Kurds and patrolled by the U.S. - were a victory for his administration.

Critics say it's difficult to see exactly how the routing of the Kurds and the withdrawal of American forces constituted a victory, though the developments are in keeping with Trump's campaign promise to end U.S. involvement in foreign wars.

The actions have been greeted with vigorous bipartisan condemnation, primarily because the Syrian Kurds, who were instrumental in defeating Islamic State in the region, were abandoned.

The State Department has sought to minimize the damage to U.S. credibility in the region. The assistant secretary of state for Near Eastern affairs, David Schenker, met with leaders of the semi-autonomous Kurdish-controlled part of Iraq in recent days in the city of Irbil. Convincing them - and other allies and partners in the region - that Washington would not abandon them was a major objective.

"I... discussed the Turkish incursion into (northeast) Syria ... and under-



A PROMISE: President Donald Trump delivers remarks on Syria, next to Secretary of the State Mike Pompeo and National Security Advisor Robert C. O'Brien, right, in the Diplomatic Reception Room of the White House in Washington, D.C., Oct. 23. Oliver Contreras/SIPA USA/Tribune News Service

scored our long-standing commitment to Iraq's Kurds," Schenker told reporters in Washington after the trip.

He met with highly skeptical Iraqi Kurds, who, despite their differences with Syrian Kurds, watched with alarm at what they saw as the U.S. betrayal of allies.

"What we've heard so far from U.S. officials is that what happened in Syria won't happen in Iraq," said Jabar Yawar, a Kurdish government official in Irbil. "But the emphasis is 'for now.' They've given us reassurances, for the present, that they have no intent to leave and withdraw. There is no promise beyond that."

Yawar suggested the fight against a resurging Islamic State will be most compromised.

"The issue of a U.S. withdrawal from Syria affects the security of the whole area, even if the U.S. troops aren't necessarily fighting forces, but support the fighting forces against (Islamic State) in terms of giving consultation, training or air cover," he said.

A senior Trump administration official, who requested anonymity to discuss internal negotiations, said he told the Kurds that their section of Iraq "is a place that matters greatly to the U.S." He added that the U.S. continues with plans to build one

of the largest U.S. consulates in the Middle East in Irbil.

Secretary of State Michael R. Pompeo on Thursday bristled at suggestions that the United States' actions in Syria were eroding its credibility. He said the question, posed by a reporter in his home state of Kansas, was "insane."

"The word of the United States is much more respected today than it was just 2 1/2 years ago," he told the Wichita Eagle, alluding to President Barack Obama's decision not to retaliate against Syrian chemical attacks.

Trump on Wednesday proclaimed the military upheaval in northeastern Syria a "great outcome" despite reports of war crimes committed by Turkish forces against Kurds, the panicked flight of tens of thousands of Kurdish civilians and the expansion of Russian presence in the region. "Let someone else fight over this long bloodstained sand," Trump said as he also lifted economic sanctions that the U.S. imposed on Turkey because of its military attacks in Syria.

Oddly, on Thursday, Trump said on Twitter that the Kurds should "start heading to the Oil Region!" Dormant oil fields in northeastern Syria are a desert, non-Kurdish zone where Kurds would be out of place.

His decision to invite Erdogan into Syria and permit Turkey's alignment with Russia has essentially redrawn the map of the last contested section of a country riven by civil war and efforts - ultimately unsuccessful - to oust Syrian President Bashar Assad for the last eight years.

Thousands of militants from Islamic State were in prisons in northeastern Syria, and many escaped when U.S. troops began withdrawing. Trump said Wednesday that they had been "secured." However, the administration's special representative for Syria, James Jeffrey, testified to Congress that more than 100 were unaccounted for.

"We do not know where they are," he said.

Department of Land Management
 P.O. Box 2950, Hagåtña, Guam 96932
 Tel: 649-5263 Ext. 375 Fax: 649-5383

PUBLIC HEARING NOTICE
 Date: **Wednesday, November 6, 2019**
 Time: **6:00 p.m.**
 Place: **Tamuning Senior Center**

App No. 2018-53, Precision Systems, Inc.; Zone Variance request for Height & Density for proposed construction of a 12-story, 132 multi-family units (Alupang Residences), Lot 7-NEW-NEW, T10, Tamuning.
 Funding Source provided by the Applicant.
 Persons requiring special accommodations, please call Cristina at 649-5263 ext. 375 or email at cristina.gutierrez@land.guam.gov

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