

# CONSULATE TO HOST RIZAL DAY CELEBRATION



By Serafin Colmenares, Jr., Ph.D.

**D**ecember 30, 2015 marks the 119th anniversary of the execution of the Philippines' national hero, Dr. Jose P. Rizal. Rizal's death anniversary brings to mind the bitter-sweet story of a young man whose life held so much promise but was cut short by the forces of a corrupt and tyrannical regime.

Dr. Rizal was born on June 19, 1861 in Calamba, Laguna. Although his family was well-to-do, they suffered discrimination because both parents were locally-born. Rizal studied at the Ateneo and then at the University of Santo Tomas in Manila. He went to Europe and pursued medical studies at the University of Madrid and at the University of Heidelberg. In 1886, Rizal published his first novel, *Noli Me Tangere*, which pointed out the evils of Spanish rule and frailocracy in the Philippines and which earned him the ire of the Spanish authorities when he returned to the Philippines in 1887. He went back to Spain where he wrote his second novel, *El Filibusterismo* (1891), a sequel to the *Noli*. He returned to Manila in 1892

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## EDITORIALS

## The Best Christmas Gift of All

**H**ave you ever received a gift that was exactly what you wanted? The absolute perfect gift that brought you much joy when you opened it? Maybe it was a shiny new bicycle, easy bake oven or Apple iPad. During the Yuletide season, shoppers wrack their brains thinking about that “perfect “gift” to buy for family and friends. It’s been said that a gift must meet three criteria for it to be considered “perfect.” First, the gift should reflect the one who gives it. Second, the gift should reflect knowledge of the one who receives it—knowledge of the recipient’s needs, desires and tastes. And thirdly, the gift should hold its value as time goes on.

This perfect gift from God to mankind is none other than His Son Jesus, who meets all three of criteria mentioned above. Number one, Jesus reflects the One Who gave Him—God the Father. Second, Jesus is the perfect Gift because God gave Him to us knowing full well that we needed a savior, deliverer, re-

deemer, healer and friend. Only Jesus could meet this need. And number three, the gift of Jesus is of a nature and quality that will hold its value as times goes on. Even a gift of an expensive brand new sports car will depreciate in value but not Jesus. He is the gift that keeps on giving—the gift that never expires, goes out of style or becomes outdated.

It’s no wonder that we give gifts to loved ones at this time, since Christmas is really the celebration of God’s gift of Jesus to all of mankind. In fact, all of our talents, every moment of every day, every breath we breathe, our family and friends—these are gifts that God has poured out on us through Jesus. So this Christmas season, make sure to open God’s perfect Gift of Jesus to you. Even though we don’t deserve and could never earn this gift, God freely gave Jesus to all who will receive Him. And the amazing thing is that not only are we able to receive this perfect gift of Jesus, but we are able to share Him with others. That is what Christmas is truly all about!

## Is Physician Aid in Dying The Next Big National Debate?

**P**hysician aid in dying (PAD), or commonly known as “Death with Dignity” or “Right To Die” may be the latest controversial battle in communities across the nation.

PAD is different from the even more contentious issue of euthanasia that gained notoriety decades ago with Dr. Jack Kevorkian.

Euthanasia is illegal in the U.S.; it entails that a physician or third party administer life-ending medication. PAD is different in that it requires that the patient to self-administer life ending medication. But the premise of both euthanasia and PAD is the same – to end the suffering of terminally ill patients who have no chance at recovery with life-ending medication.

### California Passes Right to Die Bill

In October, California became the fifth state to legalize PAD, that would allow the terminally ill to end their lives. California state senators voted 23-14 and the California Assembly voted 43-34 to let doctors prescribe life ending medications to patients. Devout Catholic and former Jesuit seminarian, Gov. Jerry Brown, signed the Right to Die bill into law. The Catholic Church is the biggest opponent of any laws that hasten the sick in dying faster.

Other states that allow PAD include Oregon, Vermont, Washington, and Montana. Both supporters and opponents of PAD believe California’s passage of the Right to Die bill could add momentum for other right-to-die laws nationwide.

### A Closer Look at PAD

While PAD greatly lessens potential for abuse by requiring patients to self-administer life-ending drugs, the moral debate remains whether a patient should have the right to take his own life versus leaving that control in the hands of God through natural death. That moral debate would forever be an impasse; but where PAD has the upper-hand, at least in the scope of moral compassion, is that it provides an option for terminally ill patients to hasten the end to their suffering.

Remember PAD is an option. Anyone with moral opposition to it due to their religious beliefs has every right to die naturally. But their moral beliefs should not dictate how other people decide to control their own fate in their end days.

The most critical factor that states looking at passing PAD must consider is safeguards. The California law, which was modeled after the Oregon law passed in 1994, strengthens safe-

guards by one major step.

Both Oregon and California laws require that two physicians see a PAD patient. Both physicians must review the prognosis and agree that the patient has an illness that will be fatal in six months. The physicians must also attest that the patient has no mental illness of mood disorders that impairs judgment, and that the person is not being coerced or forced into the decision. The patient must also receive counseling about hospice and palliative care, and be told that they are under no obligation to either fill the prescription for the life-ending drugs or to take them.

California law adds one more safeguard than the Oregon model. A patient must sign within 48 hours of their self-inflicted death that they are still of sound mind and remain capable of taking medication on their own.

Opponents of PAD raise legitimate concerns that even though safeguards are in place, there still is potential for abuse through pressure. A patient may be under pressure to agree to PAD if an insurance company denies certain life-sustaining treatment. The question then “should insurance companies influence vulnerable people into a cheaper and quicker death?”

In the case of doctor reviews, some opponents in Oregon say that there are cases of patients “doctor shopping” until they find a physician willing to sign off on their end-life prescription.

Some people believe PAD is too limited in that it does not allow patients with terminal illnesses with less than 6 months to live to utilize PAD because their medical condition involves dementia or a severe lack of awareness to make legal decisions.

While PAD remains controversial, communities should be encouraged to take on this tough issue and find the right balance residents are comfortable with. Placing stringent safeguards should always be the primary focus in passing PAD laws. People should also remember that PAD attempts to expand a patient’s legal options to deal with intense suffering of a terminally ill patient, not take away a patient’s right to dying naturally.

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## CANDID PERSPECTIVES



By Emil Guillermo

# Donald Trump Good for a Talk Show, Bad for the White House

standup Oval Office terrorism talk on the eve of Pearl Harbor Day, Dec. 7, the day that lives in infamy.

Asian Americans should see Dec. 7 as simply started the clock that would bring us to Infamy Day's domestic companion moment, February 19, 1942.

It took just over two months from the act that spurred a declaration of war for President Roosevelt to sign Executive Order 9066--the document that legitimized the hysteria of the time and authorized the incarceration of tens of thousands of American citizens of Japanese ancestry.

What happened at Pearl Harbor (more than 2,400 Americans dead, 8 battleships damaged) is nothing like what happened at the San Bernardino office Christmas party (14 civilians dead, 21 injured).

Japan's surprise attack mission is far different from two individuals acting alone--and at this point, that's all we have; there's no hard evidence linking the Farooks with organized international terror groups.

And even if there were, Japan is a full-fledged country. ISIL/ISIS/DAESH is exactly what President Obama called them the other night. "They are thugs and killers," the president said. "Part of a cult of death."

But the terror and the hysteria is real.

And that's what the president was attempting to address.

Now is not the time for a "blow them up to kingdom come/get the bastards" attitude.

Not that the president's speech didn't have its hawk talk.

"The threat from terrorism is real, but we will overcome it," said the president. "We will destroy ISIL and any other organization that tries to harm us. Our success won't depend on tough talk or abandoning our values or giving into fear. That's what groups like ISIL are hoping for. Instead, we will prevail by being strong and

smart. Resilient and relentless. And by drawing upon every aspect of American power."

It was far from a dovish speech. We're not going to have new troops. Didn't work for Bush, not going to work now. But the president did assure that the U.S. will continue to bomb away at Iraq and Syria with airstrikes--4,500 of them in Iraq last year. And the U.S. military will continue to work with allies like Turkey.

Remember San Bernardino wasn't Pearl Harbor. And we're not dealing with a nation. We're dealing with "thugs" who want to bait us into a ground war that fuels the insurgency and helps recruit more terrorists.

This isn't a conventional war situation. But it is a conventional political year.

So, of course, nothing the president could say would be enough. Not when all the GOP candidates want to rip off their shirts, flex their muscles, and talk trash.

But all that whips up an irrational hysteria, of the type that Asian Americans saw two months after Pearl Harbor.

And that's why the president's speech was more of a reminder of our nation's values. The stuff that makes America great. The stuff that brought people from both sides of the aisle in 1776 to declare independence from the King. We can summon all that up today, but it takes real courage to do the right thing.

"[J]ust as it is the responsibility of Muslims around the world to root out mis-

guided ideas that lead to radicalization, it is the responsibility of all Americans, of every faith to reject discrimination," said the president. "It is our responsibility to reject tests on who we admit into this country. It is our responsibility to reject proposals that Muslim-Americans should somehow be treated differently. Because when we travel down that road, we lose. That kind of divisiveness, that betrayal of our values plays into the hands of groups like ISIL."

And yet most pundits after the speech were critical of the president for a lack of new military action or tough guy strategy.

They couldn't see that acting like America, standing united and not cowering in fear, can be a smart strategy that works.

"Let's make sure we never forget what makes us exceptional," the president said. "Let's not forget that freedom is more powerful than fear."

Less than 24 hours after the speech, we saw why this was far wiser than anyone in the mainstream media would care to say.

Who else but Donald Trump to be the first to fan the flames of Islamophobia by calling for the "total and complete shutdown of Muslims entering the United States."

In an e-mail statement to media, Trump said: "[I]t is obvious to anybody the hatred is beyond comprehension...Where this hatred comes from and why, we will have to determine. Until we are able to determine and understand this problem and the dangerous threat it poses, our country cannot be the victims of horrendous attacks by people that believe only in Jihad, and have no sense of reason or respect for human life."

Of course, we can see that Trump's views come from a fundamental misreading of

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**F**ilipinos know what happens when polices are based on stereotypes.

In the 1930s, most Filipinos who came to California were laborers. But after work, their social lives with white women drew the ire of policy makers who banned them for intermarriage.

Singling out groups of people in laws just doesn't work in America.

Not that Republican presidential front-runner Donald Trump cares.

He is doing what he does best. He's making waves. But I didn't realize he had a new campaign slogan:

"Making Racism Great Again."

If you've been hearing about his calls to bar Muslim immigration and are not appalled, you better check your Constitution.

There's a reason we don't single out people on the basis of religion, color and creed.

Replace the word "Muslim" with "Filipino," or even "Catholic," in case your jaw hasn't dropped, and you'll see how offensive Trump's proposal is.

But Trump continues to defend it saying, "It's not about religion. It's about safety."

Yeah, and believe me, we all would be safer without the Donald in the White House.

Historically, Filipinos know what has happened when hysteria leads to dangerous policies based on stereotypes. And of course, we're not the only ones.

Just ask any of your Asian American friends of Japanese descent.

Trump's Muslim plan coincides with last week's horrific shootings in San Bernardino, Calif.

The shootings prompted President Obama to give his

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## HAWAII-FILIPINO NEWS

## Maui to Celebrate Filipinos' 110th Anniversary in Hawaii

The Filipino community on Maui on December 20, 2015 will launch a year-long celebration of the 110th anniversary of the arrival of the first *sakadas* to Hawaii from the Philippines.

December 20 was designated as "Sakada Day" in Hawaii pursuant to House Bill 604, which was signed into law earlier this year by Gov. David Ige. The law acknowledges the

Filipino community's significant and substantial contributions to the history, economy, culture and heritage of Hawaii, and also recognizes the historical significance of the arrival of the first *sakadas* to Hawaii.

"It's fitting and important that Maui celebrates our historical roots to the first *sakadas*," says Vince Bagoyo, Jr., chairperson of the organizing committee. "We have prepared an

excellent program of food and entertainment, including several contests."

The free event will begin at 5:30 pm on December 20 at the Binhi at Ani Filipino Community Center in Kahului. Attendees are encouraged to wear Filipino attire as cash prizes will be awarded for the best female and male Filipino attire. Prizes will also be awarded for the People's Choice Parol Con-

test. Parol contest entries must be dropped off at the Binhi at Ani by 10 am on December 20.

The program will include remarks by Maui Mayor Alan Arakawa and Bagoyo. Scheduled entertainers include Auntie Iola and Halau Hula O Keola Ali'I O Ke Kai, Bailes de Pilipinas, Dance International Production, Good Shepherd Episcopal Church Filipino Folk Dance Troupe, Maui Filipino

Community Council, Tim-puyog, Sharon Zalsos, Miss Hawaii Filipina 2015 Chelsea Guzman, Miss Hawaii Teen USA Joahna Lee Ucol, Miss Teen Maui Filipina 2015 Kawena Kan Hai, and more.

For more information contact on the celebration, contact Bagoyo at (808) 357-3842 or visit [www.facebook.com/110MauiFilipinos](http://www.facebook.com/110MauiFilipinos).

## City Mails 2016 Real Property Assessments

City & County of Honolulu officials have sent approximately 295,000 real property assessments for 2016 to property owners across Oahu.

The 2016 assessed valuations were set as of October 1, 2015 and are based on sales of similar properties through June 30, 2015. The assessment notice is not a tax bill, but a statement of what the City has determined to be the property's value for tax assessment purposes.

The total assessed valuation of all taxable real property on Oahu has increased from \$214.89 billion to \$227.90 billion, an overall increase of 6.1 percent. Contributing factors for the overall increase include new developments, such as residential subdivisions, condominiums, commercial and industrial projects, construction of new

buildings and improvements to existing parcels, and increases in the values of properties.

Residential property gross valuations increased from \$174.52 billion to \$183.36 billion, or by 5.1 percent. Hotel and resort property values increased 14.6 percent, commercial property values increased 10.4 percent, and industrial property values increased 7.3 percent.

Property owners who do not receive their 2016 Assessment Notice by the end of the year or who wish to dispute their real property assessment may file appeals from December 15, 2015 to January 15, 2016. For more information, call 768-3799 or visit the Real Property Assessment Division's website at [www.realpropertyhonolulu.com](http://www.realpropertyhonolulu.com) and click on the "assessment appeals" link.

## Philippine National Artist BenCab to Visit Maui

Wailuku, Hawaii – Philippine National Artist Benedicto Cabrera, also known internationally as "BenCab," is visiting Maui for a social event hosted by the Maui Filipino Chamber of Commerce, the Chamber announced today.

"BenCab on Maui, A Meet and Greet Reception" is on Tuesday, Dec. 22, 2015 at 5:30 p.m. at the Sabado Studios in 1980 Main Street in Wailuku.



This is a free event.

BenCab is widely hailed as a master of contemporary Philippine art. He is now based

in Baguio City, Philippines, where his works are displayed at the BenCab Museum.

The museum was created to "bring arts closer to the people" and also to promote the conservation and protection of the environment, as well as the culture and traditions of the region.

For more information, please contact the event Chair Christine Sabado at (808) 205-2809. If attending, R.S.V.P. is appreciated.

## Hawaii Community Foundation Offers College Scholarships

High school and college students are encouraged to apply for post-secondary student scholarships being offered by the Hawaii Community Foundation (HCF)—the leading philanthropic institution in the state.

The Foundation has over \$4.5 million through more than 200 scholarships to help Hawaii's students pay for the rising cost of higher education. A single application, which must be submitted online, will match high school seniors and college students to all the scholarships that they are eligible to receive.

"There is a greater need than ever for financial assistance to enable higher education in Hawaii, empowering students to achieve their dreams," says Kelvin Taketa, HCF president and CEO. "Owing to the generosity of

our donor community, we are able to offer scholarships to make it possible for thousands of students to take the next step toward reaching their full potential."

To expedite the application process, HCF offers a portal through its website at: [www.HawaiiCommunityFoundation.org/scholarships](http://www.HawaiiCommunityFoundation.org/scholarships) that allows applicants to search available scholarships, fill out and save their application, and track their progress.

Each scholarship has specific eligibility criteria defined by the donor when the fund is established and may require additional questions or documentation. Most scholarships require applicants to provide proof of:

- Residence in the state of Hawaii
- Financial need
- Attendance at an accredited two- or four-year

college or university within the U.S. as either an undergraduate or graduate student

- Status as full-time student as determined by the institution (typically 12 credits undergraduate and 9 credits graduate)
- Minimum GPA of 2.7 (unless otherwise stated)

Applications submitted by the early deadline of January 29, 2016 will be reviewed to ensure that all required supplementary materials are valid and properly submitted. The final deadline for all applications is February 18, 2016 at 4 pm HST.

In 2014, HCF distributed over \$4.5 million in scholarships to deserving students, making it the third largest private provider of post-secondary scholarships in Hawaii.

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COVER NEWS STORY

(from page 1, CONSULATE...)

and organized La Liga Filipina, a political association that called for peaceful change and provided a framework for national development for the Philippines. He was arrested and exiled to Dapitan in Mindanao where he stayed for four years. Invited to support the Katipunan, he denounced the movement because of its violent character, claiming that the Filipinos were not yet ready for an armed revolution. He was on his way to Cuba as a volunteer physician when the Katipunan started its revolution against Spain. Implicated in the armed struggle, Rizal was arrested, convicted of sedition and executed by firing squad on December 30, 1896. He was only 35 years old.

Rizal represented the apex of Filipino genius. He was a polymath who excelled in many things. He was an author, novelist, poet, orator, physician, scientist, artist, sculptor, athlete, engineer,

linguist, teacher, agriculturist, businessman, philosopher, etc. He was a world-wide traveler, a student of various cultures, an internationalist who believed in the brotherhood of man under the fatherhood of God. But above all, he was a patriot, and his love for his native Philippines knew no bounds. The ideals of nationhood and freedom for his country, ideals for which he willingly gave his life, became not only the rallying cry for the Filipinos' struggle against Spain and the United States, but also provided the impetus for nationalist struggles in Asia as well as the fight against home-grown dictatorial rule. His ideas remain as relevant today as it was during his time.

Rizal's death anniversary is a time to remember him as a man and a hero, for his works and accomplishments, for the ideals that he stood for, and for what he did for his country. But he was not

alone. He died along with other youthful Filipino patriots – Marcelo del Pilar, Andres Bonifacio, Antonio Luna, Emilio Jacinto, Gregorio del Pilar, to name a few – who made the supreme sacrifice in pursuit of freedom and independence for the Philippines. It is but fitting, therefore, that as we remember him, we also remember the others who died with him, and all those who came afterwards and offered their lives for a better Philippines. Let us heed the supplication given by the dying Elias in the last chapter of the Noli Me Tangere:

*"Mamamatay akong hindi masilayan, araw ay sumikat sa mutya kong bayan. Kayong sa kanya ay makatutunghay, salubungin niyo siya! Huwag kalimutan ang mga nabalid sa gabing karimlan."* (I die without seeing the dawn break upon my native land. You, who shall see it, welcome it! Do not forget those who have

fallen during the night.)

In commemoration of his death anniversary, the Knights of Rizal-Hawaii Chapter, in collaboration with the Philippine Consulate General in Honolulu, will be holding an event on Wednesday, December 30, 2015 at the Consulate lanai starting at 5:30 p.m. The celebration will be highlighted by a lecture-discussion on Rizal's "Letter to the Young Women of Malolos" by Dr. Lindy Aquino, professor emeritus at the University of Hawaii. It will also feature the award-

ing of Distinguished Service Awards to the following: Sir Darwin Arellano (Distinguished Service Medal) and Sirs Ben Sanchez and Arnold Villafuerte (Distinguished Service Cross), as well as the conferral of the 4th degree (Knight Grand Officer of Rizal) to Sirs Toy Arre and Clem Bautista by the Order of the Knights of Rizal. Evening refreshments will be served. Please rsvp to: Mario Palma (397-8626), Raymund Liongson (381-4315), or Jun Colmenares (838-9775) by December 27, 2015.

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HAWAII-FILIPINO NEWS

# CDC Issues Interim Response to Dengue Outbreak on Big Island

Timely, well-considered, and appropriate. That's the description provided by Dr. Lyle R. Petersen, director of the Division of Vector-Borne Diseases for the Centers for Disease Control and Prevention (CDC) regarding state and county officials' response to the recent dengue outbreak on the Big Island.

Peterson's 10-page report states that all facets of a public health response to the outbreak have been addressed adequately. He describes coordination efforts between State and County as "excellent" and that response efforts are "proceeding under an effective incident command structure at the Hawaii County Civil Defense Agency."

The report, however, identifies two critical deficiencies that the DOH needs to address for the long

term—additional communications personnel and medical entomologic capabilities should other mosquito-borne diseases be introduced to Hawaii.

The report concludes that the overall coordination of response efforts between DOH and county offices of Civil Defense, Fire, Parks & Recreation, and Public Works have been extremely well-organized and serves as a model for others.

"We thank Dr. Petersen and the CDC team that have been working with us on this dengue outbreak and their work on the interim assessment," says DOH Director Dr. Virginia Pressler. "The assessment moves us forward, providing a frank evaluation and recommendations. Clearly this outbreak is about all of us. We must all 'fight the bite' if we are to break the cycle of infection and protect ourselves."

# Olelo Cable Cast Schedule of Filipino Events

Olelo is pleased to provide you with cable cast dates for the following special events:

### 1. Bicol Peñafrancia 2015 to be shown on—

- Dec. 24/10PM/Olelo53;
- Dec. 25/9:30PM/Olelo53;
- Dec. 26/1PM/Olelo53
- Dec. 27/9:30AM/Olelo53

### 2. Journey musicale by Bayanihan Clinic

### Without Walls (BCWW) to be shown on—

- Jan. 1, 2016/4PM/Olelo53;
- Jan. 2, 2016/11AM/Olelo53;
- Jan. 8, 2016/6PM/Olelo53
- Jan. 9, 2016/1PM/Olelo53

### 3. Kaamulan Street Dancing to be shown on—

- Jan. 15, 2016/6:30PM/Olelo53;
- Jan. 16, 2016/2PM/Olelo53;
- Jan. 21, 2016/8AM/Olelo53
- Jan. 22, 2016/3PM/Olelo53

# U.S. Senate OKs Historic Education Law

The U.S. Senate recently passed the Every Student Succeeds Act (ESSA), which establishes a \$250 million Preschool Development Grant program to support states that are leaders on early childhood education. The legislation now goes to President Barack Obama's desk for a final signature.

Education advocates in Hawaii praised the measure's passage and said it would help ensure continued funding for



several public charter pilot preschools in the state.

"Research leaves no doubt that learning begins long before kindergarten, and our policies—both federal and state—need to reflect this reality," says Deborah Zysman, executive director for Hawaii Children's Action Network. "We're very thankful that this federal law has passed, and we'll be working to make sure Hawaii laws reflect this prioritization as well."

ESSA will help states and

districts measure, identify and remedy academic inequality through funding and by empowering states to explore programs that work best for their respective locales.

Zysman thanked members of Hawaii's congressional delegation for their support. Senators Brian Schatz and Mazie Hirono supported the measure. U.S. Rep. Tulsi Gabbard also voted in favor, while U.S. Rep. Mark Takai was excused due to a recent surgery.

### (CANDID PERSPECTIVES from page 3, DONALD ....)

Islam. With Muslims, Trump was willing to take the leap. So why in the case of Robert Dear Jr., the alleged Colorado Planned Parenthood shooter didn't Trump stereotype and vilify all Bible-thumping whites?

They're safe. Muslim's aren't. Seems Trump has no problem believing this: seen one Jihadist Muslim, and you've seen them all.

And with every incident, we seem to be inching closer to internment camp fever.

That's what Obama's speech was trying to calm, but

it may be too late.

Trump shows the hysteria is well underway, fueling the terrorism we need to be worried about--the one that tears at our democracy.

Racists used to be shunned and turned into pariahs. Not Trump, he's using it to become president of the free world.

**EMIL GUILLERMO** is an award-winning journalist and commentator who writes from Northern California. He recently won the 2015 Dr. Suzanne Ahn Award for Civil Rights and Social Justice from the Asian American Journalists Association. California.

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## LEGAL GUIDE

# Is Counsel Ineffective for Permitting Accused Client to Testify?



By Atty. Emmanuel Samonte Tipon

**T**he former First Lady Imelda R. Marcos was accused of racketeering and fraud in New York for allegedly taking millions from the Philippine treasury and investing it in jewelry, art work, and four skyscrapers. She wanted to testify. Her lawyer Gerry Spence firmly but politely said “No”. (Mrs. Marcos would never invite me again to her penthouse if I revealed why Spence forbade her.) Mrs. Marcos remarked that Spence was the first man in her life to ever say “No” to her. Not even Manong Andy could say “No” to Imelda. On July 3, 1990, the jury presented Imelda with a birthday gift by acquitting her. If Imelda had insisted on testifying and Spence had agreed and she lost, could she have charged Spence with ineffective assistance of counsel for letting her testify?

My friend, ex-Assemblyman Nemesio Ganan of Romblon, was accused of the murder of a political opponent’s supporter. He wanted to testify. His lawyer agreed. He lost in the trial court. The only evidence was circumstantial – Ganan was the last person to see the deceased alive. The trial court inferred that Ganan must have killed the deceased. Ganan won in the Supreme Court which said that “the sea of inference has no shores.” If Ganan had lost, could he have charged his lawyer with ineffective assistance of counsel for permitting him to testify?

U.S. Marine Joseph Scott Pemberton was accused of the murder of Jennifer Laude, reportedly a transgender, found dead in the bathroom of an Olongapo motel on October 11, 2014. Jennifer went to the motel with Pemberton. He was reportedly seen leaving the motel 30 minutes later. Pem-

berton was said to have been the last person who saw Jennifer alive. He reportedly testified that after discovering Jennifer was a dude, he was so enraged that he pushed Jennifer out of the bed, whereupon Jennifer slapped him. Pemberton then punched Jennifer and arm locked her, and then dragged her to the bathroom. He claimed that he acted in self-defense. Pemberton was convicted of homicide. <http://www.manilatimes.net/remembering-jennifer-laude-who-benefits-from-pembertons-deportation/225038/>; <http://globalnation.inquirer.net/133095/pemberton-guilty-of-homicide-in-laude-case-sentenced-to-12-years#ixzz3t4iKivEq>

If Pemberton had not testified, would his guilt have been proven beyond a reasonable doubt considering that nobody saw him touch Jennifer inside the motel? It is not clear if Pemberton asked his lawyer whether he should testify and his lawyer agreed or whether his lawyer simply advised him to testify without Pemberton asking the lawyer. Since Pemberton lost, can he charge his lawyer with ineffective assistance of counsel for either advising or permitting him to testify?

The accused has the absolute right to testify or not. The decision is his alone. The accused might ask the lawyer for advice. The lawyer should give the pros and cons. But the lawyer cannot decide for the accused.

The 6th Amendment to the U.S. Constitution provides that “in all criminal prosecutions, the accused shall . . . have the Assistance of counsel for his defense.” Article III, Section 14 of the 1987 Philippine Constitution provides that the accused “shall enjoy the right to be heard by himself and counsel”. While the U.S. Constitution does not expressly provide the right to “effective counsel,” the U.S. Supreme Court in *McMann v Richardson*, 397 U.S. 759 (1970), said: “[i]t has long

been recognized that the right to counsel is the right to the effective assistance of counsel.” “Ineffective assistance of counsel” is the term used to describe a violation of the right to effective counsel.

In *Strickland v. Washington*, 466 U.S. 668, 686-687 (1984), the U.S. Supreme Court prescribed a two-pronged test for determining ineffective assistance of counsel: “First, the defendant must show that counsel’s performance was deficient. This requires showing that counsel made errors so serious that counsel was not functioning as the “counsel” guaranteed the defendant by the Sixth Amendment. Second, the defendant must show that the deficient performance prejudiced the defense. This requires showing that counsel’s errors were so serious as to deprive the defendant of a fair trial, a trial whose result is reliable.”

An accused who establishes these requirements may move the court to vacate or set aside the sentence. 28 U.S.C. § 2255. My son Noel and I successfully did that in *U.S. v. Ramiro*, No. 10-15195 (9th Cir.) The accused’s trial counsel was ineffective because his performance was seriously deficient in making the accused plead guilty to drug distribution without telling him that he will be deported, and he suffered prejudice because he was deported.

Lawyers who have accused other lawyers of ineffectiveness are frequently ineffective themselves because they fail to establish the *Strickland* requirements.

In *Nazarenus v. United States*, 69 F.3d 1391 (8th Cir. 1995), the court rejected the contention of the accused, convicted of aggravated sexual abuse, that his trial counsel should not have permitted him to testify because the prosecution was able to cross examine him thereby showing complete discrepancy between his direct testimony and what he told the police. The court found that the

accused knew he did not have to testify and his trial counsel informed him of the benefits and risks of testifying, and held that there was nothing unreasonable in his lawyer telling him that testifying might help his credibility with the jury.

In *State v. Lyle*, 258 Neb. 263, 603 N.W. 2d 24 (1999), the court held that the accused’s trial counsel was not ineffective in advising him to testify in his first degree murder prosecution, saying that even before the accused testified, the State had presented sufficient evidence to convict him, and that he was not prejudiced by his testimony since it could not be shown that there was a reasonable probability that but for his testimony, the outcome of the proceeding would have been different.

See *Hallford v. Culliver*, 459 F.3d 1193 (11th Cir. 2006) (trial counsel did not act unreasonably in permitting accused to testify that he was a good father even though it allowed State to present daughter’s testimony of their incestuous relationship); *McDaniel v. The State*, 621 S.E.2d 424 (Ga. 2005) (accused’s contention that counsel failed to inform him of right to remain silent and forced him to testify re-

futed by lawyer, and accused did not show how his testimony, which was exculpatory, had a prejudicial impact on final outcome); *Curry v. State*, 519 S.E.2d 269 (accused’s claim that counsel failed to advise him not to testify refuted by attorney who did advise him not to testify, and accused did not show that outcome of trial would have been different had he not testified, thus failing to show prejudice).

Consequently, Pemberton, if he were to charge his counsel with ineffectiveness and have his conviction set aside must satisfy the 2-pronged test of *Strickland* – that is, if Philippine courts recognize *Strickland* and have no other test for ineffectiveness.

**ATTY. TIPON** has a Master of Laws degree from Yale Law School and a Bachelor of Laws degree from the University of the Philippines. He specializes in immigration law and criminal defense. Office: 900 Fort Street, Suite 1110, Honolulu, HI 96813. Tel. (808) 225-2645. E-Mail: [filamlaw@yahoo.com](mailto:filamlaw@yahoo.com). Websites: [www.MilitaryandCriminalLaw.com](http://www.MilitaryandCriminalLaw.com). He is from Laoag City and Magsingal, Ilocos Sur. He served as an Immigration Officer. He is co-author of “Immigration Law Service, 1st ed.,” an 8-volume practice guide for immigration officers and lawyers. This article is a general overview of the subject matter discussed and is not intended as legal advice.

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## COMMENTARY

# Remembering the Sakada Story in Hawaii

By Belinda A. Aquino, Ph.D.

**D**ecember 20, 1906 marks a milestone in the history of the first 15 Filipino arrivals from the Philippines in Hawaii to work in the Hawaii sugar plantations. The date is historic because it introduced a new world to these young, pioneering and courageous Filipinos, who risked their lives to build a better future for several more waves of Filipino *sakadas* and their descendants.

Filipinos are now the fastest growing population group in Hawaii, thanks to our pioneering forbears who risked their lives to come to a strange and unfamiliar land on the Hawaii plantations.

Let us celebrate that profound date and fateful day in our history which forever changed the destinies of hundreds of thousands of Filipinos in Hawaii. The day will be etched forever our collective memories.

Current generations of Filipinos and Filipino-Americans are proud citizens of a world-class community and

are also some of the best workers who can compete in a highly modernizing and globalizing world across a wide range of human endeavors. Filipinos have made important contributions to the world community and to its steady development and increasing productivity.

The Philippine Consulate General in Honolulu under the leadership of Consul General Gina A. Jamoralin and the State Legislature with Rep. John Mizuno as vice speaker should be commended for taking the initiative of drafting a bill that would make December 20 of every year *Sakada Day* in Hawaii to honor the first Fil-

ipino *sakadas* who blazed a trail for future generations to follow. We have produced “firsts” in many fields which has brought pride and honor to our community and our forebears. We have contributed to the success of Hawaii in practically all fields of human endeavor.

But the struggle of the original *sakadas* starting in 1906 should not end with this celebration. There is much more work to be done to make our state even more successful, productive, vibrant and appealing to the rest of the world.

Let us make a commitment to continue the original struggle of our *sakada* fore-

bears. No words can fully express our fond remembrance and profound gratitude of the sacrifices that they made so we could enjoy a better future.

When we celebrated the Filipino Century in 2006, it was only the beginning of a brighter world, but we should not rest on our laurels. The future is full of challenges that need to be confronted and overcome with our collective and united efforts, remembering always the perseverance, hopes and dreams of our original *sakadas*.

This is the true meaning of this celebration. We cannot fail if we work together to fulfill the hopes and dreams of our forebears.

## HAWAII-FILIPINO NEWS

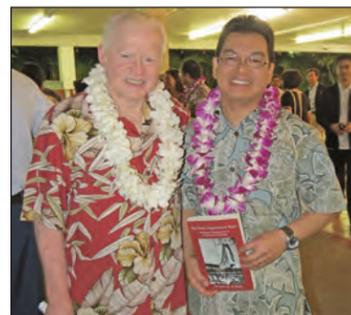
### Consulate Launches New Book on Philippine Foreign Service

By Dennis Galolo

**A** book detailing the early years of the Philippine Foreign Service was launched during a special event at the Philippine Consulate General of Honolulu on December 3, 2015.

Special guests who were present at the launch and aloha reception include the book’s author, Consul General Marciano De Borja of Guam; Philippine Ambassador to the U.S. Jose L. Cuisia Jr.; consuls general from Washington, DC, New York, Chicago, San Francisco and Los Angeles; elected officials from State and City government, and community leaders.

“The State Department Boys: Philippine Diplomacy and Its American Heritage” is an in-depth look at the lives of the early pioneer Filipino diplomats—40 in all—who were trained at the U.S. Department of State in Washington, DC and at select American Foreign Service posts before and after the Philippines gained its independence in 1946. These 40 trainees went on to form the initial officer corps of the Philippine Foreign Service and were affectionately referred to as “The State Depart-



Consul General of Guam Marciano De Borja (right) poses with his new book with Philippine Ambassador to the U.S. Jose L. Cuisia, Jr.

ment Boys.” The book is full of interesting insights into both Philippine and American diplomatic history. It also provides a detailed account of the American diplomatic and consular practices that permeated the Philippine Foreign Service during its formative years.

Ambassador Cuisia congratulated Consul General De Borja on the launch of his new book and described him as “low key and unassuming but a rising star in the Department of Foreign Affairs.”

“We have the best and the brightest in the Department of Foreign Affairs,” says Ambassador Cuisia. “We are the department that never sleeps. We’re open 24 hours a day, seven days a week.

“No one really knows about the remarkable early years of

the Philippine Foreign Service and how we struggled to represent the interests of the Philippines and its relationships in the world arena. I hope that this book will also inspire us to be more diligent about remembering our past as a nation.”

In July 2013, De Borja was presented with the Gawad Mabini Award for his dedicated service and exemplary performance in the Philippine Foreign Service. He also received the 2001 Outstanding Pasigueño Award for Public Service and authored two previous books.

De Borja began writing “The State Department Boys” in 2007 while on assignment in Madrid. He spent much of his spare time researching and writing the book, which took him seven years to complete.

“After reading the book, my hope is that you will gain a deeper appreciation of the role that these 40 young men played in shaping the Philippine Foreign Service,” De Borja says.

To obtain a copy of “The State Department Boys,” please contact the Philippine Consulate in Guam. Go online to: <http://www.philippines-guam.org/philippines-agana/contact-us-agana/>.

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FEATURE

# REMEMBERING THE QUIET HEROES OF WWII

By Sheryll Bonilla, Esq.

**I** am under no delusion as to the risks involved in this most difficult of all operations... We shall require all the help that God can give us and I cannot believe that this will not be forthcoming.” (from the diary of British Admiral Bertram Ramsay, Commander of Operation Neptune, on June 5, 1944, the night before D-Day.)



As we remember December 7, 1941, the day that brought the U.S. into WWII, we also remember June 6, 1944, the day that stopped the tide of Axis imperialism and began the victories that brought the war to an end. Closing out the year marking the 70th anniversary of the cessation of WWII, this article remembers the thousands who fought that day and a few of the command-

ers whose improvised, unplanned military decisions saved their fellow soldiers and helped bring about the termination of the most widespread war in history.

The intense conflict raged on from 1939 to 1945, involving more than 100 million people from over 30 countries, including all of the world's great powers. Mass deaths of civilians due to the Holocaust,

bombings and other acts of invasion and occupation, in addition to fighting men killed in action, brought the numbers of lives lost to somewhere between 50 – 85 million.

Operation Overlord was, as Time magazine called it, “24 hours that saved the world.” Britain served as a training ground for practicing the invasion of Hitler-dominated France, using its cold coastline

and landscape of England and Scotland for troops to rehearse the rescue they were to carry out across the English Channel. Throughout D-Day, massive numbers of soldiers were convoyed to the continent by air and sea. Through the night of June 5 and early morning hours of June 6, Allied aircraft -- 3,467 heavy bombers, 1,645 medium bombers, and 5,409 fighters -- flew from England

to France, many making two runs and some making three, flying over 14,000 sorties. While U.S. Navy planes dominated the Pacific theater, it was the Army Air Force that flew all air operations on that fateful day in the summer of 1944.

Around midnight, the first wave began. Over 1,000 Allied aircraft (including about 800 civilian Douglas DC-3s adapted for military use) dropped about 24,000 gutsy paratroopers into occupied territory to confuse the Germans and gain ground for their fellow soldiers who followed throughout the day. Eight thousand Brits were sent to secure the east flank and 16,000

Americans were sent to secure the west flank.

The strength and bravery of these soldiers was astonishing. Each paratrooper carried: an 85 pound flamethrower and gasoline; 50 pounds of explosives, 2.5 pounds each, sorted in two 25-pound bags tied to their legs; fuses, cord, caps, and detonators for the explosives; three 10-pound anti-tank

*(continued on page 10)*

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## FEATURE

(from page 9, REMEMBERING...)

mines; a carbine weapon and 100 rounds of ammunition; six hand-grenades; a .45 caliber pistol and 50 rounds of ammunition; a knife on one leg, a knife on the collar, and a knife on an ankle; a rope, shovel, helmet, flashlight, water canteen with water purification pills; the main parachute on the back, reserve parachute on the front, and a life preserver; socks and personal items; \$25 worth of French francs; first aid packets including morphine; a cricket clicker for identification, and only three boxes of food. It is a wonder each soldier didn't die from what he carried on his body. The force of the air-drops stripped many of them of their gear before landing and the wind and weather led to many of them being dropped off target into farmland where the high hedges of the terrain prevented them from seeing where they were.

An hour later, a convoy of silent gliders dropped the second wave of soldiers into France. Their mission: to seize the Orne River and Caen Canal bridges in the town of Benouville to prevent the Germans from bringing tanks to counterattack British paratroopers that would land soon at Sword Beach and to protect the bridges for use by Allied tanks and convoys bringing supplies and reinforcements.

Between 4:00 a.m. to 5:00 a.m., the Allied Armada, a flotilla of over 5,000 ships, approached the French coastline, delivering soldiers, tanks, and supplies to the Normandy coast. Commanding Operation Neptune, the naval component of Operation Overlord, was British Admiral Bertram Ramsay.

### Operation Neptune: British Admiral Bertram Ramsay

Ramsay, the son of an army general, enlisted at the age of 15 in the British Royal Navy. He later became one of the first graduates of England's naval staff college. Working from underground tunnels, Vice Admiral Ramsay improvised the brilliant and sudden evacuation from Dunkirk called Operation Dynamo. In nine days he and his staff rescued 338,226 British and Allied soldiers, and was rewarded with knighthood bestowed by King George VI. He defended Dover against German invasion, and was a deputy commander in Operation Torch and commander in Operation Husky. Promoted to Admiral, the Navy made him Naval Commander-in-Chief of the Allied forces invading France in Operation Neptune.

Ramsay commanded the D-Day armada of over 5,300 vessels that departed from various ports in England en route to cross the English Channel to beaches in France. Forty-eight hours before June 6, the convoy gathered south of the Isle of Wight then headed for the continent: 174

battleships, cruisers and destroyers; over 2,000 landing craft; thousands of minesweepers, barges, maintenance vessels, supply ships, and hospital tenders. Their three principal tasks: long-range artillery support for the landings by firing large guns out at sea; transporting soldiers of the invasion force to shore; and close-range artillery support for those soldiers.

At 4:45 in the morning of June 6, two submarines emerged from the water, putting themselves at risk as plainly visible, stationery targets for German gunners on land. One was stationed off off Normandy while the other was posted twenty miles to the east. The two subs served as guideposts for British and Canadian ships approaching Juno and Sword Beaches. At 0530 hours, the British cruiser H.M.S. Belfast opened fire at Germans defending the coast above Gold Beach. Nine more ships followed suit. Twenty-two miles west, U.S. destroyers Fitch and Corry did the same at Utah Beach, followed by U.S. cruisers Quincy and Tuscaloosa. Many of the battleships were nearly obsolete, unable to engage at sea but still able to direct firepower at German soldiers along the shore. Nevertheless, these ships hit more targets, and with greater military efficiency, than the Allied air assaults.

While strategizing for D-Day, Ramsay argued that the rough sea of the English Channel would make it difficult for heavily laden boats to land on the French coastline. He insisted, against Allied plans to deploy fewer boats with increased loads, that more number of landing boats be used, each carrying smaller loads, so that the coxswains could maneuver the craft safely onto shore. As Operation Overlord unfolded, the rough waters and bad weather proved that Ramsay's predictions were correct. On D-Day, the blinding clouds wreaked havoc with aircraft and ships alike, and watercraft had also to maneuver in choppy seas and strong currents that delayed arrivals of soldiers on land, throwing confusion into plans, botching them that day. Ramsay prevailed and his natural talent for military proficiency saved countless lives on D-Day.

Operation Neptune accomplished its missions efficiently and with little cost. Only about 200 sea vessels were lost of the over 5,300 that were involved in the seaborne assault. General Ramsay's prowess as a military commander saved lives, but his knack for alienating his superiors by being right when they were wrong, made him a little-sung hero of the June 6 invasion. He died less than a year later, in a plane crash on January 2, 1945, before seeing the end of WWII.

(continued on page 12)

PERSONAL REFLECTIONS

# THE GREATEST THING

By Seneca Moraleda-Puguan

**A**t Exit 8 of City Hall station, he sits idly on a pile of flattened boxes. White hair crowns his head, and a gray jacket and black trousers covers his skinny body every single day. The subway station serves as the roof on his head, and left-overs sustains his starving tummy.

Hungry...  
Cold...  
Alone...  
Lonely.

And people wearing comfortable, classy clothes apathetically pass by him everyday as if he is a lifeless statue.

'Ahjussi on City Hall Exit 8', as I call him, is just one of the many old men and women I see lying and sitting idly in subway stations of Seoul, South Korea, They are all hungry, cold, alone and lonely. And they all long for food, for shelter, for family...for care.

This is not an unusual sight for me. I come from a place where scavengers and homeless people abound, where poverty is extreme. Begging

and peddling children scatter the streets of Manila. It is so common that my heart became calloused and my eyes became blind.

But my husband taught me a valuable lesson that forever changed me.

When we were in Seoul one time, he bought a bag of 'Manjoo' Korean snack in the subway station. I was smiling because I thought he was giving it to me, but instead he approached this 'ahjussi' (Korean for 'uncle') and gave the whole bag to him. When I saw the man's face brighten because of my husband's simple gesture, my heart was pierced. My husband's compassion for the old man moved him to act in generosity.

You see, my husband and I come from families who have experienced being in lack. Both of us have a parent who went abroad just to provide for us. We may have roofs on our heads and food on our tables, but we both know what it means to not have what we need in certain seasons of our lives. Even here in South Korea, we are just ordinary Filipinos. As a housewife



Baby Callie with her Mom and Dad

and a missionary, I depend on support from people who believe in my vision; and my husband is only a student who depends on scholarship. We may not have an overflow but we definitely have something to give. We believe that we are blessed in so many ways so we can be a blessing.

People have become so apathetic and selfish. We all have become numb, calloused and hard-hearted that the sight of a needy man doesn't bother us anymore.

Seeing my husband's generosity towards a stranger softened my heart. It challenged me. It moved me.

With everything that's happening around us- wars, calamities one after another,

outbreak of deadly diseases, and heartbreaking tragedies, we have to look after each other. We may have different cultures and tongues, beliefs and backgrounds, but there is only one world and we all are a part of it. There are so many issues to face and needs to be met. It can be very overwhelming. But we can start somewhere; we can start with our neighbors, the old lady next door or the man right outside the street.

The greatest thing we can give each is other is love. I believe that this is the greatest virtue of all.

Love breaks barriers.  
Love unites differences.  
Love brings out compassion and generosity.  
Love melts numb and calloused hearts.  
Love compels us to do things beyond ourselves.  
Cliché it may seem but in-

deed, love moves mountains.

Love. Yes, love.

It was love that drove me to give my everything to my husband. It was love that caused him to go beyond his comfort zone and approach the homeless man and give him something to eat. It was love. And love will always be our motivation to live.

We love because we are loved by love Himself. We know what it meant for someone to lay His life for us. We have experienced love in its truest sense. We are nothing but He gave His everything. He died that we may have life.

And no matter what the cost, we will choose to love.

For 'Ahjussi on City Hall Exit 8', we may not be able to provide him a home to be the roof on his head nor we can be his family to look after him, but we will never tire of giving him snacks or clothes as we pass by him. In our own simple ways, we will let him know that people care about him, that love still exists.

Again, I say love exists. It is the greatest thing.

And this is the reason for the CHRISTmas season. Jesus Christ is the greatest expression of God's love for us. As we celebrate this season, the most wonderful time of the year, may Jesus be the center and He alone receive praise.

Have a blessed and glorious Christmas from my family to yours!

## HAWAII-FILIPINO NEWS

### Hawaii Community Foundation Offers College Scholarships

**H**igh school and college students are encouraged to apply for post-secondary student scholarships being offered by the Hawaii Community Foundation (HCF)—the leading philanthropic institution in the state.

The Foundation has over \$4.5 million through more than 200 scholarships to help Hawaii's students pay for the rising cost of higher education. A single application, which must be submitted online, will match high school seniors and college students to all the scholarships that they are eligible to receive.

"There is a greater need than ever for financial assistance to enable higher education in Hawaii, empowering students to achieve their dreams," says Kelvin Taketa, HCF president and CEO. "Owing to the

generosity of our donor community, we are able to offer scholarships to make it possible for thousands of students to take the next step toward reaching their full potential."

To expedite the application process, HCF offers a portal through its website at: [www.HawaiiCommunityFoundation.org/scholarships](http://www.HawaiiCommunityFoundation.org/scholarships) that allows applicants to search available scholarships, fill out and save their application, and track their progress.

Each scholarship has specific eligibility criteria defined by the donor when the fund is established and may require additional questions or documentation. Most scholarships require applicants to provide proof of:

- Residence in the state of Hawaii
- Financial need

- Attendance at an accredited two- or four-year college or university within the U.S. as either an undergraduate or graduate student
- Status as full-time student as determined by the institution (typically 12 credits undergraduate and 9 credits graduate)
- Minimum GPA of 2.7 (unless otherwise stated)

Applications submitted by the early deadline of January 29, 2016 will be reviewed to ensure that all required supplementary materials are valid and properly submitted. The final deadline for all applications is February 18, 2016 at 4 pm HST.

In 2014, HCF distributed over \$4.5 million in scholarships to deserving students, making it the third largest private provider of post-secondary scholarships in Hawaii.



Michael A. McMann, M.D.

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## FEATURE

*(from page 10, REMEMBERING...)***The Guy Who Relaxes is Helping the Axis! Andrew Higgins**

The flat-bottomed boat with a hinged prow made it possible to rush from sea onto a beach, set troops ashore, then back out again. For the first time in history, seaborne attacks could be launched on almost any shoreline, rather than being limited to harbors. The innovative boat made the decisive, amphibious landings possible on the beaches of Normandy, France on D-Day: Omaha, Gold, Utah, Juno, and Sword.

Its designer Andrew Higgins was a visionary. When the Navy asked Higgins to develop a landing craft that could carry a tank, Higgins built the actual boat and delivered it 61 hours later, skipping the blueprint proposal stage. By September 1943, 92% of the Navy's fleet (12,964 of 14,072) were designed or built by Higgins Industries. His seven factories in New Orleans cranked out 700 boats a month, its workers urged into industriousness by a banner hanging above the production line: "The Guy Who Relaxes is Helping the Axis!"

A true patriot, he demanded that the Navy pay him less than it had already contracted to pay, because it didn't seem right to him to be paid so much when young American men were dying on the war-front. His gift for innovation

was wider than boat design. More than twenty years before the civil rights and feminist movements spurred advances in legal equality, Higgins was hiring women, African Americans, the elderly and disabled. To his great credit, he not only hired these groups, he paid them the same wages he paid his white male workers, all the while operating his businesses in the Deep South.

**Col. James Earl Rudder, U.S. Army Ranger**

Every March 23, the townspeople of Cricqueville-en-Bessin in France commemorate the anniversary of the death of its WWII liberator. The French remember James Earl Rudder, who hailed from Eden in west Texas, as the commander who freed Pointe du Hoc from German occupation. Ten years after D-day, Rudder and his son toured the rigorous terrain of the battle site, looking in wonder. He is said to have blurted out, "Will you tell me how we did this? Anybody would be a fool to try this. It was crazy then, and it's crazy now."

Just after 7:00 a.m. on June 6, Rudder led three companies of Army Rangers in an assault against an isolated German position. His mission was among the most important of the morning – to destroy the German artillery to prevent these from sinking Allied ships ap-

proaching the shores of Omaha and Utah Beaches and butchering all troops that managed to land. It turns out that Allied intelligence was correct that enemy guns were along the French coastline and had to be destroyed to prevent its use against Allied forces reports but was wrong about its exact location.

Sea currents carried Rudder's squads two miles east of the target, causing a critical delay of 40 minutes. Rudder was supposed to signal at 7:00 a.m. When his flare didn't go off on schedule, the sea-based command assumed Rudder's mission failed and reassigned his 500-men back-up team to Omaha Beach. Its 0630 arrival was timed for it to land under the protection of barrage from the U.S.S. Texas. Rudder's companies landed instead at 0710 hours, not at a beach, but at a narrow strip of sand at the base of a 100-foot cliff, short on troops, no reinforcements, and with only half of their supplies. By the time his companies finally arrived at Pointe du Hoc, the jagged, rock promontory between Omaha and Utah beaches, the German gunners had time to recover from the earlier American attack from the USS Texas. The enemy fired at the Rangers, sank one amphibious craft, and left two other landing boats foundering off the coast.

Rudder's landing craft assault boat was the first to land. The 40-minute delay from the ocean currents resulted in yet another drawback. The rising morning tide took away valuable landing space. The slippery rock prevented his amphibious craft from coming out of the water with its 75 foot mechanical ladders that were supposed to be used to scale the cliffs.

The lieutenant colonel scrapped the mission's planned tactics and improvised. He fired his boat's six rocket guns straight up the cliffs, shooting steel grappling hooks tethered to rope ladders and climbing lines. One stroke of luck came to their aid. The aerial and naval bombardment of the days before D-Day had caused huge sections of the cliff face to fall into the waves, cutting up to

half of the distance the Rangers would have to scale. As Rudder and his Rangers ascended Pointe du Hoc, several other Rangers remained on the sands and fired at the Germans above. The American Satterlee and British Talybont destroyers drove directly toward shore, aiming their gunnery at the Germans atop the cliffs, to protect the Rangers as they climbed up. Within 15 minutes of landing, more than 200 fighting Allied troops reached the top of the cliff in search of the artillery they had been assigned to find and destroy.

The Rangers stormed the German fortifications and discovered they had been tricked. Instead of cannons under the camouflage nets, the Germans had placed telephone poles to hide the real location of the gunnery. Twenty-four year old First Sergeant Leonard Lomell quickly noticed tracks leading away from the deception. The Ranger squad followed the footprints. Minutes later, they found five, unguarded, heavy guns hidden in an apple orchard. The Germans had aimed the heavy firepower at Utah Beach, ready to fire on Allied troops who came on shore. The Rangers threw grenades at the German artillery, destroying them. A second Ranger squad stumbled on and blew up a German ammunition dump.

At 0730, Rudder signaled General Clarence Huebner that the mission had been accomplished, but the message never got through. Since Rudder's 0700 signal never happened on time, Huebner thought the attack failed. The Germans reorganized to fire upon the Allied forces several times. Rudder asked Huebner for reinforcements, only to be told that none were available. The Rangers were surrounded on three sides with their backs to the cliffs, and held off five German counterattacks on June 6 and 7. Relief came finally only June 8, with only 90 men of the original 225 still physically able to fight.

Rudder was a high school teacher then a football coach and instructor at John Tarleton Agricultural College before being called to active duty in

WWII. He returned home to Brady, Texas with a Distinguished Service Cross, Silver Star, Bronze Star, Purple Heart and French Legion of Honor with Croix de Guerre and Palm. He was successful in business, ranching, and politics, becoming the town's mayor and a state land commissioner, then as president of Texas A&M University. With the same heroism that helped his troops to accomplish their Operation Overlord mission, he led the university through the profound social changes of admitting women students, integrating blacks and whites, abolishing mandatory ROTC, and transforming the agricultural college into a major university.

**Omaha Beach: General Norman Cota and Lt. Commander Ralph Ramey**

Operation Overload strategists selected Omaha Beach as one of its five invasion sites because they mistakenly believed it was almost completely undefended. For this and several other reasons, Allied planners chose Omaha Beach as the place where the vast majority of U.S. troops and supplies would land on June 6, 1944. Unbeknownst to the soldiers, who thought they were on a cinchy mission, German commanders had heavily strengthened defenses along the coast.

The brave men who landed on Omaha Beach believed they were coming under the protection of a whole convoy of amphibious craft that were supposed to come before them. Unknown to the troops who landed, those dozens of boats never made it. The early morning's bad weather led to the amphibious craft being mistakenly released too early and too far from shore by the ships that ferried these across the English Channel. The tanks were unable to survive the high seas and heavy weather. Twenty-seven of the 32 amphibious craft sank before even getting close to shore and the others went up in flames from enemy artillery fire, their crew killed with it.

As the landing craft carrying soldiers came ashore be-

*(continued on page 14)*



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LEGAL NOTES



By Reuben S. Seguritan

# Proving Good Faith Marriage

485 application with the U.S. citizen spouse's I-130 petition. An alien spouse who lives outside the U.S. will have to apply for an immigrant visa at a U.S. consulate abroad.

In order to be eligible for the immigration benefit as a spouse of a U.S. citizen, the marriage must have been entered into in good faith. The parties must present evidence that they have entered into the marriage with the intent of establishing a life together as husband and wife.

If the USCIS finds that the parties married for the purpose of circumventing immigration laws, the USCIS will find the marriage fraudulent and deny the immigrant petition filed for the alien spouse.

At the adjustment interview both the U.S. citizen and the alien spouse will have to

appear before a USCIS officer. It is imperative that before the interview, the parties gather evidence showing the bona fides of their marriage. These include joint tax returns, joint bank account statements, lease agreements, joint mortgage statements, life insurance beneficiary designation, mail showing same residential address, cell phone bills, and photographs.

In some cases, the spouses may not have some of these documents available. Other couples might have to temporarily live separately because of their work while others are unable to get a joint lease or joint bank account because the alien spouse does not have a social security number.

In these situations, the spouses should look into presenting other documents which

are readily available to them. These could include evidence of trips taken together such as hotel reservations, tickets and photos, joint gym and other memberships, bills or letters listing both spouses and addressed to both of them, among others.

In case the other spouse is not included in the checking account or if the other spouse is not included in the lease agreement, evidence may include a printout that the other spouse is issuing checks for half of the rent.

There are no rules as to how much evidence would be sufficient, so in case the USCIS officer is not satisfied with the evidence given or would much rather hear from the spouses themselves, the couple must be prepared to be questioned thoroughly.

At the interview, the couple must remember to always tell the truth and answer the questions without guessing or unnecessarily giving too many

details.

The couple must also try to be calm and focused throughout the interview, which could take an hour or even more. Needless to state, adequate preparation by the spouses is valuable. A lawyer can help the spouses prepare for the interview in addition to representing them at the interview itself.

One of our former clients was the beneficiary of a petition by her U.S. citizen spouse, who was over 20 years her senior. At her visa interview, she gave a few inconsistent answers which led the consul to deny her immigrant visa application. She was not assisted by an attorney at that time. She later retained our firm and we helped her appeal the visa denial. We were able to establish the "bona fides" of their marriage and she eventually got her green card.

**REUBEN S. SEGURITAN** has been practicing law for over 30 years. For further information, you may call him at (212) 695 5281 or log on to his website at [www.seguritan.com](http://www.seguritan.com)

**A** U.S. citizen may sponsor his alien spouse for a green card by filing Form I-130 petition with the United States Citizenship and Immigration Services or USCIS. Since the spouse of a U.S. citizen is considered an "immediate relative" for immigration purposes, a visa number is immediately available.

This means that the alien spouse who is already in the United States may right away apply for adjustment of status to lawful permanent residence by concurrently filing a Form I-

## MAINLAND NEWS



# Veterans Supporters Push for Family Reunification

U.S. Sen. Mazie Hirono has joined a handful of her fellow Democratic senators in urging President Barack Obama to quickly implement the administration's newly proposed parole program to reunite Filipino veterans of World War II with their family members.

After years of advocacy, the Obama Administration in July recommended that the U.S. Department of Homeland Security create a parole program to allow certain family members to come to America to provide support and care for aging Filipino World War II veterans who are U.S. citizens

or legal permanent residents. However, the administration has yet to announce key details about eligibility and the application process.

U.S. Sen. Harry Reid (D-NV) represents more than 100,000 Filipino-Americans in his home state and realizes the contributions they have made.

"We owe it to these veterans to make sure that they can be with their loved ones," Reid says.

U.S. Sen. Tim Kaine (D-VA) also supports efforts to fully implement the program and allow the veterans to reconnect with their loved ones. Kaine says Virginia is home to

a strong Filipino-American community, especially in Hampton Roads where many families have ties to Norfolk Naval Station.

The senators asked Obama to begin accepting applications by the end of the year and to process applications in a timely manner. Filipino veterans were granted citizenship in recognition of their service to the U.S. during World War II but their children were not granted citizenship. Until executive action is implemented, veterans must file for a family visa to be reunited with their children. Due to backlogs in the U.S. immigration system, it can take more than 20 years for immigration applications to be reviewed.

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PHILIPPINE LANGUAGE

# Pannakaselebrar Ti Paskua Idiay Filipinas



**DAYASADAS**  
By Pacita Saludes

**N**o umadanin ti Paskua, agsagana dagiti pamilya kangrunaanna dagiti agtutubo a mangsegsegga ti Paskua. Mangalada kadagiti sanga ti kayo a pagbalinenda met a Christmas Treeda. Ipatakderda iti suli ti balay ket isu metten ti arkosanda, bitinanda kadagiti arkos ti paskua nga aramid met laeng dagiti ubbing.

Agsagana met da Lola ken Inang kadagiti maaramid a kankanen (linapet wenno tupig) ta isu ti kankanen iti paskua, daytay kankanen a mabungon iti bulong wenno tay tupig a makuna a maituno a kankanen. Adda pay dagiti agaramid iti tupig a tinubong, sa la maaramid dagitoy no madanon ti PASKUA.

Iti rabiii ti Pascua adu met dagiti mamindapinda kadagiti balbalay nga agkankanta a makipaskua. PASKUAYO APO! Dayta ti kablaawda ket masindadaan met dagiti bumalay a mangiyawat tay saganada nga ipapaskua. Kadagiti pagtaengan, adda latta met iyawatda a kuarta ken

kankanen a maipapaskuada. Kadagiti taga - bario no awanan ti kuarta, bagas ti sukata-tenda nga ipapaskua, wenno tay tupig a binungon ti bulong wenno tinubong.

Medio malipantantayon dagita ta sabali metten ditoy. Ditoy Hawaii no umadanin ti Paskua, isagana ti ipapaskua kadagiti ubbing dagiti nangingina nga ay-ayam (toys) ta isu ti magustuanda a regalo ken dagitay nangingina ken kabaruanan nga arwatan ti gatangen dagiti nagannak nga ipapaskua kadagiti annakda.

Nupay no kasta adda latta met dagiti Filipino a makalagip tay MISA DE GALLO iti tenga ti rabii, nupay kaaduanna ti

agraragsak latta, agkakaan ken ag- "exchange gift" a kuna. Adu a ragsagsak ti maar-aramid ti Paskua ngem masapul a lagipen a ti PASKUA nga isu ti pannaki-ayan ni Apo Jesus nga umay mangsubbot ti basbasol ti lubong. Naiyanak a nanumo

iti kulluong ti katalalonan ti BELEN. Kayatna nga ipalagip iti kinumo a saan ket a ti kinaparammag a kabibiag. Dayta ti mensahe nga ipalagip ti PASKUA a pannakaiyanak ni Apo Jesus!

MERRY CHRISTMAS TO ALL!

## PASCUA MANEN

*Anonymous*

Naibulon ti anek-ekko kadagiti impaw-itko a kablaaw A nagubbog ti naguguran a puso napnot' iliw ken liday Aweng nailangitan a kankanta ti Paskua degdegannat' waw Makasirmata manen nagtaenganna a paraiso ingget talinaay.

Agpayakpakakto kadagiti amin a mabalinko a pakiragsagsakan Tapno iburayko ti kinatarnaw aweng nailangitan Dumanonakman mangliwengliweng ngem naulimek a tangatang Tapno tannawagak no sadino a taeng innak kenka pakasarakan

Maallingagko manen nasam-it a kanta ti Paskua a mangpalasbang Naglabas naragsak a Paskua nagduaanta a kinantaan Patiek, di bumurong, agparang met kenka ti partaan A naisem met a Paskua dumteng kenka di agkurang.

Aldaw ti PASKUA, ipaay ni Jesus nakusbo a Belen Lubong agwarnak kasasaad dagiti parsua natalingenngen Sika ken Siak palagipannata nga inta aklilien A lagipenta manen di napanawanta a Belen

AYATKO, tunggal Paskua innak ar-arapaapen Naragsak, nakallalagip nga aldaw inta panaglengen Nagaddayota ta kasta ti keddeng ti Dios ken ti panawen No agkitatanto manen, ti Mannakabalin laeng ti mangikeddeng.

AYATKO, PASKUA MANEN, lagipko kenka innak palasbangan Bituen ti Paskua ikarigatak a padarangen Tapno agbalin a silaw, bagnosta ti amin a panawen Kasta met kadagiti nasipngget, nasiit a dalan inta pay lasaten.

**FEATURE from page 12, REMEMBERING...**

tween 0600 and 0700 hours that morning, the unprotected men faced the unexpected enemy presence. German batteries that were firing at Allied naval artillery switched their attention from the ships to the soldiers, killing them as they jumped out of their boats and waded in rough seas to get to shore. Whole companies of Allied forces were massacred by German fire before they were able to reach the beach. One in 18 who landed that day died. The sight terrorized the men who had thought they were arriving under cover of their fellow soldiers. The confusion and chaos of battle ensued.

The men of Company D who hit the shore that cold morning after 6:30 a.m., didn't know that the amphibious tanks didn't make it or how heavily fortified the bluffs actually turned out to be. The

foxholes they had expected were nowhere to be found. The Air Force bombers who had been assigned to make craters to cover the soldiers couldn't see through the early morning clouds and instead killed French farm animals (and Allied paratroopers) rather than German defenses. The limited visibility caused by the weather also made the naval bombardment off-target. The men were without tanks, without shelter, and facing much stronger German forces than they had been told. In the first hour, the several hundred American troops who hadn't been killed in the water, managed to make it ashore, defenseless against heavy German gunfire.

At 0730, the landing boat carrying General Norman Cota came ashore. He was regarded as the Army's foremost expert

*(continued on page 15)*

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**FEATURE** from page 14, REMEMBERING...



on amphibious landings in Europe. While survival instincts caused most of the soldiers to duck for cover, Cota stood tall, a cigar in one hand and cane in the other. Realizing that the men carried too little weaponry to carry out their original assignment of taking the draws, he improvised on the spot, choosing to climb the bluffs. With enemy gunfire spraying all around them, the general crossed the beach to the seawall, picked up a machine gun, fired the top of the bluffs, and rallied his bewildered troops to get off Omaha Beach. Telling his troops, "Rangers, lead the way!," the 51-year old general led the men up the bluff under heavy enemy fire. Using small explosives to blast the barbed wire above, it took Cota and the small group less than an hour to get to the top. More troops followed. Gen. Cota led the soldiers into Vierville and captured the town. He led the troops back to the beach, using surprise to attack the Germans, who by now were only focused on forces arriving by sea. Cota and his soldiers captured, killed, or forced a retreat of all the enemy soldiers there.

Above the shore the Germans had built an extensive network of trenches, 85 machine-gun nests, 28 rocket emplacements, 35 pillboxes, 18 anti-tank gun positions, eight fortified gun batteries, six mortar pits and four field artillery positions. The Germans soldiers assigned to guard the French coastline were battle-hardened veterans who had already fought in Russia and launched a blizzard of gunfire on the bewildered Allied troops.

On the beach, the situation became desperate. Destroyer commanders at sea had been ordered not to land, leaving the men ashore vulnerable and without reinforcements. German gunners butchered the Americans with shrapnel as fellow Americans onboard ships watched helplessly. Lt. Commander Ralph Ramey finally could stand no more. He defied orders and

drove the U.S.S. McCook ashore at full speed, firing the ship's guns at Germans from point blank range. Ramey provided the only coverage the Rangers got that morning. A flagship farther out saw what Ramey was accomplishing and radioed other destroyers to drive their ships to shore as well, coming so close that they risked running aground. Within minutes, every destroyer off Omaha Beach followed Ramey's lead, also defying their orders to stay at sea, and launched their artillery at the enemy to try to save the lives of the men on shore. The artillery support they provided saved lives and prevented the Rangers from being butchered by German gunfire or killed in the waves. Within half an hour, the Americans took charge. It was the second time that day that commanders tore up the plans so carefully drawn out and improvised in the chaos to win the battle.

Col. Charles Canham, commander of the 116th Regiment, raced along the seawall, rallying troops to charge the bluff. Hundreds of infantrymen joined Cota up above. By 1300, the Germans were forced to retreat. Back on the beach, landing craft commanders began ignoring the order not to land and drove their boats onto the shore. The supplies and reinforcement of men brought by the landing boats boosted morale. By 8:00 p.m., all four draws leading from the beach to the top of the bluffs were in American hands. The last German defense was subdued by 10:30 p.m. By then more than 30,000 American soldiers had come ashore, but more than 2,000 died on the landing site.

**What If?**

Gen. Dwight Eisenhower repeatedly

reminded his staff that the plan is nothing but planning is everything. He knew that unexpected circumstances could arise in the chaos of war that could render a plan undoable. He believed in the value of anticipating contingencies and repetitive drilling and training, so that soldiers could take the initiative if the plans they were to implement were became inoperable. Gutsy initiative of many a commander triumphed when the unexpected forced them to forego the carefully laid plans and make one up on the spot. D-Day nearly failed. Operation Overlord triumphed despite myriad miscalculations and circumstances outside the servicemen's control. The bravery of our soldiers, sailors, and airmen in confronting the enemy made it a success. Officers improvised and kept driving forward, soldiers followed and kept carrying on, and victory was achieved. The sacrifices and efforts of those who fought and who lost their lives fighting saved the world as we know it.

Admiral Ramsay, the man whose correct predictions were a consterna-

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Annual Raises and Annual Bonus

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tion to his superior officers, felt sure that God would send all the help they needed to carry out this Day of Days, and once again, he was right.

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HAWAII FILIPINO CHRONICLE

