

Gay Californian in American Samoan jail wins right to petition Federal Court

(Honolulu) - In a precedent-setting decision granting federal oversight over a U.S. Territory resisting it, the US District Court in Hawaii ruled last week that a gay man's Habeas Petition to overturn his conviction will be transferred to the US District Court in Washington DC.

The American Samoa Government (ASG) had argued that the federal court does not have jurisdiction over ASG courts, which sentenced U.S. citizen James Barlow, a former Santa Cruz, CA resident, to 24 years in prison. Barlow alleges his trial took place in a corrupt "kangaroo court," and that he was convicted based solely on coerced perjury manipulated by a vindictive prosecutor with an anti-gay bias.

Should Barlow's Habeas petition get heard – a distinct possibility thanks to last week's ruling – a federal court will learn that an ASG prosecutor had a prior unrelated personal animosity toward Mr. Barlow because he is gay. The Habeas Petition details how that prosecutor withheld exculpatory evidence and coerced perjury and falsified accusations against Barlow.

American Samoa is the only US Territory that has no federal court and the only one that still refuses to obey the US Supreme Court ruling legalizing same sex marriage. The ASG Governor said in 2015 that ASG would never obey that Supreme Court ruling because of Samoans' Christian beliefs. In its trial of Barlow, the ASG Court violated other Supreme Court rulings and violated his constitutional rights to a jury trial, a speedy trial and due process.

Barlow was teaching college in American Samoa when he was charged with a DUI and related misdemeanors in 2011. He alleges it was a vindictive prosecutor's vendetta against him for being gay that led to felony gay sex charges that were added to the DUI, landing him in jail eight years ago.

Judge Otake's decision this month states that Barlow must name the US Secretary of Interior as his custodian instead of ASG officials. The Department of Interior administers American Samoa.

Barlow's appeal to the ASG Court ended in January 2018. He then qualified to petition the Federal Court.

Judge Jill Otake in Hawaii decided in August 2019 that Barlow's Habeas Petition had merit and was not frivolous. Thus, she ordered ASG to debate the merits of Barlow's case and provide documentation of his trial record. ASG refused, blatantly asserting that the federal court did not have jurisdiction over ASG.

Barlow is expected to appeal Judge Otake's decision to move the case to the district court in DC, where his court costs would increase dramatically. The ASG is expected to appeal the decision to keep the case out of federal court.

For more information and to read Barlow's personal account of the injustices he's experienced, go to <https://www.freeglennbarlow.com>. Individuals moved to help Barlow afford his significant legal costs can also go to <https://www.gofundme.com/f/free-glen-barlow>.

For members of the media seeking more information about this story, including direct contact with Barlow's attorney, reach Jeff Album at jeffmalbum@gmail.org / (415) 309-3182.