

On My Mind  
by Ruth L. Tighe

Thanks to former Representative Stanley T. Torres, it hasn't taken long to cast doubt on the wisdom of the recently passed Constitutional amendment that renewal of Superior Court judges' and Supreme Court justices' appointments be approved by the voters. Torres has launched a vitriolic attack on Superior Court Judge Timothy Bellas, the first judge to come under the new requirement. There are a number of rumors about just what it is that rankles Torres so about Judge Bellas, but to what extent which of the rumors is correct is far from clear.

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Whatever the reason, the problem with this whole situation is that Bellas has no way of defending himself, of countering Torres' attack. For a judge to debate the accuracy of Torres' accusations in public, or to criticize Torres personally, just does not seem fitting for a judge. To do so could, in addition, get in the way of Bellas being seen, by the public, as an even-tempered and fair member of the judiciary, worthy of being re-confirmed.

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The situation gives Torres an unfair advantage, and leaves Bellas helplessly vulnerable.

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To my mind, the notion of public vote on members of the judiciary has always been problematical. By the very nature of the judicial process, every decision that judges and justices make has a "winner" and a "loser." How could "losers" be expected to vote for the judge or justice who issued a decision against him/her? How could judges and justices "campaign" for themselves? How could they counter charges by "losers"?

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Well, the test has come, thanks to Stanley T. Torres. It will be interesting to see whether the Bar Association chooses to get involved, and if so, how.

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Benign as most of the proposed revisions to the election law are, I've been informed that there is one change that could cause problems. Buried deep within the 48 pages of House Bill 11-115, Section 6524 (c) calls for election of the governor, the lieutenant governor, the resident representative to the United States, and the mayors, by majority vote. This means that the candidates would have to have <B>more than half </B> of all the votes cast for that office in order to be declared the winner. If no candidate receives a majority of the votes, a run-off would be required.

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This would not be an issue if there were only two candidates. But if there were three candidates - as would happen if there were a third party slate - it could become a significant issue. Unless one of the candidates in a three-way election received more than half of all the votes cast, there would have to be a run-off.

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The present law does not spell out what is required to be declared the winner of an election, but it has been interpreted - or applied - to declare as winner the candidates with the highest number of votes for all positions. The proposed revision would distinguish between members of the legis-

lature, for whom that would still be true, and the positions of governor, lieutenant governor, resident representative and mayor, who would have to satisfy the majority requirement.

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Since it appears that there may be a third party slate at the next gubernatorial election, and since, for a variety of reasons, the revised election bill should be passed in time to govern that election, it behooves one and all to consider carefully whether the majority requirement is desirable.

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A definite shortcoming in the proposed bill, I was told, is that it does not make clear what happens to campaign funds left over after an election. Should they, as is apparently now the case, go to the candidate who raised the funds? Or should they go into party coffers? Or?

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And speaking of funds, it seems more and more clear that one motive - perhaps the main motive, in fact? - behind the move to take over management of American Memorial Park is the hope that by doing so, the CNMI would be able to gain access to the trust fund established for the park under the Covenant. Two million dollars were set aside as part of the U.S. payment to the CNMI, with the interest from the trust fund specifically dedicated to develop and maintain the park.

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One can imagine that that two million dollar fund has grown considerably in the 20+ years since it was established, which would make access to it all the more tempting, particularly at this time, with a shortage in CNMI government revenue. But as is also true of Retirement Fund investments, for instance, once the principal is reduced, interest payments would shrink, which would, in turn, force a cut-back in those activities supported by the interest.

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National Park Service Superintendent Karen Gustin offered an eloquent statement in support of continued NPS control of the park, carried by both local papers this past week. As would appear glaringly obvious, the CNMI is in no position, financially, to take over the park's management. It is not even certain that, were it financially feasible, it would do as good a job as the NPS is doing. As a popular adage puts it, "If it ain't broke, don't fix it."

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But if it is "broke," it should be fixed, and a good candidate for getting "fixed" is the Marianas Visitors Authority public relations capability. This week-end an "International Festival of Cultures" is being held. In addition to a parade and performances by various groups, there supposedly will be booths selling food and crafts. There have been one or two stories in the newspapers about its coming, but no ads that I recall, and no posters that I've seen.

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In today's papers, there is a large ad, but it is all in black and white, it has no pictures or art work, and it is buried in the back of both papers - page 32 in the <I>Variety</I>, and page 22 in the <I>Tribune</I>. If one wasn't looking for them, one could easily overlook them as being

nothing more than a shipping schedule, invitation to bid, or some other dull and boring official government notice.

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Was the International Festival advertised only abroad, because its purpose is to draw tourists to the CNMI? Is the fault with the newspapers, for burying the ads, for the lack of artwork? Or is it with the MVA, in not knowing how to advertise to the local community? Whatever it is, it needs fixing - assuming, that is, that island residents were expected to attend.

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One might also ask just what purpose the International Festival of Culture is supposed to serve to begin with. Will it be an annual affair? Then why not give it more oomph by advertising it as the <B>First</B> International Festival? Why is it being held just two weeks after the Liberation Day parade and festivities? Isn't that overdoing things just a little? If the emphasis is on culture, why not wait til the fall, when a cultural month is scheduled to be declared? Or at least move it to August, so that festivities can be spread out a little?

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Another piece of advertising that wasn't very felicitous was the ad for the Budweiser "Shoot Out '99" to be held at the Susupe JoeTen store tomorrow. I know one "shoots" baskets, and that is apparently what this event is - a basketball "shooting" contest. But the ad doesn't mention basketball, and the picture of the basketball player isn't all that distinct. What stands out is the "shoot out." After the Littleton, Colorado "shoot out," one would think even Budweiser would make an effort to be a little more sensitive.