

On My Mind

7/27/01

I've just finished reading a book in which a major issue is whether U.S. courts are obliged to observe and respect the customs among American Indians regarding marriage, divorce and adoption. It is a book of fiction, taking place in the late 1800's, and focuses on the suit brought by a young Indian woman against a mining company for rights promised her father in exchange for his showing company founders a rich source of iron ore.

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Under American law, the father would be considered a polygamist - at least two wives are mentioned in the book - and the daughter the illegitimate child of the second wife. Under the law in effect at the time, she would not be entitled to any of her father's property, even though she was - at least according to Indian custom - adopted by the father's first wife. It takes an appeal to the state supreme court, and much research by the small town lawyer who has filed suit on behalf of the daughter, to find the law, and the treaties, which require U.S. courts to honor the customs of the Indian tribe in question, unacceptable as those customs might be to the justices before whom the case is brought.

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I am reminded of the book - "Laughing Whitefish" by Robert Traver - by the criticisms aimed at the CNMI on that infamous web-page the <I>Tribune</I> has twice featured on its front page over the past eight days. The writer errs, as have other critics before him/her, in assuming that the CNMI is but an extension of the U.S. mainland - identical to a community in southern California or southern Florida set out in the middle of the western Pacific. They assume that the standards and the expectations of the huge contiguous land-mass that is the mainland, of what is considered a "developed" country - with its millions of people, and 200-year history - are equally relevant to this remote and sparsely populated tiny cluster of islands which, until recently, qualified as one of the world's "undeveloped" countries.

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The comparison is absurd, unrealistic, and, of course, totally wrong. Despite the fact that the CNMI is an American entity, and despite the fact that its citizens hold American passports, and despite the fact that the CNMI uses American currency, actively participates in most federal programs and freely benefits from "being a member of the American family," it is different from and unique among the rest of the members of that family.

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Some of the uniqueness comes from the terms of the Covenant that brought about the entry of the CNMI into the American Family to begin with. Some comes from the CNMI's geography and its demography and its history, from the intimacy, the immediacy that comes with a small population on a small island. But make no mistake about it, there is a vast difference between the culture and lifestyle of the islanders and the culture and lifestyle of most mainlanders.

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If one must make comparisons - and who was it who said all comparisons are odious? - it would make more sense to compare the CNMI with other tropical island entities. For example, it is not only in the CNMI, but also in Hawaii, not to mention the islands of the South Pacific, that "Polynesian paralysis" - that ailment in climates as hot and humid as ours whereby it takes twice as long to do half as much - is rampant. Not only the CNMI, but all the other small islands of the

Pacific, are guilty of nepotism, simply because the population pool isn't large enough to do otherwise. Bribery is an accepted way of doing business in Asia, and economies that relate to Asia. Unreliable power is almost a given in these "under-developed" areas. And lack of formal education, in places where post-secondary education means going off-island, is typical as well.

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Compared to other Pacific island entities, the CNMI fares rather well. Among U.S. island entities, it is said to be the first to no longer be dependent on U.S. funding for government operations. It has, perhaps, become too developed, too rapidly, to still lay claim to an unspoiled natural environment as can Kosrae, for instance, or to a nearly intact culture as can Yap, but it still has charm, color, beauty, a culture and life-style that are uniquely its own.

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Those who would criticize in terms of such unsubstantiated generalities and blanket condemnations as that infamous website reflect an ignorance, bias, ethno-centricity and immaturity that perhaps may be forgiven, but certainly cannot be condoned.

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And while on the subject of islands and perceptions of banana-republics, Guam's handling of those 181 once-banned slot machines has got to be one of the funniest examples of governmental monkey business to make the news in quite some time. To those who haven't been following the story, the same 181 slot machines were ordered either destroyed or to be shipped off-island by a 1999 Guam court order. Instead, they languished in some warehouse or other until their owner applied for a permit to install them as part of Guam's liberation day festivities this year (while no longer legal on Guam, exceptions are made for various festivals, of which this was one). The permit was granted, and the machines installed.

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Several days later, Guam's acting governor decided, however, that they were illegal, since these machines were supposed to have been destroyed, and sent armed police to the fair grounds to confiscate the machines. The 181 machines were all removed, as were a number of others. Within a matter of days, the slot machine owner's attorney persuaded the courts that the seizure was illegal, because he had obtained a permit from Guam Customs, and the machines were returned to the owner, who promptly re-installed them at the festival.

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Now the <I>Pacific Daily News</I> reports that Guam's attorney general has filed suit against the owner - seeking to place him under arrest, and charging him with contempt of court - for accepting those very same slot machines that the court had just released to him after finding no active lawsuits concerning the machines.

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And people say the <B>CNMI</B>'s rules for doing business are arbitrary and inconsistent????

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This week-end marks the observation of the CNMI's Third Annual "Festival of Cultures." At least there's been good publicity for the event - not only with news stories - prompted, no doubt, by press releases - but with frequent advertisements providing detailed schedules of the events

taking place over the three-day celebration.

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But the question must be asked, nevertheless. Why is this celebration taking place a mere three weeks after the very similar Liberation Day festivities, which also featured a parade of floats, and booths at Memorial Park? Moreover, why was this celebration scheduled at this time of year at all, given that the Arts Festival took place only three months ago? The Arts Festival, also known as the Flame Tree Festival, is tied to a spring month, by virtue of the timing of the blossoming of the flame trees. The Liberation Day festival is also calendar-dependent, in observance of liberation from Camp Susupe, which occurred on a July 4<sup>th</sup>.

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But what is it that requires the Festival of Cultures to also take place at the same time of year? Why should all three events take place in just one four-month period - with nothing similar for the remaining eight months of the year? With many of the ethnic groups represented also constituting a major share of the CNMI work force, it would not be all that difficult to rationalize holding the Festival of Cultures in September, on Labor Day, for instance.

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Thirteen ethnic groups are scheduled to take part in this week-end's events: the Bangladeshis, Carolinians, Chamorros, Fijians, Filipinos, Hawaiians, Japanese, Koreans, Marshallese, Samoans, Tahitians, Thais and Yapese. Another question that must be asked: With such a large number of Chinese in the CNMI, how is it that the Chinese do not seem to be represented? Whose responsibility is it? And why was it not carried out? Seems odd, to say the least.

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Separation, distinctiveness, has its disadvantages. But at the moment, with Bush's foreign policy of so-called "a la carte multilateralism" (was there ever a more awkward phrase?), there's considerable pride and satisfaction in remaining at arm's length from such out-dated, counterproductive, isolationist attitudes and behavior.