

On My Mind

10/3/03

Correction, again: Contrary to what appeared in last week's column, Associate Justice David Wiseman does not handle all criminal cases in Superior Court. He handles immigration cases, and also handles some traffic cases. Omitted from the column was Associate Judge Mona Manglona, who handles small claims, among others. Criminal and the remaining civil cases are generally distributed among the judges on an arbitrary basis, in that the cases are assigned sequentially to the judges without regard for the people or the issues involved.

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Presumably, there are still a few "embedded" journalists in Iraq, since reports come from a number of different locations in Iraq, and it is doubtful that a centralized corps is providing the news from the outlying areas. Embedded or not, however, there are at least two spheres, if you will, where news seems sorely lacking.

For instance, there are no stories about the daily life of the American military in Iraq. There is no information on which to base a picture of what it is like for them out there. What kind of accommodations do they have? Do most live in tents? What kind of meals are they served? How many are MREs? Is local food ever served them? How do they cope with the heat in their full uniforms? Are they given salt pills? Lots of sports drinks? Are they on duty 24/7? Do USO shows reach them? What do they do for relaxation, entertainment? Do they play baseball with the Iraqis? Coach the kids?

The other area where news seems sparse has to do with the "normalization" of life for the Iraqis. There are daily stories of new ambushes, shootings, deaths, bombings. But there's never news of the restoration of power, the re-establishments of schools, the re-opening of local banks, post-offices, grocery stores, clothing stores, churches, etc.

What information is released in this regard seems contradictory. Top U.S. officials insist that progress is being made, but the news stories don't seem to bear that out. From the news being aired, it isn't at all clear whether the whole country is still under fire, or whether it is only Baghdad and the Tikrit area; whether most of the country functions normally despite the turmoil in Baghdad, or to what extent - and where - power and water and sewer systems have been restored.

There's even less information about Afghanistan - only isolated stories about battle with some war lord or other, the frustration of the central government. But an overview, that allows the various fragments of news to be put into perspective is lacking here, too.

The myopia of the media is deplorable.

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The word “confused” seems all too gentle, but there doesn’t seem another appropriate, printable word that adequately describes the totally contradictory conduct of CNMI’s Governor Juan N. Babauta in declaring this past week that (a) there is a vacancy in the Senate, and therefore elections should be held, (b) the present Senate majority is not legitimate and therefore he will not consider any laws it has passed, and (c) he will veto the bill raising the cap on garment workers which was recently passed bill by that self-same “illegitimate” Senate.

C’mon, governor. You can’t have it both ways! Either the Senate is legitimate, and its bills should be treated accordingly, or it isn’t, and they shouldn’t.

Moreover, since the governor has declared a vacancy, why is it that he can’t accept the corollary that with a newly-declared vacancy in the Senate, there are now only seven members, of which four is a majority, and therefore Senator Pete Reyes’ group is indeed legitimate? The “two factions” he has referred to are not equal. One has only three members; the other has four.

And what is it that took him so long to decide to invoke PL 12-18 in the first place, which gives the governor the authority to declare a vacancy in the legislature (at least according to the <I>Tribune</I>; I was unable to pull the law up on my computer)?

It is said that some if not all of this most peculiarly illogical and irrational behavior on the part of the governor can be ascribed to an alliance of some sort with the former Senate president.

Whatever the cause, the governor’s stance is about as unhelpful, and as unstatesmanly, as it is possible to be.

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Unfortunately, the decision just handed down by Superior Court Associate Judge Kenneth Go-
vendo doesn’t help matters. Technically, he denied the Attorney General’s writ of quo warranto.

In effect, what he said, though, was that given the constitutionally mandated separation of powers, and given the lack of appropriate CNMI law, the court cannot and will not expel a member of the legislature.

Would the situation be any more palatable to the Governor if the new majority put something on record re Senator Paul Manglona’s claim that only he can call a session?

Another possible stalemate could occur should the newly-elected Tinian Senator align himself with the Manglona faction. Then there’d be a four-to-four split in the Senate. In the U.S., the vice-president is called upon to break ties in the U.S. Senate. The CNMI has no such provision.

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Representative William Torres made an interesting statement the other day. He said that American citizens, of which there were about 1,000 in the CNMI, are being unfairly deprived of their

vote in federal elections (see the 9/29 and 10/2 issues of the <I>Tribune.</I>) Or at least that is what he is quoted as saying.

First of all, there are far more than 1,000 American citizens in the CNMI. There are some 13,000 registered voters - and all of them are American citizens. Then there are those who didn't register, or who are too young to vote, adding quite a few thousand more to that figure.

Secondly, the federal elections in which people in the CNMI are ineligible to vote are those for president and vice-president. Since the CNMI has no members in either the U.S. House or the U.S. Senate, no one can cast a vote in those federal elections, but that did not appear to be Torres' point.

So far as a vote for U.S. president is concerned, it would take an amendment to the U.S. Constitution to make that possible. The Constitution provides that the vote for U.S. president be conducted through an electoral college, whose membership is based on the number of U.S. Senators and members of the U.S. House of Representatives to which each state is entitled. Since the CNMI has no members in the electoral college, it can not vote for the U.S. president.

As far as mainlanders' right to vote in federal elections is concerned, if they choose to maintain residency in their home state, they are eligible to vote via absentee ballot in the federal elections both for members of Congress and for the president. But if they choose to declare the CNMI as their residence (as many do because of the favorable tax situation) then they forfeit that right. What Torres seems to be saying is that the CNMI should help mainlanders cast their absentee ballots.

Torres's concern appears to have been triggered by recent stories about the Help America Vote Act, which offers up to \$1 million to the other territories, as well as funding for assistance to the disabled voter, in federal elections. The other territories do cast votes for non-voting delegates to the House, and that is considered a federal election under the HAVA law.

Amazing, the lengths people will go to - when federal handouts are involved.

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Now that street naming has become reality, it would be nice if translations of the names would be available as well. After all, according to census figures, half the population of the CNMI is neither Chamorro nor Carolinian. But that half still lives here. It would be helpful to that portion of the population if it could understand what those unfamiliar multi-syllabic words meant.

A map of Saipan, showing the street names, is available at the JoeTen Kiyu Library. Copies can be purchased at Pacific Quick Print & Post, on Middle Road in Garapan.

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May it be noted, before he fades from memory - or at least from the attention of the media - that the Dalai Lama holds to the belief, as he said in his recent public appearances outside of Tibet, that peace in the world is achievable. He has called war an outmoded concept, "legalized violence." The key is in learning to communicate, he said, emphasizing the need to show that there is another, non-violent, way.

The diatribes against not merely the war against Iraq, but against all war, that occasionally appear in this column, in other words, are not merely this columnist's unrealistic patter, but are supported by greater minds.