

## On My Mind

1/09/04

Today is not Covenant Day, as this column erroneously stated last week. I could blame the absence of my "bible" - Don Farrell's history of the CNMI - which I had loaned to a friend as my excuse for so egregious an error. Or I could blame the synapse gap (senior moment) that allowed me to look at the word "Commonwealth" on the "Recipient's Calendar" provided by the Retirement Fund and see "Covenant." Or the hectic nature of the holiday, due in part to my daughter's visit. But I won't. It was pure carelessness on my part, and I apologize.

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Today is Commonwealth Day - the day, in 1978, that the first governor, the first legislature, the first governors to hold office in the Commonwealth, were sworn into office. There had been a Marianas legislature before, under the Trust Territory, but there had never been a governor, and I've always felt that the U.S. did the CNMI a disfavor by not providing its first governor with a better guide, or model, than the High Commissioner.

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The first governor, Dr. Carlos Camacho, could have been the "father" of his "country," as George Washington had been of his. And the U.S. should have helped him do that. Instead, for lack of a better model, the first governor went about with bodyguards and a chauffeur, as did the HighCom.

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But this day too deserves honor and respect. Commonwealth Day commemorates the day the ideas embodied in the Covenant became reality.

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It has come as a shock, however, that only one reader called me on my error. I am loathe to believe that only one person read the column. Assuming others did read it, it is discouraging indeed to think that they did not catch the error, that they can't tell the difference between one "C" day and another. It is almost more depressing to think that they did catch the error but could not be bothered to tell me about it. If there is another interpretation of the silence, I'd be happy to hear about it!

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Someone who did read last week's column sent me another present - the Marianas Visitors Authority version of the same calendar that the FSM Visitors Board produces. I had said the MVA could well afford to copy FSM's example. Apparently, it had already done so.

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After ten months of being bounced from Senate to House and back, Senate Bill 13-135, Senate Draft 1, House Draft 1, Senate Substitute 1, that authorizes the Office of the Attorney General to promulgate regulations regarding the treatment of people seeking refugee status from the CNMI, has suddenly passed both the House and the Senate and is on its way to the governor for his

signature - without a public hearing at any stage of the process.

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While most provisions of the bill seem to be in accord with the international treaties governing treatment of refugees, one of the provisions not in the original version, but added later, appears troublesome. This provision states that any decision made by the CNMI Attorney General regarding an application for refugee status shall be final, and not appealable either "administratively or judicially."

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This, it seems to me, gives the Attorney General an inordinate amount of power. It means that decisions handed down by the AG cannot be challenged for either procedural or substantive error. At a time when death sentences are being waived because of the fear of error in the conviction - and those sentences involve a defense attorney and a prosecuting attorney and a judge and a jury - to give a single individual such unchecked power seems rash indeed.

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Granted there is great fear that the CNMI could be flooded with applicants for asylum, and that applicants for refugee status would abuse the system with all sorts of delaying tactics. But given, as well, that no human being is infallible, is always wise, is always right, the decision to put so much power in the hands one person seems indefensible.

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Assuming the governor signs the bill into law - and there is no reason to think he will not - and since that power is provided by law - perhaps the 14<sup>th</sup> Legislature can be persuaded to amend the law to provide for some sort of formal review of Attorney General denial decisions.

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It is heartening to read that Governor Juan N. Babauta has vowed to assist CNMI's "stateless" residents in their efforts to become U.S. citizens. The 100-350 (figures vary) people born between 1976, when the Covenant was signed, and 1986, when the Covenant's remaining provisions - including the granting of citizenship to qualified residents of the CNMI - went into effect, were not considered "qualified" and thus, though born and raised in the CNMI, did not then and cannot now become citizens without an act of the U.S. Congress.

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I have two quarrels with Babauta's handling of the situation, however. In the first place, the task of lobbying Congress belongs to the Washington Representative, which Babauta no longer is, despite his actions to the contrary.

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Secondly, the governor is quoted as saying that the people affected aren't really stateless, since they can always claim the citizenship of their parents' country. What a fatuous, irrelevant point of view! Can you imagine government officials telling the millions of immigrants who have come to the United States throughout its 225-year history that since their children could have claimed citizenship of their parents' countries they didn't need U.S. citizenship?

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It is also promising that the CNMI judiciary took it upon itself to conduct sessions aimed at

orienting incoming members of the legislature to the legal aspects of their law-making. Reportedly, the Office of the Public Auditor has been asked to make a presentation about ethics to members of the legislature as well. Another component to proper orientation would be a series of presentations on the background of various pressing issues before the legislature. The problem, of course, is in finding objective presenters for such topics.

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But at least there's been a beginning. Let's hope the judiciary's and the OPA's orientation sessions become a standing biennial event.

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Two recent incidents reminded me of the nuances of the English language. I was stopped at a sobriety check-point a few nights ago, and after introducing himself, the officer asked me, "Do you drink?" Somewhat taken aback, and fearing the consequences, I confessed that I did. After admitting, further, that I had just had a drink on the flight from Guam to Saipan, he simply suggested I fasten my seat belt, handed me what happens to be a very well-written brochure, and wished me a Happy New Year.

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Only later did someone point out that the question was only meant to determine whether I was a teetotaler or not. If I was a teetotaler, the officer would, presumably, have sent me on my way without the brochure.

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The other incident, which occurs rather often: I was asked, in calling an office, where I was from.

Not being employed, I never know how to answer. Nowhere? Even if the question were: whom are you representing, I would not know how to answer. No one? There's got to be a better way to find out a caller's status. Maybe people should ask, "Are you affiliated with a business or organization?" That calls for a simple "yes" or "no" answer, and if the caller said "yes," one could then ask for more specifics.