

On My Mind  
9/10/04

For those in the CNMI who are from mainland U.S.A., and who might have thought that, as “overseas voters,” they could vote in the upcoming presidential election - I confess I, too, harbored that hope - the bad news is that it’s only partially true. Here’s why. The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) excludes the CNMI as part of the United States. As a result, U.S. citizens residing here are considered, by default, “overseas voters,” and ostensibly, are thus eligible to cast an absentee ballot in Federal elections.

<br><br>

<i>This does not apply to <b>all</b> U.S. citizens in the CNMI, since in order to cast an absentee ballot in a federal election, one has to be registered to vote in one of the 50 states or the District of Columbia - that is, in a political entity included in the electoral college. Neither the CNMI, nor Guam, the U.S. Virgin Islands, American Samoa or Puerto Rico are included. The UOCAVA applies only to U.S. citizens who are (or were) residents of one of the fifty states or the District of Columbia, and are (or were) eligible to vote there.</i>

<br><br>

Moreover, according to an e-mail from the Federal Voters Assistance Program, even if those former mainland residents now pay taxes in the CNMI, or register to vote in local CNMI elections, if those persons were or would be qualified to vote in federal elections at their last place of residence (even if the intention to return there was not definitive), then those persons are eligible to cast an absentee ballot as an overseas voter.

<br><br>

The catch, though, is in CNMI law. Public Law 12-16, the Northern Marianas Election Reform Act of 2000, states in section 6204(g) “A person loses his residence in this Commonwealth if the person registers to vote in another state or area under the United States or other jurisdiction.”

And, of course, in order to vote as an absentee/overseas voter, it is necessary to register “in another state or area under the United States or other jurisdiction.”

<br><br>

I don’t know what other consequences would befall one if he or she were to “lose(s) his residence in this Commonwealth,” but what one would lose is the right to vote in CNMI elections, since the eligibility to vote in the CNMI depends on being domiciled in <b>and a resident of</b> the CNMI.

<br><br>

Thus, those who want to vote in CNMI elections are legally barred from voting in U.S. federal elections. To put it another way, if you vote in the federal election, you cannot vote in CNMI’s local elections.

<br><br>

There remains the question - at least in my mind - whether CNMI law has the authority to override, as it were, a federal law that does allow certain U.S. citizens residing in the CNMI to vote in federal elections even if they do vote locally. The question has been submitted to the CNMI Attorney General’s office but is not being given priority, I was told, because it is seen as a federal issue, not a CNMI issue.

<br><br>

When the I put the question to the Federal Voting Assistance Program (via e-mail), the response

was: "...under Article I, Section 8, of the U.S. Constitution, all powers not specified therein are reserved for states. This provides state jurisdictions with the authority to pass their own election laws...In certain cases, the Federal Government will pass laws covering Federal elections, but state law provides the basis for election procedures."

<br><br>

Is that the final, definitive answer? I'm not sure. It is, for the moment, but whether the Attorney General will issue an opinion, whether it will agree with the FVAP position, or whether it will come out in time to make a difference, remains to be seen.

<br><br>

<center>\*\*\*</center>

<br>

"Eco-tourism" is not only a new concept, but also a new word. It was coined in only the last decade (which I base on the fact that my 1993 dictionary does not contain the word). Perhaps because the concept itself is so new, having been either practiced or experienced by so few, the word is still not well-understood, and is being given a variety of meanings by those who use it.

<br><br>

Nor is there yet a broadly accepted definition. But there is general agreement on the components of eco-tourism: it involves travel to "natural" areas, it minimizes the impact of tourists on their surroundings, it promotes environmental awareness in the tourists, it raises funds for nature conservation, it provides economic benefits for local people, it respects local cultures, and it supports human rights.

<br><br>

A more formal definition, found in "Ecotourism and Sustainable Development" by Martha Honey, is: "ecotourism is travel to fragile, pristine, and usually protected areas that strives to be low impact and (usually) small scale. It helps educate the traveler; provides funds for conservation; directly benefits the economic development and political empowerment of local communities; and fosters respects for different cultures and for human rights."

<br><br>

Another definition, found in the book "Ecotourism, an Introduction" by David A. Fennell, states that ecotourism is "low impact nature tourism which contributes to the maintenance of species and habitats either directly through a contribution to conservation and/or indirectly by providing revenue to the local community sufficient for local people to value, and therefore protect, their wildlife heritage area as a source of income."

<br><br>

Just as the word "pristine" had been cheapened by those who still claim Saipan's lagoon waters are "pristine" when in fact they are far from it, there is now the danger that the word "ecotourism" will also be cheapened by those who would use it to advertise tourist outings that are not low impact, that are not small scale, that do not involve the tourist in environmentally responsible activities, that do not benefit local people, that do not contribute to conservation of the area visited. In fact, such abuse of the word could even be called false advertising.

<br><br>

Particularly those claiming to be considering developing eco-tourism for the Northern Islands might well take note.

<br><br>

<center>\*\*\*</center>

<br>

While on the subject of environmental concerns, those who did not attend last night's Coastal Resources Management Office-sponsored public meeting at the Dandan school on concerns related to Obyan and Laulau Beach might want to contact Ken Cochrane (e-mail: ken.cochrane@crm.gov.mp) to express any concerns - or solutions - they have regarding public access (including camping privileges), amenities (such as parking areas and restrooms), roads or drainage control for either or both areas.

<br><br>

I did not attend either, but have already expressed to Ken my concerns about controlling scuba diver access, and the idea of perhaps charging \$1/diver as a means of raising diver awareness to the value of the reefs they visit, and as a source of funding for the maintenance and protection of the reef habitat, among other things.

<br><br>

<center>\*\*\*</center>

<br>

Last but not least, for those who did not see my letter to the editor in the local paper, travelers should be forewarned about the use of Transportation Security Administration-approved locks on their luggage. Theoretically, if one has a TSA-approved lock on one's luggage, it is ok to leave it locked when checking in at the airport. TSA inspectors who want to open such luggage are supposed to use their master keys to do so, rather than cutting the lock.

<br><br>

However, in my experience, having just been to the mainland and back, in two out of three instances, the TSA inspectors did not use their master keys, but cut off and discarded the TSA-approved locks I had on my luggage. In once case, they even cut the zipper tabs, so that I can no longer put a lock on that bag without replacing the tabs.

<br><br>

The problem appears to be that not all TSA inspectors have master keys handy, and if they don't, they don't bother to go get them, they just cut off even TSA-approved locks. (At \$7.50 or more per lock, that can get expensive.) The secret would appear to be to stay with the luggage, if possible, as it goes through the airport screening, so that if an inspector wants to open a bag but does not have a key, you can open the lock yourself. Of course, this is not possible at all airports. In Los Angeles it is. In Detroit, where all luggage is rechecked if that is one's first domestic stop, there is no access to the inspectors - the luggage is just put on a belt and taken away.

<br><br>

The solution? Wish I knew! I intend to file a claim, but will it help? Maybe if lots of others do so too.....

