

On My Mind
10/08

I was chided, earlier this week, for not having done my homework regarding the governor's role in divestiture of MTC's underwater cable, and for not understanding the role of the AG's office. I plead guilty to the first, but not, totally, to the second. I am glad the issue of "doing my homework" has arisen - I've been wanting to address it for quite some time, but had not found a good "hook" for doing so. Now I have.

I do not consider myself an investigative reporter. "On My Mind" is an opinion column, not a news column. I do, often, research the matter I want to write about - particularly when it involves legal issues (I like the convolutions of the law - having always wanted to be a lawyer myself) or environmental issues, about which I am deeply concerned. I also usually try to corroborate factual data that I use in my column.

But just as often, I base my column on what I read in the two local papers. And I do this quite deliberately. The general public gets much of its information from what is published in the paper. As we all know, that is not a good idea. Many stories in the paper are written fairly hastily and without a lot of research - because most reporters are under pressure to produce a fixed number of stories per day. The result is that stories lack depth, are incomplete, are sometimes even inaccurate. But this is what is fed to the public.

Reporters, however, are not the only ones at fault. The "newsmakers" must also carry part of the blame. Most rarely tell the full story. They do not provide details. They color the stories to suit their needs and interests. They almost never admit mistakes, problems, shortcomings. They fail to make themselves accessible. They do not offer background information, or other documentation.

The purpose/intent of basing parts of my columns on only what I find in the papers, is to try to indicate to the powers that be - and newsmakers - just what impression they are creating by what they do or do not release to the public, by what they insist or do not insist is corrected - or even included - in news stories, to indicate just how shallow the understanding of local actions often are. I've hoped someone would call me on whatever mistaken conclusions I've drawn - but until now that has not happened (though I have been called re factual errors I have made). And this time it happened only because I initiated the phone call.

The telecommunications issue provides a great example of the problem when only partial information is provided to the public. I was told, by my chider, that there were briefs filed about the divestiture of the underseas cable, and that the governor's stance on the matter was in keeping with some sort of schedule that has been established by the parties. Having not done any research on the Verizon sale (I confess I still don't understand the difference between Verizon and MTC, and which is being sold) I was not aware that there were any briefs filed, where they were filed, or that there was any kind of schedule. Such things had not been mentioned - at least so far as I can remember (and I admit here, too, that my memory ain't all it used to be...) - in any of the stories I had read about the sale, or the telecommunications commission, or.....

And so I made assumptions based on what I did find in the papers. Finally, in this instance, someone has called me on what I have written. Has said to me that there's more there than I seem to know about it. Has expressed disappointment that I have not done my homework. Which, as I said above, is true. But without indication that there was homework to be done, I do not feel I am entirely in the wrong. My point, I believe, has been made. Whether the fault lies with the telecommunications commission in not discussing its filings, briefings, schedules, or with the media for not reporting on them I do not know. But either way, adequate information has not been provided to the general public so that it can understand the issues, draw informed conclusions.

<center>***</center>

Insofar as the absentee ballot is concerned, my chider said that it was clear I did not understand the role of the Attorney General's Office - that its function is to serve the needs of various government agencies, not individuals. I know that. But as I told my caller, there are times when I believe the office should be more pro-active. And what better instance than when the constitutionally-protected right to vote is concerned? Nor is it merely a federal matter, as was also offered in defense by the AG's office. The issue does not only have to do with voting in a federal election, it has to do with local residency "rights." Surely it would be appropriate for the AG's office to concern itself with the retention by locally registered voters - in their practice of the constitutionally guaranteed right to vote - of the benefits, if you will, of residency?

<center>***</center>

While on the subject of a pro-active attorney general's office: Howard Willens, author of "Honorable Accord," the story of the crafting of the CNMI Covenant, noted this past week that a primary function of the CNMI administration should be the defense of the Covenant in whatever forum it may be questioned, challenged, interpreted. He said that no judicial decisions regarding Covenant provisions should be made without representation by a CNMI attorney. The Covenant is a unique instrument, and a fragile one, he said, that should be actively protected from encroachment or dilution of its provisions.

The question is how and by whom that should be done. Ordinarily, one might think that the responsibility would fall to the office of the Attorney General. Yet the turnover in that office is so high that

few if any of its present staff have ever handled a case dealing with the Covenant, and there exists no "corporate memory" in that office of Covenant issues. There is, too, the question of what is perceived as the prime function of the office - to serve the needs of government agencies. Going beyond that to other arenas where Covenant interpretation is at issue would be being "pro-active" - a function the Attorney General's office apparently does not consider appropriate for itself.

Yet the need is genuine, and a solution must be found, sooner rather than later.

<center>***</center>

Willens pointed out that a case in point is Sabangan v Powell, the case of the "stateless" children. According to Willens, the judge erred in his decision granting citizenship to the stateless because of the judge's lack of understanding of the provisions of the Covenant, and of the Trusteeship Agreement particularly as it is mentioned in Covenant Article 301 dealing with citizenship entitlement. Yet there was no one involved in the proceedings to defend, or interpret the Covenant. He thought, he said, that the CNMI should at least have filed an amicus curiae brief, if not gone so far as to file to intervene.

That is not to say that compassion, or humane-ness should not have been shown the stateless children. But the danger, he said, is in not knowing how this judge's ruling will be interpreted in the future. That is totally unpredictable, and the unexpected consequences could be very threatening to the Covenant's present provisions, he warned.

<center>***</center>

Willens' reservations notwithstanding, I would like to offer congratulations to all the members of the so-called stateless group for finally achieving their goal - U.S. citizenship and eligibility for U.S. passports. They are to be commended, as well, for all their hard work, for their determination and persistence, and most particularly for their civility, in pursuing that goal. They were never strident, they were never antagonistic, they were never demanding. Instead, they quietly, politely, but unflinchingly continued to gather the necessary data, to work together as a group, and to bring their case to the attention of all who would listen. Of course, congratulations go as well to their attorney, Ray Yana, who took their case to court.

It may have been the right decision for the wrong reason, but it has now been made, and should be accepted by all. Perhaps it can serve two purposes: righting what those affected felt was an unfair policy to begin with - and alerting the CNMI to the need to be more pro-active in defending the Covenant.

<center>***</center>

At the risk of endangering life and limb in what appears to be a heavily Republican area, let me say that it is difficult for me to understand how anyone can support President Bush in his campaign for re-election. I would hope that just because the predominant party here in the CNMI happens to be Republican, and just because the incumbent governor happens to be Republican, that does not make people feel they must also support a Republican for president of the United States. While the local Republican party is now a member of the national Republican party, I do not see any similarity in the policies and the philosophies of the two.

Locally, environmental protection is a high priority - the CNMI's tourism industry depends on it. Yet environmental protection is very low on the national Republican agenda. National Republicanism supports tax cuts for the rich. But what the CNMI needs is more tax benefits for the not-so-rich.

And while one must honor those in the CNMI who have joined the armed forces and will risk their lives in Iraq, the CNMI is paying a larger price for that unwarranted war than is the rest of the U.S.

I would hope that when it comes time to vote - either absentee or in the upcoming mock election - people will vote their conscience, rather than according to party lines!