

On My Mind
10/14/05

The front-page pictures of drenched tourists in this past Wednesday's Marianas Variety says it all: there's no place for tourists to go when it rains. Of course, that has been noted before, but up until now, no one has done anything about it. At least we now have two museums for tourists to go to, thanks to the opening of the war museum at American Memorial Park, and there is the on-going but poorly advertised show of traditional arts at the Arts Council exhibit area on Capital Hill (if it's open). Then there's the public library, but I don't know that tourists are ever told about it, invited to go there, either..... Ditto the bowling alleys.</P>

Hotels do their best to provide some activities - ping-pong tables, giant chess sets, etc., - but is there any reason why private entrepreneurs could not open indoor play areas - perhaps in the buildings left empty by departing garment factories - for indoor tennis, or roller-skating, or ping pong tables, or re-runs of vintage movies, for example? Saipan gets rainy days every year. It leaves tourists stranded, so to speak, every year. And still no one does anything about it. Why is that?</P>

Of course, the situation must please Duty Free, the closest thing to an indoor mall that Saipan has. (Wouldn't it be fun if one could roller-skate along its halls?) But with the rarefied atmosphere of its costly offerings, its appeal remains rather limited.</P>

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Something else no one seems to do anything about is the idea that if the 9th Circuit Court is split, the CNMI ought to be put in the same circuit as is California. While there may be some similarities in climate - at least in the southern part of California - there are far fewer similarities in any other area. The economics certainly don't compare. Nor does population size or density. Nor do income levels. Or educational levels, or occupational profiles. So where's the logic in lumping the CNMI in with California?</P>

It seems far more logical and appropriate, to me, for the CNMI to be placed in a judicial circuit that includes Alaska, Hawaii, and states such as Idaho and Montana - where rural-type living, small towns, and simpler life styles prevail.</P>

The subject of splitting the 9th Circuit Court comes up cyclically, and has again resurfaced. Unfortunately, there doesn't seem to have been any change in the accompanying rhetoric. It's still being talked about in terms of putting the CNMI and California together in the same circuit.</P>

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While on the subject of things judicial: It simply boggles my mind that everyone from judicial experts and legal scholars to members of Congress and op-ed writers are scrabbling all over the lot to find reasons to object to Bush's nomination of Harriet Miers to the U.S. Supreme Court when there is a very obvious, very compelling, and very basic reason for dismissing the appointment without any need for discussion at all: she's never been a judge before.</P>

As we've seen here since the CNMI became a Commonwealth, judges are appointed from among

qualified attorneys. The newly-appointed judges are then sent off to school, to learn the finer arts of judging. That's how attorneys learn to become judges. And at the level of state and municipality, that's fine.</P>

But as one climbs the judicial ladder, it should be more and more important that those who are appointed to appellate-level positions have had prior experience. One doesn't expect to have to teach an appellate judge how to be a judge.</P>

That President Bush has nominated someone to the highest court in the country who has had no prior experience whatsoever as a judge seems to me so insulting, so mindless, so ignorant as to be dismissed out of hand - automatically, without any thought required. I can't understand why anyone is giving the nomination serious thought, any attention at all.</P>

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Still on the subject of things related to the law: There's already a law - in fact, it's in the Constitution - that bills appropriating or spending money that are proposed between the time of an election and the inauguration of the winning candidates cannot pass unless approved by three-fourths of the members of each house of the legislature.</P>

Watching the give-away bills being proposed over the last several weeks in particular, it would seem most appropriate if there were a similar law for the two-month period prior to elections as well - no spending or appropriation bills approved without a three-fourths vote of approval in both houses within two months of a general election.</P>

Of particular concern are the various proposals to continue the payment of retirement bonuses. The 30% bonus was originally passed to encourage early retirement - as a means, supposedly, of reducing the size of government. Unfortunately, the law was poorly written - as is so often the case - and no one wanted to correct the give-away in any case, so the provision has continued in effect long after originally intended.</P>

Finally, the legislature passed a bill calling for an end to that bonus - somewhere down the road. Well, that point has been reached, and the end is supposed to come about this year. As was to be expected, many people who might have continued working are now planning on retiring, to take advantage of the liberal hand-out while it is still in effect - a cost that the CNMI will be hard-pressed to meet.</P>

However, ending the 30% payout will finally have its effect - it will reduce the size of government. Whether the reduction in personnel will truly reduce unnecessary positions, or, as the Public School System is insisting, will reduce essential positions, is a different question. But the point is, the law should not be changed. The 30% give-away must come to an end. It will be painful. But for the sake of the economy, that pain must be endured, for over the long term, no longer having to pay that bonus will bring appreciable savings.</P>

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Pain of another sort may be forthcoming if the Commonwealth Health Center leaves standing its recently passed regulations requiring proof of malpractice insurance from any doctor in private practice who expects to make use of CHC facilities. As was noted in a story in the Saipan

Tribune

early last week, and is reflected in the commentary in the Commonwealth Register itself, CHC's new requirement that private doctors submit proof of malpractice insurance was strongly opposed by local physicians as being too difficult to meet, and too costly. There was also objection to the requirement that CHC be indemnified by the affected physicians. According to the regulations, if doctors do not comply, they will no longer be allowed "privileges" at the hospital. As many as six physicians now in or contemplating private practice may be affected.

Ironically, CHC commentary in the Register acknowledges that malpractice insurance is difficult to obtain in the CNMI, as is an alternative surety bond. Two other alternatives would encumber large amounts of capital that, doctors protested, could better be used to improve services.

It appears that the 30-day grace period for conforming to the regulations expires on October 22.

On a brighter note, at least the Commonwealth Register and its contents are now much easier to access. The office of the Attorney General's web site now provides a table of contents to the Register, and it is now possible to selectively download items from the Register using the table of contents, rather than having to download the whole thing as was true previously. Thank-you, Thank-you! The AGO site: <www.cnmiago.mp.gov>

The Register is usually issued during the third week of every month.

Along the lines of "making it better," one arena where that is happening now, even before the November election, is in Judge Govendo's family court (and no, he is not up for retention). Perpetrators of domestic abuse are not only lectured about their abusive behavior, but many are routinely ordered to attend either anger management or drug and substance abuse counseling, or both. Nor does Govendo end there. He orders them to return to court in a month's time and report their progress to the court.

For those who are behind in child support and claim they cannot find work, he has begun working with various agencies to locate jobs for what he terms "deadbeat dads," and here, too, he orders them to return in a month's time and report their progress.

Proof that his approach makes a difference? The judge said he's seen women come in trembling and afraid, but several months later, after their husbands have undergone counseling, (the wives are required to be present in court when their husbands report back) they come in smiling and no longer afraid.

Govendo said he would like to see an integrated family court in the CNMI, where juvenile court, "family" court, and related criminal procedures are combined so that the family's problems can be dealt with in a truly unified manner.

The political game is heating up - more on that next week - but did want to note that while I have not been able to decide which candidate to vote for (though I had narrowed it down to two), I had

planned on boycotting the Chamber of Commerce debates because I object to having to pay for information about the candidates that should be freely available to all. However, after having attended the lieutenant governor debates arranged by one of Sam McPhetres' classes at Northern Marianas College this past Thursday afternoon, I have changed my mind. The candidates who came off best in that debate - at least in my opinion - were not aligned with the gubernatorial candidates I had been considering. So now I feel compelled to see them in action too. Though I hasten to note that a good stage presence is not necessarily a sign of a good governor - or a good lieutenant governor, either.</P>