

On My Mind
7/06/07

If it were up to me, I'd be inclined to accept the re-districting map presented by House Counsel Ian Catlett at this past Tuesday's session of the CNMI's Supreme Court on the need to re-draw Saipan's voter precincts. He offered a map that showed some change, but in essence kept the present precincts quite similar to what now exists, both in terms of shape and numbers of delegates per precinct. In contrast, the map offered by Senator Maria T. "Frica" Pangelinan - who, together with Tina Sablan, is responsible for bringing up the question in the first place - showed Saipan divided into 12 single-person precincts.

But I would not accept Catlett's contention that, in observance of the one-man one-vote rule, two more seats would have to be added to the House, for a total of 20 altogether. Nor would I accept the statement, made by both Catlett and Pangelinan, that the Justices should disregard economic consequences in making their decision. On the contrary, I believe it would be imprudent and irresponsible not to do so, particularly in light of the present failing economy.

Pangelinan brought the question to the court because the CNMI Constitution mandates that within 120 days of the latest census, the legislature must reapportion the seats in the House or revise the election districts to accommodate changes in population. The latest census took place in 1990, and the 120-day limit has long expired. The Constitution states that if the legislature fails to act, the governor is given 120 days to make the changes, and if that deadline expires, any person qualified to vote can take the issue to the court. The legislature did not act, nor did the governor. Hence, Pangelinan's action, for which she deserves high praise and much gratitude, for so ably taking on such a major issue on her own initiative, at her own expense, on her own time.

Yet she muddied the water, in my opinion, by excluding everyone but U.S. citizens from the total number on which apportionment would be based. Though doing so would result in a smaller number of house seats (her solution provides for only 14, instead of the present 16) that approach appears to violate the modern practice of counting the entire population in apportioning seats, judging from the several questions asked by the Justices on this point. There is no requirement that a person asking the Court to re-apportion voter districts submit a specific plan for doing so. The request, so far as I know, could have been given to the Court with "no strings attached," as they say - and might have made it a lot simpler for the Court to come to a decision.

Moreover, I believe Pangelinan and Catlett both erred in insisting that the one-man one-vote rule requires that Tinian and Rota's population be taken into account in calculating how many representatives Saipan should have - but then, I am not an attorney. As I understand it, they averaged the population on the two islands, coming up with a number of two thousand something, and proceeded to use that as the base for calculating the number of representatives for Saipan. The CNMI Constitution guarantees Tinian and Rota a seat in the House regardless of their population. It would, however, be totally unworkable to use those numbers as a basis for allocating Saipan representation, should - due to a disaster of whatever kind - those numbers decline. Those numbers, in short, simply do not provide a reliable, useful, workable base for calculating representation ratios.

Several times during the morning, Chief Justice Miguel S. Demapan pointed out that on the mainland, the average number of people represented by just one member of Congress is 50,000, and in California it is 300,000 (I couldn't help wondering whether he had it in the back

of his mind that Saipan in its entirety should be represented by only a single legislator. But of course that would not work, since it would give Rota and Tinian too much prominence in the House). In any case, the courts have held that the CNMI is not obliged to follow the one-man one-vote rule in the composition of its Senate. Could it not be argued, therefore, that it need not follow that rule in the House either?

Oddly enough, not once during the 3 ½ hours I sat there was any mention made of the change in population that has occurred since the last census. In 1990, wasn't the CNMI in its heyday, with booming garment factories, and many more foreign workers than are in the CNMI today? Should those earlier figures even be considered in re-drawing voter district lines? Are there reliable figures available on the current population? Would it be permissible to use them?

Another issue: should each district have only one representative, as Pangelinan's plan proposed, or multiple representatives, as Catletts' proposed, or should Saipan be made a single district with representatives elected at large, which would give voters a better pool of candidates to work with - a suggestion made by Chief Justice Demapan?

Other issues raised: whether the redistricting should be done before or after the November election; whether to postpone the whole thing until after the next census in 2010; the conflict between "blocks" used by the U.S. Census in counting people and existing voter precinct lines; the protection of the rights of the Carolinian people; whether the Court could do nothing and wait for the legislature to act; and lastly, whether the Court could declare that Pangelinan's role in bringing this question to the Court was within the purview of her position as Senator (she told the Court she was personally absorbing all the costs involved, but would like to be able to use her Senate monies).

All in all, an engrossing, informative, enlightening insight into the workings of democracy - and most appropriately timed, as well, coming just before Independence Day!

A story in last week's *Marianas Variety* said that the Department of Public Lands had rejected a request for public land by Saipan's motocross and auto racing enthusiasts, saying the land should be reserved for investors. It's not clear to me whether the story got muddled in the paper, or circumstances changed, but the story I got from the Department of Public Lands' planning division was that the land being used by the present motocross group, MRA, is being made available to the Department of Community and Cultural Affairs on a year-to-year basis, and DCCA, in turn, has a Memorandum of Understanding with the motocross group allowing it to use the Marpi land for its activities. What the DPL rejected, I was told, was a request from a car racing group that additional land in the area be designated for purposes of car racing.

Be that as it may, the old adage of a bird in the hand being worth two in the bush comes to mind. At present there is, so far as I know, no bidder, no investor ready to sign a lease for the land at issue. But there are members of the community who would like to use the land in ways that could well eventually draw a paying audience and even bring in visitors from off-island - as I understand the motocross racing already does. The potential for revenue generation is there, in other words. Yet the administration is turning it down. As it has support for XTERRA. As it has support for cliff-line fishing on Saipan. As it has for a fishermen/farmers co-op in Garapan. All of which would not only bring income and entertainment to local residents, but also provide tourists with added activities to take part in or observe.

Saipan, primarily, had begun to build a reputation as sports mecca, in addition to its

tropical island allure, and was getting coverage from off-island publications, attendance from off-island tourists. Maybe the total revenue wasn't yet as big as a new hotel might bring, but the potential for growth was definitely there, and the activities were generating income. The administration might better stop saving all its eggs to put into one basket, and start distributing those eggs - to mangle the adage a bit - into numerous smaller baskets instead.

Short takes:

Last week I gave a plug to a place called Family Outlet on Middle Road that sells tankless gas water heaters for \$70. So in all fairness, this week let me mention North Pacific Enterprises, Inc, which sells solar hot waters for around \$650 installed. "But, that is a one time expense. We have them spec'ed especially for here with all stainless frame and hardware...and in an especially vulnerable area we can supply...a cover," says owner Rip Stephanson. With LPG prices going up, it's an alternative worth considering.

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If you've missed the ads, Taste of India has announced its re-opening, as of this Saturday, July 7th! It is now located on Middle Road, in the same building as the *Pacific Daily News*, just south of PTI. Its new phone number: 234-8448 or 235-5548. We welcome its return. And rumor has it that AJ's is also to re-open, moving to the top of the Nauru building. Moral of the story: not all closings are final. Some are just re-adjustments, re-alignments.

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There is, it is said, a Retiree's organization on Saipan, and it does collect dues - or it used to. But so far as I know it never meets, never makes public pronouncements, never does very much of anything. It is to be hoped that retirees are not hanging back from speaking out in respect for this non-functioning group and its apparently spineless leader.

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The good news is the most recent report from the Public Auditor's Office on the status of its audit recommendations shows an increase in closures and a decrease in delinquent recommendations, attributable in part, according to the executive summary, to the efforts of the office of the governor and its legal counsel. The bad news is that the OPA audit also shows some \$6.4 million in improperly expended funds, overpayment of contracts, unpaid rental of land leases, etc., due the government on which no effort towards collection has been reported.

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With all the bloggers out there, could someone be persuaded to put together a bloggers' digest? They're proliferating like mad, but the time to read them all doesn't expand accordingly. I hate missing them, but cannot begin to keep up! A condensed version would sure be helpful!

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New movies this week: "Transformers" and "License to Wed," both PG-13, for a total of 1 G, 2 PG's, 4 PG-13's and one R. And actually, the best choices from "Rotten Tomatoes's" two lists of box office hits and new releases - at least in my opinion.....