

On My Mind  
8/08/08

Legal counsel are supposed to protect and support their clients, but when those counsel twist the evidence, should it still be considered appropriate? Maybe the question is how far, how hard to do the twisting? But surely, at some point, integrity gets involved, if not ethics?

The governor's blast at the U.S. Government Accountability Office's just released Report to Congressional Committees: "The Commonwealth of the Northern Mariana Islands: Managing Potential Economic Impact of Applying U.S. Immigration Law Requires Federal Coordinated Decisions and Additional Data," is badly skewed, and it would appear that it is based on opinions held by the governor's unpaid legal counsel Howard Willens.

The governor/Willens hold that the GAO report proves their point that the federal immigration law will hurt the CNMI economy.

In actuality, it says no such thing. To quote from the report, "By focusing on **one of several scenarios developed for illustrative purposes rather than the full range of scenarios included in our report, the CNMI government comments also inaccurately stated that the report predicts a substantial decline in the CNMI economy** as a result of the legislation....In response to these comments, however, we revised the body of the report to better clarify that the **GDP simulations illustrate a range of possible outcomes of federal decisions** regarding the CNMI-only work permit program **ranging from minimal to substantial impact on the economy—without predicting future GDP.**"

In its conclusion, the report states, "Given the serious challenges already facing the CNMI economy, **it is critical that federal agencies implement the legislation in ways that minimize potential adverse effects to the CNMI economy and maximize the CNMI's potential for economic and business growth** [emphases added], following the legislation's stated intent. Because the interaction of key federal decisions involving different departments will have a significant impact on the CNMI economy, coordination of these decisions is critical and necessitates an established interagency process, which currently does not exist."

Does that read like a conclusion that implementation of the federal legislation will cause a 50% decline in GNP? Not in my book.

The report looks at various alternate actions, and discusses the implications thereof, together with a host of graphs and charts. But its conclusions only say that care must be taken in how the regulations are drafted, that an integrated inter-agency approach must be taken in doing so, so as to minimize adverse effects and maximize growth potential, and that more data will be needed in order to satisfy that goal.

Though viewing the GAO report as more fodder for a suit against the U.S. might potentially enrich the purse of the governor's legal counsel - at the expense

of the rest of the CNMI's residents - the governor and his legal counsel might better heed the words of St. Francis, ask for the serenity to accept things one cannot change, and get on with working with the federal government on an implementation that meets the needs of both the CNMI and the federal government.

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Instead of helping CNMI residents, however, the administration seems bent on imposing as much pain as possible. One example is the imposition of a fee for parking one's car at the Fishing Base in Garapan with a "for sale" sign in the window. That's been a tradition as long as I can remember. The cars were looked upon as a good indicator of the economy - the more cars, the worse the economy; the fewer the cars, the better the economy.

It was an easy way for people to do business, to interact, to buy and sell. In today's hard times, it was all the more important, since it gave people an opportunity to earn a dollar, save a dollar, without any extra expenses involved. But the practice has lately been banned - unless one applies for a permit from the Department of Public Lands. The rationale seems to be that people are advertising (that they have a car for sale), and just as commercial advertisers must pay a fee and obtain a permit to put their ads on public land, so now must people selling cars, as well as people running for office (because they are advertising their candidacy) pay a fee, obtain a permit.

Another example of mindless pain imposed on CNMI residents is the recent closing of the motorcycle race track at CowTown to amateur race enthusiasts. Allegedly, it was done because better purposes could be found for the land in question. Maybe so. But until that happened, why couldn't those who used the track continue to do so? The CowTown lot was isolated enough so that the noise of racing motorcycles wouldn't bother anyone, and it offered families something they could do together while youngsters exercised their skills - in a safe place away from other vehicles.

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One has to wonder at the short-sightedness of most members of the legislature. In the midst of constant complaints that the federal government is imposing its will without allowing participation by the stakeholders - i.e., the people of the CNMI - when offered a chance to do so, the legislators turn it down.

The majority of the House Committee on Judiciary and Governmental Operations, to which House Bill 16-86, Tina Sablan's Resident Foreign Nationals Act of 2008 was referred, have voted to "file" it. Should that recommendation come back to the floor of the House, and be approved by the legislature as a whole, the bill will be dead.

Sablan, a member of the JGO committee, has filed a minority report, which hopefully will be included in the discussion when the full House considers the

JGO recommendation.

House members have argued that there is no point in enacting a bill having to do with labor and immigration in light of the impending federal take-over. What they do not seem to recognize, understand, is that if that bill is passed, federal agencies will have to take it into consideration in drafting the terms of the federal take-over. If Sablan's bill does not pass, there will be nothing on the books that the federal government can look to and be forced to consider it shaping the form of the take-over.

Passage of the bill gives the legislature an opportunity to say: this is what we want; this is what we feel we need; this is what we support. In short, it offers the legislature an avenue through which to participate in the negotiations - the same negotiations in which they keep complaining no one is offering them a role.

Will they wake up and see the light? One can only hope.....

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Short takes:

A word to the wise: beware of DPS' sobriety checks! Your humble scribe made the mistake of not doing so, as well as a second mistake by not having eaten after having a cocktail, and got caught. Not wishing to lie to a DPS officer, I admitted I'd had a drink, and ended up being thoroughly humiliated by failing two of the three tests posed (one due to old age, the other due to lung disease) and being driven home by a DPS officer. I was later told I could have refused to take the tests, but I don't see how that would have helped.

I've also since found out that once an officer hears that a person has had a drink, that officer cannot let the person drive, due to liability issues. But I believe the tests themselves are discriminatory against senior citizens, who don't have the balance younger people do, and to those handicapped with lung problems, who can't pass the breathalyzer test. I've given the DPS Acting Commissioner a letter expressing my concerns.

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Still counting: it's now been two months and one week since my accountant turned in a second response to Revenue and Tax's finding that I had not filed what turns out is, in effect, a redundant document with my tax return, but I have yet to receive my economic stimulus check.....

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To those criticizing Pete A. Tenorio for not resigning from office to run for election as the CNMI's non-voting delegate to Congress: the law authorizing the position makes it very clear that resident representative and non-voting delegate are to be considered synonymous for purposes of the act. Thus, Tenorio is running for re-election to the same post he already holds, and one doesn't resign in order to do that. Senator Luis Crisostomo, on the other hand, does not have to resign until his candidacy has been certi-

fied by the Election Commission, and this has not yet occurred.