

On My Mind
5/01/10

The big news is the release, by the U.S. Department of Interior, of its response to a U.S. Congressional inquiry as to the status of foreign workers in the CNMI. The report, released at 2:00 p.m. yesterday, has been ably reported in today's *Saipan Tribune*. The full text is available on the web at < <http://www.doi.gov/oia/reports/reportsCNMI.html> >, and on Wendy Doromol's blog < <http://unheardnomore.blogspot.com/> >. Briefly, it says there are a little more than 20,000 foreigners in the CNMI, of which a little more than 16,000 are foreign workers, of which some 15,000+ have been in the CNMI more than five years, and that Congress should consider allowing such foreign workers to apply for long-term status under the laws of the U.S.

The 24-page report contains few surprises, though I found two statements of particular interest: "There appears to be no economy in the Pacific that has experienced this extreme a degree of business expansion and subsequent contraction since the Asian financial crisis of the mid-1990s shook Asian markets," said of the rise and fall of CNMI business gross receipts between the years 1990 and 2009; and "The CNMI is the only U.S. labor market where more than half of payroll workers are temporary alien workers who are present in the CNMI on permits issued by the CNMI."

It explains that the Ombudsman's office was asked to count the foreign workers in the CNMI because the CNMI's lack of reliable data, and refusal to turn over what it had. The weakest part of the report is its reliance on only 10 firms in the CNMI - due to time restraints, among other reasons - as its basis for projecting future need for foreign workers.

The question now is how promptly Congress will act on the Interior recommendation, and to what extent the larger issue of whether Congress first battles an environmental law before it addresses immigration issues on a national scale will interfere. At least it's now on the record: Congress has been told by the executive branch responsible for the welfare of the CNMI that CNMI's foreign workers should be given long term status under U.S. law.

Contrary to the promptness with which the Department of Interior met its deadline, the Department of Homeland Security (DHS) and its U.S. Immigration and Customs Enforcement (ICE) section continue to drag their heels in releasing final rules and regulations for the law imposing federal control over immigration, leaving every segment of the CNMI's economy uncertain about the status of its workers as well as all things related thereto.

Pundits say the problem lies with turf wars not only within the DHS, but also among cabinet-level departments in Washington - which, of course, is no excuse for such dilatoriness, nor does it help resolve the confusion in the CNMI.

The issue of whether the CNMI's Department of Labor or the U.S.'s ICE now

controls the status of foreign workers could, perhaps, be resolved in court, but apparently no one can be found with the funds to take on the issue, no one is willing to do it pro bono, and every one is used to paying the fees anyway; the prevailing attitude seems to be to hunker down and wait for action from the feds to clear the air. What is it that is said about the island way? "One sways with the wind?"

Much has been written about the CNMI Constitution's Article XII restriction on land ownership, both in support of and in opposition to its provision that "interests" in CNMI real property should be limited to people of Northern Marianas descent. It is clear that some change must be made to Article XII as it now reads because, as has been pointed out, there will be, as time passes, fewer and fewer people who qualify as people of Northern Marianas descent under the Constitution's present definition, and thus, fewer and fewer people eligible to own land in the CNMI.

But it does not necessarily follow that land alienation restrictions should, therefore, be wiped out entirely - allowing any U.S. citizen to own land in the CNMI, or, even, allowing any U.S. citizen to vote on modifying Article XII's provisions.

It doesn't take much imagination to picture the CNMI some twenty years from now - assuming it has not been destroyed by tidal wave, earthquake, nuclear bomb, or whatever - inhabited by a mixture of Asians, Filipinos, Russians, and "mainlanders," with Chamorro or Carolinian families few and far between. No longer the owners of land in the CNMI, families who once lived here, and once made the CNMI home, would no longer have a home to come back to.

Of course, similar things happen elsewhere. Homes one grew up in may no longer be there 20 years later. But the village, or suburb - the surroundings, in other words - would in many instances, still retain their original character and ambience, many of the original inhabitants. In the CNMI, this would, in all likelihood, not be true.

This would appear not to be of concern to those Chamorros and Carolinians who support abolishing land ownership restrictions. And if that is how they feel, so be it.

But since it is their "homeland" that is at issue, it seems only reasonable that they alone should be allowed to decide whether land ownership restrictions should be changed. To do otherwise is similar to allowing a goose, for example, to make the rules in a hen house. The hens may have learned to live with the goose, but it is the hen's house, not the goose's.

Many geese - to continue the analogy - have lived among the hens for many years. But that doesn't change whose house it is.

Determining what principle of law would be used to defend such a position might be a challenge to those called upon to do so, but there's little doubt one could be found.

It should be noted that the *Covenant's* section 805 does not mandate that Article XII be changed twenty-five years after the termination of the Trusteeship Agreement - i.e., in 2012. It says that the government will restrict land ownership for twenty five

years, AND may continue to regulate land alienation thereafter.

In a column in the *Tribune* two weeks ago, aviator, economist, columnist Ed Stephens, Jr. identified several reasons why the CNMI's economy continues to suffer. There are, perhaps, as many opinions as to why as there are arm-chair economists, but Ed's seem more "spot on" than most. His list: (1) the hostility of local government to independent economic (or any other kind, for that matter) expertise; it prefers its patronage courtiers; (2) the good ol' boy attitude of "**If we don' know it, then it ain't worth knowin'**," [emphasis added by Ed] an economic recipe for stagnation or backwardness (which he ascribed to the private sector, but could just as well apply to the government sector); and (3) the local work force with no place to turn because it can't vote for anyone who can change things - it would just get more of the same - and because it "lack[s] the capital to start substantial enough businesses to raise the bar here."

The point? There's more than distance, or the world economy, or local graft and corruption that are barriers - there are also attitudes, patterns of thought and behavior that stand in the way of progress for the CNMI. The challenge is in finding ways to change those patterns and attitudes without having to wait for a whole new generation to return from mainland educational experiences.

Short takes:

CORRECTION: I misspelled Rebecca Cartagena's name two weeks ago, in providing an e-mail address for the federal census liaison to the CNMI. The correct e-mail address is: < rebecca.diaz.cartagena@census.gov >. My apologies.

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A reader pointed out that while Rota may be too remote to serve as the site for the primary Marianas Trench Marine Monument visitor center, there's nothing to prevent a smaller version being built there. The biggest cost, says my reader, is the design, not the production.....

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Thank-you to another economist, former resident, and prolific writer Bill Stewart for his enlightening articles in the 4/27, 4/28 issues of the *Tribune* on why the CNMI government, rather than CNMI government retirees, or their Fund, should be the one to guarantee any pension obligation bond. Not that pension obligation bonds are necessarily a good idea per se, but if that is the route the government decides to take in trying to keep the Retirement Fund solvent, Stewart makes it clear in language even I could understand that the Fund itself better not be the guarantor.