

On My Mind
10/08/10

As more people get added every day to the list of those considered "essential" to the conduct of government during a shutdown, the whole thing becomes more and more of a joke. The main point of such shutdowns is to impose a sense of crisis and hardship, to bring pressure on uncooperative legislators, so that they will back down from whatever their position, and agree to pass a budget. That is not happening in the CNMI. In fact, the *Marianas Variety* ran a front-page headline on Wednesday that said, in regard to the budget negotiations, "No sense of urgency."

To be sure, there is some hardship - on those who are still on the "non-essential" list. And lots of frustration - when no one answers the phone at the Zoning Board, at the Mayor's office, at the government mail room, among others. But enough to cause members of the legislature to seek a speedy resolution? Not hardly! Nor does the loss of salary - which was supposed to create a personal hardship that would motivate legislators to act quickly - seem to have had any effect whatsoever.

The entire CNMI is being held hostage, while the House majority, with complete disregard for its Constitutionally-defined function as one of three branches of government, kowtows to the governor and the governor, in turn, similarly abuses the Constitutionally-defined separation of branches of government by demanding that the legislature accept his position on the budget.

From all reports, one reason the House has rejected compromises offered by the Senate on its various budget bills is because they fear the governor would veto anything that did not hold to the 16-hours/week cut in work hours. Surely, if the House and Senate can find agreement to pass the bill, they could also find sufficient numbers to over-ride the governor's threatened veto? So why hasn't that happened? Have the interests of the House leadership become so entrenched with those of the governor that it can no longer uphold its proper role as one of THREE parts of government?

With neither recall nor impeachment nor even citizen arrest available as viable options, where is the remedy to this impasse? An on-going sit-in might do it - if enough people participated, and stayed in the Chambers on a continuous basis long enough. Ironically though, those most hurt by the shut-down - the "non-essentials" - are by definition the least powerful, the least threatening, the least influential, to carry out such a siege. Government has not collapsed without their services, and very likely, many of their services could/should have been taken out of government - and maybe privatized? - to begin with.

One problem is that once again, the legislature was caught unprepared. The Constitutional amendment requiring a shutdown if a budget wasn't passed - which was approved two years ago - was very clear: essential functions allowed to continue operating were to be defined by the legislature. But only when it looked like a budget might not pass was a bill drafted to define what was essential - and even then, it was left to languish in committee.

So what is "essential"? There seems no easy list, standard, criteria. The Congressional Research Service provided a list of essential functions in a report two years ago. A 1980 U.S. Office of Management and Budget (OMB) memorandum published in 1980 defines "essential" government services and "essential" employees but only in broad general terms. There's an interesting discussion of the role of national legislative bodies in budget-making in <
<http://www.scottish.parliament.uk/business/research/briefings-08/SB08-27.pdf> >, which notes that, "Budget-making legislatures are rare. The U.S. Congress is the prime example in this category and is unrivalled among legislatures with regard to its influence on budgets."

There's not all that much help on the web regarding state lists either.

It would take some fancy word-play, however, to come up with the decision made in the CNMI that the Public School System and Northern Marianas College were "essential" government functions that should continue to operate in an emergency. It's convenient, and practical, to be sure, in order to keep students in school and off the streets. But to blithely claim they are "essential" - under conditions such as a government shut down - is a stretch no matter how one defines it.

Will the legislators, once the battle of the budget is over, go back, dig out the bill, and put something together that would work better next time? Or will they let it stay buried in the vain belief that surely there won't ever be another government shut-down?

Information on the three initiatives that will be on the ballot next month has finally appeared. Today's *Saipan Tribune* has three full-page ads, with the information provided in English, Chamorro and Carolinian. Unfortunately, they do not appear in the on-line version of the paper. Two of the initiatives are presented with pros and cons, one is not. The text for all three was prepared by the Office of the Attorney General.

The Commonwealth Election Commission has turned responsibility for distribution of the information over to NMC faculty member Sam McPhetres and students of his Current Issues classes.

McPhetres reports that Chamorro, English, and Carolinian versions of the initiatives are being broadcast on radio station 101.1 FM by the students, who will also be attending the Saturday Sabalo market with both posters and brochures. Brochures are scheduled to be left in commercial outlets such as grocery stores, department stores and other large traffic outlets. A TV public service announcement has been prepared. He said students will also bring materials to Rota and Tinian, and are targeting the Chamber of Commerce, the Rotary club, and other civic organizations as well. Due to the government shut-down, he said, they have not yet received the \$6,000 allocated for the tickets to Rota and Tinian, car gas, paper and related supplies, etc., but will do the best they can under the circumstances.

Short takes:

The Call-a-Ride van is out of service, leaving those dependent on it for transportation with no way to get anywhere. In the meantime, the Public School System recently acquired five new vans for its special education students. Why couldn't an arrangement be made between PSS and the Call-a-Ride program to share the PSS vehicles until Call-a-Ride's van was back in service?

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In today's issue of both papers, Letter to the Editor writer Michael Geisinger complained that CUC's Trouble Desk was a complete waste of resources. I would respectfully disagree. The line is often busy, but when it is answered, I have found the operators helpful, polite, responsive. They don't always know the answer, but that's understandable - they only know what others tell them. It pays to be nice to them, rather than yelling at them about problems not of their making.....

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Kudos to Hopwood Junior High School principal Jonas Barcinas for setting up criteria students must meet before receiving their free computers, and for involving parents in the process! In a 10/4 *Tribune* story, Barcinas said ownership is a responsibility, and students must first show they are capable of accepting that responsibility.

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Kudos to CHC for finally clearing all Medicare and Medicaid hurdles for operation of its hemodialysis center. The agencies have lifted the center's "jeopardy" status, according to a story in the same 10/4 issue of the *Trib*.

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The Humanities Council is sponsoring another Chatauqua event: a presentation by "Abraham Lincoln" Tuesday, 10/19, at 6:00 p.m. at American Memorial Park.

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P.F.Kluge's lectures on Great American Classics - originally presented on Saipan in person earlier this year - are being aired on MCV Channel 60 at 7 p.m this month. The three sessions on "To Kill a Mockingbird" were shown this past week; "Old Man and the Sea" will be shown October 11, 12, and 12; "Huck Finn" on October 18, 19, and 20, and "The Things They Carried" on October 25, 26, and 27.

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Those concerned about trees being cut down might want to take particular note of the offer by Mariana Island Nature Alliance to give trees away on Sunday, October 10, to anyone willing to plant one, anywhere. The occasion is in observance of a world wide "10/10/10 Work Party" sponsored by 350.org, an international campaign that is building a movement to unite the world around solutions to the climate crisis. 350 refers to the concentration of CO2 in the air - what scientists say is the safe upper limit for carbon dioxide in the atmosphere. Free trees - and vouchers for trees from cooperating nurseries - will be available starting Saturday, 10/9, at noon until Sunday, 10/10, at noon at the MINA office, next to Naked Fish on Beach Road.

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The Zoning Board has scheduled a public hearing on three permit applications together with a regular Board meeting on Tuesday, October 12, at 6:00 p.m. at its office on the second floor of the JoeTen Dandan building. Details can be found in last week's column.