

6/1/12

It would have been nice if U.S. Bankruptcy Judge Robert J. Faris had refrained from ruling from the bench in Friday's hearing on the Retirement Fund's petition for bankruptcy, if only to give the impression that the skillful efforts of Brown, Rudnick attorney Jeremy B. Coffey had given him pause. But he did not. He issued his ruling denying the bankruptcy petition as though he'd had his mind made up before the hearing even began. Yours truly also commented, and though not anywhere near in the same class as Coffey's, that appeared to have no effect either.

It also would be nice if the many recriminations being tossed around - against the Fund, against its trustees, against its attorneys, against the legislature, against past and present administrations, against attorneys in general - came to a halt. No one denies that missteps were taken, errors made, imprudent actions taken, irresponsible laws passed by the legislature and signed into law by the governor at the time. But they cannot be changed. Those things happened. They should be laid to rest. To continue to harp on the past clutters the landscape, but achieves no purpose.

What is important, what matters, what everyone should focus on, is what happens now, what actions are taken now. There has been a call for a leader, an uninterested party, a capable, intelligent, respected person with integrity who would try to pull all the forces together, and would be able to come up with a workable plan that would meet the needs of the retirees, the active members, the Fund itself, as well as all the agencies that owe the Fund money.

Defining the capacity in which this person would serve - what powers and authority s/he would be given - and by whom, is admittedly a challenge. So is finding such a person. But here's a suggestion, not so idly put: how about Utu Abe Malae? He is an outsider, he has no interest in the matter, he has integrity, he is widely respected, he's hard-working and industrious, he's been nationally recognized for his administrative achievements - and he is, at the moment, still on island. Why couldn't he be named Special Arbitrator by Govendo's court, for example, to see that an acceptable, workable plan is submitted and carried out by all parties?

Maybe that way he could also be persuaded to keep half an eye on CUC - at least til the end of his contract next year?

In the meantime, we can but wait - for Govendo's court hearing, for Judge Faris' written ruling. Of course, in the meantime, the many disparate parties could begin to work on their own, to come together, to develop a means of communicating with one another and to identify their needs, their suggestions, their spokespersons. But as they say, if wishes were horses, beggars would ride.

Among the recriminations being bandied about is the one that reviles the Retirement Fund for having declared bankruptcy in the first place. However, even though the bankruptcy suit has failed, it has accomplished one thing - it has forced the administration to take notice - which it has not done up until now - even to consider Social Security for the CNMI. It was a very expensive lesson, granted, but it does seem to have brought everyone to the table. Without the suit, the Fund would just have quietly faded away and died, given the lethargy of the legislature, the inattention by the executive branch. At least now people are aroused, somewhat better informed, and not quite so willing to let things happen as they may.....

One need but ask whether all the turmoil would have been generated if the Fund had not declared bankruptcy. That it did so goes to show how desperate the Fund was in the face of continued

inaction by the legislature, continued lack of payment by government agencies. Even Judge Faris said the Fund had no choice but to do so.....

Most things change over time - they get larger or smaller, stronger or weaker, more or less bright, more or less polluted, or overgrown, or dilapidated, etc., etc., etc. Even humans change over time - in addition to getting older, some get wiser, richer, happier, or less so. But usually, such change is predictable, follows a pattern, is not really surprising. In the case of the present governor, however, the change over the years has been rather drastic. It has not followed a pattern. Nor was it predictable.

In earlier days, as Speaker of the House during the 3rd Legislature, for instance, the present governor appeared genial, open, smiling, friendly, leading the House through its sessions with tact, skill, and consideration. He seemed to know how to bring opposing sides together, to recognize and understand the concerns of constituents as well as legislators, to be polite and charming throughout.

Whatever has wrought the change, that person apparently no longer exists. How sad.

Short takes:

- A new month is open on the Marianas Visitors Authority calendar. Organizations should make sure their meetings, events, are included! Go to : < www.mymarianas.com > and click on "Calendar of Events" to post your entry.
- Some readers got a double dose of the column last week, and some got a double dose not once but twice. The first phenomenon I have no explanation for - has to have been a gremlin. The second was pure carelessness. My most abject apologies!
- Here's a catchy phrase for rating political aspirants - they should offer: "straight talk, strong leadership, sensible solutions." It comes from a syndicated column by David Walker which was published in the *Saipan Tribune* recently.
- Does anyone else think it incongruent that Japanese and Korean devotees are coming to Saipan to clean the monuments that have been erected here to memorialize those of their people who lost their lives on Saipan?
- Though the idea of a hospice service in the CNMI comes up every now and then, it has attained new meaning, thanks to an article in Friday's *Marianas Variety* by reporter Tammy Doty, which suggests that with increased restrictions on medical referral, the need for the services of a hospice would become more pressing.
- As Public Works, or whoever, continues to expend effort maintaining, repainting and building new school bus stops, shouldn't someone be looking at their basic design? They're not large enough, they're not suitable to the local climate, they're not even attractive. Maybe a design contest could be conducted?
- As the R.I.P. sign indicates, the Capitol Hill icon is about to go away. Its sponsors say that the icon has aged and is no longer stable. It shall be missed. It has been a wonderful example of the creativity, generosity and community-mindedness of individual members of the private sector, to whom we offer many thanks for the inevitable smile its costume always brought.

Some dates to remember that ought to have been on the MVA calendar(!): - June 5-6, Mariana Monument Advisory Council meeting at the Fiesta Resort and Spa, from 8:30 a.m. - 4:00 p.m. Open for public comment from 4:00 p.m. - 5:00 p.m. both days. For further info, see <

www.fws.gov/marianastrenchmarinemonument > or <

www.fpir.noaa.gov/MNM/mnm_index.html >.

- June 11, NOAA hearing on proposal to add 40 coral species to the Endangered Species Act, at multi-purpose center in Susupe; on Tinian on 6/12 at the Fleming Hotel; on Rota on 6/14 at the Rota Mayor's office; all from 6:00-9:00 p.m.

- June 18, Humanities Council fundraiser at Azucena Room, Fiesta Hotel, 6:00 p.m. - 8:30 p.m. Featured speaker will be Father Francis X. Hezel, S.J., on "The Changing Face of the Marianas." cost: \$25 per person. Proceeds will be used to support the Council's future humanities programming and educational initiatives.

- June 18, Manta Ray Band concert at American Memorial Park, 6:30 p.m.

- Every Saturday in June, from 8:00 a.m. - noon: Friends of the Library book sale at the JoeTen-Kiyu Public Library.