

8/24/12

(Our apologies for the delay in delivery - a 5-day visit from my sister took priority)

It is almost mind-numbing to see - and read - the open discussions about impeachment of the governor. It is only the second time in the history of the CNMI that impeachment has ever been mentioned in public, and the first time, as the *Saipan Tribune* reported in its Tuesday 8/28 issue, drew gunfire. The timing of the current discussion - as the governor lingers off-island on another of his frequent trips - is almost eerily convenient. Though any number of people have gone public in supporting the impeachment - and one has to admire the many who have, most particularly the members of the House minority for all putting their names to the impeachment document - many others are still afraid of the possible consequences, particularly if the effort to impeach fails.

It has been suggested that the governor be urged to resign instead. This would save him the embarrassment of being impeached, and relieve everyone else of the need to go public with his/her position. The question, of course, is whether the governor would be willing to step down on his own initiative.

There's hope/talk, too, that maybe he will be brought to trial for violation of some federal rule or law related to his expenditure of federal funds.

Regardless of how he's removed from office, it's clear that the longer he stays in office, the less chance there is that the CNMI will ever be able to recoup and recover from his high-handed, profligate, self-serving ways that have reduced the CNMI economy to a shambles, severely damaged its reputation among foreign investors, and denied its people a chance to feel secure in their homes, in their jobs, in their future.

If he stays in office, it will only get worse - if that can be imagined. The sooner he is deposed, the better! Thus, it certainly appears that impeachment is the way to go. The on-line petition addressed to the legislators is at < <http://www.change.org/petitions/the-cnmi-legislature-impeach-cnmi-governor-benigno-fitia> >.

For those who may have found events in the Retirement Fund arena as difficult to follow as has yours truly, herewith a simplified outline/chronology that might help.

"In the beginning," in August of 2006, the Retirement Fund (the Fund) sued the CNMI government in the local Superior Court because the government was not paying its full share to the RF pension plan.

That suit dragged on, while just how much was owed was argued about, but this year it looked like it was finally coming to a head, with Associate Judge Kenneth Govendo saying that if no progress was evident by June of 2012, he'd consider motions that a receiver be appointed. However, in April of this year, the Fund filed for bankruptcy in the federal District Court, effectively quashing any hope of action in Govendo's court in June. The Fund, it is said, was afraid that the receiver might not think the Fund could be saved and that it would need to be liquidated, whereas the Fund's goal was to continue paying benefits - even at a reduced rate - in hopes that the CNMI would eventually be able to make up its delinquencies and restore the Fund's viability.

In the meantime, in August of 2009, Bruce Jorgensen sued the governor and certain other government agencies (including the Fund) in the name of Jane Roe and John Doe (Roe/Doe) in the federal District Court, then presided over by District Court Chief Judge Alex Munson. Both the Fund and the government asked that the suit be dismissed.

Munson denied the dismissal in January of 2010, issuing a 60-day "stay" of the proceedings since a similar case was in process at the "state" (that is, the CNMI's Superior court) level. His order suggested that interested parties intervene in the Superior Court to try to obtain post-judgment remedies.

The Retirement Fund Board appealed Munson's decision to the 9th Circuit Court of Appeals, asking that the stay be kept in place until the end of the Superior court proceedings.

The 9th Circuit Court denied the appeal in April of 2010, saying that the District Court could continue or lift the stay as it saw fit. As a result, action in the District Court remained stayed. Twice since, Roe/Doe have asked that the stay be lifted, but it has been denied. There has been no discernible action on their party's part to pursue post-judgment as Judge Munson had suggested.

Now Roe/Doe are again asking that the stay be lifted, of District Court of the Northern Mariana Islands Chief Judge Frances M. Tydingco-Gatewood (Gatewood), who replaced Judge Munson when he retired. They are also asking that implementation of the Executive Order be stopped, and that they be allowed to file an amended complaint naming a Betty Johnson as plaintiff instead of the anonymous Roe/Doe.

Initially, Gatewood issued a ruling setting August 31 for a hearing on those motions, which stated that if she was persuaded that the stay should be lifted, she would then hear arguments on the other two motions. Just this week, however, she issued a revised ruling, setting the hearing date for September 7, at 10:30 a.m. in District Court. In her ruling she noted that it would appear "judicially efficient," according to the *Marianas Variety* and "'cost-effective', for the parties to discuss the possibility of a global settlement," and that if the stay was lifted, there would be a joint federal-commonwealth status conference on September 10 at 9:00 a.m.

In the meantime, Govendo has set a status conference for the same day, September 7, at 9:00 a.m. in Superior Court, ordering all parties to appear. To what extent/how this is related to Gatewood's hearing is not clear.

Tuesday's issue of the *Variety* has further details on Gatewood's proposals for settlement.

Short takes:

- There's been an "invitation to bid" in the papers lately, put out by the Legislative Bureau, for the purchase of 40 "tablets" for the NMI Legislature. It is said that there has also been an "invitation to bid" for computers for the NMI Legislature. Can someone please tell me why an outgoing legislature - election is in November - needs new computer equipment in August/September? With 27 legislators altogether, who gets the other 13? And what's wrong with the computers already there? Do office computers suddenly become private perks, once a member leaves office? Do those who get re-elected get a second computer? In any case, should the Legislative Bureau be buying both computers AND tablets for every legislator? to take with them when they leave office? If they've got all that money to spare, maybe that's a sign the Legislative bureau is over-funded????

- According to a report in the *Variety* Northern Marianas Housing Corporation is discussing switching its Section 8 housing windows from louvres to sliding windows in order to make the units "more contemporary-looking." There are a lot of other more useful things one could do with renovation money than go from louvres, which allow a great deal of flexibility in the amount of air coming in and out, to sliding windows that do not. Even adding screening, on doors and windows, would seem a more sensible expenditure of funds.