



•ConCon COMMENTARY

by Bernard Zimmerman
and Grace Suarez

"Bernard Zimmerman is a federal judge magistrate for the Northern District of California, former constitutional law teacher, and former partner in the law firm of Pillsbury, Madison & Sutro in San Francisco. He and his wife, Grace Suarez, also a constitutional law expert, served as unsalaried counsel for the Con-Con.

This is one of a series of commentaries by two of the Con-Con legal team's constitutional law experts who had not been in the CNMI before volunteering to assist the Convention."

An assessment of the product of the Convention

It was an incredible experience for me to watch the Convention wrestle with the principles that form the foundation of American democracy — principles like equality, fairness, clean government — and make them work for you and your children. The words are easy to say, but until you try to apply them to your everyday lives, as the Con-Con delegates have, you don't always appreciate what they mean and you sure don't appreciate what they cost.

Government for the people and by the people is a term I have heard many a time in my constitutional law work. If that sort of government is to long endure, it is because from time to time people like the elected Con-Con delegates will sacrifice their time and energy to fine tune the democratic system so that it can run smoothly for another generation or two.

I was very impressed by the number of times the word "children" was used in the Con-Con debates. I don't think a day went by when somebody in the Convention didn't speak of their children and grandchildren, and there probably hasn't been a Convention anywhere in the history of the world that has had that thought as a focus point.

I think that the Con-Con delegates have done the job so well, that I think this Constitution will long endure. I don't think you have to worry about defending these proposed Amendments. They are an excellent work product.

Your Constitution has helped make the CNMI the envy of Micronesia. My wife Grace and I have traveled around this region. And we have found that everyone in the rest of Micronesia wants to be in the CNMI. And one of the reasons they want to be here is because you have found something that works, and they would like to be a part of it. Your Constitution is a key to why your Commonwealth works.

The compromises

The compromises the delegates have made will keep a Commonwealth of people as diverse as you are working and living harmoniously together. To those, and I expect there are some — it is inevitable — who are temporarily unhappy with some of the Amendments, I would like to paraphrase Benjamin Franklin, who told some of the delegates who were reluctant to sign the United States Constitution: This Constitution may not be perfect, but it is the best Constitution we could agree on.

Yours is a great Constitution. Dangkulu na si yu'us maase for letting us be a part of it.

THE 3rd Con Con AND THE Public

By: Stephen C. Woodruff



Making local gov't onerous

Mr. Woodruff's column yesterday had to be cut for space reasons. The following is the conclusion:

Making Local Government Onerous

Amendment 6 gives municipal councils broad taxing powers without reducing the Commonwealth-wide taxing power in any way or providing any kind of tax deduction or credit on Commonwealth taxes for local taxes paid. Thus, local governments will be able to raise revenue only by increasing the tax burden of citizens on that island, an action certain to be unpopular.

To compound the injury, the amendment freezes current appropriation and employment levels and requires that, beginning in 1998, appropriations by the Commonwealth legislature for local government be reduced by the amount of revenues raised locally. Thus, the amendment effectively freezes the amount of money that can be spent on local government during the next seven years, regardless of the amount of new taxes passed by the municipal councils.

Moreover, the meaning of "local government" to be affected by the funding restriction is unclear. The Post Convention Committee asserts that this applies only to the offices of the mayors and municipal councils. Nothing in the amendment itself or the Analysis, however, indicates that the term has such a

narrow meaning. Indeed, the *Inos v. Tenorio* decision would indicate a much broader meaning, since the mayor's expenditure authority and other powers reach much farther, extending to the resident departments.

At a minimum, these and other proposed constitutional provisions are rigid and inflexible and may make it difficult or impossible for local government to adapt to real needs over time.

Incidentally, voters may be interested to know something about approximate per capita government spending in the three senatorial districts, computed based on U.S. citizen population. For Rota this figure is less than \$6,000. On Tinian, it is about \$7,500. On Saipan, it is over \$8,000. That is the amount of government spending in each senatorial district for each U.S. citizen man, woman, and child.

What is needed is not Amendment 6. What is needed is a commission to study the local government issue, examine what can be learned from various U.S. jurisdictions, determine what functions and powers should be exclusively local, what central, and what shared, and what structures and legal principles will make the Commonwealth government as a whole, including local governments, work best for the people on all the islands. The

Continued on page 9



•ConCon COMMENTARY

by Justo S. Quitugua

(Justo S. Quitugua served as an elected Con-Con delegate from Rota. He served as member of the Committee on Land and Personal Rights, and the Committee on Judiciary and Other Elected Offices.)

I WOULD like to speak about the accomplishments of our Convention for our local communities. The important provisions that we have made for the commonwealth central government, the Legislative Branch, the Executive Branch, and our new Article 4 on the Judiciary, deserve a high priority in the listing of accomplishments of our Convention.

But we should not overlook the important. We have always been a family-oriented people. Many of our neighborhoods are clusters of family members. And our villages contain large groups of people who are related to one another. The amendments to the Constitution that we have adopted in this Third Northern Marianas Constitutional Convention strengthen us at the family and village level.

First, in many ways our Constitution and its Analysis now reflect recognition that the rights guaranteed to each of us have corresponding obligations and responsibilities that we must meet in

order to make our government work. A fundamental obligation that each of us has is to ensure that we govern our islands for the security and well-being of all our people and for the solidarity of our Commonwealth. We value our solidarity and have a responsibility to preserve it and build upon it. I think that the debate and compromises reflected in our work here, which has been televised for all our citizens to see, shows our determination to meet this responsibility.

We have created a structure that will allow us to build strong local communities as our Commonwealth grows. We should not be bound by the recollections of the past, but should open our minds to the possibilities of the future using this new structure. We now have mayors and municipal councils with real local authority. They aren't just local offices of the Commonwealth government any more.

We can now think in a more constructive way

Continued on page 5

THE 3rd Con Con AND THE Public

By: Stephen C. Woodruff

Reducing citizens' rights

AMONG other changes, Amendment 10 proposes changes to the constitutionally established taxpayer's right of action. This right guarantees to every taxpayer the ability to go to court and challenge illegal or improper government actions. If successful, the taxpayer's attorney fees and costs will be paid by the defendant.

This right gives ordinary citizens the ability to control their government, enforce the rule of law, and hold public officials truly accountable. The new language proposed by the Third Con-Con could significantly undermine this power.

The taxpayer's right of action, added by the Second Constitutional Convention, reads as follows in Article X, Section 7 of the current Constitution:

"A taxpayer may bring an action against the government or one of its instrumentalities in order to enjoin the expenditure of public funds for other than public purposes or for a breach of fiduciary duty. The court shall award costs and attorney fees to any person who prevails in such an action in a reasonable amount relative to the public benefit of the suit."

The Commonwealth Supreme Court has stated that this provision "is remedial in nature and should be liberally construed." Plainly, this is a powerful right to secure "a government of laws, not of men." It is an important way of demonstrating that public officials are not "above the law." It provides a means to help assure that democratic government prevails over party politics, family, and favor-

itism.

Amendment 10 keeps the second sentence on attorney fees but changes the first sentence. Instead of a broad right of action "to enjoin the expenditure of public funds for other than public purposes or for a breach of fiduciary duty," the Third Con-Con proposes that the constitutionally recognized right exist only "to enjoin the expenditure of public funds in violation of this Constitution."

Thus, the guarantee of costs and attorney fees is also narrowed to this limited class of cases: those involving expenditure of public funds in violation of the Constitution.

Rather than a broad right to stop or prevent improper expenditures and breaches of fiduciary duties, the amendment recognizes only a right to enjoin expenditures which violate the Commonwealth Constitution. Gone is the ability to ground a cause of action on a statutory violation. Gone is the ability to base a complaint on a breach of fiduciary duty.

In these cases a plaintiff would have to find some other basis for standing than the Constitution. And they would have to find another basis for an award of costs and attorney fees.

Convention Legal Counsel Bernard Zimmerman and Deanne Siemer both represented to me that there was no intention to change the scope of the current right of action. These naked representations are not supported by the text

Continued on page 5

Indeed, the minimum wage issue is so linked to every other aspect of the local economy as to make it acutely important that we engage in deliberative discussions on how the proposed industry wage should be formulated and considered. There's merit in the decision to take a slow approach so to strike a workable balance in what each industry should be paying its employees by way of floor wage.

The proximity and similarity in lifestyle of nearby Guam makes our case much more difficult justifying any further delay in minimum wage increase. While the local GovGuam minimum wage is over five dollars an hour, prices for basic goods are far cheaper than here where wages are far lower. It is a difficult economic question which warrants review to determine why it works in neighboring Guam.

Pertinent provisions of the Covenant purposely exempted the CNMI from federal floor wage because we didn't have an economy then to support it. It would have driven the local government instantly into bankruptcy in no time. It should be understood however that this exemption didn't transfer the authority of the federal government on the applicability of federal floor wage to the CNMI Government. It was merely an exemption to allow it (CNMI) to grow. We finally severed the umbilical cord in grant funds for operations under the Guerrero Administration. Since then, however, we've asked to improve the buying power of all consumers.

This protracted debate revolves around the labor intensive garment industry which would have taken an instant nose dive or bankruptcy if wages continue to escalate however minimal. It is a marginal industry that won't be able to compete in the global market given that the same industries in countries in Asia and the Pacific Rim pay as low as forty cents per hour for garment workers. So you can see why it would be a loss for them and the local government if an across the board increase is implemented. It would have meant a loss of a substantial amount in revenues for the CNMI and the problem lies in the lack of an economic substitute in the event we suffocate it to death.

The alternative would be to exempt this industry altogether and leave it to weather out federal policies under Headnote 3A, North American Free Trade Agreement and the General Agreement on Trade and Tariffs. We can't wait for lamarians before we step in and remedy a situation that is really the purview of the federal government. The legislature should learn to come to grips with reality in this regard. There's no more room for complacency, flip-flop policy decisions nor dalliance with our well greased lamarians attitude.

Policymakers should also take a long and hard look at the investment we've sunk into the education of our young people. We all know that many of them never return home which simply translates into a brain drain. It seems that our best minds have opted to live elsewhere in the mainland because we have turned paradise into hell for our young and educated people. It isn't a matter of option to stay away from home, but we've created an unhealthy environment which goes against the aspirations of rearing children in an ideal setting. This area alone needs a lot of fixing in that the leak in the pipe keeps growing bigger.

With respect to PNG resolutions, policymakers should review the complaint of an MHS teacher about unionizing educators here. In other words, teachers aren't necessarily the loudest group when seeking how best to educate our young people. Perhaps there's merit in their complaint because we've opted to enlarge the layer of bureaucracy between parents, teachers, management and the board of education as to be incapable of focusing on the basic needs to ensure a sound learning environment. There's got to be a better way of handling this and other equally vital issues than simply turning it into an intramural media warfare.

Despite these misgivings, I still have hope that something should turn out for the better. Collectively, we should engage in deliberative discussions on these issues with the goal to presenting competing visions in how they can best be resolved. A sure step in this direction is to employ what's known in management as empathetic listening. It allows you to secure a better clue of primary and collateral issues. Please read and review your materials so that you conversant with specific issues which in turn allows you to articulate your positions with the view to ascertaining that your message is abundantly understood when you meet US Congressional and agency staffers.

Recently, the administration (CNMI) worked closely with Interior's OTA on telecommunications. We're all awaiting the signing of the Telecommunications Act of 1996 which would reduce, by fifty percent, long distance calls to the mainland US. It illustrates what can be achieved by working cooperatively together on matters which will make a great dent in basically everything we do out here. Give yourself the opportunity that cooperation offers. After all, we all share the same interest—strengthening responsibility and accountability in government—a difficult task given the incipency of our constitutional government.

Undercutting representative democracy

(Continuation...)

At-large House Elections for Saipan

The proposal that members of the house of representatives from Saipan be elected at-large moves in precisely the wrong direction. Instead, the current multi-member districts should have been eliminated and single-member districts constitutionally mandated.

Single-member districts provide the broader and more diverse representation important to a true democracy where everyone has a voice. It also better ensures attention to the needs and concerns of every part of the island.

The Analysis contends that at-large election will "tend to promote unity" and "foster an island-wide perspective by the representatives." These conclusions are based on erroneous premises and reflect a lack of understanding of how at-large elections work in the real world.

In point of fact, candidates in at-large elections do not need to "seek" support from all elements of the community in order to gain office." They need only appeal to the largest groups and the lowest common denominator. Support from the same majority with the same homogenous views is sufficient to elect every member.

Fostering of an island-wide perspective is an equally improbable result of at-large elections. On the contrary, elected representatives will tend to concentrate resources on the most populated areas, to the detriment of less populated areas, in an effort to ensure reelection.

Although the U.S. Supreme Court has ruled that multi-member districts are acceptable unless they are drawn on some constitutionally impermissible basis, such districts nevertheless tend to concentrate the power of majorities in the legislature and diminish minority representation. As such, they reduce the ability for all parts of the citizenry to have a meaningful dialogue on public issues through the legislative process, and thereby contribute to a sense among a greater portion of the public that the government does not speak for them and is insensitive to their needs and concerns.

That situation is not conducive to a healthy community and likely leads to an inferior legislative product as well. An inferior legislative product in turn contributes to even greater community disaffection and dissatisfaction with the quality of government.

The committee's belief that "election at-large, together with [a longer] term, will increase the pool of qualified candidates that will better serve all segments of the community and provide a training ground for those candidates who aspire to higher office" is wishful thinking at best.

While a longer term certainly might make more persons willing to take a chance on seeking the office, the increased cost and effort of campaigning island-wide is certain to limit the pool of candidates to those with significant financial resources or the most inflated expectations of what they will gain from holding office, and those rare few with an exceptional commitment to the public interest who would run in any event.

The idea that this approach creates a "training ground" for first-time legislators is ill-conceived and entirely unsupported. Training ordinarily begins with, and is most effective in, small steps. Training also requires frequent and regular review and corrections (i.e. elections).

An important element of on the job training is the prospect of advancement to a more attractive position. The

scheme in the proposed amendment essentially makes all the offices fungible from both a campaign and employment or tenure perspective. Every office has the same level of responsibility, i.e. is accountable to the same number of voters. There is no entry-level office.

Likewise, an island-wide perspective—a professed goal of the convention—is fostered by a desire to move up to the Senate or executive office, not by making all offices equally desirable, not by eliminating all need for an incumbent to appeal to a broader group of voters in order to move up.

The proposed at-large elections for Saipan will increase the power of money and the power of large families in Commonwealth politics. Large blocs of votes will be able to elect all, or nearly all, of the Saipan members of the House.

I brought the dangers of at-large elections to the attention of the convention and suggested a modification of the multiple vote system by which broader and more diverse representation could be obtained in an at-large election. A provision limiting the number of candidates each voter can mark on the ballot to a number fewer than the total number to be elected would achieve this goal.

Differing groups with different first choices would all end up with representatives in the House. This would contribute to a more representative and diverse, and therefore better, deliberative assembly. Apparently the convention was not interested in this idea.

Shift in the Legislative Budget

The convention recognized that the legislative bureau is grossly underfunded. Under their plan the budget for the bureau would be more than doubled, from \$800,000 to \$2 million. But the way they propose to do so would undercut legislators independence and effectiveness in serving their constituents.

Instead of increasing the legislative budget ceiling to meet the needs of the bureau while preserving adequate funding for the offices of individual members, the convention cut the funds for members' offices by one third and gave the money to the bureau. It is a classic case of robbing Peter to pay Paul.

As a result, the ability of individual members to obtain personalized services and completely independent advice would be significantly hampered. Legislators will be forced to rely more heavily on the legislative bureau. This is an entity which, although charged with providing impartial, professional support to the legislature, institutionally cannot be as diverse as the members in the of two houses. And to make matters worse, it is an entity in which, under the convention's scheme, the executive will have an influence.

The bottom line of these regrettable proposed changes is a lower quality level of representation for the people of the Northern Mariana Islands.

This piece appears in the Variety as a guest column. Stephen C. Woodruff has been a resident of Saipan for 20 years, living here since 1974, except for three years in Hawaii when he returned to school for a law degree. He was Chief Consultant to the Second Constitutional Convention. He presently is Senate Legal Counsel. The views expressed in this article are his own.

ConCon COMMENTARY

(by Marian Alden-Pierce, Frances LG Borja, Esther S. Fleming, John Oliver DLR Gonzales, Herman T. Guerrero, David Q. Maratita, Felix R. Nogis, Justo S. Quitugua, J.P. San Nicolas, Bernadita T. IBenneff Soman, and Dr. Helen Taro-Atalig. This is a non-partisan response by 3rd Con-Con delegates present at the Post-Convention Committee meeting on Friday, February 23, 1996, to the remarks of Former Governor Carlos Camacho as reported in the Focus section of the Pacific Daily News.)

Former Governor Carlos S. Camacho is quoted extensively in an article that appeared in the Pacific Daily News last Friday. His remarks call for a response that will enable the voters to evaluate Governor Camacho's criticisms in light of his own participation and voting record in the Convention.

Voting Record

Governor Camacho did not have the benefit of the full debates of the Convention. He was not in attendance at many of the sessions and did not participate in the final delegate voting on most of the amendments. He voted as follows on the final proposed amendments:

Amendment #1,	absent	Amendment #11,	absent
Amendment #2,	absent	Amendment #12,	NO
Amendment #3,	absent	Amendment #13,	absent
Amendment #4,	absent	Amendment #14,	absent
Amendment #5,	absent	Amendment #15,	absent
Amendment #6,	YES	Amendment #16,	absent
Amendment #7,	absent	Amendment #17,	absent
Amendment #8,	absent	Amendment #18,	absent
Amendment #9,	absent	Amendment #19,	absent
Amendment #10,	absent		

Committee Work

We are very proud of the open and accessible Convention that we held. Our processes were fair and we gave everyone a chance to be heard.

Every delegate was a member of at least one committee. The rules on the way the committees would be structured were set up BEFORE the Convention ever got underway, during the Pre-Convention process. Dr. Camacho agreed with those procedures. During the Pre-Convention process, Dr. Camacho was Chair of the Saipan Delegation and

Continued on page 16

THE 3rd Con Con AND THE Public

By: Stephen C. Woodruff

The botched judicial article

AS I have noted previously, Amendment 4 would achieve a highly worthwhile goal—establishment of constitutional status for the Commonwealth Supreme Court. It also has some other excellent features. For these reasons and as a member of the bar, I would like very much to be able to support the proposed amendment. Regrettably, I cannot, because the amendment also contains serious defects.

The convention had a real opportunity to do an excellent job with the judicial article but, unfortunately, botched it. Their failure was a result of not doing the research, as demonstrated in an earlier column. It was also a consequence of their choice to disregard the views of bench, bar, and others.

Amendment 4 seeks to vest in the judiciary an exclusive rule-making authority which no other United States jurisdiction grants its judiciary. I have previously explained how this power conflicts with the most basic elements of constitutional democracy—checks and balances and separation of powers. Those two key, fundamental principles are the reasons the American republic has endured for over two hundred years.

That fact alone would force me to oppose Amendment 4, but the amendment has other problems as well. The amendment would also make it impossible for the legislature to establish new courts or new divisions of the superior court, provides that the most senior associate justice

becomes chief justice in the event the governor and the legislature cannot agree on a new chief justice within 90 days, sets a twelve year initial term for justices of the supreme court, and creates an advisory opinion process that could undermine the quality of justice.

Judicial Terms

The positive aspects of Amendment 4 include its adoption of what is known as the modified Missouri Plan. Under this approach, judges and justices are appointed to an initial term by the governor. As they near the end of their term, the voters are given an opportunity to decide whether they should be retained in office. If the judge or justice gets the voters stamp of approval, he or she gets a new term, without need for reappointment by the governor.

The convention set the initial term for superior court judges at six years, with a new twelve year term for judges who are retained in office. This is the same as current law. But in a decision that is incompatible with the principle of the retention election process, the convention fixed the initial term for supreme court justices at twelve years. (Yes, I know California does it this way, but the Commonwealth is not California.)

Both the Presiding Judge Castro of the Superior Court and the CNMI bar association recommended that the initial term for supreme court justices be six years. Twelve years is simply too long to require voters to wait before they have

Continued on page 8

this device could produce could be a critical plus that could spell the difference between life and death.

For example, if a patient is developing a mass in his brain a mere x-ray may not help.

Let's say somebody suffers a stroke. A CAT-Scan will enable doctors to determine whether it was a bleeding stroke or just a blotch in the brain. The important thing is, doctors detect what's wrong and act accordingly.

Also, a CAT-Scan on a probable cancer sufferer will enable doctors to quickly determine the extent of the cancer, whether it has spread to such an extent that would require off-island treatment.

With the technological and life-saving value of the CAT-Scan undisputable, it is indeed a pity for CHC that Pacific Medical Center has beaten them to the draw when the former has long been planning the purchase of such a machine.

Also, funds for such purchase has already been disbursed pursuant to a recently-enacted law.

Although it may not concern patients who actually owns or operates a CAT-Scan on Saipan, there could be a financial concern on the part of both CHC and Pacific Medical when CHC pushes its purchase plan.

It is interesting to note that both CHC and Pacific Medical expect their machines to pay for themselves.

Right now, CHC may find itself sending its patients to PMC for scans while waiting for its own device.

But once the CHC machine comes and goes on-line, the "competition" will immediately start.

We can just imagine both facilities trying to outdo each other for a share of the CAT-Scan pie.

Although the ultimate winner is the healthcare-seeking public, it should be noted that the feasibility and the necessity of the CHC purchase may be somewhat diminished with the presence of an already-existing CAT-Scan facility.

But since CHC is privatizing as much of its functions as it can, maybe officials may not mind having a private firm offering the service they are gearing to offer.

After all, it is the healthcare-seeking public who ends up paying for the service.

What we are trying to drive at? Simple.

As long as it could be ascertained that monopoly would not breed a profit motive, maybe it would be a good idea to situate the next CAT-Scan in Rota or for that matter, Tinian.

That way, the CAT-Scan technology could be shared with the outer islands where health care is regarded as almost non-existent.

Who would need two CAT-Scans in one island anyway.

TR's Marianas

By: John DeRosario

Protection for sustenance and profit

Other than the volcanic islands up north, Saipan, Tinian and Rota are surrounded with reefs fronting the windward and leeward side of these islands. By our very tradition, it is here (reefs) that we find sustenance to supplement our dietary needs since time immemorial. Our relationship with the reefs is one of sustenance and protection from heavy tidal waves. It seems however that through the years we have also contributed to their gradual and permanent destruction.

The origin of this devastation is human in origin. It includes pollution, bad fishing practices, i.e., use of explosives (dynamite), poisonous roots and clorox, among others. We have destroyed precious coral reefs in the lagoon. Their destruction results in the loss of natural habitats for reef fish and other protein-rich marine life that we occasionally harvest to supplement our dietary requirements.

We did a superb job ridding the reefs of the destructive crown of thorns. It was an all out effort to ensure that this deadly urchin doesn't devour the eco-system that exist in our reefs. I think this successful effort was headed by Mr. Benigno Sablan, secretary of the Department of Lands and Natural Resources. I am fond of his proactivity to save the fragile reefs from turning into graves of pelagic fish.

A public campaign to partake in protecting our reefs should be mounted. Simple messages discouraging poor fishing practices should fill the air waves and pages of the newspapers. The reefs fronting both side of these islands are really the "rain forest of the sea". It's our source of sustenance and an enchanting place so beautifully designed by nature for mankind's benefit. We should make an all out effort to protect it so we can continue to turn them into profits from tourists who go snorkeling or scuba-diving in the lagoon and indigenous dietary venues.

I wish to reiterate that perhaps we have also over-fished the lagoons in all three islands. I am not sure which level or entity of government should take the lead to protect our reefs and the regulation of reef fishing. Regulations should include size per specie of reef fish and quantity regardless of the mode of fishing involved, i.e., fish rod, net and spear gun. If need be, there should be imposed at least a five-year moratorium on reef fishing to allow pelagic fish their natural reproduction and growth cycle in our lagoon. It's a finite resource and regulatory measures are now needed to prevent their subsequent extinction.

Our brothers and sisters from the Republic of Belau have a very well disciplined reef fishing tradition—they only catch what they are going to consume for a day. When they return from fishing, the catch is divided among the clan. Friends who happen to be standing around the boat basin are

also given their share of fish for their families. It's a good and disciplined way to preserve this finite resource. Let's move away from our old ways of catching ALL we can in a single trip.

The traditional affinity that we have with the reef and lagoon has existed since the dawn of man in the Marianas Archipelago. It is our obligation today to protect the fragile and finite sea resources that we have to enable future generations to equally enjoy the bounty and natural beauty of what is globally known today as the rain forest of the sea. It has been documented too that our forefathers have sailed their sakman (large sailing canoe) on fishing trips to reefs located within proximate distance of our islands. These fishing trips are journeys that go as far as five-hundred miles offshore. I'm sure they too have pitched-in to protect this tropical rain forest 'neath the ocean.

The CNMI Constitution provides that Mañagaha Island be included within the definition of the "preservation" of flora and fauna. It augurs well with a measure authored by Representative Heinz S. Hofschneider to turn the sea around Mañagaha into a marine aquarium prohibiting fishing of any sort. This is an excellent plan to allow for spawning of pelagic fish and other marine life. It is a sure way to prevent depletion of fragile marine resources that serve as vital dietary supplements on our dinner tables and profit from snorkeling and diving enthusiasts from Japan and Asian Countries. Let's protect and turn it into profit where we benefit by coming to terms with the finite flora and fauna that are now suffering from our own negligence or unruly fishing practices.

On the lighter side of things, an old fisherman was throw-net fishing one fine afternoon along the beach in San Antonio. A simple man that he was, he minds his own business and couldn't care less about new regulations requiring a five-dollar fee for throw-net fishing.

An employee of Fish and Wildlife spotted him from a distance and got down to enforce the new rules. As he was approaching, a school of assorted young fish came close to shoreline. The old man cocked his throw-net and released it. He caught nearly everyone of them and started telling himself "jack-pot" with a big grin on his face.

As he was shaking off the fish from the tiny holes in his net, the Fish and Wildlife employee came by and quizzed the old fella whether he has a license for throw-net fishing. He turned around and quipped: "When your grandfather and I were throw-net fishing some forty years ago, there's no such a thing as licenses. Fishing is a traditional way of life in the islands. Now you're telling me I have to have a license? Why don't you pick-up what you believe is the government's share and leave the rest for me and my family". Humiliated, the F&W employee quietly headed for his car and went home.

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Fax: (670) 234-9271

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C. Tenorio to make true his threat of closing down the CNMI liaison office in Manila.

In an interview, Reyes said he does not see the need to maintain an office in the Philippine capital so he would welcome Tenorio's proposal to close it down.

The governor, in a recent news conference, said he will close down the office if the Philippine government is going to interfere in the location of the CNMI liaison office in Manila.

Tenorio made the statement in response to criticism in the press about the office being located in a building owned by Paras Enter-

the Philippines insist on moving our office out of Paras Ent., then I will just close the office down.

I don't want them to be telling us what to do over there. I don't tell them what to do over here," said the governor.

Taking issue about Tenorio's statement, Reyes said he hopes the governor will live up to his threat.

"If this is going to result to the closure of the Manila office, I will welcome any action of the Philippine government to encourage a relocation so we can close down the office as it's not supposed to be there anyway," said the House

Move...

Continued from page 1

The bill, which passed the Senate Friday morning is expected to be transmitted to the governor from the House by today.

Asked what kind of action it may see from the governor, Public Information Officer Mark Broadhurst indicated the bill may likely go nowhere.

"The governor will sit on it. He would not be taking any action on it as he believes there has been enough time for the education

process," said Broadhurst.

He said the governor feels that March 2 vote should go on as scheduled "to avoid confusion," in as much as the ballots are ready and the preparations are already in place.

Proposal...

Continued from page 1

responsibility lies with each one of us."

"Whether it is legal or not, we must remember that abor-

tion is not a cure for our problems," he said. "Abortion is wrong and must not be considered as an option in this community, not only because it is morally wrong, and contrary to our laws, but because it is unnecessary."

The Church has always condemned abortion. It teaches that life begins at conception and that any willful effort to abort an unborn child is tantamount to killing the child.

People are set to vote on the Constitutional amendments on Saturday, March 2.

CON-CON VOTE ON SAT. MAR. 2

AS ONE OF THE 27 ELECTED CON-CON DELEGATES, I WORKED HARD TO MAKE TOUGH, PRACTICAL DECISIONS FOR OUR FUTURE. THE TIME HAS COME FOR REAL CHANGE AND REAL REFORMS.

YOU ELECTED ME TO DO A JOB FOR YOU. I'VE DONE MY BEST, AND NOW IT IS UP TO YOU.

PLEASE BE SURE TO VOTE ON SATURDAY, MARCH 2



LILLIAN SEMAN ADA TENORIO



I Galaidè

By: John DeRosario

Four year term for House of Representatives

THE proposal to extend the two-year term for members of the House of Representatives may be a noble idea the argument being that as new legislators begin learning the ropes, they must head out the campaign trail to justify their existence.

This view sounds great when considering the economics of running for office. Proponents further argue that it is one avenue to discourage special interest groups from taking a foothold on the legislative institution and that it will give new lawmakers the opportunity to buckle down to the task at hand.

I beg to differ with these arguments in that proponents have placed greater attention in the welfare of legislators over than the electorate's right to quickly boot their representatives if their performance do not measure-up to their promises. Being a member of the majority or minority is really a matter of perception. Nothing can stop any member from employing the art of compromise to move positive legislation through both chambers.

If we are to follow the proponents' argument that four years would give new comers the opportunity to get down to work, we need not look any further than the current legislators most of whom are now in their fourth year. Have they done anything concrete in the resolution of the tax system, labor and immigration issues or the minimum wage and medical referral? Therefore, the issue isn't a matter of length per term but more so an individual commitment "to do what is right".

Furthermore, any political aspirant should be educated, intelligent and sufficiently committed to walk the extra mile to learn the ropes of being a proactive legislator. One of the primary reasons that we see pure mediocrity in policymaking today is the lack of purpose, vision and commitment "to do what is right". With the exception of a very few legislators, most have yet to learn how to stop, look, listen and learn from the very people they represent. In fact, most are suffering from the cemetery syndrome. Do you really want to keep that many ineffective legislators for four years trying to figure out the strange temperature of both chambers and offices?

Never for a moment will I surrender the electorate's right to show their representatives the front door before they begin turning into ill-informed drone office occupants. What the House of Representatives needs isn't an extension of its term. Rather, it needs educated and fully-rounded legislators capable of reading beyond the pages they review and fully equipped to articulate proposed policies both here and in Washington. It's very humiliating watching our representatives and senators grope for answers right before the firing line.

Rather than extending the term of the House of Representatives from two to four, it is better for delegates to consider term limits for both houses. This should prevent the birth of institutionalized insensitivity and corruption in our legislative institution. It should also return government to the people in the selection of fully committed people's representatives rather than special interest representatives. A better salary too should attract a more equipped cadre of policymakers. Finally, if you're not prepared to work as a representative of the people then it is obvious you have no business tossing your hat into the political arena.

On mayoral authority

Over the last eighteen years, the seems to be a never ending debate over mayoral authority. Recently, this was the subject of a litigation where mayoral and gubernatorial authorities seem to have collided in mid-air. The mayor wants more than his share of constitutional authority while the chief executive says you're infringing in strange territory.

In the first instance, our governmental structure is based on a strong central government. The mayors are also given their authority strictly on matters of a municipal nature. Perhaps there's a greater need today to define, to the letter what is and isn't Julius Caesar's. Only the delegates can clarify this matter in the on-going convention. And either it is defined with clarity or the see-saw feud would perpetuate itself.

If the mayors of neighboring islands feel they should have greater autonomy, then they seem to be saying that they can manage defraying a majority of their needs with revenues being generated at the municipal level. If this is a matter of fact, then perhaps there's legitimate reason to grant them greater autonomy.

It's a good issue to consider positively in that it would free Saipan taxpayers from having to subsidize nearly \$3 Million annually for utilities on Rota and Tinian. In other words, this is one time when mayors from the three neighboring islands would have to face the challenge of putting their money where their mouth is, so to speak.

If you wish greater autonomy without the financial resources to stand on your own two feet, then all that you've accomplished boils down to vacuous political rhetoric. You want greater autonomy, say so that you can provide for yourselves without Saipan taxpayers coughing out their hard earned tax contributions to cover current inadequacies which are realities in both islands because of the lack of revenue sources. Think about it and please share your views. It is healthy to see why you agree or disagree.

operation, it has become a full-fledged college with over 2,000 degree and non-degree students.

It started as a "squatter" with only one room at the Marianas High School.

From just merely being a training vehicle for government employees, the NMC has as well become a training ground for future CNMI industry and professional leaders.

Four years after its foundation, in 1985, the college became fully accredited. In 1990 its accreditation was reaffirmed.

Agnes M. McPhetres sees the college evolving 5 to 10 years from now into a four-year or baccalaureate-degree-granting college, probably in the areas of education, business, and hotel and restaurant management.

Right now the college offers associate and certificate degrees in agricul-

ture, liberal arts, business administration, hospitality management, nursing, and various fields in education, public safety, and trades and technologies.

McPhetres said the college intends to retain a lot of the associate degrees and certificates because they are a means to train the workforces much faster.

"When you get into a baccalaureate degree," she explained, "the course program is loaded with more of liberal arts subjects. But the associate degree, or applied science, leans more towards on-the-job training and prepares you for the job market. And this is what the CNMI and the area here in the Pacific needs: prepare people for the job market."

But McPhetres says the college should also emphasize the academics because "the standard of a nation that doesn't have a literate community

to do and we decide what to do, the money does not stay here. Those consultants that come here will go (and) the money goes out, it doesn't stay," she said.

McPhetres, who is a native of Saipan, says she "feels very committed for education here (CNMI)."

"I feel that education is the future," she said.

She cites the NMC's special role in that "it is this college that will determine what CNMI would be in the future."

Part of this special function is bringing back to the classroom the adult population, 17 percent of which hadn't finished high school.

McPhetres said the NMC continues to "get these adult population to educate them so that at least they could prepare for jobs."

prison of \$5 million, to fund the government of secondary roads in electoral Precinct IV which include Kagman, As Tbo, Agak, Capitol Hill, Sadog Tasi, Tanapug and Marpi.

Jones also pushes for the expeditious construction of school projects in As Matuis and Kagman.

He said the Governor's Office has already designated a 44,885 square

In pressing for the immediate groundbreaking for the project, Jones said the two public schools in the northern Saipan—the San Roque Elementary School and Gregorio Elementary School—can no longer accommodate the growing number of students from As Matuis, San Roque, and Achogao. —(NMI)



V.C. Avendaño
Happy Birthday!
 Feb. 25, 1996
 GREETINGS FROM:
 Moonlight, Wine and Roses

VOTE FOR THE FUTURE OF THE COMMONWEALTH



Esther Sablan Fleming

PLEASE VOTE ON MARCH 2 AND SUPPORT YOUR ELECTED CON-CON DELEGATES

Paid for by Esther S. Fleming

Your elected Con-Con delegates worked very hard, on a non-partisan basis, for 60 days. We considered ways to improve our Constitution so that our government would serve us better in the future.

We listened to the voters who elected us, and who came to our public hearings and public meetings. The voters wanted change. They wanted a better government that costs less and does not create large deficits. They wanted a better education system for their children.

We made these changes in our proposed Amendments. We ask the voters to support these amendments when they cast their ballots in the election next week.

...Moderate Parties joined
...on Unity Front members
...a vote of no confidence
...against his two-month old gov-
...ernment. Carlot Korman, the
...prime minister from 1992 is ex-
...pected to be voted back to the prime
...ministership.

He has told MPs in his summons
for today's session due to begin at
8.30am that he would resign 1 minute
before the sitting. ...Pacnews

account for direct pay-out to govern-
ment ministers and backbenchers is an

ture before... Pacnews

...Pacnews

MODIFICATION
FSM...Pacnews

Making . . .

Continued from page 4

commission could then recommend constitutional amendments and changes in the law providing a solution that will endure for many years to come.

The problem of local and central

government is a difficult and complex one. But it is one which can be solved. What is needed is for an appropriately representative group of people to sit down in good faith, concentrate on this one subject alone, draw on appropriate resources and expertise, and work out the details. The result would benefit us all.

Setting . . .

Continued from page 5

ond. Further, no one can respond effectively without concrete proposals to react to, but once the convention came out with particular language, it wasn't inclined to change anything, regardless of comments. Dr.

Camacho has well described how convention really worked. The is, certain persons, Mr. Tenorio cluded, had an agenda, and the o all product was designed to fit agenda.

Mr. Tenorio apparently also understands the significance of Analysis when referenced in columns. The Analysis represents the reasoning of the delegates in making the proposed amendments. Most of the Analysis was taken directly from the committee reports the delegates relied upon to make decisions. By reference to the Analysis I am to demonstrate the faulty reasoning and puffery that was used to various changes to the delegates.

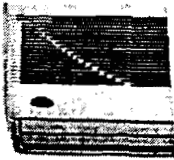
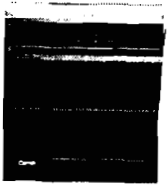
Obviously, I have had more time to study and evaluate the work of convention in the five and a half months since it adjourned since I believe the people are entitled to the benefits of that review. As an aside, the public may be interested in knowing that the draft official Analysis was given during the convention to 100 pages, and I was given less than 24 hours to comment.

The Constitution vests the decision on whether to reject or accept proposed amendments in the people. There is a reason for this. The we isn't "rubberstamp," and people are puppets.

In making their decision, the people have a right to the best information and analysis they can get, whether it was previously submitted to the convention or not. Like the framers of our Constitution, I have confidence in the wisdom and intelligence of the voters. They are fully able to read and listen to the arguments and decide which have the greater merit. I wonder what Mr. Tenorio is afraid of.

Sincerely,
Stephen C. Woodruff

THE CARRIER
IS HAVING



The Carrier

Setting the record straight

Dear Editor:

The letter from former Third Con-
Con delegate Juan S. Tenorio which
appeared in Monday's edition con-
tained a number of misrepresenta-
tions and distortions.

Mr. Tenorio's statement that dur-
ing the convention I was sent vari-
ous convention materials and my
comments requested in writing is
an outright LIE. I obtained copies
committee reports and proposed
amendments only by requesting
them, and often I made the photo-
copies myself. Nothing was ever
formally transmitted to me, and the
only requests for my comments
were informal and oral.

When I did comment, my
views—like those of the CNMI bar
association, Presiding Judge Castro,
Northern Marianas College, and
the Northern Marianas Protection
and Advocacy organization, among
others—were largely or entirely
ignored. Nevertheless, I wrote two
letters to the delegates, in addition to
the one acknowledged by Mr.
Tenorio. Those letters ran 9 and 12

single-spaced pages respectively and
covered much more than Mr.
Tenorio admits. At least one ap-
pears in the Official Proceedings of
the Convention.

Besides those letters, I provided
additional information and obser-
vations to the convention through
individual delegates. This included
my views on Article (Amendment)
4. I also discussed several matters
with convention legal counsel. My
columns have accurately reflected
the facts with respect to what was
previously made known to the con-
vention.

Mr. Tenorio clearly has a serious
misconception of the duty and role
of the public in constitutional mat-
ters. Democracy may be inconven-
ient but it is the only protection we
have against tyranny. Neither I nor
any other member of the public had
any obligation to leave our jobs and
go to the convention in order to
have a right and responsibility to
speak later.

Continued on page 8

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