

On My Mind  
10/28/05

If you think the newspaper ads by Judge David Wiseman, Associate Justice Alex Castro and Chief Justice Miguel S. Demapan promoting their candidacy for retention border on being a violation of judicial ethics, think again. Those ads, in fact, are very conservative in light of what judicial candidates for office are permitted to do under the American Bar Association's Model Code of Judicial Conduct, of which the CNMI Code of Judicial Conduct is a copy.</P>

The Model Code states, in Canon 5(C) titled <EM>Judges and Candidates Subject to Public Election,</EM> that "(1) A judge or a candidate subject to public election may, except as prohibited by law... (b) when a candidate for election, (i) speak to gatherings on his or her own behalf; <STRONG>(ii) appear in newspaper, television and other media advertisements supporting his or her candidacy:</STRONG> (iii) distribute pamphlets and other promotional campaign literature supporting his or her candidacy; and (iv) publicly endorse or publicly oppose other candidates for the same judicial office in a public election in which the judge or judicial candidate is running."</P>

The activities in Section (1)(a), which provides that a judge or candidate subject to public election may also - except as prohibited by law- "at any time (i) purchase tickets for and attend political gatherings; (ii) identify himself or herself as a member of a political party; and (iii) contribute to a political organization," are, in fact, prohibited by the CNMI Constitution.</P>

Canon 5(C)(2) provides that candidates shall not solicit or accept campaign contributions themselves, but may establish committees to conduct campaigns for them through media advertisements, brochures, mailings, etc. Such committees may also solicit and accept reasonable campaign contributions and manage the expenditures for judicial candidates, and "are not prohibited from soliciting and accepting reasonable campaign contributions from lawyers."</P>

In short, there is nothing inappropriate or unethical in placing ads supporting their retention in the newspaper, as Justices Demapan and Castro and Judge Wiseman have done. There is, in fact, much more that they could have done.....</P>

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Three years ago, the rights of judges running for election were broadened even more by an opinion handed down by the U.S. Supreme Court in the case of <EM>Republican Party of Minnesota et al. v. White, Chairperson, Minnesota Board of Judicial Standards, et al.</EM></P>

A candidate for judicial election brought suit against the Minnesota Board of Judicial Standards, claiming that the Board's prohibition against discussing political issues was unconstitutional. The case went all the way up to the Supreme Court, where it was decided that "The Minnesota Supreme Court's canon of judicial conduct prohibiting candidates for judicial election from announcing their views on disputed legal and political issues violates the First Amendment."</P>

There's a wonderful and very timely comment to be found within that decision, which was written by Justice Scalia. As a parenthetical aside, he wrote, <STRONG>"One would be naive not to recognize that campaign promises are - by long democratic tradition - the least binding form of human commitment."</STRONG> Isn't that lovely?</P>

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I certainly hope that holds true as far as the promise made by gubernatorial candidate Heinz Hofschneider on Harry Blalock's Wednesday morning radio interview is concerned, that if elected, he would work to re-unite the Republican Party. Particularly since the CNMI Republican Party has now aligned itself with the U.S. Republican Party, any affiliation with the national Republican Party would seem less, rather than more, desirable at the moment.</P>

Also, with Hofschneider running as an independent, and claiming, in his platform, that he would support competency rather than party loyalty in making personnel decisions, I had high hopes that perhaps the government might assume a tinge of meritocracy if Hofschneider were elected. That is, that ability, knowledge and experience would be more important than party affiliation in the decision as to who gets what jobs. But as Scalia said, guess I shouldn't be naive enough to believe in that promise, either. Obviously, if Hofschneider wants to re-unite the Republican party, he will have to slant his personnel decisions accordingly - which would be a great disappointment.</P>

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I have my differences with Blalock - particularly in his tendency to harangue (according to the <EM>New Oxford American Dictionary</EM>, "to lecture at length in an aggressive and critical manner") as he does in his weekly "Food for Thought" statements. But I have to give him credit for devoting an hour several mornings a week these last few weeks - at 7:00 a.m. over KCNM 1080 AM - to interviews with gubernatorial candidates Fitial, Hofschneider and Tenorio. Governor Babauta, also a gubernatorial candidate, apparently refused Blalock's offer and has not appeared. The discussions have been interesting, so say the least. Even in the midst of these interviews, however, Blalock tends to go on and on about his point of view in the process of putting together his questions for the candidates.</P>

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Other promises I hope the candidates don't keep, won't act on, if they're elected: Benigno R. Fitial's promise to disband the Water Task Force, which was expressed on Blalock's show this morning, Friday, and his intention to bring in leather goods manufacture, which has high hazardous-waste risks; </P>

Froilan C.Tenorio's statement that the stranded foreign workers are not a responsibility of the CNMI - and the arrogance he displayed in giving his closing speech - during the debate sponsored by the Saipan Chamber of Commerce which the audience payed to attend - in the vernacular, without even deigning to offer a summary in English;</P>

the incumbent Governor's assertion that the closing of garment factories is no longer a problem, the promise that affiliation with the national Republican Party is, and has been, very advantageous to the CNMI, his continuing loyalty to sycophants.....</P>

Given what they all are saying in promoting their candidacies, there's obviously no need to linger

on their supposed good points.....</P>

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The <EM>Tribune's</EM> story giving the other side of the wet-bathing suit controversy, which appeared in today's edition, makes some valid points. Sorensen Pacific Broadcasting Saipan general manager Tina Palacios said that the event did not occur until 11:30 p.m. - far later than one would expect children to be present - and that forewarning was given that an "R" event would occur.</P>

But the point is that such "R" events do not belong out in the public to begin with. If people are into such lewd and lascivious exhibitions, let them view them in private clubs designed for such purposes. It is an insult - and offensive - to those who do not enjoy or approve of such exhibitions to come upon, be exposed to, them in such a public setting. Much as smoking has been banned in public and relegated to designated areas away from those whom smoking offends in one sense or another, so should such pornographic displays be banned in public and relegated to designated areas away from those whom such spectacles offends. There is no excuse for openly conducting such events in an area that is attempting to promote itself as a family tourist destination.</P>

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While on the subject of promotions, I have never understood why the NMI Council on Humanities has insisted on keeping exclusive its recognition of Humanities "persons of the year." The event should be promoted Commonwealth-wide, and all those who are interested should be able to attend and join in honoring the Humanities awardees. Instead, the ceremony is kept small, with an invitation-only guest list.</P>

Belatedly - since I had been unaware of the ceremony - my congratulations to all the awardees this year, but particularly to Herbert DelRosario, NMI archivist - who has faithfully collected, housed, and provided access to CNMI's historical documents for more than two decades, while augmenting the collection through his own initiatives in collecting oral histories, supporting observances of Covenant Day, and representing the CNMI's archival interests throughout the Pacific.</P>

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Also deserving of more promotion: the forensic activities throughout the school system. For one, the activities involve about 1,000 students each year - mostly as participants but also as judges, coaches, score keepers, and other administrative persona. Last week-end, for example, the campus of Marianas High School was teeming with students of all ages, there to compete in National Forensic League (high school level), Middle School Forensic League, Primary Grade Math Court events; two weeks ago, students gathered to participate in International Thespian Society, junior and senior level Math Court and Primary Grade Forensic Council events. Both series are repeated four times a year.</P>

Contests, of course, require not only coaches but also judges, schedulers, managers, etc., and, according to Harold Easton, MHS teacher and president of the National Forensic League Board, it is an on-going struggle to find enough people to fill all the slots. The NFL Board coordinates all but the Math Court events, which has its own board. To volunteer your help, call Harold Easton at 664-3885, Melody Actouka at Northern Marianas College or Steve Smith at PSS

Central.</P>

It's truly inspiring to see so many students so involved in the many forensic activities, from monologues and duo presentations to poetry readings and dramatic performances; the activities draw far more participants than any other school activity. A pity that it is not more widely promoted.</P>

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Last but not least: I find it absolutely appalling that CNMI vendors have so completely fallen prey to the mainland hucksters marketing observance of Hallowe'en. It is such an insignificant holiday - not tied to any moral, or enlightening or inspiring or cultural act or person or event. Yet the stores are overflowing with Hallowe'en merchandise. And what's worse, people are buying it - the decorations are even all over government offices and hallways. Surely, in these tight economic times, there are better places to spend that money?</P>