

On My Mind

4/10/09

Another Marpi disaster (see last column) - though not nearly on the same scale - is the butchering of flame trees in the vicinity of the construction site for the Buddhist temple being built there. Pruning trees is one thing, but what's been done to those trees can by no means be called pruning if for no other reason than that after the cutting, the trees are all off-balance; they no longer have a natural, rounded shape.

They are being slaughtered, it turns out, because CUC plans to string power poles along there for the temple.

Particularly since it is such a relatively short distance, is there any reason those lines can't be put underground? Perhaps even combined with cable tv and phone lines and all put underground together? And if there isn't going to be a well dug there, how about combining the digging and related costs, and putting water underground there at the same time?

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Once again, it seems to be a question of the left hand not knowing what the right hand is doing. And calls to my mind, at least, the need for all CIP projects to be re-examined just before actual construction is about to begin, so that they may be re-evaluated in light of any changes that might have occurred since the plans were first drawn up.

A clear example of the need to do so, and the waste that occurs if it is not, is the second path in the vicinity of the now-closed dump in Puerto Rico. The second path - that runs along the main road - is redundant, in addition to being hot, dusty and exposed to all the cars, trucks and busses that travel that route, but it was planned while the dump was still active, to avoid its smell and unpleasantness. By the time it was decided to implement that plan, the dump had closed, and the path was, in essence, no longer necessary. But no one stopped to re-examine, to re-evaluate its need.

The over-abundance of street lights on the road that connects Beach Road and Middle Road between the Bank of Guam and DFS is another example. Power wasn't that cheap anymore, but no one bothered to stop and ask whether all those lights were really necessary. At least they were able to cut power to half of them, as is now the case.

CIP tend to sit on the shelves overly long before they are implemented. When the dust is finally wiped off, the plans themselves should be looked at to make sure they still make sense in light of present circumstances, rather than automatically implemented just because they're there.

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The debate about Article XII, the article in the CNMI Constitution that prohibits the own-

ership of land by anyone not of CNMI descent, is heating up as the Covenant-provided date for a possible change in the law comes closer. To date, it has tended to be a rather divisive subject, discussed or written about in terms of "either-or" - either wipe it out, or keep it.

It might be more fruitful - and bring broader acceptance - if those extremes were discarded, and the discussion focused on way to keep what is good about the article, and to change what isn't.

What's good about the article is that it guarantees that the very limited amount of land that comprises the CNMI will always stay in the hands of local people. Under the Covenant and Constitutional provisions, neither foreigners nor "outlanders" are be able to take permanent possession of land belonging to the local islanders. It assures them a permanent home. And it ensures that neither fast-talking investors nor unscrupulous agents can take advantage of them, deprive them of their last asset - their land.

Unfortunately, at present that asset doesn't always do much good, because it has been considered unacceptable as collateral. If a person's only asset is land, s/he has no way of raising capital to begin a business, to invest in any way, to derive a profit or an income, from the use of that land, so long as s/he continues to use it as make use of it as his/her residence.

Is there a way that could be changed - so that banks are required to accept land as collateral, so that value can be realized without having to lease the land to someone else?

Another problem with Article XII as it stands is the definition of what constituted a person of Northern Marianas descent. There is no reason that this definition could not be changed to extend the qualification to further descendants. Conceivably, at some point there will be so little affiliation with the CNMI that ownership of land in the CNMI will no longer be an issue.

What's supposedly "bad" about it is (a) the perception that this prevents investment by those not of NMI descent, and (b) that, as it is currently written, some locals may soon lose their qualification to retain their land due to mixed marriages, adoptions, etc.

Short takes:

- On the subject of waste, did anyone notice the story that Guam's school system is about to throw out \$5 million worth of instructional materials because people have changed their minds about the use of Direct Instruction? Couldn't those materials have been

adapted for "normal" use? or what about sending them to the CNMI, or the FSM, or Palau? Let's hope they were not literally thrown away.

- One would hope that the fine tooth of federal oversight finds the notice that the CNMI government is planning on using stimulus funds to continue funding a bloated government rather than initiating legitimate economic stimulus strategies, and rejects it forthwith.

- That MVA continues to be silent on the Marpi Brownfield clearing issue is unconscionable. That agency sure needs some severe surgery!

- CUC has finally admitted that it will need additional staff if it is to continue providing reliable power after the Aggrekko contract expires. How likely is it that the legislature and the administration will ensure that CUC gets what it needs in time? Stand by, Aggrekko! Don't be in too much of a hurry to leave!

"WHAT YOU CAN DO TO HELP! From Wendy's column You can help the guest workers. Ask members of Congress to: • **Grant an unobstructed pathway to U.S. citizenship through green cards to guest workers who had been working lawfully and legally in the CNMI for at least five years;** • **Grant a pathway to citizenship for the immediate relatives of the guest workers who acquire U.S citizenship;** • **Grant immediate U.S. citizenship to parents of the U.S. citizen children in the CNMI;** • **Require future foreign guest workers to complete exit interviews to ensure they have no unsettled labor and/or criminal cases; and** • **Properly fund and staff the U.S. Departments of Homeland Security, Justice, State, and Labor in the CNMI to ensure the safety and human rights of guest workers and the community.** Please be a voice for the voiceless guest workers. Please

contact key members of Congress, members of the House Natural Resources Committee, members of the House Subcommittee on Insular Affairs, and members of the Senate Energy and Natural Resources Committee. Ask them to enact legislation to grant the disenfranchised guest workers rights."

While the predictions and gloomy forecasts contained in the recently released Fitial-commissioned study of the economic impact of federal laws on the CNMI are generally exaggerated, incorrect and deceiving, nonetheless, negative impacts will occur if no allowances are made in the law for the CNMI's unique circumstances.

These impacts would appear to fall largely on immediate relatives of U.S. citizens and of FAS citizens as well as on long-term foreign residents who were eligible to stay in the CNMI under the Covenant, but never obtained U.S. citizenship.

debt, is, simply put, irresponsible.

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From Wendy's blog: "unheard no more" < <http://unheardnomore.blogspot.com/> >

The report is a piece of politically charged propaganda masked as an economic report. It was crafted to support Fitial's lawsuit against federalization. It won't work, because it echos the false arguments that the federalization fighters promote and anyone who is familiar with the real meaning of PL 110-229, and the issues relating to the CNMI will see right through the politically charged rhetoric. The authors, like Fitial and the federalization fighters, are promoting the false notion that PL 110-229 will result in the exit of the foreign workforce by 2014. Since this is not true much of the biased report is based on a faulty premise, and is clearly propaganda meant to support the federal lawsuit.

1.

The report emphasizes the need for a foreign workforce controlled by the local government. It is not a foreign workforce that is needed, as the report claims. It is a stable workforce that is needed. An objective analysis would also suggest that if the CNMI needs a stable workforce then the U.S. should grant green card status to the long term guest workers in the CNMI, and provide a pathway to citizenship for any new workers brought into the CNMI. That way a stable workforce would be ensured, and labor abuses so commonly inflicted on the foreign workers in the underclass of the two-tiered society would be eliminated. This is clearly a politically motivated report that reflects the interests of the party that commissioned it.

2.

Federalization will not harm the tourist industry. The CNMI could attract more tourists by

eliminating the sleazy clubs, massage parlors and decaying abandoned factories and buildings. More tourists would come if there were attractions like a cultural center and a Marine Sanctuary. The CNMI should look to Hawaii as a model. The attractions in Hawaii are the culture and the natural beauty, and the CNMI has both.

1.

call-waiting etiquette - who's got priority?

The "private sector privatizes the gains, while government socializes the losses" - from a 9/16/08 Boston Globe op-ed piece on financial woes.

- Off the wall: Is there an entomologist out there who can tell me why cockroaches die on their backs? I've never yet come across a dead or dying cockroach that wasn't flat on its back. Why is that?

"There are good reasons to begin with a presumption against government action. As coercive monopolies that spend other people's money taken by force, governments are uniquely unqualified to solve problems. They are riddled by ignorance, perverse incentives, incompetence and self-serving." From "Don't look to gov't to cool down planet" by John Strossel in opinion column in MV, 11/21/07, p 12 from "Townhall")

WESPAC members are chosen from a list of candidates submitted by each state governor to the Secretary of Commerce in Washington, D.C. They appear to be highly political appointments. The current council chair, according to the web site < <http://www.lostfishcoalition.org/page4.html> >, is the owner of one of the largest longline fleets in the Pacific, has been chair a number of times in the past, and has allegedly been convicted three times of violating the very regulations he put in place.

The Council's executive director, Kitty Simonds, has been director for close to 30 years, according to the web site, and is allegedly one of the highest paid persons in the U.S. government, "right up there with the president and vice-president."

Though most states control the first three miles of water extending from their shore line, the CNMI does not as a result of the stance taken by Governor Fitial that the CNMI should get more than a mere three miles, which he took to court, and which the CNMI

lost.

The Magnuson-Stevens Fishery and Conservation Management Act, which established and defines the fishery councils, has recently been amended, ostensibly in support of better management, increased conservation. However, proposed regulations implementing the Act have been found to have many loopholes, thus weakening the Act's effectiveness, and President Bush is now being asked not to bow to the powerful fishery lobby and to demand that the spirit of the law be followed. In addition, he plans to build on his legacy of ocean conservation, benefiting generations of Americans to come, by declaring additional national marine monuments that offer sanctuary to threatened marine life.

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More on Pew Trust:

ask for a plan. There is none! Comes later.

Compare to Hawaii. Different folks, different parties.

Feds do some good things - American Park, U.S. Post Office, FDIC, military.....

If non locals for the project are suspect, what about nonlocals against the project?

Cruz re talking to the feds directly.....

MVA - military and clearing harbor

It is somewhat dismaying to realize, however, that the last [15th] legislature passed 128 new laws. Surely that sets a record of some sort?

Department of Corrections Lino Tenorio was quoted in the Trib earlier this week as saying that the new prison could accommodate up to 500 inmates, based on a projected of prison population. Wouldn't it have been nice if he'd said, instead, that the

Will be interesting to watch which of the outgoing members of the House find new positions with the government....

Then there's Lower Base. Along the shore of the lagoon. More potential prime real estate on public land, which is instead being dirtied, polluted, abused, kept out of the market. Yes, it's convenient to have container yards and oil storage tanks close to the harbor, but "close" is, after all, relative. To move some of those facilities inland, away from the lagoon, would mean a distance of only a few miles. Rehabilitating the area might take some doing, but it makes no sense to keep it dirty just because it always has been.

Public land should be used for the benefit of everyone, but much of the public land that comprises Lower Base - especially along the shore - does not. Isn't it time this was re-evaluated as well? Not all commercial dock space has to be ugly, after all. In some cities, they have been redeveloped into profitable tourist attractions.

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Some of those, who'd been there before, even expressed their pleasure at being re-elected in terms of how much they liked their "job" and how happy they were to have their "jobs" back.

Excuse me, but when did being a legislator become a "job"? Aren't legislators, who make the laws the rest of us must live by, supposed to be representatives of the people who elected them? Aren't they supposed to be working on laws that help the community, that represent the people's best interests, that improve the lives of their constituents, and the economy? Aren't they supposed to be answering to the people? Serving the people?

Perhaps it was just a poor choice of words, because doing all those things could be considered a "job" too, but I would have much rather heard those legislators say they were happy to [again] be in a position to work towards helping their people and their community prosper, towards improving education, towards improving the infrastructure.

Prime real estate on Capital Hill another neglected asset....