

**INTERVIEW OF PEDRO M. ATALIG****By Howard P. Willens and Deanne C. Siemer****April 4, 1995**

- Siemer: We are in the office of Justice Pedro M. Atalig at the Supreme Court of the Northern Marianas. Justice Atalig, could you start please by telling us about your family, your father's family, and your mother's family.
- Atalig: My father is Antonio Camacho Atalig. He is deceased. He used to be the mayor of Rota and [he and] my father's father are Rotanese. With respect to my mother, my mother's mother and father are from Guam. They moved to Rota. That's our family. We have in our family 19 of us, of which 16 are living. I am the third oldest in the family.
- Siemer: What was your mother's family name?
- Atalig: My mother's family name is Dela Cruz Manglona and my father's, of course, is Camacho Atalig.
- Siemer: Tell us, if you would, about your education.
- Atalig: I went to school in Guam from the elementary [grades] all the way up to the first year in college, [at] the University of Guam. Then I moved to Colorado State University for my second year. After that I moved to San Jose State University and graduated there with a degree in political science. Then I went to Kansas, attended the Washburn University of Topeka, and got my law degree in 1975.
- Siemer: When did you come back to the Marianas?
- Atalig: About two months after the bar exam in 1975.
- Siemer: Where did you take the bar exam?
- Atalig: I took the Kansas bar in 1975 and successfully passed it.
- Siemer: Had you been back to the Marianas during your college or law school vacations to work at any jobs here?
- Atalig: Yes, I interned at the Attorney General's office for about two months in, I think, 1974. It was only about two months.
- Siemer: What job did you take when you came back in 1975?
- Atalig: I worked for the Trust Territory government, and I was assigned to the Marianas district as the assistant district attorney.
- Siemer: For whom did you work in that job?
- Atalig: I worked for Lindsay Freeman. He was the district attorney at that time. This was during the Canham years.
- Siemer: How many prosecutors were there in the office then?
- Atalig: Just the two of us.
- Siemer: What kinds of cases were you handling back in 1975 when you started out?
- Atalig: Well, I handled the regular criminal cases, some felonies. Of course, the felonies are not the same as today. And I did civil litigation.

Siemer: What made you decide to run for the position of delegate to the Constitutional Convention in 1976?

Atalig: Actually, it was a matter of convenience. I was at that time working for OTSP as the assistant director for public administration. I was assigned to handle, or to assist, the Constitutional Convention and it was very appropriate if I could get in as an official of the Convention to assist better in its management. So, I ran from Rota so I could be the Convention Secretary.

Siemer: When had you moved from the prosecutor's office to OTSP?

Atalig: I worked there for, let me see, I worked one year. I moved to OTSP probably in 1976.

Siemer: And who did you work for there?

Atalig: Pete A. Tenorio.

Siemer: What were you doing for the OTSP?

Atalig: I was the assistant director for public administration. I was supposed to coordinate the studies on the governmental structure in the CNMI, which again, includes working and assisting the Constitutional Convention.

Siemer: How did you go about getting selected to run as a delegate from Rota? What was the process?

Atalig: It was very easy for me because my father took care of all of those [things]. I didn't have to worry about it. He was the mayor of Rota and of course wielded political aspects of it. I was a novice. I really didn't know. So I left it up to him to get myself nominated.

Siemer: After the election, what did the Rota delegation do to get itself organized as to the kinds of things it was going to urge in the Constitutional Convention?

Atalig: I think that with respect to the rules of the delegation, the person that really stands out would be Benjamin Manglona. He pretty much had his own agenda. We really didn't meet much as a delegation. We went on our own except on certain issues where we had to stick together, and that is with respect to representation of the island of Rota and a little bit in the central and decentralized government aspect, local government.

Siemer: Did Ben Manglona work with your father in shaping the kinds of things that ought to be urged by Rota in the Constitutional Convention?

Atalig: I really cannot tell you. Benjamin Manglona and I are related. We are second cousins. His mother and my father are first cousins, and his great grandmother and my great grandfather are brother and sister. We are second cousins so it's very well that they could have been discussing a lot of things that I don't know.

Siemer: During that time before the Convention did you spend most of your time here in Saipan?

Atalig: Yes, I did.

Siemer: What did the Office of Transition Studies and Planning do to get ready for the Constitutional Convention?

Atalig: Of course, we tried to hire you, so you could do the background work and [determine] what materials need to be disseminated to the Con-Con delegates. And also of course the other things that we had to do were prepare the facilities, and contract for whatever is needed to carry the Constitutional Convention to successful completion.

- Siemer: Were you involved in all of that work, arranging the facilities and thinking about the stenographic record and all those kind of things?
- Atalig: Yes, I was hiring the employees and doing all those things.
- Siemer: I wondered about that: did most of those folks who worked for the Convention actually work for you?
- Atalig: Yes. Some were assigned from the Legislature. Some we hired on a temporary basis. For example, I think Stacy Pounds, Mr. Jack Lane's wife, I think it's Linda. But it wasn't a big staff, it was relatively small. They sent over the staff of the Legislature to assist. So, that was the staff support for the Con-Con.
- Siemer: There was an assistant secretary to the Convention named Juan F. Boyer.
- Atalig: Yes.
- Siemer: What was his background?
- Atalig: He had an accounting background and basically he was the accountant.
- Siemer: Did he work for OTSP?
- Atalig: Yes, he worked for us.
- Siemer: In the Convention, did he work for you?
- Atalig: Yes, he did.
- Siemer: What did you have him doing?
- Atalig: The accounting aspects. We had to pay the delegates their per diem. We had to pay some of the staff and we had to purchase materials, supplies and all those sort of things. That's what he would do. He prepared those things and I looked at them and I supervised him.
- Siemer: While you were at OTSP, did you have any input into the legislation that authorized the Constitutional Convention?
- Atalig: I don't recall. I really don't recall.
- Siemer: Do you remember if OTSP recommended to the Legislature what an appropriate per diem should be, for example, or how long the Convention should go on.
- Atalig: I don't recall. I don't think so.
- Siemer: Rudy Sablan was the public information officer at the Convention. What was his background?
- Atalig: I don't know.
- Siemer: Did he work for OTSP at the time?
- Atalig: I think he was working for the Legislature. I don't think he was working for OTSP.
- Siemer: At the time, the press coverage situation in Saipan was a little more simple than it is now. Were there particular media or public information problems that you recall that Mr. Sablan handled?
- Atalig: I don't think so. We had no problems at that time.
- Siemer: How about Herbert Del Rosario? He was the assistant public information officer.
- Atalig: I think Herb worked also for the legislature. So these are some of those staff that were sent over to assist in the Con-Con.

- Siemer: How about the delegation public information officers? There was Nick Santos for Saipan, Mateo Masga for Rota and Martin San Nicolas for Tinian. What was their background?
- Atalig: With respect to Mateo, he was a civil servant out of Rota. I don't recall whether he was hired for the delegation but I think he was. I don't recall the mechanics where we paid Mateo or not. I think he was, he could have been hired by the delegation. Nick Santos also I think could have been hired for the Saipan delegation. I do not recall who, if there was one for Tinian.
- Siemer: As Secretary, did you coordinate their activities?
- Atalig: No, no I didn't.
- Siemer: They were strictly working for the delegation leaders?
- Atalig: They were.
- Siemer: Then Stacy Pounds and Linda Lane had been borrowed from the Legislature?
- Atalig: No, they weren't borrowed. If I recall, it's been a long time, I think I hired them.
- Siemer: They were responsible for the journal?
- Atalig: Yes, they were.
- Siemer: How about the two librarians. Do you recall them, Rita Camacho and Chris Ramirez?
- Atalig: No, I don't.
- Siemer: Do you remember what the librarians did?
- Atalig: No.
- Siemer: I don't either. Neither did Howard.
- Atalig: They could have been the librarians sent in by the Legislature.
- Siemer: How about the Sergeant at Arms, Jose Ada?
- Atalig: I don't recall where he was from, he could have been from the legislature.
- Siemer: Did the Sergeant at Arms work for you?
- Atalig: No, I don't think so.
- Siemer: How about the pages, did they work for you?
- Atalig: Yes, I think they did.
- Siemer: And then you had some secretaries and some clerical assistants as well.
- Atalig: Yes.
- Siemer: Were all of those activities coordinated by you?
- Atalig: Yes. I can't even recall how long the Convention was.
- Siemer: That one was 50 days.
- Atalig: In that relatively short span of time.
- Siemer: Do you recall one of the consultants, one of the non-lawyer consultants, who came out for the First Constitutional Convention, a fellow named Howard Mantel from the Institute for Public Administration in New York?
- Atalig: Yes, but I thought he was a lawyer.

- Siemer: Well, he's a lawyer but his specialty was public administration and . . .
- Atalig: Right, yes, I remember him. He's a big fellow, isn't he?
- Siemer: Did you work with him at all?
- Atalig: Yes, I did.
- Siemer: What did you find with respect to having a consultant with that kind of public administration background? Was that useful?
- Atalig: It was. It was very useful, with respect to the structure of government. Yes, he was useful but I think that as far as being useful, I think that the legal consultant was much more so with respect to the work of the Constitutional Convention.
- Siemer: When the Constitutional Convention was getting organized, did you work at all on the rules with the pre-convention committee?
- Atalig: I don't recall. I think I did.
- Siemer: Do you recall anything else about the operation of the pre-convention committee?
- Atalig: Not really. That's quite a long time ago.
- Siemer: There were a couple of rules that became quite important during the operation of the Convention. One was the president's ruling, apparently with some consultation with you, that some abstentions would go with the majority. Do you recall anything about that?
- Atalig: Generally that's just the regular rule. There is nothing significant about that.
- Siemer: Well, here there was an opportunity to adopt whatever rules the Convention wanted. And as the voting began to go along, that was a fairly significant rule because 5, 6, 7 people might abstain at any given time. Did the Convention leadership ever have any problem with that rule? Did delegates ever question it, that you recall?
- Atalig: I don't think so. Because if that's the rule and the fact that you abstain, you know how it's going to go. So, they didn't have any problem. They probably had a reservation, but generally they knew that if they abstained, it is going to go to the majority. That's one way they could say, well, I didn't vote for it, but I had reservations and I really wasn't for it. But you saw the majority and you know they had more.
- Siemer: When the Convention got around to dealing with the position of Secretary right on the first day, there was some question as to whether that was supposed to be an elected or appointed post. I gather it had already been decided by the leadership that you were going to be the secretary. That was the whole purpose for which you ran.
- Atalig: Yes. At that time, I think the prevailing party was the Republican Party. And although the enabling legislation would tell you that this is not political, the fact is that on this island it may appear that it's not political but you could tell from the grouping of people whether they were from one party or not. I think we were successful as a Republican Party at the time. I don't know if it was Territorial at the time but anyway we prevailed. So within the group together it was understood who was going to be the Convention Secretary.
- Siemer: That's right, you had not only prevailed, but you had a very large majority.
- Atalig: Yes, we did. If it wasn't the majority, then there might have not been a problem.
- Siemer: What was your role as Secretary in handling delegate proposals?
- Atalig: As far as the mechanics are concerned, I don't recall.

- Siemer: Do you remember a Committee on Organization and Procedures that was basically constituted out of leadership?
- Atalig: No, not really.
- Siemer: What do you remember about the process of deciding to which substantive committee various proposals should go?
- Atalig: I don't recall.
- Siemer: Were there any instances in which delegates asked you to direct a proposal to a particular committee?
- Atalig: Not that I recall.
- Siemer: The committees sometimes came back and suggested to you as Convention Secretary the proposals that had been sent to them be sent someplace else and you seemed to be responsible for that administrative task of getting things to the right place.
- Atalig: I think I would have to review the whole organization because I really cannot recall the mechanics of the Constitutional Convention.
- Siemer: How about any of the mechanics of dealing with the daily journal. You signed every daily journal. Did you have some process you went through as you did that?
- Atalig: The person that did the journal was Stacy Pounds and so we got those things together and then we would reproduce it. There wasn't that much of a problem with that.
- Siemer: That's right.
- Atalig: It was very smooth.
- Siemer: There were relatively few corrections and things seemed to go very smoothly.
- Atalig: With respect to the journal. And at the same time we knew we didn't have to have a journal on the committee of the whole. We had tapes for those. So, it was just the daily journal we were concerned about.
- Siemer: That was Herbert Del Rosario who was doing the taping through the committee of the whole?
- Atalig: I think so.
- Siemer: Then there were back-up tapes for the convention proceedings as well, weren't there? As well as the journal.
- Atalig: I think there were tapes. At the same time, you had the big tapes, and the cassette tapes. We had those during the Convention.
- Siemer: One of the real small details that I keep pursuing: at one point you asked all of the delegates to submit their biographical sketches.
- Atalig: Right.
- Siemer: And I have been looking for those biographical sketches. Do you remember what happened to them? Did they ever come in?
- Atalig: I think some of them came in. What I did was, all the records of the Convention were accumulated in my office. I kept a lot of these records and somehow in the Second Constitutional Convention they asked for it and they got everything. I turned them over. There was no place that I could give the records to after the [First] Convention and

- after OTSP closed down. The mechanics were not set up as to who should receive the records.
- Siemer: And there were no archives at the time.
- Atalig: There was nothing. We didn't know who to give it to. So as Convention Secretary, it went with me.
- Siemer: Actually a remarkable amount of the convention record has survived intact. There was an excellent effort, I think mostly by your staff, to collect all the pieces of paper, all the reports, and make sure they all got printed and bound. It actually worked quite well having been a first effort.
- Atalig: But the tapes, for example, you know I turned over the tapes and I don't know where they are. They went to the Second Constitutional Convention. And I think a lot of those tapes could have been helpful. Especially in the committee of the whole.
- Siemer: Much of the debate did take place in the committee of the whole.
- Atalig: Yes.
- Siemer: Until later on when some delegates began to understand that you could debate it again when it came to the convention floor and then there were longer discussions in the journal. As a lawyer, did members of the Rota delegation turn to you when they were trying to shape proposals or put proposals together?
- Atalig: I don't think so. I think that the Rota delegation relied mostly on you, on the staff attorneys. We could have discussed it but, as far as turning to me as the attorney, no.
- Siemer: Let me ask you, if I might, about a couple of the proposals or some of the proposals that the Rota and Tinian delegations did together. One of them, and a somewhat unusual one, is proposal 78 which permits capital punishment and this was proposed as a part of the Bill of Rights. What do you recall about the discussions within the delegation as to why that was proposed?
- Atalig: Obviously, capital punishment didn't pass.
- Siemer: Was there a particular person who thought that this was a good idea. Was there somebody who was particularly important with respect to this proposal?
- Atalig: I'm looking at the order [of the signatures on the proposal], whether it was Pedro Q. Dela Cruz that offered this. And of course, we went along with it.
- Siemer: Is that how it worked generally, the person who was offering it, signed first?
- Atalig: Usually. Yes. I know this one here is David Atalig. I think he was the one that proposed it.
- Siemer: Which one is that?
- Atalig: The one right next to, right after this . . .
- Siemer: 79.
- Atalig: 79, it's the right to organize for collective bargaining.
- Siemer: 79 is collective bargaining in the private sector, right?
- Atalig: Right.
- Siemer: Do you recall some discussion about another proposal about collective bargaining in the public sector?

- Atalig: No, I don't recall.
- Siemer: Take a look at number 80, which has to do with procedural due process in administrative hearings.
- Atalig: Yes.
- Siemer: Were there particular kinds of administrative hearings that people were worried about back then?
- Atalig: Not particularly. I think these proposals are the regular, just one of those shopping lists that you throw in to assure fairness.
- Siemer: To make sure that it gets considered by the committee?
- Atalig: Right. But it's a shopping list and I think we had a lot of shopping lists. If you are a Rota delegate, then of course you get your other delegates to sign off on it and usually that's the way it was.
- Siemer: People would come around and ask could you sign their . . .
- Atalig: Sign, you know, let's have it discussed. But the fact that you signed it, this proposal, doesn't mean that you support it. It is something to be discussed in committees and then debated and what have you. So, like in looking at the capital punishment [proposal], obviously, it came in and was discussed and it didn't pass. In fact, it went the other way, that there shall be no capital punishment here in the CNMI.
- Siemer: It did.
- Atalig: It's getting the issues, some important constitutional issues out, which might take care of the proposal, serve its purpose.
- Siemer: What was your own view about the initial Rota and Tinian proposal with respect to the legislative branch, which was a 4-4-4 combination in the upper house and I think a 25-3-2 combination in the lower house?
- Atalig: In the Convention, you had different groups. You had the politicians who have gone through the Trust Territory time to the Convention time; you have people that have not gone through that but went to school and who have worked in the government for a relatively short period of time. I was in a group where we were very much concerned with the cost of government. We wanted the government to be efficient—not costly and efficient. Those numbers were really proposed by the politicians, the career individuals in politics. Not saying that they are bad, but I think it's just an evolution that they're there and they serve their purpose. But those numbers were recommended probably by the people that were in government serving as legislators and what have you. But as far as the numbers, we were not really much concerned because the ratio is there. So it really didn't make any difference whether you have four or you have three in the House of Representatives. It is the ratio. You don't have control and the more [members of the House], the worse because you have more cost in government.
- Siemer: Who was in the group that had a similar view to yours that was concerned mainly about the cost and efficiency of government?
- Atalig: I think that the people who were most concerned with cost were Justice Villagomez, myself, his brother Jesus Villagomez, Manny Tenorio. There was another Tenorio.
- Siemer: His cousin John?
- Atalig: John Tenorio and David Atalig, my . . .

- Siemer: David is your brother?
- Atalig: No, he is my cousin. We had Pedro Dela Cruz, he's my uncle, and Greg Calvo, and there were others there that were concerned about the cost of government.
- Siemer: Were you related to any of the other Rota delegates?
- Atalig: Yes.
- Siemer: Which ones?
- Atalig: Practically all of them. Leon Taisacan is not related to me by blood, but his wife is my first cousin. Of course, Benjamin is my second cousin. Prudencio [Manglona] is my second cousin. Pete Ogo, I think there is a relationship, but not a close relationship.
- Siemer: David Atalig was your first cousin?
- Atalig: My first cousin.
- Siemer: And Pete Dela Cruz?
- Atalig: Is my uncle.
- Siemer: How about the Tinian delegation? Were you related to any of them?
- Atalig: I am related to Ben [Vicente] Manglona. There's a relationship, but not close, to Joe Cruz. The others, we're not related.
- Siemer: As the debate with respect to efficiency of the legislature progressed, on a number of occasions you talked about the salary for the legislators and your view that the salary that was being set was too low. What do you recall about that debate? The relationship between the salary and the size of the legislature?
- Atalig: If I said that, if I said it properly, you don't need a big number in the legislature. As far as ratios are concerned, you don't need that many people to make legislation. And as far as salaries are concerned, in order for you to attract people of any quality, I think that it has to be commensurate to salary. In terms of a person, if he had a choice of running for office or working for a salary that's higher, probably he would take that. And you're not going to leave that job to run for the legislature, because it doesn't pay. Salary is commensurate with quality.
- Siemer: What was your view at the time about the feasibility of a part-time legislature? There was a considerable amount of debate about that.
- Atalig: I think the prevailing view was, of course, not [supporting] a part-time legislature but I don't know if I supported it. Now I do. I wish we had a part-time legislature.
- Siemer: The debate with respect to that formulation on the lower house seemed to occupy an enormous amount of time in the First Constitutional Convention—the big legislature proposal of 25-3-2, then the smaller proposal of 16-2-1, and then the smallest proposal of 12-1-1. What was it that the Rota delegation found so critical about having two representatives in the lower house?
- Atalig: I think you would have to ask Benjamin [Manglona] that.
- Siemer: I have.
- Atalig: Because as far as I was concerned, I really didn't care. Because the ratio is always that you [Rota] will not have the majority, and it doesn't make any difference to have 2, 3, or 4 [representatives]. I think one was sufficient. And again, the more you have, the more costs

you have trying to support the legislators in terms of salary, per diem, and bringing them from Rota, and what have you. I thought it was a waste of public funds to have more than one [representative for Rota].

Siemer: Why was it that some of the Rota delegation chose that issue over which to walk out of the Convention?

Atalig: I don't know. I think it might have been the excuse to walk out because, for the Rota delegation, one of the most important things was the relationship between the local government and the central government. And they didn't get that. So that could have been the excuse to walk out because they disagree. But I thought it really didn't make any sense, it was not logical to walk out over numbers which really are not significant. Whether you have two or three in the House of Representatives doesn't make a difference.

Siemer: Did you know ahead of time that Ben Manglona and several of your colleagues from Rota were going to walk out?

Atalig: Yes, I knew.

Siemer: How much ahead of time was that being discussed?

Atalig: I knew when they brought my father in from Rota to convince me.

Siemer: They brought him here to Saipan?

Atalig: Yes, they brought him here to Saipan to convince me on how I should go on the voting. And so when I told my father, I'm not going to go along with that, I knew they were going to walk out.

Siemer: Was it that specific issue that they urged your father to talk to you about?

Atalig: Yes. On those numbers of the legislature.

Siemer: What was your father's own view about that?

Atalig: Well, he was called in, tried to convince me, and later on he agreed with me. So, that was that. He told me, you make up your own mind. I said, it's insulting for you to come here and try to lobby or tell me . . . there's no way you can do that.

Siemer: Some of the comments that were made by Rota delegates such as yourself, Mr. Dela Cruz, and Mr. Calvo during this debate seemed to indicate that they were not going to support either a walk-out or trying to bring the Constitution to a standstill over this. Was it your view that that was fairly well known in the Rota delegation—that some of you would stay if a walk-out was attempted?

Atalig: We never really discussed a walk-out with the other delegates from Rota. One thing was sure is that the group of delegates from Rota, when you look at the composition, there were four of us, we were staying in Saipan. The ones that didn't walk out were staying in Saipan.

Siemer: Lived here and worked here.

Atalig: We were working here, and still maintaining of course our domicile in Rota, but we were staying here. And the group that was staying here, we went to school. We were all college graduates. I think it was known as far as our views are concerned that they were a little bit different from theirs, but as far as walking out because of that, I didn't know that they were going to do that. Well, I knew that they were going to walk out. As far as our disagreement with them over the walk-out, we didn't ever discuss it.

Siemer: Were you surprised when they got up at some point and walked out?

- Atalig: No, I wasn't surprised. I was not.
- Siemer: Did anyone try to persuade them to come back?
- Atalig: No, not on our side. They were older than us. We were younger than them and Benjamin and Prudencio are strong characters. Even if I tried, I don't think I could have convinced them to stay.
- Siemer: They had proposed a structure for the relationship between local government and the Executive Branch under which there would be lieutenant governors on each island and the lieutenant governors would "coordinate" services on local islands. The Finance Committee under Ben Fitial, which had a couple of young delegates like John Tenorio who were very concerned about the size of government, came up with a mayor structure. And the mayor was supposed to "supervise" the delivery of local services. How did those two things differ in practicality as far as Rota was concerned?
- Atalig: When you have the lieutenant governor, and you have a mayor, if the lieutenant governor goes with the governor in his ticket, the mayor goes separately. And it could be any party that would [win] in the election of the mayor. In the lieutenant governor, it is always with the prevailing gubernatorial candidates.
- Siemer: Was that the view at the time, that a lieutenant governor on Rota would have to run on a ticket with the governor candidate and, therefore, it would have to be the same party?
- Atalig: I don't recall, but I would think that that would be the way it should be, which in retrospect, looking back, I think would have been a better proposal.
- Siemer: Having a lieutenant governor and governor as a team?
- Atalig: As a team, so that you won't be having these problems where the governor who wins is not of the same party as the mayor and you are creating all these frictions. If it was the same party, it eliminates a lot of those things, especially if he appoints the lieutenant governor to run with. I think that would have been much better. I think if it could be changed now, I would propose that that would be the case.
- Siemer: At the time that the Rota delegation proposed the lieutenant governor structure, what was their view about retaining the mayor and municipal council structure that was already there?
- Atalig: I don't recall. I think we wanted the municipal council eliminated. It's just a repetition and a useless forum.
- Siemer: There seemed to be Rota delegates on the Government Institutions Committee which was making the lieutenant governor proposal, who were very supportive of that proposal.
- Atalig: Right.
- Siemer: And there seemed to be Rota delegates on the Finance Committee, which was dealing with the mayor, to be very supportive of the mayor and municipal council proposal. I wondered if those two had ever come together—whether the entire Rota delegation was supporting both sets of proposals.
- Atalig: Obviously, it never came together. It never came together.
- Siemer: You don't recall the Rota delegation sitting down and saying now, this is what we're looking at overall?
- Atalig: You know, I think the problem with the delegation is that one is telling and the other is supposed to be listening and so it never really got together because one was trying to

dominate the other and make its voice very forceful. This is what we want to be done and that's that. So the others on the receiving end, sometimes we don't see eye-to-eye so that's why we never meet.

Siemer: Did Benjamin Manglona call regular meetings of the Rota delegation?

Atalig: I don't recall. I think we met but as far as regular meetings, it could have been regular in the beginning.

Siemer: You probably would have been busy with your Convention Secretary duties anyway, wouldn't you?

Atalig: I was. I was running back and forth.

Siemer: What was the fallout of the local government debate? The Convention finally rejected the lieutenant governor alternative and adopted a mayor alternative. How did the Rota delegates feel after that happened?

Atalig: I think we were disappointed. We wanted a stronger local government, but we didn't have the numbers. What had happened is that in the beginning you had the party system controlling it. I became the Convention Secretary because we [the Party] prevailed. But as things progressed there was a difference. Now it's not party anymore. You had the Saipan group coming together. You had the Rota group coming together. And you had the Tinian group coming together. You had Tinian and Rota coming together. We just didn't have the numbers. But then at the same time, the issue was not that strong for us to walk out at that time. We felt that we could live with it. Actually the structure is there, but it's a relationship with people and the players that could make it work. But of course we were disappointed that we couldn't get a stronger local government.

Siemer: At that time, what do you recall about your own views with respect to constitutional amendment. One of the questions here was the Convention laboring very hard to come to these compromises, which could be disrupted by constitutional amendment later on.

Atalig: Come again.

Siemer: Do you recall what your own view was with respect to how easy or difficult it ought to be to amend the Constitution back in those days?

Atalig: I think we felt that to amend the Constitution should not be that easy. And the way we tailored it is that it could not be easy. But obviously we are finding that it is easy. It is not really that difficult.

Siemer: It is interesting. It is not that difficult if there is a mandated constitutional convention. What do you recall about your expectation back in those days that a constitutional convention would be used to amend the Constitution to the extent that it has been?

Atalig: I didn't really think that it would be of this magnitude. I thought that, of course, people would be like us. They'll think like us and, obviously, that is not the case. I didn't really think much of it would be changed. I thought it was a good document, granting that there were some disappointments in it but overall, I thought it wouldn't be that much changed. Obviously, we're here and they aren't.

Siemer: The formula that was actually adopted for constitutional amendment was quite difficult for individual constitutional amendments that came up other than through a constitutional convention. Indeed, it seemed that some of the formulas that were discussed—three quarters of all the voters on a particular island—would be difficult to achieve even on

- an island like Rota. Getting three quarters of all the registered voters to vote in favor of a particular proposal, that would be difficult, even in Rota in those days, would it not?
- Atalig: It would.
- Siemer: Even with a small population, you'd have some people who would think it would be a bad idea.
- Atalig: In those days you had a two party system. So, to get the people to agree with you, especially when it went on party lines, it would be almost 50/50, so 51 percent, 49 percent, it would be very difficult.
- Siemer: That was true on the other islands as well, even on Saipan with its much larger population, was it not?
- Atalig: Yes. It wasn't that easy. Of course today it's not that strong, the party system is not as strong as before.
- Siemer: Is that true on Rota as well?
- Atalig: The party system in Rota is changing. It's changing, it's not as it was.
- Siemer: Not as family-dominated as it was?
- Atalig: It's not really family. You have interaction within the span of 20 years of different families. So, as far as one family dating this family, and that family dating that family, with all this interactions, you really lose identity in terms of straight family, because you have kids inter-marrying with families of the other party. There's no such thing as, well this is the family. Not 20 years later, no.
- Siemer: There seemed to be, on the part of some of your colleagues on the Rota delegation, a similar worry about the use of the initiative to pass either new legislation or new constitutional amendments that would upset this balance that they had crafted. The initiative had never been used in the Trust Territory under any circumstances, had it?
- Atalig: No.
- Siemer: What was your own view about how high the barrier should be to using initiative in the Constitution?
- Atalig: I really didn't think that much of it at that time.
- Siemer: Didn't think that much of it or were not in favor of it?
- Atalig: I was not against it, but I really didn't think that much of it. It's something that, you know, these things are hardly used.
- Siemer: Precisely correct. It came up again and again and again in the Convention and it seemed to be a difficult point, although, as you say, initiatives are rarely used. Would it be fair to attribute that to the fact that the delegates had no experience with initiative?
- Atalig: I would think so, yes. You know it's something new that you don't even know. Here you are trying to form a new government and to set up a structure and to set up the mechanics. These are things that you don't even think about. You would have to have been schooled to understand really what it is. People in those days relied on their leaders and they don't take it upon themselves to do that. I really didn't think that much of it.
- Siemer: Do you think that the delegates had a good idea of what the various formulations mean, like 2/3 of the votes cast, or 3/4 of registered voters?

- Atalig: I think those the delegates knew. I think that we have a lot of politicians there, and they know. They know.
- Siemer: Because some of the formulas seemed self-evidently impossible to do, and yet they got lots of support. In that case, it would be delegates simply not wanting this thing to be used very often, would that be fair?
- Atalig: I would think so, yes.
- Siemer: One of the other proposals from the Rota and Tinian delegations that I wanted to ask you about is this one, number 76, which requires legislative sessions to be open and also requires access to any documents used in legislative sessions. What do you recall about where that one came from?
- Atalig: Probably from your briefing papers.
- Siemer: No, actually it didn't. It was something that someone thought up. I was wondering, particularly with respect to access to documents that are used in legislative sessions, had there been problems where documents weren't available or people thought this was a problem that needed to be corrected?
- Atalig: I don't think so. I think this proposal was picked up but it's not to address a problem. I think this is one of those, as I said, one of your shopping list proposals, you know that you want an open government and I think we picked that up. But as far as addressing a problem, it was not to address a problem, because we didn't have any problems in those days.
- Siemer: Let me ask you about this one, which is number 88 and has to do with collective bargaining in the public sector. That is, at least in the States, a very controversial subject. What do you recall about the background of that proposal? This is allowing the firemen to go on strike and police to go on strike and things like that.
- Atalig: I signed this, and let me tell you this, looking back, I don't know why I signed something like this. I do not agree with this.
- Siemer: It would have been a considerable change.
- Atalig: Yes, I know. These are persons of public employment who have the right to organize for the purpose of collective bargaining. I don't know why I signed it.
- Siemer: Well you may have done it as a . . . .
- Atalig: As a person that just got out of law school.
- Siemer: Well, you would have known what that was all about.
- Atalig: Right, yes, and I certainly didn't agree with teachers, policemen, organizing and striking. I could see it in the private sector. And even in the private sector, I think it's going to create a mess here in this small island. I looked at it. It looked like my cousin did it, and probably asked me to sign it, and I did it.
- Siemer: I haven't had a chance to talk to your cousin yet. Was there anything in his background or his views that would make him a particular proponent of that?
- Atalig: Yes, he's an engineer.
- Siemer: Ah, well he should know better.
- Atalig: He was assistant director of public works, but surely he didn't want his employees to be striking. That's what it would do.

- Siemer: This proposal, number 29, was a proposal from the Rota delegates with some of the Carolinians, and required selection of candidates by primary election. Was that of particular use on Rota for some reason?
- Atalig: I'm surprised that we did this, because in Rota it wasn't that difficult to get chosen. I see Pedro Q. Dela Cruz being first on the list, and obviously he might have some problems trying to get in.
- Siemer: He is the current Commerce Secretary?
- Atalig: Yes. You ask him, did you have any problems trying to get in? I think he had some bad experiences.
- Siemer: There's another one that I wanted to ask you about that is fairly general. This is number 43, which directs the Legislature to protect people against harmful and unfair business practices. What did you have in mind there?
- Atalig: Let's see, wait until I get to it. I offered this. I was thinking of the crisis of Joeten at that time, probably. I can't recall really the background.
- Siemer: Sometimes the wording of proposals raises questions about whether they were connected with other proposals and things like that. One of the interesting prospects in writing a history project is trying to figure out where all of these things came from and how they worked.
- Atalig: It would have been helpful if you had come maybe five years right after the Constitutional Convention. It really is difficult to think back, it's almost 19 years back and . . .
- Siemer: That's why we thought we'd better do it now.
- Atalig: Yes. A lot of it might have been important at that time but it seems so unimportant now.
- Siemer: Let me go to a different subject and ask you what you recall of the position that you and your colleagues from Rota took on the special assistant for Carolinian affairs?
- Atalig: Actually, we didn't support it. We didn't support the Carolinian Affairs [office]. It's just an accommodation. You know they want this, but it's not good. Here you are recognizing that there is a minority and at the same time, why do we need this? But, because the Carolinians proposed it, you just kept quiet about it and just let it through so that you won't be labeled as anti-Carolinian. It's the same thing that happened with respect to the mayor of the Northern Islands.
- Siemer: I was going to ask you about that one.
- Atalig: It's something that we knew was not necessary but it's just, you know, why don't we just let it go. If you analyze it, it's not necessary. It's a waste. There we were flexible enough to say well, it won't cost that much probably.
- Siemer: Were you concerned about the reaction in the Carolinian community if you didn't do it?
- Atalig: Yes, we were concerned.
- Siemer: What did you think might happen?
- Atalig: We didn't want to offend them. That's basically it. We weren't afraid that if you did this you're going to get threatened physically or what, but it's just offending them. We just didn't want to offend them. And being from Rota, coming from a small island, it would be worse if we offended them because in Rota you don't have Carolinians. Just like in Tinian, there's really no Carolinians that settled there. We just didn't want to offend them, so we

left it to Saipan—if they wanted it then let them raise it. But other than that, we just were very neutral and not wanting to offend the Carolinians, the mayor and the people of the Northern Islands.

Siemer: There was a letter that Felicidad Ogomoro sent to the Convention that you put in the record. This was right after the public hearings.

Atalig: Yes.

Siemer: Do you recall that letter?

Atalig: I see it now. I don't recall the letter, but I can see why some of the requirements that you have Carolinians on boards and commissions might have been from this.

Siemer: This letter came in right after the public hearings. Up to that time, the Carolinians who were delegates, who had been elected to the Constitutional Convention, had not requested any special treatment at all.

Atalig: Oh, really?

Siemer: It was only after the public hearings and after this letter came in that various of these proposals, including the Executive Assistant for Carolinian Affairs, seemed to emerge. Do you recall at public hearings there being concerns expressed by the Carolinians about this?

Atalig: No, I don't recall. There could have been, subsequent to this letter, some raised by the Carolinian delegates like, I think we had, Ben Fitial then.

Siemer: You had Fitial, you had Luis Limes.

Atalig: Luis Limes was there.

Siemer: Mr. Igitol.

Atalig: Was it David Igitol?

Siemer: Pedro.

Atalig: Pedro Igitol, yes. It could have been because we, for example, in the committee that I was in, Public Lands, in [working on] the Public Land Corporation, all of a sudden we have a Carolinian representative as a board member. And again, recognizing the Northern Islands, you had a representative from the Northern Islands on the MPLC board of directors.

Siemer: You knew that there were relatively few people up there in the Northern Islands.

Atalig: We knew there were probably about 40, 50 people up there. But there's a big difference between knowing that and having a live body there saying "we want this" and he's a delegate and "we gave you everything and how about for us?" And basically that's what the Northern Island delegates said: "Well, we're here, we're representative; aren't you going to give us something?" So, that's why, we know there's about 40 or 50 people, but they're asking and we don't want to offend them that much.

Siemer: Well, it's important to understand that whole context of how some of these things came into the Constitution, why they were there, and why the Chamorro majority acceded to them.

Atalig: Well, with a letter like this, probably it helped and told their delegates you better do something about it. Stop keeping your mouth shut and ask for it. What's in it for us?

Siemer: Watch all these Rota delegates, see how effective they are.

- Atalig: Well, I wonder. I think that with respect to the Rota delegates, a lot of the protection was already in the Covenant.
- Siemer: How about the public hearings generally, what was the Secretary's responsibility with respect to those?
- Atalig: I think I assisted the chairmen in setting up some of these, in the mechanics of the [announcements], I don't know if I went to the newspapers, went to the radios, contacted witnesses and so forth. I cannot really recall the exact details as to what we did. Obviously we did something.
- Siemer: How did the public hearings go on Rota? Did you attend those?
- Atalig: No, I didn't go to Rota.
- Siemer: Let me ask you what you recall about a very narrow issue which involved the lawyers a fair amount and that was with respect to repealing or extending statutes of limitations. There was a proposal that Justice Villagomez and Luis Limes made to extend statutes of limitations and pay compensation for lands that had been lost. What do you recall about your own view with respect to that?
- Atalig: Well, I was involved in a lawsuit before the Constitutional Convention in which we thought the statute of limitation really is very unfair to people here in the CNMI who don't know what the statute of limitation is and you've got to apply it to them. And the case that stood out was Crisostomos versus TTPI where it was questioned whether the land was properly exchanged or not. We thought it was unfair. The statute of limitation was actually a thievery by the government, the administering authority.
- Siemer: That was the TT [Trust Territory] government.
- Atalig: The TT government, the state can take people's land and then if you don't complain about it, well you lost it by adverse possession. We thought that it was wrong. I know that it's the Pandora's box, but we thought that something had to be done with it because it was not fair.
- Siemer: Do you recall the legal consultants arguing that any monetary compensation for lands that had been lost in the past could be an enormous burden on the Commonwealth?
- Atalig: I don't recall, but I know that it's Pandora's box in terms of either land exchanges or money. But I think that land exchange would have resolved most of the problems because at that time the price of land was not significant in terms of converting it to dollars. So, to exchange on a one-to-one basis, it would have been much easier. Land exchanges would have been okay but as far as money, I don't recall, but I know it would have been a lot of money.
- Siemer: That's actually the compromise that was finally arrived at, that there would basically be a priority for public lands but not monetary compensation.
- Atalig: Right.
- Siemer: On this issue perhaps more than others, there had been a good deal of involvement and opinion by the legal counsel and I wondered if that involvement or that concern on the legal counsel's part had caused any friction with the delegates that you recall?
- Atalig: No, I don't recall. Of course when you are dealing with land, it's going to be very emotional. And with respect to land, the ones most affected were from Saipan. As far as Rota is concerned and Tinian, there wasn't that much land taken. But it was Saipan with

the U.S. military coming in bulldozing the markers and all those bulldozing Garapan and making roads and re- districting certain properties. Saipan was very much affected.

Siemer: Do you recall any concern on the part of Rota delegates that, if there were land exchanges, people who had been affected on Saipan might wind up with land in Rota?

Atalig: No. It was my experience when I was in the MPLC [Marianas Public Land Corporation] to do some of the exchanges but there was no concern.

Siemer: Let me ask you to take a look at a communication that was put in the record. It was from Eddie Pangelinan who was the Washington liaison officer at that time. It arrived at the convention on December 1 shortly after this question of how to deal with the statute of limitations . . .

Atalig: You mean what . . .

Siemer: was dealt with. Do you remember how these things went back and forth to the Washington liaison officer at that time? Was this a telex in fact? Do you remember how these things came in?

Atalig: No, I don't recall how they came in.

Siemer: Do you remember this particular one coming in and saying, be very careful about these issues?

Atalig: That was addressed to Larry Guerrero. Probably, we did.

Siemer: What do you recall about exchanges of this or any other type back and forth between the leadership and the Washington liaison officer at that time?

Atalig: I'm sorry, I just can't recall.

Siemer: Yes.

Atalig: But looking at some of the proposals, I could see why. I could see why it was like that.

Siemer: Howard has a couple of things he wants to follow up with, and then I've got a couple more.

Willens: Let's go back to your law school years. Did you have any views yourself with respect to the Covenant during the period of its negotiations? Specifically, as to whether a separate political status for the Northern Marianas was a good idea?

Atalig: Yes. I thought it was a good idea.

Willens: Were there any differences of views among the people on Rota that you became aware of while you were a law student with respect to the Covenant?

Atalig: No.

Willens: Did you become aware early on of the protection for Rota and Tinian provided by the bicameral legislature?

Atalig: Yes.

Willens: What was your opinion then of that specific provision?

Atalig: Well, with respect to the structure being that the Senate was of an equal representation, with respect to an equal power between the islands, I thought that was a very good protection. In fact, that was one of the best, a key actually to a lot of people agreeing in Rota. I was in total agreement with that.

- Willens: After the Covenant was approved by the people in June of 1975, did you or any of your family play a role in trying to get the U.S. Congress to approve the document?
- Atalig: My father was. I don't know if he played a role in terms of actually trying to convince them, but he was there when they were trying, for the U.S. Congress to approve it. He was with the other mayors of Saipan and Tinian.
- Willens: Do you have a recollection that he went to Washington to make that appearance?
- Atalig: I recall he ran out of money and he asked me to send him some. I sent the money to him.
- Willens: That would be a memorable event.
- Atalig: Yes.
- Willens: After it was approved by Congress, a separate administration was then provided for the Northern Marianas. At that time did you leave the Attorney General's office or District Attorney's office and go over to the Office of Transitional Status?
- Atalig: Yes, I did, yes.
- Willens: What was your general assessment at the time about the planning efforts that were undertaken by OTSP with respect to, not just the Constitutional Convention but the establishment of the first constitutional government?
- Atalig: Well, at that time I received a call from Pete Tenorio saying come on over. And I said, "what am I going to do? I am a lawyer." He said "Well, you're going to be the assistant public administration officer." He filled me in on what was the work of OTSP. I thought it was a very important function and went aboard.
- Willens: You worked then full-time for OTSP until its conclusion?
- Atalig: Yes.
- Willens: What happened to OTSP once the first constitutional government took effect in January of 1978?
- Atalig: Practically ceases. In fact, in terms of its importance, it quickly died out.
- Willens: Why was that?
- Atalig: I don't know. I don't recall when we ceased. I think it was in, if I'm not mistaken, I don't know if it was 1978. I'd have to look at the dates. It could have been political in terms of the relationship between Pete Tenorio and some of the other players.
- Willens: As I understand it, at some point early in the Camacho Administration, Manny A. Sablan took over Pete Tenorio's responsibility. Do you have any recollection of that?
- Atalig: With respect to OTSP?
- Willens: Well, OTSP may have been absorbed into the government as a planning agency, but then Pete Tenorio was replaced.
- Atalig: We went over to the Legislature. Of course, Manny took the planning and budgeting office. As I say, OTSP just died out, so Pete Tenorio and I went to the legislature. Then you had Manny being one of the key personnel in the Camacho Administration.
- Willens: Do you know whether any of the work product generated by OTSP was implemented by the Camacho Administration?
- Atalig: In the sense of the structure of the government, a lot of the work that we did on the

public administration side was incorporated in one of the first public laws dealing with the structure of the Executive Branch. So in that sense, yes, it was implemented.

Willens: What would be your overall assessment then of the work of OTSP in equipping the first administration of the Commonwealth to perform its responsibilities?

Atalig: Well, I think it was, of course, very, very instrumental. Here you have one of the key personnel at OTSP being one of the key personnel in the Camacho Administration, which is Manny Sablan. And then you had also Pete Sasumato. I don't recall whether Pete Sasumato went to the Camacho Administration. I think he did. I stand to be corrected, but he did. And again, Pete Sasumato was instrumental in the planning and the fiscal master plans aspect.

Willens: He was on the staff of the OTSP?

Atalig: Yes, he was. You have people going over to the Camacho Administration who were instrumental in the planning aspects, so it would have been extremely helpful to the Camacho Administration.

Willens: How long did you work for the Commonwealth Legislature?

Atalig: I worked for less than a year. Pete and I went over to the Legislature. He became a consultant. I became assistant legislative counsel. Pete, in less than a year, became the executive director of Public Land Corporation and I quickly followed as the assistant legal counsel for MPLC.

Willens: Many people to whom I have spoken have emphasized the conflict in the first two years of the Camacho Administration between the Executive Branch and the Legislative Branch. What do you recall about the issues that were under discussion at the time?

Atalig: The actual issue is party. You had the Camacho [ticket], which is the Democratic Party, prevailing and then in the Senate you had the Republican [Party]. With this then you also had, for example with respect to Rota, a problem with the Democratic administration and a Rota mayor who is Republican. And it's a first experiment in government, and we're the players now. You have a lot of conflicts in terms of personalities.

Siemer: Mainly over political party issues.

Atalig: It was political. For example, a lot of conflicts with respect to Rota started with Governor Camacho appointing a representative for Rota affairs. And so, here you have the mayor looking and saying, are you trespassing on my jurisdiction? And, of course, you have Benjamin [Manglona], who is very sensitive to issues of central government control over the local government. So, you have a lot of these things that were not really issue-oriented, but it's a lot of power-play in the initial years of the Camacho Administration.

Willens: Did there come a time in your opinion when these differences lessened and there was more cooperation between the two branches?

Atalig: I don't know if there came a time. Maybe there came a time when people realized after lawsuits how things should be functioning. But I think it took lawsuit after lawsuit to determine what is it that you could do and what is it that you cannot do. But there were, I tell you, a lot of lawsuits in the Camacho Administration.

Siemer: Lawsuits over the mayor's powers?

Atalig: Mayor's powers and as far as hiring, who should hire, how they get paid, how they were selected, and all that sort of things. You think you could see it and there were some, I can't

- recall the actual case names, but there were a lot of lawsuits by the mayor of Rota or a taxpayer bringing the lawsuits.
- Willens: Were these lawsuits precipitated by any of the specific provisions of the Constitution or were there lawsuits that were precipitated by the Administration's actions?
- Atalig: I think they were precipitated by the interpretation as to what the Administration could do in Rota in light of the Constitution. And, his interpretation also as to what the mayor cannot do. That is one of the problems encountered when I was the assistant legislative counsel in the Legislature. There were other problems, which arose again because of the politics. At that time you had appointments requiring the advise and consent of the Senate. Sometimes when you look back, it's really not the person but the politics of it.
- Willens: As I understand it, an attorney general nominee was not confirmed for almost three years.
- Atalig: Yes, Di Angelo was there. Di Angelo had problems. We had also, for example, Mike White being appointed. I don't know if he was associate judge at the trial court, but he had some problems in getting confirmed. There were a lot of problems in terms of trying to get the Camacho Administration's appointees confirmed.
- Siemer: One of the discussions that was had at one point with respect to politics in the Convention had to do with whether there should be a requirement that constitutional convention delegates run on a non-partisan basis. There was a discussion, much as you described between the very experienced politicians who said no, you could never do that—the political realities were such that you just couldn't ever do that. You made a speech on that subject.
- Atalig: Oh, I did?
- Siemer: I'm referring to something that appears at page 214 of the journal. Just take a look at that for a minute. You were taking on some of the senior politicians in the Convention. What do you recall about that?
- Atalig: The subject was with respect to . . .
- Siemer: It was a question whether constitutional convention delegates in the future should be required to run on a non-partisan basis. The Convention never adopted that requirement but there was a considerable amount of discussion about it.
- Atalig: Well, I was trying to be candid about what was going on then. This was dealing with running for the constitutional convention.
- Siemer: There was some discussion of requiring constitutional convention delegates not to be partisan and there was a good deal of discussion over several days about that not being practical. Never would work. Oscar Rasa didn't think it would work; Senator Borja didn't think it would work.
- Atalig: Right. Part of my speech obviously assured that it would not work. That it is all politics. It's like we are having politics in the beginning, as I say, you had the Territorials and you had the Popular [party] and then it broke apart. Something about reducing campaigning costs and I think what I was saying is that you should run on your own and let's not group together because it gets to be very expensive. As a young attorney at that time in Rota, I could see what was happening. When we ran, it appeared that we grouped together and we ran as a group, rather than just submitting your name and running on your own. Running as a group you are required to follow the practices of the veteran or seasoned politicians, where it gets very costly.

- Siemer: What kinds of things . . .
- Atalig: It was something that I just didn't like. I just didn't like the way it was done, the way the delegates were elected, and probably I was naive at that time but I wished that it was not done that way because, although it appeared to be non-partisan, it was partisan.
- Siemer: Subsequent legislatures have tried to do that. Every Con-Con bill has tried to say that people were supposed to run on a non-partisan basis.
- Atalig: Right.
- Siemer: It seems to be difficult to achieve.
- Atalig: Now, I think you could probably achieve that to certain degrees in terms of running non-partisan here. I think of the recent example of the Third Con-Con, I don't that was partisan.
- Siemer: Much more toward the non-partisan side.
- Atalig: And it shows in Rota also. I was surprised in Rota. It seemed like even though the representatives of political parties won, they were of different parties. So, I think we're getting much more mature as far as electing people based not on political affiliation but on something else.
- Siemer: It hasn't been that long; it's only been 20 years.
- Atalig: Well, we learned a lot. Made mistakes, taught things that we shouldn't have taught.
- Siemer: Let me ask you what you recall about some of the specific positions that you took in voting. When it finally came down to it, you voted yes on several of the interim ballots with respect to the size of the legislature but at the end of the day you voted no. Why did you do that?
- Atalig: I don't recall this. I would have to review the record, why I did. But it had to be for a reason.
- Siemer: Do you recall anything about Article 7, the eligibility to vote? You voted no on that as well.
- Atalig: What was the age that we . . .
- Siemer: Eighteen.
- Atalig: I voted no?
- Siemer: At the very end of the day you voted no.
- Atalig: It was just with respect to the age. I wonder why.
- Siemer: How about initiative, referendum and recall? At the end of the day when everything was said and done, you voted against that as well.
- Atalig: I don't know. I would have to look back, but there must have been a reason why and it might not be with respect to the propositions. It could have been something else.
- Siemer: How about public lands? You voted against that as well. Do you remember why? Did it have to do with the homestead program?
- Atalig: I don't know. You know that's very interesting. I ended up being the attorney for public lands. There were some things there that I thought were just give-aways and it dealt with I think some of the lands that people squatted on. I thought that you are rewarding

someone who shouldn't be rewarded. Because they were very strong—they said “we'll do this”—and then all of a sudden here we are rewarding people that stayed on lands where they shouldn't have stayed.

Siemer: Had that happened a fair amount in Rota?

Atalig: Yes, it had. And in fact that proposal was greatly supported.

Siemer: Let me just follow up with where you were employed after the MPLC. How long did you stay there?

Atalig: One year.

Siemer: That was which year?

Atalig: That was in the Camacho Administration. From, if I recall, I think it was either in April or May 1978 and I left in early March in 1979.

Siemer: And then where were you employed after that?

Atalig: MPLC.

Siemer: What did you do there?

Atalig: I was the assistant legal counsel with Chief Justice Dela Cruz. He was the legal counsel.

Siemer: How long did you stay there?

Atalig: I stayed there until 1986. So from 1979 to 1986.

Siemer: And then what did you do?

Atalig: Then I went into private practice.

Siemer: What was the name of the firm?

Atalig: My firm. I was a solo practitioner.

Siemer: What kind of practice did you have?

Atalig: Well, working for MPLC I got knowledgeable in real estate, and I did a lot of real estate practice. I did some land cases and of course being on an island it's a general practice.

Siemer: You had litigation practice as well?

Atalig: Right. I had some jury trials and of course regular bench trials, criminal cases being a defense attorney.

Siemer: During the time you were in private practice, did you have other lawyers work for you?

Atalig: No, I didn't.

Siemer: How long were you in private practice?

Atalig: I was there until I was asked to become the presiding judge [of the Commonwealth Superior Court] in November of 1991. 1986 to 1991.

Siemer: When you were in private practice, did you have occasion to deal with any of the questions that you had worked on in the Constitutional Convention?

Atalig: Not in private practice. I dealt with it in litigation when I was at MPLC. I dealt with what is the power of MPLC and then the limits that it could go in terms of dealing with public land and disposing of public lands. We had a lot of lawsuits. The major lawsuits were of course in the Tinian land acquisition.

Siemer: In those, did you have occasion to use the analysis that had been prepared with respect to the Constitution?

Atalig: Yes.

Siemer: Thinking back to the Convention itself, what can you tell us about what the delegates thought about that process with respect to the analysis of the Constitution?

Atalig: I don't think it was given as much weight as it should have received. I think we should have put more into it, at least in retrospect. A lot of the problems would have been eliminated had it been much more extensive and probably given much more weight in terms of legislative history.

Siemer: At the time, were some of the delegates concerned about this document, which wasn't the Constitution?

Atalig: I don't think so. I really don't. Some might have looked at it and thought of its importance but I think its importance, was much more for lawyers, as opposed to people looking and saying well it looks like a summary and explanation. But its use for lawyers was clear. We immediately starting using it and it was helpful for me being in MPLC to go through it and use it in memorandums of points and authorities in litigation.

Siemer: You and Justice Villagomez were the only lawyers in the Constitutional Convention?

Atalig: Yes, we were the only lawyers.

Siemer: At the time that the analysis was being considered by the Convention, the delegates seemed to defer to the two of you a considerable amount with respect to whether this was a good thing and what it should be. It came up at the very end and so people were sort of anxious to get finished.

Atalig: Yes, it did.

Siemer: Let me ask you what you recall about one other of the fixtures of the First Constitutional Convention, and that was the Style Committee. That occurred at the very end of the Convention when legal counsel began calling certain things matters of style and began to try to avoid debates on the Convention floor that had to do basically with what the legal consultants thought were style matters. And went to the Convention leadership and said, isn't there a way to deal with this? President Guerrero appointed you as the chief of the Style Committee which would arbitrate all such matters with the consultants. Do you have any recollection of any of that process?

Atalig: It probably was a bad experience, I don't have any recollection. I recall we were towards, the end and, of course, your interest and the attorneys interest there was; we want to complete it because we have gone so far already to have it re-undone and so there's also a conflict of interest. I was assigned to this and I had to have it completed and then at the same time, wearing two hats as a delegate, we probably dealt with a lot of the delegates by just talking to them.

Siemer: You and your role stand out, I can tell you, in the recollection of the consultants because it was a lawyer's nightmare when delegates wanted to debate every change from "that" to "which" or "between" and "among", or things that were English language usage. Some delegates appeared to the consultants to want to debate every change to the language and you became the intermediary who saved us from all of that.

Atalig: I don't recall exactly then, but recalling what I do in the board of directors meetings, of

MPLC trying to pacify different groups so that they could reach a consensus, there are ways to do it. You don't want to offend them, but you want them to agree.

Siemer: It seemed that for some delegates it was difficult to deal with this concept that something was a matter of style and wouldn't change anything that they did. It seemed, for us, difficult to communicate that. Although it's a term of speech that lawyers use all of the time, it's just a style matter, don't worry about it. But there were some tense moments there until the Style Committee took over.

Atalig: Who was on the Style Committee?

Siemer: I was going to ask you who was in the Style Committee because there's no record.

Atalig: Probably Justice Villagomez was in the Style Committee.

Siemer: I think it was just the two of you. But the Style Committee operated magnificently to dispose of all issues before it. But then the Style Committee became in charge of printing the Constitution, of arranging the signing ceremonies, and those were matters of great debate. Those we left to your care.

Atalig: It ended up that I'm the one who did it. In any committee where you became the chairman, you do the work. But that was just administrative. It wasn't that difficult. We had support.

Siemer: But you did manage to get it finished by the 49th day.

Atalig: Well we did, and I ended up after the ceremony being the one to take away all the chairs at Mt. Carmel in a pickup provided by Oscar Rasa. As chairman, one of the duties. Everybody left. I ended up cleaning up.

Siemer: One sort of historical footnote, whatever happened to the pens that were used to sign the Constitution?

Atalig: We gave them away.

Siemer: To whom?

Atalig: To each delegate. You know, they were always barking at how cheap we were and granted we were cheap, we tried to save money. In fact, I returned some of the money appropriated by the legislature.

Siemer: Do you remember what the appropriation was back then?

Atalig: I don't know if it was \$70,000 but we managed not to use all of it and we returned it as well accounted for. Every penny. I tried to control costs because there were requests for certain things, even for candies for public meetings. We tried to control costs but at the end we gave into a little luxury so I bought them a \$10 pen. I asked, maybe there was mischief, just a little bit, so I asked the clerk in the Duty-Free Shoppers, give me the tag and I'll put \$50 on it and at least make them happy and gave them the pens. So we gave pens to all the delegates. A special pen to the Convention Secretary and the President for working harder than that.

Siemer: So, that's where the pens went.

Atalig: We gave them to the delegates.

Siemer: Anything else that you recall about the convention that we should record here with respect to the First Constitutional Convention?

- Atalig: Well, I'll tell you, looking back, it's so far back but I think that the coordination, I give you a lot of credit for preparing those briefing papers and of course, the assisting in the Constitutional Convention. I think that it was very helpful and very superb work.
- Siemer: How did you feel when you received that pile of briefing papers?
- Atalig: I said: "Holy cow, what am I going to do?" But you know, when you get a proposal at least you could turn to the briefing papers, which were well-organized so you could just go to the areas of concern. So you could at least get a feel as to what are your choices and that's the good thing about the briefing papers. You have your choices. It gives you ideas as to, if this is your choice, these are some of the problems that you have to consider. It was helpful, but I think it would have been much more helpful had we distributed those briefing papers ahead of time. I don't recall if we distributed one month before or less than a month before but those were very helpful.
- Willens: Do you remember any issues coming up in the public debate about the Constitution before it was put to a vote? Was there any real opposition to the Constitution?
- Atalig: There was not much. I don't recall if there was any from Rota. If there was any opposition it could have been based on the fact that there was a walk-out. But I don't think they opposed it. I think they let it go.
- Willens: Did you ever have a conversation with any of the people who walked out and did not sign the Constitution about the wisdom of their move?
- Atalig: No, no. All I could say is that they are the ones that benefited first from the organization of the Constitution. We had a lot of them that became mayors, became senators as a result of the Constitution. And these are the people that walked out.
- Willens: Was there any retaliation directed at you and other members of the Rota and Tinian delegation who did not walk out?
- Atalig: Well, we felt like we were from Rota and we didn't feel it. No one ever brought it to our attention in a bad light. We felt a little bit that there might be some antagonism towards us for not walking out, but we did not feel it.
- Willens: One of the issues during the Covenant negotiations that proved very difficult was the outlining of the judicial system that would exist here in the future, in the Commonwealth. Certain judgments were made about the availability of a federal court, the use of a federal court as an appellate division on an interim basis, and the establishment of a Commonwealth trial court. Can you give us the benefit of your judgment as to how the judicial structure worked out in the early years of the Commonwealth?
- Atalig: We needed the help of the federal courts in terms of the caseload initially. But, I think that it didn't take that long for the Commonwealth trial court to gear up, to take over, and I think that was reflected in the change of law. I think it worked out pretty well.
- Willens: When was it that the Commonwealth Supreme Court was created?
- Atalig: The Supreme Court was created in 1989. Before then it was three appellate judges from the District Court.
- Willens: I recall in reviewing some of the records that the first judges on the Commonwealth court were drawn from the High Court?
- Atalig: Yes, I don't know if Judge Soll was from the High Court. I don't think so. We had, of course, Judge Hefner. Judge Soll was not from the High Court. We had Judge Moore, who was not from the High Court.

- Willens: Who were the first judges then from the local community that were appointed?
- Atalig: The first was Justice Dela Cruz and then Justice Villagomez.
- Willens: And then you were appointed in 1991?
- Atalig: I was appointed in 1991. But before me there were other appointments. We had Judge Castro and Judge Taylor.
- Willens: Judge Taylor?
- Atalig: Yes.
- Willens: With respect to the Marianas Public Land Corporation, what do you recall about the problems that organization confronted in fulfilling the Commonwealth's obligations regarding the land on Tinian?
- Atalig: The problem was, we had this leaseback agreement and we had monies set aside to acquire the lands. But when we researched the mechanics of the leaseback and whose responsibility is it to facilitate the acquisition of those lands within the leaseback area, since we had the public lands and since the lands that were to be given, the majority of the lands to be given in Tinian were public lands, it's MPLC that would have the authority. But the problem is that they didn't have the authority to acquire. We found that out in a lawsuit against MPLC. We tried to acquire the lands in Tinian and we were offering the land owners \$5 per square meter. We had a lawsuit, a taxpayers lawsuit contending that the MPLC is exceeding its authority, you can't acquire these lands. And so the trial judge at that time agreed that the MPLC didn't have the authority to acquire the lands. We thought here it is, we're the mechanism for, we are the substitute in a sense for Lands and Survey [Division] and we have the expertise to do all those things. That's one area that should have been solved; the problems could have been addressed either in the Covenant or in the Constitution even with respect to succession. You know, in the succession portion.
- Willens: What was the upshot of that problem?
- Atalig: The problems just make it worse, in terms of trying to acquire these lands. Not only that, there were some other questions with respect to whether we had the authority to exchange lands and it ended up again in a lawsuit. There was no definitive statement from the court whether you had the authority or you didn't. The case was settled, and one was dismissed.
- Willens: Did the use of a public corporation to serve those functions prove to be a useful concept based on your experience?
- Atalig: Yes, it was. Immediately when the MPLC was established, you could see the difference between having it established out of Pete Tenorio's garage. That's where we operated for the first two weeks. Then they got up at the sixth floor in the Nauru building within I think a month or two. There was one agency that could record all of the assets in terms of public land, recover the monies for the public lands and at the same time, take care of the pending problems. Because we had homestead problems; we have land exchange problems. We still have some litigation with respect to roadways. So I think that with its staff the corporation was geared to addressing and resolving a lot of the problems.
- Willens: Were you in private practice when the Legislature decided to bring the responsibilities of the Public Land Corporation under the Executive Branch?
- Atalig: I was in private practice but, before I got out in private practice, the board then was anticipating a slowdown, because we were anticipating that we were going to be absorbed

following the mandate of the Second Constitutional Convention. You had a mission, and after this you are going to be absorbed by the Executive Branch. So we were gearing down to dissolving. So we were anticipating, working out reports, and what have you, but it didn't turn out that way.

Willens: Was there any opposition to the corporation being absorbed by the Executive Branch?

Atalig: There wasn't, but you had some changes in the board later on. The board make-up changed. The change of staffing was not a gearing down, but rather it was as if it would continue. Actually it is just recently that you had the takeover.

Willens: Thank you. That concludes the interview, thank you very much.

Atalig: Okay. I don't know if I'm helpful to you, I really don't remember a lot of things.

Willens: It's been very helpful.