

## INTERVIEW OF RAMON G. VILLAGOMEZ

by Deanne C. Siemer

March 16, 1995, March 21, 1995, March 27, 1995

- Siemer: Ramon G. Villagomez was one of the first law school graduates from the Northern Marianas, and he is now an Associate Justice of the Supreme Court of the Commonwealth of the Northern Mariana Islands. Justice Villagomez served as an elected delegate to the First Constitutional Convention. He has agreed to participate in our oral history project. To start out, could you outline some of your family background for us?
- Villagomez: I come from a big family, five brothers and four sisters. I am third from the youngest. Of the six boys, I am the youngest one. My parents were born here in Saipan and grew up in Saipan. All of my brothers and sisters were born here, and we all grew up as farmers and fishermen and hunters. My father raised ten kids by farming and fishing. All of my brothers and sisters are now married, except for one who is a priest. One of my sisters, second from the oldest, passed away just two months ago, and so there are now nine of us. I grew up in the As Lito area as a farmer and attended the Chalan Kanoa elementary school. From there I went to Hopwood Junior High, which later became Hopwood High School. So I stayed there and attended that school until I reached the eleventh grade. Then the AFS International Intercultural Program was introduced to Micronesia in 1967 when I was in the eleventh grade. I applied for that and I got accepted. So I was one of the first five Micronesians that went to the United States as exchange students. I went to White Hall, Wisconsin, where I finished my last year in high school. After that I went to the University of Guam and majored in political science. Then I went to the Indian Law Program in the summer of 1972 in Albuquerque, New Mexico and attended that program for a couple of months before starting law school at Catholic University in Washington, D.C.
- Siemer: In the fall of 1972?
- Villagomez: Yes. After returning from law school, I started out as a public defender in Saipan, a public defender for the Trust Territory of the Pacific Islands. And it was during my time as a public defender that I ran for the Constitutional Convention and became a delegate from Saipan. At the time, I identified with the Popular Party and that was the reason I didn't get any position as committee chair or any of the offices of the Convention even though I was an attorney at the time.
- Siemer: How long had your father's family been living in Saipan?
- Villagomez: My father was born in Saipan and his father was also born in Saipan. His grandfather came over from Guam.
- Siemer: And how about on your mother's side? How long had her family been living here?
- Villagomez: My mother was born here. Her mother came here from Guam.
- Siemer: When you went to school in the States, did your family support that or did you have scholarships?
- Villagomez: My family gave me \$67 when I was leaving for the States, and that was it. Everything else was paid by the AFS Program and the Trust Territory government.

- Siemer: Had you been active in Popular Party politics before you ran as a delegate to the Constitutional Convention?
- Villagomez: No. I was never involved in any political activities before the Con-Con. That was my first experience in politics.
- Siemer: How about your family, had any members of your family been active in politics before you ran?
- Villagomez: Just as supporters. No one ever ran or actually got up there and campaigned for anybody.
- Siemer: How did you come to be associated with the Popular Party?
- Villagomez: Somebody actually called us up and asked us. I think it was J.M. Guerrero. He was active in politics, and his father was a politician. I think his father had been a member of the District Legislature and he invited my brother Jesus and me to the Popular Party Convention where they were going to select the delegates. It was held at the old legislative building by the beach in Susupe. My brother and I expressed an interest in running as delegates and each of us made a short presentation identifying ourselves and why we were interested. Then there was a vote and, when the results came back, my brother and I had the largest number of votes from the delegates of the convention so we became candidates, supposedly, non-partisan. We were selected by the Popular Party. I guess at that time, that was the only thing that existed—the Popular Party and the Republican, I mean the Territorial Party. I don't remember now if it was the Territorial or Progressive Party. It might have been Progressive, which later became Territorial then became Republican.
- Siemer: When you were in college in Guam, some of the negotiations with the United States and the Micronesians were beginning to become a subject of a good deal of discussion out here. Were you active in any of those activities, any of the things that had to do with the United States' discussions with Micronesia?
- Villagomez: Not active in participating, but I was active in the student discussions a lot of discussions among the students about which would be better for Micronesia and what would be better for each of the different districts to do.
- Siemer: Were there a large number of students from the other districts at the University of Guam at the time?
- Villagomez: There were.
- Siemer: What was the prevailing view among students with respect to the options that were available to Micronesia at the time?
- Villagomez: I can't say now what was the prevailing view. I can tell you what my view was, and some of the other students who were beginning at that time actually maybe some of them had not just begun but had been for a long time, endorsing the idea of a unified Micronesia instead of a divided Micronesia. Of course, "divide and conquer" was the term used, and most of the students, I thought, were against that. They thought that the United States was using that technique to try to separate sections of Micronesia, to separate particularly an area that the United States was most interested in, such as the Northern Marianas, and to try to take the Marianas and let go of the other areas where the United States does not have such an interest strategically. That was the view that a lot of the students held. And many of the students wanted to preserve the unity of all the six districts.
- Siemer: Did you come back to Saipan during vacations when you were studying as a college student in Guam?

- Villagomez: Yes.
- Siemer: Where you engaged in any activities back here that were relevant to the Micronesian/United States discussions back then.
- Villagomez: No. Every time I came back, I spent all my time at the farm helping my father.
- Siemer: So then you went off in 1972, to Catholic University?
- Villagomez: Yes. I came back in December of 1971 because I finished college in 3 1/2 years. I would have finished it in 3 years had I not gone to teach the Peace Corps in Papei Kao, Hawaii in 1971. I chose to do that that summer. I would have graduated that summer in '71, but I went to that program and taught Peace Corps so I had to extend my stay at the University through December of '71. After that, I came back to Saipan and worked for Legal Services until the summer of '72 when I went to the American Indian Law Program.
- Siemer: What was that, the Indian Law Program?
- Villagomez: The Indian Law Program is a pre-law program situated at the University of New Mexico, Albuquerque. I think it is funded by the Bureau of Indian Affairs. It's a program to gather Indian students who are interested in going to law school and put them through three months of intensive, it's like first year program, first year law school, to see, I guess, two things, one is whether they really want to get into law school and then they would be assisted in getting into law school and the other is whether they can handle the challenge. And, as a result of that program, a lot more Indian students were placed in law schools, so many Indian lawyers have been produced as a result of that program. That is the same program that we are now doing in Saipan to promote legal education among Chamorro and Carolinian people.
- Siemer: Was that the summer before you went to law school?
- Villagomez: That's right.
- Siemer: And then you went directly from there to Washington?
- Villagomez: Yes.
- Siemer: Now about that time, about the time you were going to Washington in the fall of 1972, the separate negotiations between the Marianas and the United States were beginning to gel. Do you recall that at that time?
- Villagomez: Yes, I remember that.
- Siemer: Were you active in any of those considerations?
- Villagomez: When the negotiations were going on, and the provisions of the Covenant were being discussed, I did write letters to the editor when I was there. I wrote several letters. I don't remember how many, but there must be at least five.
- Siemer: Were you in touch with people back here in Saipan about what was going on?
- Villagomez: Not here, but when they came to Washington I always looked them up and we always spent time talking about it. I spent some time talking to the staff of Congressman Burton, Adrian Winkel, and people like that. I spent a lot of time there.
- Siemer: What was your view at that point, as a law student, with respect to the separate negotiations and whether that was a good idea for the Marianas?
- Villagomez: I maintained my position, the same that I had in college, that it would be better for Micronesia in the long run if it remained together—if eventually they become an

independent nation controlling all of the Micronesian area, all the land and the water in this area, including Guam. We envisioned a nation in the future called Micronesia that included all of the six districts plus Guam, perhaps in some form of association with the United States.

Siemer: Were there other students from Guam and Micronesia in Washington that you were in touch with in those times?

Villagomez: In Washington?

Siemer: When you were in law school?

Villagomez: Well, yes Jesus Borja was at Georgetown Law School and John Tarkel was with me at Catholic University. We spent a lot of time talking about the Covenant and Micronesia, in general.

Siemer: Were you back here in Saipan during the summer time?

Villagomez: Yes.

Siemer: Were you working then as a lawyer?

Villagomez: No, I was just a law intern. I don't know what they call them, law intern or paralegal, I was with the Legal Services.

Siemer: So you went back to Legal Services again during the summers?

Villagomez: In the summer, I think two summers.

Siemer: Who was head of Legal Services at the time?

Villagomez: Ted Mitchell.

Siemer: How long had he been here at that point?

Villagomez: Ted Mitchell came here I think in 1969 or '70.

Siemer: How big was the office back then?

Villagomez: In terms of?

Siemer: Number of people.

Villagomez: Well, we had two offices here. We had the central office where Ted is and there is a Deputy Director, first it was Bob Hanna and then later Ed King, and then we have about six or seven staff in the central office and in the Marianas office they had one attorney, two secretaries, or two attorneys. There were about six in the Marianas office.

Siemer: A fairly substantial operation at that time.

Villagomez: Yes.

Siemer: Did any of the activities that you were involved in, while you were working with Legal Services, affect or have anything to do with the Covenant or the negotiations with the United States?

Villagomez: No, not the work that I was doing there.

Siemer: Were you active at all when you were back here in Saipan with respect to any of those negotiations or the political activities that were relevant to the negotiations with the United States?

Villagomez: I don't think so. I don't think the negotiations had really started until '74. I don't remember being active back here in any activities during the summer time that I was here.

- Siemer: So then you finished up and graduated in June of 1975?
- Villagomez: No, August of 1975.
- Siemer: August of 1975 and came directly back once you graduated?
- Villagomez: That's right.
- Siemer: And then went back to work for the same office?
- Villagomez: No, I worked for the Public Defender's Office.
- Siemer: Who was the Public Defender at that point?
- Villagomez: Herb Soll.
- Siemer: How big was that office?
- Villagomez: There were three attorneys, one trial assistant, two secretaries.
- Siemer: By the time you got back in August, the Covenant had been signed and the referendum had been done. That was done in June?
- Villagomez: Yes.
- Siemer: Then, in August of 1975, the Legislature began to consider what to do about the Constitutional Convention. Some bills were introduced to begin to give shape to the Constitutional Convention. Were you involved in any of that?
- Villagomez: No.
- Siemer: You also, I think, began to write a column for the newspaper at some point, the *Marianas Variety*?
- Villagomez: Yes.
- Siemer: When was that?
- Villagomez: When I was a public defender. I don't remember the dates.
- Siemer: How did that come about?
- Villagomez: It was Abed Younis who indicated to me that if I was interested in writing things for the paper, I could and I thought it wasn't a bad idea. I think that the name of my column was Hafa Pari and he said I could write anything I wanted about any subject matter. So I did.
- Siemer: What was your general approach to the column? Were you interested in looking at political matters? Where you interested in explaining law matters?
- Villagomez: No. At that point, my interest was just to find out what were some of the local social, economic, and political problems and try to discuss them. So it didn't pertain to just any particular area, just anything that I thought was of interest to the community, that would be worth discussing.
- Siemer: How long did you keep up the column?
- Villagomez: I don't remember.
- Siemer: You started to talk a little bit about how you became a delegate for the Popular Party. Can you recall anything else of the discussion at the meeting of the Popular Party where you and your brother gave talks and were designated as delegates?
- Villagomez: I don't recall any discussions about any issues.

- Siemer: How did people become to be delegates? Was it called the Popular Party Convention?
- Villagomez: Yes.
- Siemer: How did people come to be delegates to the convention?
- Villagomez: I don't remember whether we had to sign documents or just made an oral declaration. I don't remember now.
- Siemer: But you were contacted to come and make a presentation at the meeting.
- Villagomez: That's right.
- Siemer: What can you tell me about the relationship between this election for the Constitutional Convention delegates and the election for the Legislature which was going to follow about a month later. The Con-Con delegates were elected in October of 1976, and the Legislature was going to be elected in November of 1976. Was the Popular Party looking for young candidates like yourself with the view of developing candidates for the Legislature?
- Villagomez: I cannot answer that question. There were leaders in the two parties who probably had those ideas, but I wouldn't know. I wasn't active in the leadership of any of the parties. I was just new on island and they asked me to come and join and I did.
- Siemer: Did you have a perception as kind of an outsider as to whether the Territorial Party was better organized or had focused more on the Constitutional Convention than the Popular Party had?
- Villagomez: At that time? I cannot remember.
- Siemer: What do you recall about the campaign? How did people go about actually campaigning back in those days?
- Villagomez: We were going from village to village. I hope I am not confusing this with the time when I ran for the Senate. I think we were going just like the way it was normally done in those days. The Popular Party would go to a village at night with our speaker system, speak to the village and the Republican Party, Territorial or Progressive Party at that time, I think, they would be at another village doing the same thing every night for a couple of weeks before the election.
- Siemer: So it would be mostly loudspeakers on the back of trucks?
- Villagomez: That's right, yes.
- Siemer: Do you remember doing any house to house canvassing, talking to individual people, any other kinds of activities?
- Villagomez: No, I don't remember doing that. In fact I was surprised when I won the election because I thought I didn't do enough to gather that many votes. I was number six out of all of the candidates.
- Siemer: And your brother?
- Villagomez: He was just a few slots down, number eight or nine or something like that.
- Siemer: Who was the effective head of the Popular Party at the time you ran for the Constitutional Convention?
- Villagomez: There was Dr. Camacho and H.Q. Guerrero, Ben Santos, Herman R. Guerrero. Those were the people I remember.

- Siemer: Did the Popular Party have a theme or a slogan or a sort of a campaign identification of any sort when they went from village to village talking about the Constitutional Convention?
- Villagomez: I don't remember. They normally did in those days. The ordinary people's party, things like that.
- Siemer: There seems to be when you go back to look at the *Marianas Variety* and the *Pacific Daily News* back during that period considerably more coverage and detail about the Territorial Party than there was about the Popular Party. Do you remember that or any reason for that?
- Villagomez: No. I wasn't aware of that.
- Siemer: It may not be the case. From an outside researcher's point of view, there is a good deal of coverage in both the *Pacific Daily News* and the *Marianas Variety* about various Territorial Party activities. But it could be just the day of the week that they published or things of that sort. There weren't any connections with the papers or more effective campaigns with respect to the papers that you recall?
- Villagomez: I cannot recall. I cannot honestly answer that question. I can say that the people in the Territorial Party, like Joeten, for example, Amos Villagomez and Oly Borja were the main business people on the island. I don't know if that had anything to do with their relationship with the newspaper. I just won't be able to say.
- Siemer: What was your perception back then as to why the Popular Party didn't do well on Rota and Tinian during this Con-Con election? Remember there was only one delegate from Tinian in the Popular Party, Joe Cruz, and there weren't any at all from Rota.
- Villagomez: Rota has always been a Republican Party stronghold, even up to the election before last. The last election was the first time that they put a Democrat in the Legislature.
- Siemer: First time ever?
- Villagomez: I think so, I'm not sure. But for a long time the Republicans, the Territorial Party were in control. Tinian went back and forth, from Republican to Democrat, through the years. I'm not able to give any reason for that.
- Siemer: After the delegates were elected, what do you recall about how the Convention began to get organized?
- Villagomez: The one thing I remember was being very frustrated because it seemed like the Republican majority—were they Republican already or Territorial?
- Siemer: They were still Territorial at the time.
- Villagomez: The Territorial Party leadership had met and had already prearranged who was going to hold what position. When we went into the first session, they started making their motions. We in the Popular Party just found ourselves not participating in any of the offices or the chairs of the different committees. That was one of the reasons, it was the frustration that we had, that I think, at least in my case, led me to decide that they were offering me vice chair in one of the committees just to appease, how would you describe it, just to make it window dressing, just to make it look like we're not all excluded. We decided that if we weren't going to be a part of the team, then we weren't going to be a part of the team period.
- Siemer: Had the Popular Party delegates met together as a group before the Convention got under way?

- Villagomez: Yes, we did. We met. I can't remember the details as to what issues were discussed or any plans to try to get somebody in or anything like that.
- Siemer: Who was the leader, so to speak, of the Popular Party group?
- Villagomez: It was H.Q. [Guerrero] and former Governor [Carlos S.] Camacho.
- Siemer: What about Senator Borja? He had run as a Popular Party delegate at that time. Was he a respected figure in your group?
- Villagomez: He was. Yes.
- Siemer: What input did you have as a delegate as to what committee you might be put on within the Convention structure?
- Villagomez: You know, I don't remember whether the committee membership was assigned or whether it was voluntary.
- Siemer: The list of committee members was announced on the first day of the Convention by the Convention President. But it was unclear whether you had had an option to say, for example, in your own case that you wanted to be on the Personal Rights Committee or whether folks just assumed that since you were a lawyer that was a good place for you to exercise your legal skills.
- Villagomez: I don't remember whether I chose, but I remember being very frustrated with the way the leadership was established and the committee was put together and who ended up in what committee.
- Siemer: Was the reason that you turned down the Vice Chairmanship of the Personal Rights Committee the same as the reason that Senator Borja turned down the position as one of the three vice presidents?
- Villagomez: It might have been. I think we were seeking to participate more in the leadership, and we were rejected, so we decided that it would be just a waste of time to take any of those positions.
- Siemer: Do you recall the Popular Party group being concerned at the time at the number of positions that were being given to delegates from Rota and Tinian?
- Villagomez: I can't remember now.
- Siemer: Focusing for a minute on the Convention rules of procedure that were provided by the Pre-Convention Committee, do you recall any difficulties with respect to those at the outset of the Convention?
- Villagomez: Not myself personally, I didn't have any problem with the rules.
- Siemer: The Micronesian Constitutional Convention had met in Saipan the summer before. Had you had any exposure to that?
- Villagomez: Just as an observer.
- Siemer: A number of the procedures and rules that came into the Constitutional Convention in the Marianas had been borrowed or adapted from those rules of the Micronesian Constitutional Convention. Was there a sense that those had worked out all right and were reasonably fair to the way things were going to be presented?
- Villagomez: I didn't view the rules as to whether it had worked in the previous convention. I didn't even know that it was borrowed from the Micronesian Constitutional Convention. I looked at the rules. I was at the time, in November 1976, I was still with the Public Defender's



Office. I moved to the Legislature right after that. But when I read the rules, as I recall, I didn't have any problem with it. I thought it was basically the same as the legislative rules or Robert's Rules of Order, that it was workable.

Siemer: About half way through the Convention, in the context of the public hearings, Dr. Camacho published a long piece in the *Marianas Variety* in which he criticized what he perceived as certain arrangements that the Territorial Party had made with respect to concessions to Rota and Tinian and he was very concerned about that. First of all, he thought they couldn't deliver, and second, he thought they were unwise or at least that's what he said in the article. Thinking back to your arriving at the Convention and things are beginning to get underway, was there was a perception of that sort among your group in the Popular Party?

Villagomez: In the beginning I didn't really sense any problem between the three islands. It was later on during the Convention when proposals were coming in and there was some request to have more than one Lieutenant Governor and they were asking for more delegates that I started getting involved and active in opposing that move. But in the beginning I didn't feel any tension.

Siemer: Was there a change in the Popular Party's ability to deal with issues at the Convention that arose out of the success in the legislative elections in November of 1976?

Villagomez: If there were, I wasn't aware of it. I was too young at that time in politics. I was just a baby politician so to speak. I didn't really catch onto those things at that time.

Siemer: Do you recall yourself or other Popular Party leaders taking a more active role in the Convention at some point?

Villagomez: More active leadership? I wouldn't say active in leadership, but I think some people became more vocal as a result of their feelings that there were certain issues that were coming up. The one that I can remember more vividly is the composition of the House and the Senate.

Siemer: That was an issue on which you particularly had the leadership position.

Villagomez: Yes, I felt very strongly that it wasn't right, wasn't fair, for the Rota and Tinian islands to have such power in the Senate and then get additional power in the lower House.

Siemer: Going back to the procedures for running the Convention, the President of the Convention, Larry Guerrero, decided to keep to himself the prerogative of appointing the chair of the committee as a whole. Therefore he would appoint usually a different person each time a subject came up. Do you recall discussions at the time about who the best person would be to chair the committee as a whole when a particular subject came up?

Villagomez: We, as the minority group, didn't have privy to how they selected the chair.

Siemer: Was there any discussion, for example, about particular instances in which the Popular Party should chair the committee as a whole?

Villagomez: I cannot remember.

Siemer: One of the reasons I asked the question is that on every issue where there was a significant inter-island apportionment of power, on every one of those issues a Popular Party delegate chaired the committee of the whole. You chaired local government. Let's just take a look. Delegate Martita chaired constitutional amendment. He chaired the legislative branch, and Joe Cruz chaired the discussion of initiative. All of those were issues about how much, what kind of super majority should there be, whether one island could block or two

islands could block what the Saipan majority wanted to do, and every time, it seemed, that there was one of those come up a Popular Party person was chairing the committee of the whole.

Villagomez: I can't remember now whether that was planned for purposes of lessening the power of the Popular Party when it came to voting.

Siemer: But the Popular Party, although it had turned down the convention offices, accepted the chairs of the committee of the whole. You were all willing to do that I take it?

Villagomez: Yes.

Siemer: Do you remember chairing the discussion of the local government, the first round of discussion on local government?

Villagomez: I remember chairing one of the committees of the whole, I can't remember specifically what it was they were discussing.

Siemer: Did someone come to you and ask you whether you would be willing to do that?

Villagomez: I think it was Larry who asked me if I would be willing to do that. I said okay.

Siemer: Was that because you were a lawyer? Was there a particular reason?

Villagomez: I don't know. I don't remember.

Siemer: When the Personal Rights Committee that you sat on got to the issue of initiative, referendum, and recall, that was one of the first times that the allocation of power among the islands came up. It was one of the first discussions about well, wait a minute, one island shouldn't have the ability to block what a majority wants to do. Do you have any recollection of the discussion of that in the committee?

Villagomez: The discussion itself? No, not without something refreshing my recollection. Didn't you take notes? I seem to recall that you were taking notes as we were discussing these things. Siemer: Yes, I took notes as fast as I could, and we turned those into committee reports. We have preserved all of the committee reports. One of the reasons that the notes were not preserved was a decision at the end of the Constitutional Convention as to what the record would be and the consultants' papers were not among those things. So the committee report stood as what the delegates had approved and whatever the consultants' impressions were, were lost.

Villagomez: I see.

Siemer: Let me go back and see if I can refresh your recollection a little bit. In the discussion of referendum, the provision to deal with any legislation.

Villagomez: To repeal legislation.

Siemer: Right. The committee agreed on a referendum: to begin the process 20 percent of the qualified voters had to sign the petition and to approve it, a majority commonwealth-wide had to vote for it. Everybody thought that was an appropriate way to go. The committee reported that out, it was accepted by the Convention without amendment and with virtually no discussion. The committee reported out a proposal with respect to recall which was also in that package. And recall, the committee thought was a more serious matter and 40 percent of the voters ought to be required to begin the process but the committee also thought that a majority commonwealth-wide should be sufficient. When the initiative came up, there was a recognition that the initiative could be used to undo what the legislature did, and the Rota and Tinian folks were very concerned to protect

their prerogatives with respect to their power in the legislature. There was a perception that initiative could be a way to get around that if the legislature couldn't pass a bill because Tinian or Rota would not accept it. If it got on the ballot, and it's a commonwealth-wide majority, the Saipanese could pass that kind of a bill. I wondered what you recalled about that?

Villagomez: Well, I don't remember who the committee members were from Rota and Tinian, but I do remember that Benjamin Manglona was a very seasoned politician and was able to see how legislative matters worked. He was able to not only see those things, but to articulate his thoughts on the floor. I don't think he was on our committee. If Benjamin had been on our committee, it would not have been so easy for the committee to agree to the proposal.

Siemer: I was just looking for a list of the committee, but I am sure he was not on your committee.

Villagomez: No, I know that he wasn't in our committee because I would have had a lot of problems with him if he was, but I didn't in the committee. He wasn't there.

Siemer: He was on the Government Institutions Committee?

Villagomez: Yes.

Siemer: Was it the case that the Rota delegates, for example, who were on your committee were of a different mind than Ben Manglona?

Villagomez: Well, it's possible that they didn't comprehend how these things work as much as Benjamin did, because of his experience in government and how these things could be done.

Siemer: Let's talk for a minute about public lands which is another subject that the committee spent a good deal of time on, and that you personally also spent a good deal of time on. It was the perception of the consultants at the time that the committee looked to you and your colleague, Pete Atalig, as the lawyers to help with this subject of public lands. Was that in fact that case?

Villagomez: I remember that Pete was on our committee and, because we were attorneys, that was probably the case in the First Constitutional Convention. I know that in the Second Constitutional Convention, that was definitely the case. A lot of the delegates looked towards me when it came to a lot of the legal principles.

Siemer: At the time that the public lands issue came up, it was not one of the first subjects that was dealt with, but at the time it came up the consultants had a meeting with the chair and the vice chair of the committee, I think Dr. Palacios was the vice chair of the committee and Felipe Atalig was the chair, and they were both of the view that the best people to try to elucidate the issues were the lawyers. They called you and Pete Atalig in, and I wonder if you recalled being asked to chair the committee at the time and being the subject of a good deal of conversation of about how this was all going to be explained to the delegates, the complexity of the rules. This was all the public lands, land alienation, statute of limitations, and eminent domain issues were all kind of tied together.

Villagomez: I remember offering to the committee to speak on behalf of the committee on the floor if legal matters come up, technical matters came up, and I also remember one time being frustrated at the chairman, Felipe Atalig, and decided not to speak and it caused a lot of problems because then nobody could explain the position of the committee. But I wasn't going to speak because I was angry at him for something. I can't remember now what it was.

- Siemer: Was Felipe Atalig one of the delegates who had switched from the Popular Party to the Territorial Party in that Con-Con election?
- Villagomez: In the election for the Legislature?
- Siemer: No, in the election for the Con-Con delegates.
- Villagomez: I don't remember that.
- Siemer: When the Finance Committee made its initial report, and the issue of structure for local government first came to the floor of the convention, you were the chairman of the committee of the whole for that discussion. Do you recall how that came about? How you came to be chairing that particular session?
- Villagomez: I remember Larry, the President, Larry Guerrero, asking me if I would chair the committee of the whole. You are talking about the committee of the whole?
- Siemer: Yes I am.
- Villagomez: And, I agreed. That's about it. If they had any particular reason for asking me, the leadership didn't reveal anything to me. He came to me and asked me if I would chair that committee.
- Siemer: Had you had any participation in the Finance Committee's discussion of the local government provision before it issued its report?
- Villagomez: The committee itself? No, I didn't have any discussions with the committee.
- Siemer: Do you recall when the committee finally did issue its report, you thought that its compromise with respect to local government was a workable one?
- Villagomez: Which compromise are you thinking of right now?
- Siemer: Well, the committee struggled for quite a long time with respect to . . .
- Villagomez: Lieutenant governorship.
- Siemer: . . . lieutenant governorship, the position of the mayor, approval of the budget for local affairs, the resident department heads for local affairs, and they had basically worked a compromise on each of those issues that favored the central government in almost all respects. There was a Saipan majority on that committee, and they were quite strong with respect to the necessity of a fairly strong central government. When I interviewed John Tenorio who was on the Saipan Municipal Council but, nevertheless, in favor of abolishing the municipal councils, his recollection was of quite a lengthy debate and a final compromise that indeed does seem to lean in favor of a strong central government where that was politically workable. But it came to the floor, and you chaired a discussion that went on for almost four hours, and I wondered if you recall any of the flavor of that discussion once it came to the floor.
- Villagomez: What I remember as far as the difficulty that the delegates were having conceptually was the ability to look forward and see a government that was not Trust Territory. A government where we had our own governor, where we elect our own officials. And we run everything. Some of us, including myself, were trying to convey the message that when we become a commonwealth, we have a governor that runs everything from the central government out to the other islands and that all services will come from just one government. Some of the people from Rota and Tinian still thought that that government that sits in Saipan is not exactly our government like it was in the Trust Territory, that we have to have our own government. We have to have our own Lieutenant Governor in

Tinian and our own Lieutenant Governor in Rota in order to function as a separate entity. And that was where the difficulty was, in trying to get everybody to think that there is just one government, not three governments under the Constitution that we were going to establish. And so those of us in Saipan who favored a centralized government with less, a smaller government so to speak, had to persuade the others that we are not setting up three governments, just one government, and it was a matter of compromising. As I recall, one aspect of the compromise was to also create a municipality in Saipan, which I really didn't favor. I thought since you have the governor here and the public works, everything that the municipality of Saipan used to do as a municipality, the central government would be able to do. The reason I think that we established a municipality in Saipan is so that it makes sense that we have a municipality in all the islands rather than just Rota and Tinian.

Siemer: One of the delegates to the Constitutional Convention was Luis Benavente, who I believe at that time was mayor of Saipan, was he not?

Villagomez: Yes, that's right.

Siemer: He was concerned about what would happen to the municipal employees and others who derived their living from the municipal government. Do you recall that discussion?

Villagomez: Not specifically, but it certainly makes sense for him to have that concern. I think that there were discussions about that, that I recall now. It's coming back to me. I don't remember the specifics or how we tried to satisfy his concern. The most logical thing, of course, would be those people who worked in road construction, would be transferred to Public Works. That's probably how it was, it turned out.

Siemer: That appears to have been one of the ways that you worked it out. The other was the schedule on transitional matters which was always a place where all of those transitional things were deposited until the very end of the Convention when you actually had to deal with the schedule on transition matters and actually make those decisions. One of the key discussions in the committee of the whole seemed to be about who was going to control the budget on the islands, who was going to control the actual delivery of services, who was going to appoint people, who was going to supervise them and how that power structure was going to work. I wondered if you remembered anything about that discussion.

Villagomez: What I remember specifically, that relates to budgeting, is a great deal of concern about how we don't have enough money to run a government that's big and expensive. I think that was used throughout the discussions regarding what kind of a government, how big the government is going to be, whether it is going to be a municipality, how many legislators, things like that. That was always a concern. I think related to the budgeting and who was going to appoint who, again it is related to the degree of control that each of the municipalities would have so that they are sure that they are going to get attention. That they are going to provide the public services that were not provided previously under the Trust Territory system.

Siemer: One of the accomplishments that appears from the record, at least, is that you were able to manage the debate and chair a session in which there were really very minor changes made in a very major, an issue that was of very major importance to the delegates. One of the things I wondered is whether it would be fair to say that the proposal that came out of the committee, compromised though it was, was basically not satisfactory to the Rota and Tinian delegates when it got to the floor and was discussed by the committee of the whole.

- Villagomez: I think it's correct that Rota and Tinian were not satisfied with the initial or even the final version of the local government provisions.
- Siemer: One of the few amendments that came out of the floor discussion was a change from the mayor's power, the wording in the committee, the local government committee's version, was that the mayor "may" propose a budget and you might remember that was changed to "shall" propose a budget, and then it got changed back to "may" propose a budget and that seemed to be of key importance to the Rota and Tinian delegates. Why was it that they were so focused on the proposing of a budget?
- Villagomez: You know I think I know the answer to that, but I just can't remember what it is because I was involved in that quite a bit.
- Siemer: It seemed like you were instrumental in working out a compromise. One of the other pieces of the compromise. There were only two changes that were made. You managed to get the committee's report through unchanged except for two things. One was the change from "may" to "shall" in the budget and the other was that the mayor's budget could be rejected only for "good cause". And that phrase, for "good cause" seemed to be a compromise that you suggested.
- Villagomez: The Rotanese position is that they have to be able to have some influence on the amount of money they get, otherwise they've got nothing. If we are to say that the mayors "may" submit budgets, they think that that is not strong enough for the governor to even look at their budget, if there was a budget submitted by them. That's the first part. The second part is, they want to make sure that when they do submit a budget, that it is taken into consideration, that it wasn't just a matter of formality for them to submit a budget and then it could be ignored. They want to make sure that in the Constitution there is a provision that the governor take into consideration the budget submitted by the mayors.
- Siemer: They didn't feel comfortable with their equal representation in the upper house of the legislature for that purpose?
- Villagomez: No. And I think as the Constitutional Convention went on, and more discussions came out as to the power of the small municipalities in the Senate, it became clearer not just to the people from Saipan but from Rota and Tinian how powerful they are in the Senate. But I think that in the beginning of the Convention, people were not aware as to how much power we have actually given to the smaller municipalities by giving them equal representation in the Senate.
- Siemer: The Covenant, had already given them that power.
- Villagomez: That's right.
- Siemer: As examples began to be discussed, they began to appreciate more what that power really was?
- Villagomez: That is correct. As examples were given during the debates, they begin to see that, yes, that Saipan has given a lot of power and that Rota and Tinian have gained a lot of power in the Senate. Specifically, I think the journal would indicate this, would show that it is specifically mentioned as to how powerful Rota and Tinian are with respect to budget because I think there were some discussions in the debates that if a budget is submitted that is not good for Rota and Tinian, it wouldn't pass. Wouldn't pass at all. And so, there wouldn't be any budget unless Rota and Tinian got what they wanted. It's statements like that that made them begin to realize how powerful they are.
- Siemer: That's why the question arises as to why it was important to them, this power to propose,

- whether it be “may” propose or “shall” propose because once it gets to the upper house they have the votes there.
- Villagomez: I think it’s because at that point, they hadn’t realized how powerful they were in the Senate yet and so they were trying to get as much power as they could with respect to the budget.
- Siemer: After your committee of the whole session in which the Finance Committee’s proposal was basically adopted by the Convention with very little change, the chairman of the Finance Committee, Ben Fitial immediately called another meeting of the committee to discuss this further with Rota and Tinian delegates. Do you recall attending that meeting?
- Villagomez: I remember that the other meeting was called by the chairman. I don’t remember attending it.
- Siemer: The next day on the Convention floor, the journal shows a number of speeches of a sort which had not appeared before. They reflect more of a division of the House than had been reflected in the journal before. The president, Larry Guerrero asks that people set aside the bitterness of the debate and move forward, and a number of other delegates stand up to urge this. Do you recall the context of that exchange on the floor the next day?
- Villagomez: Are we talking now about the discussions on the composition of the lower house?
- Siemer: No, we are still on local government and the power the mayors and the budget. It was really one of the first discussions about how power was going to be allocated among the islands.
- Villagomez: Yes. I think I remember some but not a whole lot. The bitterness I think had to do with the proposal that there be a lieutenant governor for Rota and a lieutenant governor for Tinian. And at that point, I think delegates from Saipan, and I might even include myself, felt that this is going over the limit and to even propose a lieutenant governor for Rota and Tinian was totally out of line. I think emotions started flying at that point and in pointing out the unreasonableness of such proposals and the fact that there is mistrust, total mistrust of the people that are going to run the government in the future. So that we are actually attempting to set up three governments, one in Saipan and one in Rota and one in Tinian. It was at that point that a lot of emotions were flying and I think that’s what they were talking about. That may have been the point where people started talking about walking out and that there will not be any Constitution unless some compromises were done that are acceptable.
- Siemer: The first person up the next day was Juan S. Demapan who began with a speech very much along the lines that you recall of this is not the Trust Territory government anymore. This is us, and we have to think in those terms. Was he a spokesman in that context for the Saipan delegates?
- Villagomez: You mean speaking on behalf of the Saipan delegates when he made that statement. I don’t think so.
- Siemer: I wondered if you recalled some sense on the part of the Saipan delegates that after this discussion of local government it was necessary to have some statements made on the floor to try to move the Convention along.
- Villagomez: I don’t even remember whether John Demapan was with the Republican or with the Democratic.

Siemer: He was a Territorial. There was another Demapan, Juan DLG Demapan, who was a Popular Party delegate.

Villagomez: I can't answer that question. I don't remember whether we had a caucus or whether he was designated to speak on behalf of Saipan. My recollection is that normally people individually had their own statements prepared for the miscellaneous period [on the Convention's daily agenda] to point out certain things that they thought needed to be pointed out.

Siemer: After Mr. Demapan spoke, then Ben Fitial rose and gave a long discussion of why the compromise had been reached and went through all of the rationale for that again. In response to that, it appears from the record, Ben Manglona stood up and made mention of a possible walkout and said, in essence, that the Rota and Tinian delegates were being blamed for disruption of the Convention and he just wanted everyone to know that he wasn't going to walk out unless it was really necessary.

Villagomez: That's right.

Siemer: And then at that point, you took him up on that and said, well, now's the time.

Villagomez: That's correct.

Siemer: What was your view about the timing with respect to this? Had the Convention gotten far enough into the discussion of this inter-island power sharing so that you felt that you couldn't go any further with respect to the local government?

Villagomez: That is correct. There are a couple of things that I had in my mind as I was speaking, addressing that issue, and one thing was the fact that we had, I think earlier, indicated to the Convention that all confirmation of appointees by the governor of government officials like the judges, attorney general, important commissions, are going to be confirmed by the Senate. And thinking of the Senate as the majority from Rota and Tinian and so all future leaders of the commonwealth are going to have to be approved by Rota and Tinian, otherwise, it wouldn't go. I think at that point I made a proposal that the confirmation authority should be vested not in the Senate but both houses in order to break that power. And having that in the back of my mind and then them asking for more power in the lower house and in the municipality, I had this sense that we're setting up a government that's really unequal, that the people of Saipan are giving up. It's like the government is going to be run by Rota and Tinian. If they wanted to, they could. Again, at that point, emotions were flying and I was beginning to get emotional at that point. I thought this is the time to call the bluff. If they walked out, well, I had a feeling they weren't going to walk out. I didn't think that they would. There were lots of speeches given that we must come out with a Constitution. We were sent here to form a Constitution and we must come out of this Convention with a Constitution. And so I felt confident that if I called the bluff, they wouldn't walk out. They didn't walk out that day.

Siemer: The certainly did not.

Villagomez: They walked out later on.

Siemer: That provision was in the Constitution draft that went to the public hearings. Tell us, if you could, what you recall about the public hearings with respect to specifically the local government proposal.

Villagomez: In Saipan, what I remember is that the people who came to the public hearings did not favor local government. A lot of it again has to do with economics. A lot of people felt that to have a governor on Saipan and the public works and then to have a mayor and



the public works under the mayor separately was ridiculous economically, and that we couldn't afford it. That's what we got in Saipan. When you go to Rota and Tinian of course, it's the opposite.

Siemer: Did you go to the hearings at Rota and Tinian?

Villagomez: I think so. I think I even went to Guam, yes, to talk to the students in Guam. I'm not really that clear as to what happened on Rota and Tinian, but I can now remember how different people were on the question of local government.

Siemer: It's interesting because, at least from the record, the Convention's initial decision went to the public hearings and thereafter there was almost no discussion or amendment or change to the local government provision until the very end of the Convention where we are now, where local government is still hanging out there. And when it comes back to the floor again, there's almost no discussion and it passes thirty votes to three.

Villagomez: Are you talking about just local government or the lower house?

Siemer: Just local government. Not the lower house. I am going to go to that in a minute because the two were intertwined, I think. Perhaps the case is that once the deadlock was broken with respect to the lower house, the local government provision went through unchanged. But there's almost no discussion specifically of local government. It was postponed until the very end. It comes up and Mayor Benavente makes his proposal again about what's going to happen to the workers who are in the municipal governments and the explanation is given once again. John Tenorio was important there, again saying we should not have municipal councils and we need to simplify the government. But it comes up on a very short debate and the vote is overwhelming and it just goes right through. The question was, if it was such an emotional discussion, as it clearly was when it first came up, what happened in the end that made it not a subject of controversy?

Villagomez: Let me mention this. One very significant thing that occurred that pacified so to speak the Saipanese, was the agreement that there won't be a Lieutenant Governor for Rota and a Lieutenant Governor for Tinian. I think that when that proposal was removed, it was a lot easier for the Saipan delegates to swallow the request.

Siemer: Let's go to the composition of the lower house because that's another area in which you were very prominently involved. When the Government Institutions Committee made their first report to the Convention, before the public hearings and they made their first report, their proposed composition was 25-3-2, 25 for Saipan, 3 for Rota, 2 for Tinian. The committee of the whole seemed to pass that with relatively little discussion. What do you recall about the very first discussion of that when Mafnas's committee first reported it out with that big number in it?

Villagomez: I don't remember now whether the discussion on limiting the budget, I mean the salaries, had occurred before that or after that.

Siemer: It was slightly after that.

Villagomez: One reason that the Convention felt it was okay to have such a large number of representatives is that we limited the salary to \$8,000, and so the concern for expense was sort of taken care of.

Siemer: Is it your recollection that the Rota and Tinian delegates were basically satisfied with the 25-3-2 proposal?

Villagomez: That's my recollection, yes. But then we went to the public hearing and we also got a dispatch of some kind from Washington, D.C., I think through Eddie [Pangelinan], that

the proposal was too big. We got that from the public, and that's when we went back and decided we needed to do something about it.

Siemer: When you went back, it went back to the Government Institutions Committee, did you participate in any of that committee's discussions with respect to the legislature?

Villagomez: Not the standing committee itself, but as I recall, there was a special committee established to try to solve this problem because it seemed like we had reached a deadlock. We couldn't figure, we couldn't agree as to what would be the composition of the lower house.

Siemer: When the Government Institutions Committee reported back to the Convention, Ben Manglona was chairing the committee of the whole. Do you recall any discussion as to why he was selected for that?

Villagomez: No, I can't remember now.

Siemer: In the discussion, do you recall any difference in Ben Manglona's participation when he was chairman as opposed to if he was standing on the floor?

Villagomez: Definitely. Ben, as chairman, was a lot less aggressive in pointing out his views than whenever he was sitting as a delegate on the floor.

Siemer: The first day that the provision with respect to the legislature was discussed, the first session of the committee of the whole, went more than 12 hours on one day. Do you have any recollection of the tenor of the discussion as it got underway?

Villagomez: What do you mean by the tenor of the discussion?

Siemer: Were there new arguments now that the public hearings had been held that had not been aired earlier? Were there different positions that people were taking? Were there different people who were key to the discussion?

Villagomez: Definitely. I think most of the delegates, especially from Saipan, were impressed by the public's concern that the initial proposal was too large and too expensive and unnecessary. They wanted to either satisfy the public or use the public's sentiment as a basis for arguing their position for a smaller composition of the lower house.

Siemer: Then when the committee met for, the journal indicates the committee met for 12 hours one day and it met for 11 hours the next day, in on extended discussion. Finally it got back to the floor and you moved, appeared to try to move directly to the question, called the question and said let's vote on it. And, at that point, Chairman Mafnas asked for a recess. After the recess you come back and propose your 12-1-1 proposal again. It's a little difficult to see where the discussion is from the record, because there is no record of what went on the committee of the whole. I think there were three competing proposals, one was 16-2-1 and one was 14-2-1 and then yours was 12-1-1. When it came back to the floor, do you remember what the proposal was that the committee of the whole had finally agreed on? It couldn't have been 12-1-1 because you then moved to amend it.

Villagomez: I thought it was the 16-2-1 that was favored by the committee of the whole. I don't really have a very clear recollection of how that happened, how that was, how it went from the committee of the whole to my moving at the Convention itself that the 12-1-1 be proposed as an amendment. But there were lots of speeches, very long speeches by different people, regarding the merits of 16-2-1 and 14-2-1 and 12-1-1.

Siemer: Is it fair to say that by that time that that was the range that no one was proposing going back to 25-3-2?

Villagomez: I think so. I think the public hearing convinced the people that we had to change the initial proposal which was too large. As I recall, one of the concerns that we had was that the consultants' assessment as to the constitutionality of the 16-2-1, 14-2-1 and the 12-1-1. It seemed to me that the constitutionality of all three could be defended. Although one may be easier to defend than another, but they could all be defended. And that to me, as a person from Saipan favoring a smaller composition, I was pleased with that knowledge because then it came down to a matter of which is better, a bigger composition or a smaller composition. I felt that it was easier to, it was more persuasive to support a smaller number than a large number based on the public sentiment that we had picked up at the public hearing. And so, we kept going back to the public. I think in one of my statements I indicated specifically that we as individual delegates should not be asking ourselves, what do I want, but what does the public want, emphasizing on the importance of the public hearings. Others used other techniques that I thought I were very persuasive. Jesus Villagomez, for example, kept harping on how it's much better to start small and grow rather than to start big and then find out you can't shrink, so you have to keep growing. Those arguments were very persuasive. In the final analysis, I thought it came down to just practicality. People began to see that the smaller composition was more realistic economically and politically. It would be more efficient to start small and grow with time. As I think back now, I think we started out with me, my position being the weak position, the minority. And then people started changing their position as we kept talking about the issue. Sometimes I was surprised at the people that would then change their minds as the discussions went on. At the point when we finally voted on the amendment to propose 12-1-1, I think those who voted came out even. As I recall it was 16-16, and then there were 7 abstentions and the President had ruled that the yes votes would get the abstentions. As soon as that occurred and my amendment was passed, there was the walkout. What I remember was feeling some degree of shock because I didn't really expect a walkout.

Siemer: At that point? You didn't expect it at that point or didn't expect it at all?

Villagomez: I didn't expect it at all. I didn't think that they would walk out because there were so many speeches given that we must produce a constitution because we were sent here to form one. I thought that the threats that there may not be a constitution because of a walkout were just bluffs. My brother Jesus was sitting next to me and I looked over at him with disbelief that this was occurring. But fortunately there were delegates from the other two islands who didn't walk out and that saved the day.

Siemer: Had you personally talked to any of those delegates to know whether the entire delegation would walk out or not?

Villagomez: No, I didn't talk to them beforehand.

Siemer: So when the walkout occurred, you were literally looking to see how many people left?

Villagomez: Yes.

Siemer: What was the mood of the Convention at that point?

Villagomez: Disbelief. I think most people didn't expect that to occur and when it occurred most people were shocked that it actually happened. It's very difficult to put in words how everybody felt, but even the President and probably especially the President felt that we had failed to some degree because of the inability to compromise and to prevent such a walkout.

Siemer: The votes must have been fairly close though in the committee of the whole because immediately after the committee of the whole reported out, presumably at the 16-2-1 proposal, you came right back with your 12-1-1 proposal. Presumably you wouldn't have done that unless you thought the votes were changing in your direction and that it was fairly close.

Villagomez: I think what I felt was that I was so strongly against the 16-2-1 proposal that I wasn't going to give up. I was determined to do whatever was necessary to try to get a smaller composition of the house. I tried it in the committee of the whole and I decided I would do it again in the Convention. I never truly appreciated the committee of the whole until that happened because I realized that it gave the Convention two chances to decide on all issues, one in the committee of the whole and one in the Convention. And here it worked. That what we were not able to accomplish in the committee of the whole, we were able to accomplish in the Convention itself. I thought it was a very good proposal by whoever proposed the rules, I think it was the consultants.

Siemer: What happened after the walkout with respect to efforts to get those who had walked out to come back?

Villagomez: None, that I recall. We felt like we've lost those people. It was so emotional at that point. Not to the extent that people were actually crying, but I think in the hearts they were crying. People who walked out felt that they have really been denied something that they felt very strongly they were entitled to protection of their islands, protection of their services, and they felt so strongly that we lost them. And we feel very bad about that. I felt very bad that they walked out, because I didn't think they would.

Siemer: One of the Rota delegates, David Atalig, always voted for your 12-1-1 proposal, at least on every recorded vote he is one of the favorable votes. I wondered if you recalled anything about the reasons why that was the case?

Villagomez: I cannot really remember. I can't answer that. I know that David expressed his feeling that he also favored a smaller, less expensive government. That's about all that I can say.

Siemer: There were four of the Saipan delegates who always voted against your 12-1-1 proposal in one form or another. They were Delegate Limas, Delegate Attao, Delegate Mafnas and Delegate Felipe Atalig. I wondered if you recalled what it was in their particular view that led them to oppose the 12-1-1 proposal.

Villagomez: It's interesting that you asked that question because I have been asking myself why was Joe Mafnas always in favor of the Rota and Tinian proposals. He was always favoring Rota and Tinian, and I can't really answer that question. I can only say that shortly after that he moved to Tinian and became a Tinian senator.

Siemer: How about Delegate Limas, he was a Saipan delegate but also a Carolinian. Did that factor have anything to do with his view on this position?

Villagomez: It might. Ben Fitial is a Carolinian. He was the chairman of that committee and he was pushing the committee, but this is purely speculation. I don't really know. It is a possibility but I don't know.

Siemer: One of the things that was occupying Chairman Mafnas, at the time that this composition of the lower house came to a vote, was the Executive Branch. There was a special committee with respect to the Executive Branch as well and that had not yet reported out. Technically it appeared that it was there that the Lieutenant Governor for each island was going to have its last stand. It had failed in the discussion of the local government and had been pushed off and now it apparently had risen again from the dead with respect to

the discussion of the Executive Branch. One question I had was whether it was because Chairman Mafnas had that issue still pending at the time of this vote that he voted against your 12-1-1 proposal.

Villagomez: I won't be able to confirm that. I don't really know.

Siemer: One of the things that came out of this discussion was, I gather, some feeling that now that the issue of the composition of the lower house had been faced, and the walkout had occurred, that the Constitution was basically on track and would succeed. Is that fair to say?

Villagomez: I think so. Another thing that has puzzled me is Joe Mafnas's continuous statement that we were walking into a trap regarding the composition of the lower house.

Siemer: That statement appears several times, and it's difficult to see, in the context, what he is referring to.

Villagomez: I was wondering whether what he was talking about was my proposal to take away the confirmation power of the Senate and give it to the whole Legislature and then subsequently saying that I withdrew that proposal on the basis that certain people had agreed to the 12-1-1 provision.

Siemer: I was going to ask you about that. At one point in the debate about the 12-1-1 proposal, you made a comment about another amendment that you had proposed with respect to confirmation of executive department heads by the entire legislature and not by the Senate. Your comment indicated that you had withdrawn that proposal. The context in which that comment was made seemed to indicate a compromise with respect to your 12-1-1 proposal, and I wondered what you recalled about that.

Villagomez: I remember being very concerned about the power of the Senate to confirm all appointees of the governor for judges, attorney general, public defenders and so forth and thinking that with that power, again Rota and Tinian would be able to use that power to influence legislation and to influence how the government is run. To remedy that, I proposed a provision that would require confirmation by the whole legislature rather than just the Senate so as to lessen the ability of Rota and Tinian to use that to influence the government. When it became apparent that pushing the 12-1-1 provision was very difficult, and I noticed that there were some people who were beginning to see the merit as to that proposal, I then decided to use my proposal to take away the confirmation from the Senate as a basis to compromise. To give that up, in order to get more people to support my proposal for 12-1-1. I think delegates saw that immediately. I think it was delegate Dela Cruz from Tinian who got up and stated that I was using that to try to get people on my side. So I don't think it was as effective as I perhaps thought that it could be.

Siemer: There are some questions I have with respect to your perception at the time that you were a delegate to the Constitutional Convention about the work of the legal consultants, and I wanted to turn to that area now if I might.

Villagomez: Okay.

Siemer: The consultants prepared 14 briefing papers totaling about 1,000 pages of written materials. These were divided up among the committees so that each committee was assigned four or five briefing papers. What do you recall about the delegates views as to the amount of briefing materials that they were faced with?

- Villagomez: Some of the delegates felt that it was overwhelming. I felt that. We got the briefing papers ahead of time, I don't remember how many days before the convention, but I remember reading it at the Public Defenders Office. I remember reading it at work before the Convention and felt at the time that I was able to understand a lot better what we were discussing because of the briefing papers.
- Siemer: Were there criticisms at the time of presenting the briefing materials in written form rather than doing oral briefings?
- Villagomez: Not from the delegates, any specific delegates speaking on that subject. But there were some, I don't know what you would call it, there were some people who were talking about the role of the consultants and were wondering whether the briefing papers were intended to suggest to the delegates what should be in the Constitution rather than for them to think for themselves what would be in the Constitution. I didn't feel that way at all at that time. I felt that the briefing papers were very valuable and helped me to understand what the issues were and how things were done in other places and how other constitutions had been viewed by the courts.
- Siemer: There were a number of published comments in the *Marianas Variety* about how the briefing papers basically told the delegates what to do but they seemed not to be attributed to specific delegates and I wondered whether there were some delegates who felt that way.
- Villagomez: I don't know, there might have been but I didn't have any specific discussions with any of the delegates who raised that sentiment.
- Siemer: Similarly there were a number of comments published in the *Marianas Variety* that delegates thought they were hemmed in by the control exerted by the Office of Transition Studies and Planning with respect to the Convention's administration and funding. What do you recall, if anything about that?
- Villagomez: I didn't get involved in any of those things. I didn't get any feel for whether things were not done properly as far as administration or funding. As you know, I was not within the leadership of the Convention so I really can't speak on whether those things occurred.
- Siemer: Under the procedures set up by the Pre-Convention Committee, the consultants were a conduit for delegate proposals in the sense that every delegate proposal was put into proposed constitutional language by one of the consultants. At the time, did delegates express views about whether that was an appropriate procedure?
- Villagomez: Yes. I had expressed to some of the delegates that I thought that was a good procedure. Of course, I just got out of law school and knew that there are ways to state issues that would make sense or proposals. I personally liked the idea that proposals were being framed in the way that they could be easily understood. I don't remember, there may have been but I don't have any personal knowledge of people expressing to me disapproval of such a procedure on the basis that the consultants were deciding what proposals were going to be submitted or how they are proposed.
- Siemer: The procedures set up by the Pre-Convention Committee also envisioned one or two of the consultants attending committee meetings of the three substantive committees as well as attending meetings of the committee of the whole. Was there any sense on the part of the delegates that that was not an appropriate procedure?
- Villagomez: Not in our committee, in the Personal Rights and Natural Resources Committee.

- Siemer: Do you recall any discussion at the time as to whether the meetings of the substantive committees should be open to the public? Did that ever come up as an issue?
- Villagomez: Not that I remember.
- Siemer: Early on in the discussion on the floor, one of the first committee reports that was produced by the consultants, Delegate Felipe Atalig had some concerns which he expressed for the entire Convention about the wording of the report and you, it appears from the journal, defended the consultants' work at the time with respect to the amount of time that had been allowed for preparation of the report and the fact that the committee would, in fact itself, approve the report and that had not yet happened. Was there at any time in the Convention a significant feeling that any of the reports did not reflect what the committees wanted in those reports?
- Villagomez: From Felipe Atalig, yes. I remember being, not consulted, but some of the members came and talked to me about how some of the languages were new or were there and were not actually part of the discussions. I reviewed the material and at that point I felt like they may not have been part of the discussions but they added to an understanding of how these things are to be presented, and I didn't have any problem with the way it came off. Again, there may have been some misunderstanding as to the role of the consultants. I felt that as long as the consultants stated the position of the committee, that the language used or the amount of language used depends on the writer. But the essence of the decision must be in the report, and when I read the reports I felt that the essence of the decisions of the committee was there and I was satisfied.
- Siemer: I wondered if part of the problem was the effort on the part of the consultants to create the necessary legislative history to support the Constitution ultimately when it came out, and whether the delegates at first, as these reports were coming out, understood that was part of the function that was being performed here.
- Villagomez: I think that there may have been such a misunderstanding on the part of some delegates. I certainly would have supported the idea of the consultants stating the report in such a way that it becomes constitutional. So that is why I didn't have any problem with it.
- Siemer: It is March 27, 1995 and this is a continuation of the oral history interview of Justice Villagomez. Today, what I would like to focus on first, are some of the delegate proposals that Justice Villagomez made at the time of the Constitutional Convention. One of the first proposals that was put forth was proposal number 75 in which minimum ages for senators and representatives and the governor and mayors were set. The Finance Committee, as you may recall, accepted the age limit you proposed for mayors, and the Government Institutions Committee accepted the age limit you proposed for everything except the Attorney General. I wondered if you were satisfied with that outcome and their rationale for not including an age requirement for the Attorney General?
- Villagomez: I certainly was satisfied with what they accepted in my proposal. As to the Attorney General, I don't remember what was the final decision as to the age limit for the Attorney General or whether there was one put in.
- Siemer: No, there was not one put in.
- Villagomez: The one that I remember where we had a problem is not on this proposal. It's for the judges. Initially, I thought my proposal, if I was the one who proposed it, but I remember that there was a proposal for [an age requirement of] 30 and it was Joe Cruz from Tinian who made an amendment to raise it up to 35. One of the things that we were discussing at the time is the fact that all the law graduates were below 30 at the time. They were actually

around 25 or 26 and so we knew that if it was going to be 35, it would be quite a while before we could have people from Saipan or the Commonwealth eligible for that position. I recall that Joe Cruz was angry at something and used the age to bite back so to speak and raised the 30 to 35 and that passed, if I remember correctly. But that stuck in my mind, the fact that Joe Cruz used that against me to bite back about something else, and I can't remember what it was the other thing that he was disappointed with and in response, he moved to raise the age limit for judges to 35.

Siemer: Was it in connection with your proposal for the composition of the lower house? That was a fairly controversial proposal and, although Cruz had accepted only one representative for Tinian which the 16-2-1 formula would have given them, he was very strong in his support for Delegate Manglona and Rota having 2.

Villagomez: If they were close to the time of discussion, they might have been. I don't remember off hand. But that's what I remember.

Siemer: Another delegate proposal that you put forth was number 72 with respect to women in the legislature. I wondered if you remembered that?

Villagomez: Yes. I was probably very different in this sense. Back in 1972 to 1975 when I was in Washington, D.C. the women's liberation movement was very strong and very active at the time. I was beginning to see how things were changing and how women are coming up in the running of government and things like that. At that point, I wanted to share some of my own personal feelings about how women should begin to be recognized and be given opportunities. I threw that in to see how the Convention was going to react to it.

Siemer: What happened, do you recall?

Villagomez: Not really, but apparently it was not, it didn't become part of the Constitution.

Siemer: That would have gone to the Government Institutions Committee.

Villagomez: I wonder what they did with it, but it never came back to the floor.

Siemer: One of the very early delegate proposals that you made is proposal number 7 with respect to creating the offices of attorney general and public defender and making both of those elected positions. Why did you favor making the attorney general an elected position?

Villagomez: I remember making that proposal and some of the discussions. It might have been, I guess, the reaction that some of us had with respect to appointees into the Office of the Attorney General at that time. It was like the way things were happening at the time and to avoid having persons appointed based on politics and connections, rather than qualifications. Actually, I discussed this with several other delegates before I submitted it because I felt strongly about this. This was not something I was just throwing in to get a reaction. I felt that people should be able to choose one that is based on qualifications rather than political connections, and I was hoping that this would succeed. It didn't, apparently.

Siemer: The Government Institutions Committee decided to keep the attorney general post appointed although it provided for an attorney general in the Constitution and its rationale was that some highly qualified lawyers might not want to run, might not want to be engaged in politics. Perhaps their thought was the qualifications and election might be at odds with one another. I wondered if that rationale or that discussion satisfied your concern about the attorney general position?

Villagomez: Well, I think both sides have merits. With an appointed position, you could end up with



- the best attorney general, best qualified and with the elected you can also end up with a really good attorney general and vice-versa.
- Siemer: Do you recall urging an elected attorney general during the committee of the whole debates on this? The Government Institutions Committee reported it out as an appointed position.
- Villagomez: I think there were some discussions about making it elected rather than appointed. I don't remember the details at this point. But I remember feeling very strongly about this.
- Siemer: Now with respect to the public defender which this proposal also covers, the Government Institutions Committee decided not to include the public defender in the Constitution at all. Do you recall any debate about that?
- Villagomez: I don't recall any debate. I remember that I didn't feel that strongly about the public defender's position because I didn't feel it was that important a position as the attorney general was.
- Siemer: What was the position of the then incumbent public defender on this issue?
- Villagomez: I don't think he made any comments or made any statement about it.
- Siemer: How about the other people in the office? That's where you were working, right?
- Villagomez: That's right. I don't think I discussed it with them. I feel that those were the two top legal positions and so I included the public defender but I was mainly concerned about the attorney general's position.
- Siemer: One of the other proposals you made with respect to the Executive Branch, after you made the attorney general proposal, was number 42 that had to do with the Office of Controller. The Government Institutions Committee created the Office of Public Auditor but not Controller. Did the Auditor office cover what you had in mind with respect to the Controller?
- Villagomez: Yes. My concern was accountability and somebody looking at our finances and making sure that things are done correctly. I think that Public Auditor covered it.
- Siemer: Another proposal that you made with respect to the Executive Branch was number 111 which would impose a Chamorro language requirement for government jobs. Do you recall that proposal?
- Villagomez: Yes, for government jobs for which such a requirement is appropriate.
- Siemer: Do you recall what you had in mind?
- Villagomez: Yes. One of the constitutional provisions where we did make that requirement is the members of the board of the Public Land Corporation. What I had in mind was to not just limit it to the Public Land Corporation but other offices where many people who do not speak English may have a contact with that office.
- Siemer: People who don't speak English?
- Villagomez: Yes. The senior citizens center, I would think, would require people who spoke Chamorro. Every time I give a talk to that group, I always do it in Chamorro because they won't understand English. That's what I had in mind, to provide language as a requirement in offices where a lot of non-English speaking natives would have contact.
- Siemer: That proposal, along with several others that mandated certain language requirements, went to the Finance Committee which was chaired by Ben Fitial and there ran into a long series of discussions about requirements—if there was going to be a requirement

for Chamorro, whether there should be a requirement for Carolinian—and in the end compromised that no language requirements in most instances. Did you participate in any of those discussions?

Villagomez: No, obviously not in their committee.

Siemer: Do you recall raising it again on the floor?

Villagomez: I don't remember.

Siemer: Moving over to the judicial branch, another very early proposal that you made had to do with the establishment of a land court. That is proposal number 9.

Villagomez: Yes, I remember that. That's another proposal that I was very serious about. I think in the end we did provide in the Constitution that there be a land division in the court. The argument I presented to the Convention was that land issues were very prevalent at that time. There were a lot of land cases and there would be a lot more land cases in the future. Land cases, based on my short experience in civil matters at that time, seem to raise some very complicated issues. By setting up a land court, my intent, my purpose was to have a judge specialize in that area, dealing with the same issues over and over again to the point where that judge became very knowledgeable about land issues and how they have been dealt through the years so that we have a consistent set of decisions. Decisions that developed positively, rather than being all over the place as happens when you have different judges dealing with the same issues at different times.

Siemer: Were there delegates who opposed that special land court?

Villagomez: I don't remember any strong opposition to it?

Siemer: Did the division of the commonwealth trial court, did that resolution satisfy you as to the specialty in having land cases decided in one place?

Villagomez: Say that again?

Siemer: The ultimate outcome was a special division of the commonwealth court. Did you think at the time that that would be satisfactory given the objectives that you had?

Villagomez: It could. The way it turned out practically, I wasn't satisfied. What Judge Hefner did when he became the first presiding judge was to just consider himself the land court. So he took most land cases, not all. That's not really what I had in mind. What I had in mind was an individual judge designated to handle strictly land matters and nothing else.

Siemer: Would the volume of cases in those early days have occupied somebody full time?

Villagomez: I'm not sure. Perhaps not right away. But that's what I had in mind.

Siemer: One of the key provisions that you proposed with respect to public land was in proposal number 23 and that grants public lands to persons who have resided on them for 20 years or more. You proposed that with Delegate Taisacan who was from Rota.

Villagomez: Yes.

Siemer: During the debates, you commented on this a number of times. Were there particular kinds of problems that you were concerned about with respect to this proposal?

Villagomez: There were. I learned about this as a public defender assisting several people in land matters. At that time there were no, very few, if any, private practitioners on island, so people went to the Public Defender's Office in civil matters and [they also went to the] Legal Services [Office] and we were basically the two firms on the island. And not just in the cases, but in my discussions outside. People knew that I was an attorney so they would

come up and talk to me about their land problems. What I learned through, I guess all these contacts with the local people, is that there are many people who had been told by the land management office that a certain piece of land is their homestead and they would go on the land. They would build a house. And the land management would not prepare the documents. They would not follow up with that. So 15, 20 years later, people say this is my homestead land and we ask where is your paper and they say oh, they're working on it. Things were moving so slowly and I sensed that if nothing is done to protect those people, eventually they are going to lose those properties. So to protect them, I offered this proposal so that those people who can show that they have been on the land as homesteaders for over 20 years may have the title to that land without having to start all over again and submit a new application for homestead and wait another 5 to 10 years or whatever the law requires.

- Siemer: Was there the same problem on Rota? Is that why Delegate Taisacan joined you in this?
- Villagomez: I don't know why he joined me. It's possible that I talked to him and he said we have the same problem in Rota, but I don't remember specifically that that's the situation.
- Siemer: When this came up in the committee of the whole, Ben Manglona wanted to amend your proposal to make it "use of" public land rather than "residing on" public land. The committee had reported out your language that had been included in the draft and when it got to the floor, Ben Manglona wanted to basically expand it so that, as I understand it, agricultural use could be included.
- Villagomez: My initial thinking was to protect those people who had built a home on homestead land and were living there. Ben, of course, having been a surveyor for many years and knew many people who occupied land, probably felt that those people who had been farming homestead land under the same situation should also be protected.
- Siemer: You supported that, it appears.
- Villagomez: I think so. I don't remember having any problem with that also.
- Siemer: And then there was a proposal to lower the limit from 20 years to 15 years. How did you feel about that?
- Villagomez: I liked it. I didn't think I was going to get something better than what I offered, but to me that was better because even 15 years of living on a land indicates that you would be losing something very valuable if it were to be taken away from you just because you don't have the documents that the government should have produced.
- Siemer: Another part of that debate was the debate about how long people should have to hold homesteads that were granted after the constitutional provisions were in effect. What was your expectation at the time as to whether people would in fact hold their homestead land if the Constitution didn't require them to do that for a particular period of time?
- Villagomez: We had experiences with people who would acquire a homestead and then as soon as they got the title to it they would start selling or leasing it to other people. There was some anticipation that because we were becoming part of the United States, the economy would improve. There would likely be some foreign investment allowed to come in and there would be a lot more opportunities for land sale. There was a strong concern among the delegates that people, if they got a chance, they would sell their land. That, of course, was the basis for Article 12. We didn't want to make the homestead program a way for people to just get land and get rid of it to get money, and that's why I was very glad that we put that in the Constitution.

Siemer: Then there was a further debate about the people who would get land under the amendment that you proposed with respect to the 15 year occupancy. If they had occupied the land for 15 years before the Constitution, they would then get title and there was a debate about whether they should be able to sell immediately. And on that proposal, you voted against waiving all the restrictions for those people, and I wondered what you recalled about that.

Villagomez: I don't remember that specific. I voted against any restriction?

Siemer: First there was a debate about homesteads that were granted after the Constitution, and you were in favor in restriction on the sale of those, and that passed. Then there was the consideration of the question, what about these people who have their homesteads by virtue of having lived there or used them for 15 years. What about them? Should they be able to sell? The proposal was, let's waive all the restrictions on them and day 1 they can sell. You voted no on that proposition.

Villagomez: I'm still not reckless. So my vote is that they could not sell.

Siemer: They could not sell right away, that they had to wait like everybody else had to wait.

Villagomez: Yes. I guess that was the same concern I had. I was confused [by the question]. I thought [you meant] I was voting to amending to sell. I thought that would be inconsistent with my general thought that the you are not supposed to sell homestead land because it's something given to you for the survival of your family and your children, and you shouldn't be selling homestead land.

Siemer: Then there were two proposals that you made with respect to statutes of limitations. One was number 8.

Villagomez: I had more than one?

Siemer: That one you made by yourself, and then there was another one, I believe, that extended the statutes of limitations, that you made with President Guerrero and Delegate Limas, but I don't have the number. Tell me what your concern was with respect to the statutes of limitations.

Villagomez: I had two bases for making that. One was again my experience with some cases where, one in particular, I can't remember now whether the Crisostomos case was already ongoing at that time, but I think it was. Crisostomos was the main case, where the Crisostomos family wanted to take their land back in Garapan and Judge Hefner just wouldn't let them in because the statute of limitations had passed. The whole island was talking about it. What is the statute? Where did this principle come from? Under our culture, when you own land, you own land, period, forever and ever. And it doesn't matter what you do or don't do with it. So there were a lot of talk about what can we do get rid of this foreign concept that can now prevent the local people from continuing to own their land, and that's when I threw this into the Convention as a proposal to see if there is something we can do about it.

Siemer: This proposal would have allowed either monetary compensation or priority with respect to a homestead on public lands as compensation.

Villagomez: That's not what I intended, but that came out as a result of research done by [Neal] Solomon [a member of the legal team advising the Convention]. I remember these things because I feel very strongly about it. The consultants sent Solomon over to the court library to do some research on this. He came back with finding that it could be done, but those lands that have already been given out in other methods cannot be taken back

because then you would be taking back land that was already vested in other people. The best thing we could do is to either compensate them or make other land available for them. We were satisfied that if that's the best we could do, then let's do it that way.

Siemer: When this came up for discussion in the committee of the whole, Oscar Rasa was very concerned about the provision for monetary compensation. He asked you some questions about how that would work and why you needed that. And his position seemed to be that priority for public land would be enough. Do you recall that discussion?

Villagomez: Not specific discussions. I remember that some people had problems with monetary compensation because we didn't have any money. Where would the money come from? And also the principle of taking, we weren't sure that this was really taking of property without compensation. There was lots of land owned by the government at that time, I think 90 percent, more than 90 percent of the island of Saipan was owned by the government at the time. So, making all the lands available would have been the most practical way to solve this problem.

Siemer: Then after Oscar Rasa was concerned about compensation, and there was some discussion about that. Delegate Pedro Atalig said, well let's get rid of all of this compensation and leave it to the legislature. You seemed not to be satisfied with that.

Villagomez: I wasn't.

Siemer: Let's just leave all the questions about what we do—do we compensate, do we not compensate, do we give priority for public land—whatever we're going to do, Delegate Atalig seemed to be advocating let's just leave the whole subject for the Legislature. It appeared that you were not satisfied with that.

Villagomez: Yes. I don't remember that specifically.

Siemer: Let me tell you a little bit more about what appears in the record and see if you recall it.

Villagomez: Is this in the journal?

Siemer: It came up for a vote. There was a vote on Delegate Atalig's suggestion that we leave it all for the legislature. That lost. Then there was a vote on whether to include it. And that lost. And then there was a vote on the entire article and that lost. At which point, Oscar Rasa acting as floor leader threw up his hands and said let's enact the rest of this article and send this item off to a special committee. You wound up on the special committee because it wound up being sent to the same committee being chaired by Delegate Oly Borja who considered the composition in the lower house. Do you recall any of that?

Villagomez: No. If I read the journal, it would have been brought back some interesting memories.

Siemer: That covers the proposals that you made. Let me just ask you about a couple of other aspects of the debate. One that we touched on a little bit last time was the Executive Branch requirement with respect to advice and consent of the Senate for the heads of Executive Branch departments. There was a good deal of debate in which you seemed to play an important part as to whether that should be the legislature as a whole, rather than just the Senate. What can you tell us about what prompted that position on your part at the time?

Villagomez: Yes. It was mainly my concern that the municipalities of Rota and Tinian already were holding very strong influence in the Senate. The power is in the minority if they got together.

Siemer: Simply because of the composition of the upper house?

- Villagomez: Yes. I was trying to think of ways to minimize that impact. One of the ways I thought was to not give to Rota and Tinian the power to determine who heads all the government agencies in the Commonwealth. Because if they did, then they would really be controlling the entire Commonwealth. So one way to minimize, to diminish that power, was to take away the confirmation power from the Senate that is suggested, I guess based on experience with the U.S. government where the confirmation is done, and give it to the entire legislature. That didn't succeed except with respect to the public auditor because the public auditor was considered to be such an important position.
- Siemer: It appears you continued to urge that, as a check and balance, throughout the debate and several times even after the draft Constitution had been put together without that provision, that is, approval by the entire legislature. You gave notice you were going to bring it up again and in debate you would say—every time the local government powers and other things came up—you would refer to the advice and consent power. And it seemed that it went on in the debate for quite a long time. That was a very important piece of the check and balance to you.
- Villagomez: It was one of the easiest powers that could be seen by the delegates. If you get them to see the picture of how powerful they are in terms of who runs the government, they can see how, they can appreciate how powerful the two smaller municipalities are in the Senate, not just in terms of voting for specific legislation but the running of the entire Commonwealth government, if they so choose. I was trying to impress upon the Convention how powerful the six delegates are in the Senate, in the Commonwealth. If they appreciate the power and they want to use it, they can really run this whole Commonwealth.
- Siemer: Did you believe that point got across by the end of the Convention?
- Villagomez: I think so. I think it became clear except, you know, I had a sense that (and I may be wrong) there was a strong urging by the consultants that we don't follow that idea of having the entire Legislature be the body to confirm appointees.
- Siemer: Do you recall talking with the consultants about that, and they urging you not to pursue that?
- Villagomez: Not just me, but the entire Convention. I just had that recollection that it wasn't advisable to do that, and I can't remember all the explanation.
- Willens: I have no recollection of that.
- Villagomez: Yes. Maybe because it would be too burdensome, it would take forever to get somebody confirmed—to go from one house then to the other house or have a joint session every time somebody is appointed.
- Siemer: I don't have any recollection of that either at the moment.
- Villagomez: But I had a feeling that I was the loose underdog in this proposal. That it wasn't popular.
- Siemer: One of the other subjects that was discussed extensively in the committee of the whole and not extensively and hardly at all on the floor and therefore, we've lost most of the flavor of the discussion, was the power to reorganize executive departments. There was a section in the Executive Branch article, Article 3, that attempted to provide for reorganization. At the outset of the committee's deliberations, the focus was on the total number of departments that there could be. And then the convention apparently began to debate who should have the reorganization power. Should it be the governor? Should it be

the legislature? And how should that power be apportioned? And very little of the record of that debate has survived. I wondered what you remembered about that.

Villagomez: I don't remember any specific discussions that I can share with you. I remember the struggle between the power of the legislature and the power of the governor.

Siemer: Let me go back again and go a little bit further this time. Maybe you can recall something more about the debate. Ben Fitial, it appears, was very much in favor of the governor having the entire power to reorganize. There is a small exchange between yourself and him in the Convention records that seems to indicate that you thought the legislature should have the power to reorganize. I wondered if there had been any discussion between the two of you or other discussion in the committee of the whole, whose records we do not have, that you recall.

Villagomez: I don't remember any specific discussions I had with Ben or anybody that I can share at this time.

Siemer: When that particular provision was voted on, you voted against it. So whatever the resolution was at the time, at least you didn't like it.

Villagomez: I wish I had read that particular part of journal. The disagreement that Ben and I had was basically a matter of principle. Ben was suggesting a system that I thought was giving the power to legislate to the governor. My position was that you don't do that. Reorganizing executive departments, that's a legislative function and it is the legislature that should do that, not the governor. I think that's the only disagreement we had.

Siemer: On a different and small topic that I wanted to follow up a little bit—when the Bill of Rights came to the floor, you asked the Convention to amend the disqualification to vote so that persons who had been convicted of some crimes would have their right to vote restored. Do you recall that?

Villagomez: I don't remember that.

Siemer: The amendment wound up in Article 7.

Villagomez: I thought the Constitution prohibits a person who has been convicted of a felony from voting.

Siemer: The initial one was "convicted", but what you were proposing wound up in the Constitution, and it covered only "serving a sentence for a felony".

Villagomez: Oh, I see.

Siemer: There was some discussion as to whether prisoners were going to be carted down to vote, and Delegate Mafnas, who was Chief of Police, assured the Convention that if they wanted them carted, he would cart them, and that anyone who need to vote would vote. Do you recall any of that discussion?

Villagomez: No specifics about the discussions. I remember that I felt that people who were in jail should not be eligible to vote. That's the argument I had at the time was that was one of the things you lose by violating serious criminal laws.

Siemer: There is a record in the journal at page 216 of an exchange that involved a speech by you with respect to some of the problems that would be raised by a suggestion that Ben Manglona made with respect to constitutional amendment. What do you recall about that?

Villagomez: What I recall is that the amendment would make a requirement that before an amendment is proposed in the Constitution, 75 percent of all members of the Legislature have to approve it. What I was concerned about is, when you say 75 percent of the Legislature, that meant that you have to have Rota and Tinian. In practicality, that would require Rota and Tinian to be present or to approve that proposal. And again, my concern is that if there is any proposed amendment to the Constitution, and Rota and Tinian do not want to support it, they just absent themselves from the Legislature. Of course, if Rota and Tinian are gone from the Senate, you have only one third there. In my speech I used as an analogy, the fact that I had been absent one day and was not able to vote. The Rota and Tinian legislators could do the same, so that they could prevent an amendment to the Constitution if they wanted to. Again, it was the power between the small municipalities versus the large municipality.

Siemer: When the Constitutional Convention discussed land alienation on the floor, the committee had reported out a definition of "long term" that would restrict transfers of land at 25 years. When it came to the floor, Oscar Rasa proposed to kick that up to 40 years. You opposed that and voted "no" at the time. What do you recall of the discussions about the difference, in effect, between a 25 year restriction on the one hand and a 40 year restriction on the other?

Villagomez: If my recollection is correct, I thought the difference is centered upon investment on whether investors would be able to recoup their investment in the land for that period of time. Some people felt that 25 years is too short, and you won't have big businesses leasing land because if they invest too big they may not be able to recoup their investment in 25 years. But most people felt 40 years would be a more realistic time period.

Siemer: Were you simply not convinced by the economic argument? Is that why you voted no?

Villagomez: Well, possibly. I must confess at that time I wasn't very knowledgeable about economics and investment and things like that and that's probably part of my disadvantage. The interesting part about the Convention is in many areas we tended to look at people who we thought had more experience in that subject. I think you might touch on this later on, with respect to why Sariguan was designated as an island to be preserved rather than the other islands, it was because members of the delegation, who lived up there, who had been up there many times, like Danny Castro and Manny Tenorio, who at that time did a lot of travel up there because they imported copra from the Northern Islands, so he went up there a lot. We listened to those people because they knew better, and they were the ones who suggested Sariguan, that's why we [designated it]. So, when it came to, for example, the 40 year versus 25 years, I think most of the delegates looked to people who had more experience in investment and business, rather than me who was just out of law school.

Siemer: Near the end of the Convention, after the walk out over the composition of the lower house, and after all of the constitutional provisions had been adopted, you summed up the areas that you were dissatisfied with. The record appears on page 311 of the journal. Why did you decide, after everything had been voted on to make that report to the Convention?

Villagomez: I think it was so that I would feel like I've expressed my frustration. These are the issues that frustrated me a great deal. And these were the issues where I felt I didn't prevail in persuading the Convention that my point of view was the right point of view.

Siemer: Had you spoken out with respect to the Special Assistant for Carolinian Affairs?

Villagomez: Yes. My thinking at that time was that the Carolinians should not be looked upon as



- different from the Chamorros. They should be just considered native people, just like we were, and there's no need to make them look like they need special assistance. That was my view at the time.
- Siemer: Was the Convention fairly evenly divided on that issue or was there always a large majority in favor of giving the Carolinians a special assistant?
- Villagomez: I don't remember the numerical differences.
- Siemer: There was, in fact, no mention of any special provision for Carolinians through the entire first half of the Convention until after the public hearings. Was there something that arose as a result of public hearings that caused the Carolinians to propose this special treatment?
- Villagomez: You know, I followed this issue very closely but I can't remember now how it came up. I cannot respond to that at this time.
- Siemer: How about the legislator salaries? What do you recall of your position on that issue at the time?
- Villagomez: I wish there was something that can refresh my recollection about that. I don't remember how I debated on that issue.
- Siemer: It's a problem of not having the records of the committee of the whole. There really isn't anything in the journal. What does appear in the record is several instances in which the size of the lower house, and particularly the 12-1-1 composition, was debated on a basis of cost. At that point, someone would raise how much the salary of the legislators should be. In the first discussion, it appeared as if your 12-1-1 proposal had been compromised by lowering the legislative salaries.
- Villagomez: 12 to 8, yes. [\$12,000 per year to \$8,000 per year.]
- Siemer: Right. And then when your 12-1-1 proposal prevailed, there was some effort to raise the legislative salaries again. I wondered if perhaps your dissatisfaction with the salaries was the tie between those two issues.
- Villagomez: I have a feeling it was. But I can't remember now.
- Siemer: After the Convention was over or as the Convention concluded, you were asked to join the leadership in the Post-Convention Committee. Did you, in fact, participate in those post-convention activities?
- Villagomez: I don't think so. I don't remember anything about being a member of the committee, the Post-Convention Committee.
- Siemer: It looked like it was the Post-Convention Committee, but let me just show you and you may recognize what it was. The reference is on page 336 of the journal in the remarks of President Guerrero.
- Villagomez: What's the question now?
- Siemer: Did you work on any of the post-convention activities? Was there a Post-Convention Committee that you worked on?
- Villagomez: I don't remember any Post-Convention Committee.
- Siemer: How about any aspects of the public education campaign after the Constitutional Convention? Did you work on anything with respect to that?
- Villagomez: Yes. I think I did.

- Siemer: What did you do there?
- Villagomez: I think we went from village to village trying to answer some questions, trying to explain provisions of the Constitution in Chamorro. I don't remember if we participated in the translation itself or whether somebody else was designated the task of translating the English version into Chamorro.
- Siemer: Do you recall looking over the Chamorro version to be sure that it was accurate?
- Villagomez: I remember doing it with my brother Jesus.
- Siemer: Were there some principal spokesmen from the convention during the public education campaign?
- Villagomez: I don't know if you call them spokesmen, but I think we had a chair.
- Siemer: Do you recall who that was?
- Villagomez: No. It might have been Oly Borja, but I can't remember specifically.
- Siemer: How about the first elected government after the Constitutional Convention closed. Did you participate in any of the campaigns at all?
- Villagomez: The first election in 1977? Yes, I was a very active campaigner for Joeten and Oly Borja.
- Siemer: What kinds of activities did you do?
- Villagomez: We went out from village to village campaigning at night. We set up a small committee that went over the brochures that we were going to put together—the language in the brochures. We made strategic plans on where we would go first and what kind of subjects we would discuss, and things like that. Who would speak during the campaign.
- Siemer: So you worked all during the campaign?
- Villagomez: I think so.
- Siemer: Did you have any participation in the government after the campaign was over?
- Villagomez: No, our candidate lost.
- Siemer: Tell us, if you would, or summarize if you would, what jobs you had and what you did after the Constitutional Convention.
- Villagomez: I continued with the Public Defenders Office for a few months more and then I moved over to the Legislature as a legislative counsel. I stayed with the Legislature until it became a Commonwealth Legislature in the beginning of 1978 and worked with the lower house and the Senate as counsel. Then I felt that I wasn't using my lawyer skills enough. I was writing letters and giving advice on simple matters. I really wanted to get back into the courts and practice law. So I went into private practice with Ching, Rosenweig. It's a Guam firm that had an office in Saipan that they didn't man. They didn't operate full-time or didn't have a person there full-time, so they asked me if I would run their Saipan office and I did. I took a \$6,000 cut per year to go from the Legislature where I felt I was becoming rusty in the practice of law to a private practice where I was in the actual practice of law.
- Siemer: You went there in 1978?
- Villagomez: 1978, yes, I think February or January of 1978. Within a year the clientele grew real fast. I was taking in some good cases and was making good money. All the money that came into the Saipan office just went out the door and back, went over to Guam. So I told them, I think I'm ready to be a partner if I'm going to be making this much money and I had

a salary. They said no, so I told them okay I'm moving out. So I moved out and opened up my office in '79, the middle part of '79. Before I did that, I went to the Hastings School of Advocacy in San Francisco. Jesse Borja and I did that. He went as attorney for Micronesian Legal Services, and I went for myself in preparation for private practice. I was in private practice by myself until 1985. Then Jim Branch, I don't know if you know Jim Branch from New Mexico, and I formed a partnership. At the time Jim was having problems with his back the same problem that John Kennedy had—and he was beginning to worry about the distance between his doctor and him here. So within five months, he decided to move back to New Mexico and he did. So I continued by myself.

Siemer: Did you have any other lawyer in your office?

Villagomez: In 1983, I had an ex-Peace Corps lawyer, Mike Wolverton, who is now a judge in Alaska, work for me for several months. Then he decided to go back to Alaska. I had a Filipina lawyer work for me for about I think a year just doing research, not really practicing, as she wasn't a member of the bar.

Siemer: What was the nature of the practice at that time in the 1980's?

Villagomez: It was a lot of land cases. I took in everything land cases, domestic relations, contracts. I represented several corporations.

Siemer: Did you do any criminal work at the time?

Villagomez: Yes. Court appointed. Well, yes, mostly court appointed at that time, both in the District Court and the Commonwealth Court.

Siemer: How long did you stay in private practice?

Villagomez: Until January of 1986 when I was appointed to be a judge. In 1985 I was elected to the Second Constitutional Convention. When I was in private practice, I did a lot of community service activities. I was a member of the Rotary Club and was president twice. I was president of the Chamber of Commerce and I was on the Headstart Policy Council and I was chairman of that, and then I was appointed to the Board of Parole and became chairman of that for, I think, four years.

Siemer: When were you chairman of the Board of Parole?

Villagomez: From 1982 to 1986, when I became a judge.

Siemer: During the time you were in private practice, did you run for office?

Villagomez: I did. In 1979 I ran for the Senate against the present governor, Froilan Tenorio, and he won. I was just opening up my office at the time. I opened up my office in the summer, and I started campaigning at the same time.

Siemer: Did you run for office again?

Villagomez: No, except for the Con-Con. Then I became a trial court judge in 1986, January, and I was appointed to the Supreme Court in May of 1989, three years later. I've been here six years. My term expires in May of this year.

Siemer: That concludes the interview of Justice Villagomez. I want to thank you very much for taking the time. It's been a number of hours and some reading material. We are very grateful for your participation.

Villagomez: Thank you. I hope I've been helpful.