

Attention, Deanne

February 29, 1996

The Editor
Marianas Variety News & Views
Saipan, MP 96950

Dear Editor:

Thanks to the good work of Ruth Tighe and Stephen C. Woodruff I have not until now burdened your pages with my own views on the constitution which goes to a vote on Saturday. But, I decided that I should add a few things to the record before it is closed.

In order to understand what is happening to you, you need to know something about Deanne Siemer and Howard Willens. Why is this relevant? The personal and personalized attacks that have been made on Tighe, Woodruff, Dr. Camacho and others can only be understood when you know a little something about where those attacks are coming from, and why.

If you have been wondering how and why some of the delegates have miraculously started talking like a Washington superlawyer (or a Madison Avenue advertising copywriter), this is the answer: Deanne Siemer and Howard Willens.

They have been ghostwriting the script for the TV ads that the delegate-couples have had so much trouble reading (why didn't they at least hold the cue cards closer to the camera so that the talking heads on the screen wouldn't look wall-eyed!). They have been writing the slick letters and columns and the black and white signs on the roadside.

Some have said that the high intensity (and heavy handed propaganda) of the Post Convention campaign (it does not deserve the name good name "education") is driven by the vested interest of the delegates who worked so hard to produce the draft constitution.

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Maybe, to some extent. But, there are two people behind the scenes who are sweating blood over this thing: Deanne Siemer and Howard Willens, in that order.

To them, this is war.

They have written what they believe to be "The Perfect Constitution." After it is adopted by the grateful people of the Commonwealth, Siemer and Willens will leave us and return to Washington, D. C. where they will commence to write their next article for a scholarly law journal. In 1977 they wrote their first scholarly article for the Georgetown Law Journal, in which they applauded themselves for having created an "innovative" constitution for the humble folks of the Northern Marianas.

This time they will applaud themselves (in the most scholarly and objective of terms) for having crafted the most "perfect" constitution of which the human mind is capable of conceiving.

If we should run into trouble in the courts with any part of this perfect constitution, then Howard and Deanne will be happy to come back to handle the case in the courts, for a fee.

Howard helped the Commonwealth out when the Department of Interior sued the Commonwealth in the local federal court for the right to examine the Commonwealth tax records. He did a great job of lawyering for Governor Guerrero and the Commonwealth, but the last I heard the Commonwealth still has not been able to scrape up the money to pay his fee of \$600,000 in full. I think Governor Guerrero managed to pay about half of it.

But Howard has been staying in the background on this one. The First Convention was his. The Third belongs to Deanne. She volunteered her services. No fee; no salary; only expenses.

Deanne is a super-duper trial lawyer. I am serious; I mean

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it. She is one of the very best, anywhere in the country.

And, this Third Convention was hers to conquer; hers to win; hers to control from start to finish, just the way a good trial lawyer takes charge of a case, the court, the opposition and manipulates the players and the entire process to ultimate victory, in her favor. That is what good trial lawyers do and she is one of the very best.

And she did it here; to the delegates, to anyone who came near the convention, to all of us. And, now she is trying to do it to you. If she has her way, you will vote YES without ever reading the draft constitution.

She does not lose, if she can possibly help it. Did you see her on the Jon Anderson show the other night. The face and the voice. Hard. Mean. Right. Righteous. You do what I say, or know that you are ignorant.

It is Siemer and Willens who have been ghostwriting the statements released under the names of one or another delegate. The ones lacerating Dr. Camacho. The ones ridiculing Ruth Tighe. The ones telling every one of us that we had our chance during the 60 day convention. Now shut up and vote "YES" because Willens and Siemer said so.

Siemer and Willens and their team ghostwrote the whole constitution that you are now being asked to approve, on faith, faith in Siemer and Willens and their crack legal team.

We didn't pay Willens and Siemer. We got them for nothing. Therefore, they decide for themselves who they represent. They are not obligated to articulate and clarify both sides, all sides of every issue so that you and I can make up our mind.

If you believe them, Siemer and Willens ran a perfect convention which produced a perfect constitution. You want to be a perfectly sensible citizen? Then you must vote YES, right? The logic is irresistible.

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Siemer and Willens have used the argument that: Everybody had a fair chance. The "delegates" studied everything long and hard. Now, you must vote YES.

Let me tell you the truth about how Deanne Siemer ran the convention activities on Article XII.

She controlled the whole thing from start to finish. She manipulated everybody, including the delegates. She came to my office to find out all of our views on Article XII. Like a fool, I told her. We collected hundreds of pages of materials on Article XII litigation and related matters and provided it to her so that she would have all of the facts.

She kept all the proposals in fracture, ineffectual form, so that she and she along controlled the drafts that went to the committees and the floor of the convention.

We exchanged faxes by the dozens. I talked with her on the telephone many, many, many times about Article XII and what we needed in order to make it stronger and to give it the enforcement power that it needed.

At the hearing on Article XII a number of the members and delegates said that Article XII must be strengthened. It must be made a reality. We testified. We explained how the courts, our own courts and the federal Ninth Circuit Court of Appeals, had failed to enforce Article XII.

In the end, Deanne Siemer rammed through an Article XII which is useless. Utterly useless, to the people. And she manipulated the convention process to make it impossible for Dr. Camacho or me or anyone else to stop her. She is good. Damn good. You don't beat Deanne very often. Maybe never.

Why did she do it? It was a mystery to me. Until it was too late. We had no way of knowing when anything would happen, so that we could try to participate.

She wrote the original Article XII for the First Convention. She was here then, With Howard. That Article XII was

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intended to prevent all of the illegal transactions that we saw in the 1980s and early 1990s. The only reason it didn't is that our former Chief Justice, one Associate Justice and a Special Judge from Hawaii, and the Ninth Circuit refused to enforce that Article XII. And, because the Eight Legislature, for the benefit of Duty Free Shoppers, Japan Airlines and others, passed Public Law 8-32.

But this time, 20 years later, after Deanne Siemer had spent the bulk of her career representing large, rich corporate clients, she came back to Saipan with a different outlook on life; with different values.

Instead of being horrified at the loss of massive amounts of private land by the people of the Northern Marianas, she was horrified with the prospect that Duty Free Shoppers, Japan Airlines and other big, rich companies would lose the land which they had purchased in violation of Article XII.

Why do I believe that? I spent hours and hours talking, debating, remonstrating with her about these issues and about the language of her drafts of the new Article XII.

This is what the Siemer Article XII does: It gives all of those who violated Article XII in the past complete amnesty. It lets them keep their ill-gotten land. It does nothing to help recover that land for present and future generations.

For what? So as not to disrupt the landholdings of Japan Airlines, Duty Free Shoppers and others. Why? Because in the opinion of Deanne Siemer and the group of delegates who came to follow her as their Guru, protecting Duty Free Shoppers and Nikko Hotel is more important, more moral and more fair than protecting the present and future generations from the loss of their land.

Who were those delegates? (I want to call them Yuppies; the kind of young, professional, upwardly mobile Americans who rampaged Wall Street in the roaring 80s in the States.) They are the second generation rich, they are the ones who have made it big in the corporate world, they are the ones who

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were lucky enough to have a sugar-daddy of their own.

To them, land is something to sell, for as much money as possible. It is not the foundation of life and society. It is a commodity to buy and sell in order to get more money. And, they have all the land they need. Taya guaha the future generations. Let them take care of themselves. I have to get mine, NOW.

Deanne Siemer agreed with that point of view. From her condo on Mt. Tagpochau she couldn't see the tin shacks in Chalan Kanoa and Chalan Lau Lau. She never saw any of the young people who have no hope of ever getting a little piece of land to build a house on even if they could find the money which they can't. And even if she had seen them, they are not her kind of people.

If Deanne Siemer had done what the majority of the people of the Northern Marianas wanted her to do with Article XII, she would have: (1) repealed Public Law 8-32; (2) left "void ab initio" in Section 6; (3) made it perfectly clear that all of the illegal transactions of the past 16 years should be rescinded by the courts, and (4) repudiated the Ninth Circuit's usurpation of the Commonwealth court's exclusive power to enforce Article XII.

When I remonstrated with her for not doing all of that, and more, to strengthen Article XII, she blamed it on the delegates. She said that the delegates made her do it.

Joe Lifofoi and Marian Aldan-Pierce didn't make her do it. She did it gladly, on her own. I hold her personally responsible for the consequences. She was in control, from start to finish. It is her constitution, not theirs.

As a result of her work in this convention, along with the work of her litigation team and her adoring husband, this Island will look and be more and more like La Jolla every year.

Twenty-five years from now the Chamorro and Carolinian

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cultures will be unrecognizable. The cultures here will undergo the same kind of transformations that urban Indians did in the United States.

Fifty years from now the tourist will have to go to a museum to find a Chamorro or a Carolinian.

And the whole point of breaking away from the rest of Micronesia, of negotiating a separate peace with the United States, of holding on to all of the land for Chamorros and Carolinians, was to make it possible to survive as a culture, as a people, in this melting-pot of a country, this melting-pot of a world.

The idea was to stay out of the pot. Not to be melted down. To have the best of all worlds. To be Americans with a difference, a Chamorro and a Carolinian difference.

Vote NO on Article XII. Definitely, vote NO. The present Article XII is fine. Public Law 8-32 should be repealed. Then Article XII will be strong again.

And, while you are at it, vote NO on all of the other amendments. The wonderful job that Deanne Siemer and her team has done is so complicated, so confusing, so internally contradictory, so ill-advised, that it would take a very large volume to tell you all that is wrong with it.

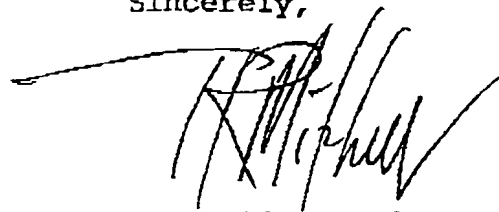
Siemer's perfect constitution is a mess. And, there is absolutely no way to tell what grief it will cause us in the courts, over the next 25 years, if it is adopted. By packaging it article by article, Siemer has forced you to take the good with the bad.

The fact is that every article that matters has several very bad features. Did you know that under Article IV, § 9, your next case in court might be decided by a judge from Ponape, or Palau, or South Carolina, or the Virgin Islands, or Puerto Rico, or California, who has no accountability to the people of this island whatsoever. Its true.

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I recommend that you vote NO on each and every proposed amendment.

Sincerely,



THEODORE R. MITCHELL

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