

## INTERVIEW OF ADRIAN L. DEGRAFFENRIED

by Howard P. Willens

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- Willens: Adrian de Graffenried is a former colleague who worked as a lawyer for the U.S. Delegation during the negotiations with the Marianas Political Status Commission. He has graciously agreed to be interviewed in connection with this historical project. I have sent him an intimidating volume of documents which understandably he has had not much opportunity to review. Adrian, thank you for being available today. Could we begin the interview by you giving me some general background and educational experience.
- DeG.: I can very briefly. I grew up in west Texas. I attended undergraduate school at Texas A&M. I got my law degree at the University of Texas at Austin.
- Willens: What year was that?
- DeG.: That was in 1967.
- Willens: When you graduated from law school, what did you do?
- DeG.: I went to Washington as an attorney. I worked for a short while in the General Counsel's office at the Post Office Department. From there I joined the Peace Corps as an attorney. I was assigned first to Brazil, and then I did a second tour in Micronesia. I was an attorney in the District of Yap, served as the legislative counsel to the Yap Legislature and the Outer Islands Chiefs Council. I also assisted with the Palau District Legislature and worked as an associate legislative counsel for the Congress of Micronesia.
- Willens: Let me get some of the dates clear here. Did you begin then with the Peace Corps in 1968 or thereabouts?
- DeG.: It was 1969.
- Willens: And your first tour was in Brazil?
- DeG.: Yes. In 1969, I was there for a year.
- Willens: In Brazil for a year.
- DeG.: For a year.
- Willens: And then did you enlist for a second term in the Peace Corps?
- DeG.: Yes, I did.
- Willens: How long were those tours at the time?
- DeG.: They were normally two-year tours.
- Willens: But you only spent one year in Brazil.
- DeG.: I only spent one year in Brazil because I wanted to have a chance to function as a Peace Corps attorney. And at the time that I joined the Peace Corps they didn't have any openings. They had closed that program down.
- Willens: By a Peace Corps attorney, did you mean one who would work in the General Counsel's office at the Peace Corps or would serve as a lawyer out in the field?
- DeG.: No, Peace Corps volunteer.

- Willens: So then after a year in Brazil, did an opportunity develop then for you to be a Peace Corps attorney?
- DeG.: It did.
- Willens: That was in Yap?
- DeG.: That was in Yap, yes. In Micronesia there were about seven of us who were in the same group. Mike White, whom you worked with in the Marianas, was also one of my group.
- Willens: So what years were you in Micronesia generally?
- DeG.: 1969 through 1970.
- Willens: Then you left the Peace Corps in 1970?
- DeG.: Yes. Came back and went to work. First, I was on the staff of the White House, but assigned to the Office of Micronesian Status Negotiations.
- Willens: As I recall, the Office of Micronesian Status Negotiations was not created until sometime in early 1971.
- DeG.: Okay. I got the dates wrong. I must have left Micronesia in 1971 or 1972. I can't remember those dates, Howard.
- Willens: But did you serve two full tours with the Peace Corps?
- DeG.: No, I served one and a half tours.
- Willens: So three years in total.
- DeG.: Yes.
- Willens: I see. As a Peace Corps attorney then, you had some responsibilities in Yap, and you mentioned also some responsibilities in Palau and in connection with the Congress of Micronesia. Is that correct?
- DeG.: That's right.
- Willens: What were your duties as a Peace Corps lawyer in Yap?
- DeG.: I worked with the Yap District Legislature and helped them draft local legislation and basically was running some training programs to help their staff organize the Legislature and draft legislation. It was a small Legislature. I also worked with the Outer Islands Chiefs Council.
- Willens: Was there a special council of chiefs for the outer islands as distinct from the main islands?
- DeG.: Correct.
- Willens: How did that develop and what was its significance?
- DeG.: That was a historic development, a traditional development. And periodically, once maybe every nine months or as the need arose, they would have a conference of all the chiefs of each of the major island groups outside of the main island of Yap. The area involved was almost 1,000 miles. The chiefs would gather and hold meetings to discuss basic issues which affected them, like the shipment of goods and services from the main island, their relationships with each other, medical care, things like that.
- Willens: Did this reflect a political system in which the outer islands to some extent felt disadvantaged

in comparison with the main islands because of difficulties of communication and transportation and so forth?

DeG.: They did. They felt disadvantaged. And it was difficult. They had a Trust Territory vessel that made a run through the outer islands that was a six-week trip. And that occurred about once every three months.

Willens: Did you have similar responsibilities in Palau?

DeG.: In Palau they had a Peace Corps volunteer attorney as their legislative counsel, and I assisted him.

Willens: Who was that?

DeG.: I can't remember now.

Willens: Do you remember the names of other Peace Corps attorneys? I think I may have mentioned to you that I've talked to both Steve Sander and Tom Whittington.

DeG.: Yes. Tom was in the group just before me. He had gone back and gone to work for the Interior Department. There was Mike White who was in my group. I can't remember all the names.

Willens: But they were all equally distinguished young lawyers?

DeG.: They were excellent lawyers.

Willens: When you mentioned the Congress of Micronesia, did you actually then move for a period of time to Saipan to assist with the Congress of Micronesia?

DeG.: I did. It was on a temporary basis. I mean whenever they would hold a Congressional session, I was assigned to work with their committees on economic development and on the judiciary.

Willens: What was your undergraduate major?

DeG.: Economics.

Willens: At the time that you were serving in these various capacities with the Peace Corps, did you become aware of the early discussions with respect to the future political status of Micronesia?

DeG.: Sure. I mean we were aware, but we didn't participate in it, because we were strictly prohibited from participating or advising in those discussions.

Willens: I've heard some debate about that. Were those rules set down in memorandum form or directive form, or was it simply the understanding that volunteers were not to interfere in status matters?

DeG.: As far as I know, it was just an oral admonition. They had instructed us during the training session about those matters. They had previously had some problems with attorneys in Micronesia advising the Micronesians to oppose certain military requirements in Palau and the Marshall Islands. And the Defense Department had become very concerned about political participation by American Peace Corps volunteer attorneys. So that was the genesis for the policy not to become involved in any fashion with the Micronesian status negotiations.

Willens: Adrian, we're back with a fresh battery, we hope. You were reviewing the discussions that you were familiar with in Yap with respect to future status possibilities. You mentioned in

that connection two names of men who I believe were subsequently members of the Joint Committee on Future Status, Mr. Mangefel ....

DeG.: John Mangefel.

Willens: ... and Mr. Tun.

DeG.: Petrus Tun.

Willens: I didn't have the occasion to meet either of these gentlemen. Could you give me your assessment of each of them in terms of their political sophistication and their attitudes?

DeG.: I thought that they were exceptional politicians. They were very sensitive to the needs of their people, they took great pain and effort to consult with not only the traditional chiefs but also the average individual. They had received a good education in the Japanese system and also under the early American administration. So I guess you might say that they were among the political elite on the island community. They struck me as fundamentally very fair, open and very caring individuals, but not naive. They were certainly not naive individuals, because in their culture, they had to negotiate every day for their very survival. So they were very sophisticated negotiators.

Willens: The record suggests a lot of emphasis on leaders in the Marianas, the Marshalls and Palau. Sometimes the other Districts get lost in the overall perspective in terms of the role that they played at the time and what their views were. There was also back in the United States some ongoing discussion about the readiness of the people in Micronesia generally for some future political status that involved a high measure of self-government. Did you think that the leaders and the people in Yap were ready for a new political status of the kind that the Future Status Commission was thinking about?

DeG.: Can we go off the record?

Willens: Okay.

Willens: What is your sense of the way in which those leaders then operated not only within their island community, but also within the Congress of Micronesia?

DeG.: My perspective was that Yap really became the arbiter of many Congressional conflicts between the major island groups. For example, the division of resources and the allocation of schools and roads and hospitals and trying to prioritize which District got a hospital, which District got a harbor, which one got a road, which was important. And these two gentlemen were exceptional individuals in finding a way to defuse some very explosive issues and cut the Gordian knot and find a solution that met everyone's interest. And time and again, when things got difficult, they would turn to John Mangefel or Petrus, mainly John Mangefel. They would go off to the side and solve the problem. But as they worked their way toward more active negotiations with the United States over their political status, these differences between the Districts grew and became far more acrimonious. The issue really became one of resource allocation. You had no major resources in all of Micronesia other than fisheries. You had only three Districts that seemed to be of interest to the United States in terms of pouring in large amount of financial resources, and that was the Marshalls, Palau and the Marianas. Which basically left Yap, Truk and Ponape and later Kosrae without any source of continuing funding. It created a lot of insecurity and a lot of sensitivities. So that was really the genesis behind a lot of my memoranda—about how can we reduce their insecurities, how can we make them full and active participants in any future Congress or any future negotiations? Because they deserve it. You can't just abandon a group of people because you don't have a military interest there. So that was the hard part. We worked it out I thought in a fairly amicable way. But at the time that I

left, and of course subsequent to my leaving that office, it did fragment.

Willens: But you did have some early experience in Palau as well as in Yap. Did you have any different sense as to the organization of the Palauan leaders and their interest in political status when you first worked for them?

DeG.: They were much more sophisticated. They had a lot more contact with the Japanese. They had ongoing relationships. Many had been taken to Japan and trained. They had a much more clear vision of what they wanted to do with their island group, and by and large they were for minimizing relations with any outside foreign power. That was the sense I got while I was there as a Peace Corps volunteer. I did not get into any of their more sophisticated discussions or rationale until I became associated with the OMSN. But I knew Lazarus Salii and I knew Roman Tmetuchl and the people in the District Legislature I worked with. But by and large the issues that I worked on at the time were local issues. They were roads, they were harbors, they were airfields, medical assistance, training for people, how to improve the judiciary, how to ameliorate relations with the other Districts. They were truly local issues. They had nothing to do with the relations with Japan or the United States.

Willens: With respect to your work for the Congress of Micronesia, do you have any particular recollections of the issues that you worked on in assisting the Congress?

DeG.: Well, there were so many. We were trying to help draft a flat rate income tax and corporate income tax. We amended some of the basic judicial structures for more equal access to the courts. I did a major economic study for Micronesia.

Willens: I remember seeing actually a very lengthy Committee report dealing with economic development, but I don't have with me precisely the date on which it emerged. But it was a very lengthy, thoughtful piece done in a session I think early in one year.

DeG.: We had hired an economic consultant from the Department of Agriculture, and he assisted us in doing a District-by-District review of the economic conditions and what the recommendations were for economic development in each of the Districts. That became a good outline. I mean it was not completely endorsed by each of the Districts, because obviously they had a different set of goals. It became political when it got introduced to the Congress, and became embroiled in this allocation of resources. So the question was well why do you get the big major harbor port instead of us, and soon. But just looking at it aside from politics, what the Committee wanted to do was look, let's put politics aside and just look at the pure economics and administrative needs of each of the Districts and see what we can propose. That's what that study was.

Willens: Had there not been similar studies done over the years by the TTPI or by consultants retained by them?

DeG.: There had been a number of studies, and some of them were quite good. The problem was it was part of this growing nationalism and growing political awareness on the part of the Micronesians. They wanted to put their own stamp. They said you've done this for us. We want to do something for ourselves, and this is our perspective of what we think is important. And that's why I thought it was important, and that's why I was delighted to assist them in that. We went to each of the Districts and met with people at all levels, held town meetings, worked with the TTPI. The TTPI was very cooperative.

Willens: What was your general assessment in those early years of the performance of the TTPI in the area?

- DeG.: I thought, given the minimal amount of resources that they had to use, they did a fairly good job. I thought they tried to approach all the issues with a basis of fundamental fairness. They were essentially trying to minimize problems. But they just didn't have enough money to do what they needed to do.
- Willens: A lot of commentators have found it fairly easy to criticize the TTPI and in particular many of the people associated with it. Your comment suggests that on the whole you think they did a credible job given the limited resources they had available?
- DeG.: I think it was credible. I mean I had personal disputes with individuals, and I had conflict with some of their perspectives about Micronesia's future. But nevertheless, on balance, I thought they did a fair and credible job.
- Willens: There's been some suggestion in the materials that the local District Administrators, even though they were Micronesians in many areas, were not particularly sympathetic to any fundamental change in the political status of Micronesia. Did you sense any reluctance within the TTPI or at the District level to changes of the kind that were being contemplated?
- DeG.: You mean during my role as a Peace Corps volunteer attorney or later?
- Willens: Well, both.
- DeG.: Well, while I was a Peace Corps volunteer attorney, I didn't have occasion to really get into those kinds of discussions. There was the odd talk at a reception or the odd comment. I sensed some reluctance because it seemed to threaten the status quo, and it seemed to threaten job security. And there were some who sincerely believed that Micronesians were not ready for it, and they were decent people. I respected that opinion. I didn't agree with it in some respects.
- Willens: Let's turn to the Office of Micronesian Status Negotiations. How did you happen to be employed by them? Were you looking for a job in the government?
- DeG.: I was looking for a job in Washington, D.C. I was leaving the Peace Corps, so they suggested I come by and chat with them and see what we could do. So I went by and talked to Captain Bill Crowe (at the time) and Haydn Williams. We chatted to see how I might fit in. But before I left Micronesia I made sure (because I had been approached by Haydn) that I had a chat with Petrus Tun and John Mangefel, and we sat down with Lazarus Salii to see if that was going to pose a problem. You know, if I went to work for OMSN, because I knew some of the attitudes having worked in the Congress. I said look, I'm not going to go to work for these people if it's going to cause a problem, if you think there's a major conflict. They had said no, in fact we welcome it. Maybe you can explain to them our perspectives and explain to them some of the real problems here. Because they didn't really trust the TTPI Administration or the Department of Interior to fairly represent their points of view. So I said okay, if you will agree with that, then I'll go talk to them and we'll see.
- Willens: Who was on the staff of the Office of Micronesian Status Negotiations at the time other than Haydn Williams and Bill Crowe?
- DeG.: There was a State Department fellow . . .
- Willens: Was that Mr. Ballow?
- DeG.: No. I can't remember his name.
- Willens: Were there any other lawyers associated with the Office at that time?

- DeG.: We had Ron Stowe who was associated. He was not associated with the Office. He was a State Department attorney, and he would assist the Office from time to time. He in fact had come through with Haydn at the time and they both sat down with me and we chatted.
- Willens: Was Jim Berg on board at that time?
- DeG.: No. Jim didn't get on board until a year or two years later.
- Willens: What were your initial assignments if you recall in connection with OMSN? Do you remember working on the Micronesian negotiations before the separate negotiations with the Marianas began?
- DeG.: No. They had already been approached by the Marianas for separate negotiations. In fact, the Office had already taken a direction to formalize those. So basically my initial job was to sit down and try to organize or coordinate a legal response to some of these points, help formulate the basic agreement, which is why I asked if you had that basic outline? Because I had basically drafted in outline form what that agreement might involve and had forwarded it over to State Department, Justice, Interior. That was for the Marianas.
- Willens: I saw one document that I don't think I included in the volume that reflected some work that you did in connection with the Micronesian negotiations sometime in the summer of 1972. Is it possible that you didn't go to the OMSN until sometime in early or mid 1972?
- DeG.: It was sometime in the spring of 1972.
- Willens: So just to fix it down if we can, it was in April of 1972 that the United States officially agreed to separate negotiations with the Marianas. Had that commitment already been made public by the time you arrived?
- DeG.: I don't believe it had. I believe when I got in the Office they were in stages of preparing that notice in fact. But to be honest, I can't recall. It all seems a jumble now.
- Willens: Of course. Did you by chance attend the Micronesian negotiations that took place in April of 1972 which took place in Palau?
- DeG.: No. So it was after April.
- Willens: I did not find any detailed or well-organized record of papers associated with the drafting of a status agreement or Federal legislation, although I have included in the volume a few items of that kind. I did find the Marianas Option Paper that was prepared by the Interior Department dated October 27, 1972. What basically was the relationship at the time in 1972 between your Office at OMSN and the Interior Department's Office for Territorial Affairs?
- DeG.: Let me back up and answer another question. You probably didn't find a lot of those documents about the legal framework because most of the effort at that time was focused on defining U.S. interests in Micronesia and the Marianas, which led to this basic paper that you referred to. And we had our own papers that we had generated in draft form, and Interior, because it was responsible for the Administration, felt the need to take the lead role in that. But our relationship with Office of Territorial Affairs was that we were really an agency of the White House, and we were an inter-agency group appointed by the White House. We were given offices in the Department of Interior because of its proximity to the Office of Territorial Affairs. But Bill Crowe was assigned from the Defense Department. I came over from the White House. We had this fellow from the State Department. That was essentially what it was. Then I switched over later from the White House and they

picked me up on the payrolls at the Interior Department.

Willens: How did it happen that you ended up at the White House after your Peace Corps assignment and before you entered OMSN?

DeG.: That was just strictly a personnel matter. I was working for OMSN, but my salary and my position was at the White House.

Willens: I see. I have not been able to find any Executive Order or Secretarial Order creating OMSN. It seems to have happened either simultaneously with or shortly after Haydn Williams' appointment in about March of 1971. It was a major change from what had existed under the previous Administrations.

DeG.: It exists. I've seen it.

Willens: You've seen an order of some kind?

DeG.: Yes.

Willens: What was your overall assessment of the effectiveness of this kind of inter-agency body in implementing what clearly was a multi-faceted set of negotiations?

DeG.: I think it was frankly about the only solution to the problem, because there were so many diverse interests, and different departments were in so much conflict with one another about who should be in charge and how it should be handled. The White House simply felt that a central inter-agency group should take responsibility for it, and one that reported directly to the White House so that they could have more control over the input and the negotiations.

Willens: And did it work?

DeG.: It worked. It did. Haydn did an exceptionally good job. I was in awe of that man. He just did a wonderful job.

Willens: Did you have the occasion when you first began working with OMSN to review the efforts that the Interior Department had made in 1969 and 1970 in connection with Micronesian status questions? In particular, Harrison Loesch, who was an Assistant Secretary, and Tom Whittington, who worked for him, had been active in developing an approach toward Micronesia in 1969 and 1970 that proved ultimately to be unsuccessful. Did you have any occasion to discuss those earlier efforts with either of those two individuals?

DeG.: Well we met regularly with Tom Whittington. He would come and sit in the inter-agency group meetings. There was not a lot of discussion about the 1969 efforts other than what went wrong and how could we correct it and was that really the proper approach. I think Haydn really didn't want to dwell on the past as much as . . . okay, that was a learning experience, let's go back and really define what are American interests. Let's canvass the various departments and find out what we want to do in Micronesia—what do we really want to do, what are America's interests that we need to protect and promote.

Willens: One of the issues that contributed to the lack of success in the earlier stages was the Defense Department's insistence on having the full authority of eminent domain, and this was when they were thinking of a relationship with all of Micronesia. It seemed that they were reluctant at the time to identify specifically what basing needs they had, what contingency needs they had, and so forth. The documents suggest that sometime in 1971 or 1972, there seemed to have been some effort to get the Defense Department to be more specific about what its needs were.

DeG.: And we did.



- Willens: Do you have any recollection of that process?
- DeG.: I do and I can't talk about it.
- Willens: Because it's classified?
- DeG.: Still classified. You don't have the documents. But let me talk in general terms about this. There were a lot of meetings with Defense and State at the Deputy Secretary level to resolve these major issues about American interests, and one of those being of course defense interests. It occurred at a time when we were in the midst of the Vietnam War, when we were reviewing our basing interests in Korea, Japan, the Philippines. And the problem simply put was Defense was reluctant to go forward and have a more clear definition of its interests, because it was concerned about relations with the Hill. It did not want to discuss or disclose its option formation in advance for fear that the Hill would in fact reduce or affect its defense budget or its strategies. But at that time, we were talking about closing some bases in the Philippines, pulling back and using Guam and Micronesia as a major staging area. I held a number of talks down in the tanks with the JCS and some of the senior people and cautioned them about their excessive land use. Hayden and I went down, and Bill Crowe. I just laid it out for them. I said, you know, you're essentially asking for the whole island. What are you going to do with the people? You know. This was in Palau. The problem that they had was they had a lot of conceptual thinking but no practical thinking. They had never done a more detailed analysis of what their needs were other than we need a place to move back to and this is how many people we have and does this land area seem to accommodate our interests. And no one had taken them further and said well look, these are the implications of your requirements, and you need to rethink those. And after a lot of discussion and very frank debate, Defense reluctantly began to see—you know, it's better to take half a loaf than no loaf.
- Willens: That's a very interesting observation and certainly is supported by some of the documents that I have. I think it's probably true that I don't have all the materials that bear on that. I've reviewed very recently a lengthy work that John Dorrance did, which has now been unclassified. He is one of the few people who questions the perception of U.S. strategic needs in the Western Pacific, as was taken as a given in the late 1960s and the early 1970s. In particular, he makes the point that, putting aside the denial objective and the basing needs, this idea that the Western Pacific sits astride our main avenues of communication with Asia, he suggests, is flawed, because it did not serve that purpose in either the Vietnam War or the Korean War. I don't know whether that's a minority view that has any support among military strategists and people more expert in defense than he or I am. Do you have any reaction to that kind of an issue?
- DeG.: Oh, yes. I supported John Dorrance. And it was supported within the State Department. And within Interior. It was not supported by Defense or the NSC. But it went further than that. I raised a question at CINCPAC at a very senior level and said okay, well you want denial, how do you enforce it? I said I can't see anything that you present that is persuasive to protecting the rights that you're seeking, and how do you go about proposing to enforce what you claim are critical defense rights?
- Willens: Why isn't the answer that they would do that from Guam or Hawaii or whatever?
- DeG.: But how? I mean that's a vast area of ocean. I mean they would have had literally to double or triple the fleet. They would have had to have the Coast Guard. This came up in the Law of the Sea issue. I'd raise it again. I said how do you enforce the Law of the Sea at the territorial limits? That's the issue about having the right or access to the Coast Guard and who's going to finance that? I mean you would have had to have—and at that time

they were talking about satellite photos and undersea antennas. I said yes, all right, so you are able to sense an intrusion, how do you enforce it? Say a Russian submarine came in. We had a number of instances that were reported to us where there had been Russian submarines landing at the outer islands—in Truk and the Marshalls and Yap.

Willens: Did you personally see such reports?

DeG.: No. I talked to people who talked to the Russians.

Willens: So you think it's a matter of fact that there were some Soviet intrusions into the outer islands.

DeG.: Yes. But I think frankly it was very innocent. I think that they just surfaced, they wanted to go play with the girls or they wanted to drink some coconut, and they were thumbing their nose at Americans. I think it was no more than that, but I mean I could be perfectly wrong about that.

Willens: But you were using that as an example of the difficulties of enforcing the general principle of denial.

DeG.: Exactly.

Willens: That is interesting, because in fact there are at least a couple of documents referring to the Soviet intrusions, and there's a considerable sort of expression of disbelief in some quarters that these really took place.

DeG.: I know. But, you know, if some Micronesian gives you a Russian book, you kind of wonder where they got it.

Willens: It sounds as though then one major effort was (under Haydn Williams) to try to get the Defense Department to focus more specifically on its needs, to recognize practical limitations and give you the wherewithal that you could work with in the negotiations. Is that a fair statement?

DeG.: I think it is a fair statement, and a lot of energy was spent to try to get Defense to have a more realistic view of what defense interests were.

Willens: One of the other issues, and the last one with respect to the history that preceded your joining OMSN, was the fact that the Micronesians as a group wanted to have a constitutional convention, and the U.S. negotiating team in 1969 and early 1970 was reluctant to agree to that. By the time you joined the picture and began to focus on the Marianas, I gather there was no reservation about including a constitutional convention as part of commonwealth status.

DeG.: When I first came to the Office, there was some initial reluctance, because they weren't quite sure where it was going to lead and who was going to be in charge of it. But I think once we held more internal discussions, we were able to persuade people that there was nothing fundamentally threatening about that—that it was part of the growth of self-government.

Willens: The Marianas Option Paper of October 27, 1972 does recommend that a commonwealth proposal be developed for negotiation with the Northern Marianas, and your memorandum of November 2, 1972 reflects agreement with that general proposition.

DeG.: That's right. In fact, there was a study that you don't have, that Haydn asked me to do, and I sat down and examined all of the U.S. territorial relationships. I don't know if you have that.

Willens: I may.

DeG.: But it was basically a comparison of the different relationships and responsibilities between the U.S. and the various territories. The problems we wanted to avoid were some ambiguities as with Puerto Rico, and some of the differences in the relationships as between the Virgin Islands and American Samoa and Guam. They all had their distinct relationships, mainly because of a historical pattern by which they were acquired. So we wanted to provide a very clear relationship. We also wanted to make sure that what we created was certainly fundamentally fair, but didn't lead to inflated expectations that would serve to unravel the relationships between the United States and the other territories. The more pressing problem was Guam. We were getting enormous pressures from Guam to elevate its status, to change the relationship. In fact, people from the Marianas would tell us that they were getting advice from the Guamanian legislators and the Governor to take certain positions that would of course have forced us to change the relationship with Guam, which would have led to a domino effect with the other territories. And while not necessarily bad, I mean the problem would have simply been a series of endless negotiations, and again considering the crisis state of the U.S. government at the time, the problems with Vietnam, people just didn't have the energy to do that. They were trying to minimize, but again trying to be fundamentally fair to the relationship. In fact, we cautioned in the documents to the President that there was this growing agitation with Guam, and we really owed the Guamanians a change. We needed to improve that relationship.

Willens: I will come to that.

DeG.: Jim Wilson and I held a number of meetings with those people about what did they really want—how did they want to change it. Did they want to incorporate with the Marianas and vice versa—did the Marianas want to incorporate with Guam?

Willens: It's certainly clear from the early papers with respect to the Marianas negotiations that reintegration of the Northern Marianas and Guam seemed to continue to be a preferred outcome if it could be achieved so far as the U.S. was concerned. Is that correct?

DeG.: That's right.

Willens: Your reactions to the Marianas Option Paper, although generally agreeing with the idea of a commonwealth proposal, seemed to suggest some changes from the earlier commonwealth proposal. Without getting into the details particularly, can you recall for me why it was that you thought there had to be some different provisions here once the U.S. was focusing solely on the Marianas as distinct from all of Micronesia?

DeG.: It goes back to this earlier study I had done on the relationships with the other territories, and the need to try to be as clear as possible in that new relationship.

Willens: You did seem to propose a constitutional convention before the Status Agreement was reached between the parties.

DeG.: I did. I'm trying to remember now precisely why I did that.

Willens: It seemed to have some reference to the fact that the Congress of Micronesia was pursuing a constitutional convention, and you may have thought . . .

DeG.: My idea was to have them separate out. The concern may have been: Was the Congress of Micronesia going to so dominate the constitutional convention that it would preclude the Marianas from exercising their right of self-determination? So my proposal was look, if you're going to have a constitutional convention for the Micronesians, you really ought

to let the Marianas have their own constitutional convention to make sure that their own rights are protected. It seems to me, and I can't be totally precise about it, it was a long time ago.

Willens: I think that certainly is consistent with the other materials that I've seen.

DeG.: Because there was at that time a growing effort by the Congress of Micronesia to prevent the Marianas from pursuing these separate negotiations, and they were trying to do it through a number of ways—controlling the allocation of resources for the Marianas through the Congress of Micronesia. The Congress was also trying to dominate the relationship, because they kept saying they were the only legally constituted body capable of entering into negotiations with the United States.

Willens: What was your view as counsel in those early years to that proposition? Did you think that was going to end up in court some day and that the U.S. would have to defend its separate negotiations with the Marianas on legal terms?

DeG.: Yes, I did. It seemed to me that it was going in that direction. I was hoping that it would not be an ultimate consequence, but there was some fear on my part that that would happen, because it seemed to me that what we ought to do was try to avoid direct conflict with the Congress. If we're going to have productive, positive negotiations with them, you don't need to be in litigation with them.

Willens: There's been a lot written about the Congress of Micronesia. There are those like Professor Meller who emphasize the role it played in enhancing self-government, the opportunity provided for training a generation of political leaders, and providing a unifying force within Micronesia. Others concede as much, but suggest also it became the forum within which the divisiveness and differences among the districts found an avenue for elaboration and that the Congress was united in some major extent only because it was directed against a common entity so to speak, namely the TTPI.

DeG.: I subscribe to that.

Willens: You subscribe basically to all of the above?

DeG.: All of the above.

Willens: Do you have anything else to add about the role that you saw the Congress performing over time within Micronesia?

DeG.: I thought they provided a very positive role for economic development. They did try to make people much more aware of their everyday needs, their realistic needs, and what was important for real economic, social, and political growth. I thought that they conducted a fairly extensive and effective political education program. So I think that they accepted their responsibilities very credibly. We didn't always agree with them, but that's fine. They did a very good job. I was impressed. And they were still all my friends, so we could talk about it.

Willens: Was there any major disagreement within the U.S. agencies as to the desirability of presenting some form of commonwealth status to the Northern Marianas before the first round of negotiations?

DeG.: There was some discussion. I can't recall the precise outline, but there was some discussion.

Willens: Was the alternative point of view that something less than commonwealth status ought

- to be provided in terms of making it more analogous to an Organic Act such as governed Guam?
- DeG.: Yes.
- Willens: That was sort of the alternative point of view?
- DeG.: It was.
- Willens: Let's turn to the first round of negotiations. What is your recollection today of your impressions when you first met the members of the Marianas Political Status Commission? Do you have any recollection of those sessions, the ceremonial ones and then the working sessions?
- DeG.: Well, they were a normal outgrowth of my earlier relationships with many of these same individuals whom I had worked with at the Congress of Micronesia.
- Willens: Who did you know, for example?
- DeG.: I knew Eddie Pangelinan, I knew Olympia Borja, Joe Tenorio, almost three quarters of that Commission I knew beforehand.
- Willens: Were you the only person on the U.S. Delegation who did have that degree of familiarity with the personnel?
- DeG.: No. The status liaison officer had an ongoing relationship. He probably knew them better than I did.
- Willens: That's Mr. Dorrance?
- DeG.: John Dorrance.
- Willens: What was your overall assessment of his reporting function and the competence with which he performed that responsibility?
- DeG.: Well, I saw John from my days as a Peace Corps volunteer. I thought he presented the U.S. view of the Congress in the times that I saw him in a fairly straightforward, objective way. The Micronesians held him at arms length because they weren't very trustful. And he was aware of that, he was sensitive to that.
- Willens: Yes, he wrote in his 1975 volume that some initially thought he was a CIA agent.
- DeG.: They did. And I used to laugh. I said John Dorrance, CIA, you've got to be kidding. But no, I thought he was very effective in what he wrote, because he did get to know these people, and his observations I thought were right on the mark, to the extent he was able to get to know them. In some respects and on some issues, I knew a bit more, because I had been involved in some of those or heard the discussions that he was not aware of. But I thought he was very effective. I liked John very much, and he was a very good officer.
- Willens: I do have a considerable volume of his reports and also the background whereby he got appointed to that task. Most people with whom I have spoken have shared your views that those reports can be respected for their accuracy and objectivity. Some of my Marianas colleagues suggest that from time to time they would twit him a bit.
- DeG.: Oh, they did. They loved to do that.
- Willens: Which they knew would generate a flurry of telegrams back to Washington, but that seemed just to reflect their element of playfulness and not to detract from their respect for him.
- DeG.: This is true.

Willens: Did you think that the 15 members of the Commission were a fairly representative body to the extent you knew about the Marianas community and its various elements?

DeG.: I thought they were a fair representation of the political group. I would have liked to have seen a couple of other individuals perhaps who would more fairly represent some of the other island groups, but overall I thought it was fairly representative and very effective. They were a good group—very articulate, knew their issues, knew what they wanted.

Willens: Were you surprised when Ed Pangelinan became the chairman?

DeG.: No, not at all.

Willens: What were your expectations, and to the extent you know, Haydn Williams' expectations as to what could be accomplished at that initial largely ceremonial round?

DeG.: I think we had to individually brief the Ambassador as to the need to just set out the basic outlines and go as far as we could in trying to explain the various positions that were critical to U.S. goals. We were still defining some of those, as was the Marianas Delegation. But if we could get as much agreement as possible on the broad outlines, in order to forestall any political reaction by the Micronesians.

Willens: Could you elaborate on that?

DeG.: Well, we did not want to have a purely ceremonial affair, at least most of us did not. There were several of us, John Dorrance, myself and some others, who felt it was really important to get some substantive agreements on some of the key issues.

Willens: Do you think you accomplished that at the first round?

DeG.: I think we did, yes. I would have liked to have seen a bit more, but on reflection I can see that we probably accomplished a great deal considering the fact that we were both in the stage of defining what the relationship should be.

Willens: In Chairman Pangelinan's statement about political status, he did indicate that the Commission was exploring alternative status possibilities (I guess very much along the lines that you had done earlier within OMSN), and suggested that the Commission might pursue some status different from any of these precedents. Did that sound like a warning of some kind to the U.S. Delegation?

DeG.: It did. The problem was that within the U.S. Government there was this initial reluctance to deal and treat with Micronesia and even with the Marianas, as you know.

Willens: Reluctance to negotiate at all?

DeG.: Yes, negotiate at all. So the question was well, if they're going to propose something so different, why should we, you know, what does this mean. It just sent up alarms signals, and again people's attentions were not focused on those island groups. They were focused on Vietnam, they were focused on the larger issues of China and Russia. This was a distraction for some offices. I won't get into those. But to be fair, people didn't know what that meant. They said okay now, we've agreed to have separate negotiations on the premise that this is going to be another U.S. territory; now if it's going to be another Puerto Rico where things are vague and we're constantly in court trying to define this, wait a minute. We're not sure anymore.

Willens: Some of that sentiment, which is reflected in the documents, is attributed to concern about obtaining ultimately Congressional approval.

DeG.: That's right.

- Willens: At one point did you become familiar with the views of Congressman Burton or others on the relevant Committees as to what they thought the U.S. should be achieving within the Marianas?
- DeG.: When I went up with Ambassador Williams to brief some of the Committees.
- Willens: Would that have been early in the negotiations, I mean after the first round, or would it have been later on?
- DeG.: As I recall, it was later on. It was before we formulated all these basic decisions. He had been in consultation with him before, and my contact was not really with Congressman Burton but it was through Adrian Winkel, his head staff person.
- Willens: What do you remember being Mr. Winkel's principal admonitions to you and your colleagues?
- DeG.: His and his staff's admonitions simply were that they didn't want to treat the Marianas a great deal differently than Guam or the other territories. They didn't want to create a mess. So they were sort of reinforcing this sense of continuity in the relationship, with that relationship with other territories, is what I mean to say. Now we had another wing of the Congress, Senator Pell for example, who was adamantly opposed to negotiations with Micronesia and the Marianas.
- Willens: Was he opposed to any negotiations, or was he opposed to the separate negotiations?
- DeG.: He was opposed to the separate negotiations. He was opposed to any kind of a commonwealth relationship. He was opposed to the free association with Micronesia. He wanted independence. He said I'm going to fight you all the way. I admired him. He was very candid and very straightforward.
- Willens: Did that come up early in the negotiations?
- DeG.: It did. At least when I went up to brief with Chuck Smits and some others. He told us in a meeting, just pointblank, he said he was going to oppose it. Next we went to Senator Humphrey and others and said well, how do you feel about this? This is the relationship, this is what the Micronesians want. If we're serious about self-determination, how can we possibly deny them what they want? And we protected American interests. He was supportive. We had a number of briefings.
- Willens: And these was during the Marianas negotiations, not after the Covenant signed while it was pending before the House and the Senate?
- DeG.: Yes, this was before. This was on and off. I'm trying to think of how this all came about, because the more frequent briefings came about toward the end of the negotiations. Early on we didn't have a lot of contact with the Hill at all. I think it was mainly the Ambassador and mainly the White House through their contacts in State Department. And Interior had their contacts and their briefings, and Burton would go to them and ask them. But our Office was only peripherally involved in some of those early discussions. But they would give us enough signals to the point where we said, okay, if we're not careful on how we structure the relationship, even though it meets everyone's approval in Micronesia and the Marianas and the Executive Branch, Congress will not approve it. So we have to be very sensitive to some of these other larger issues.
- Willens: Was it Senator Pell's belief that independence was the only desired outcome of the Trusteeship Agreement?

- DeG.: I don't want to put words in his mouth. The sense of his message was that that was what he felt. That's the impression that we came away with—that he was for full independence.
- Willens: One of the issues that sort of unexpectedly arose during the first round of negotiations, at least unexpectedly from the Marianas side, was this request by Ambassador Williams at one point that the Commission define its authority and assure the U.S. that if there is an agreement reached in the negotiations that the members of the Commission will stand behind it. And that's related to his experience in the Micronesian negotiations where preliminary agreements were sometimes reached with the Joint Committee and then subsequently there was some backing off from them for various political or other reasons. Do you remember any of that experience?
- DeG.: I do. What had happened is there were a number of agreements reached with Lazarus Salii and others and which Lazarus subsequently had to withdraw from because of pressure by Roman Tmetuchl and people from the Marshall Islands—Amata Kabua in particular. From their point of view, I can understand why they took that position. They felt that they hadn't been consulted by Lazarus before he reached some agreement. Haydn had felt that Lazarus was in fact authorized to bind the Committee. In fact he wasn't. We kept trying to warn Haydn about that, that Lazarus was in effect a negotiator but he did not have full plenipotentiary authority by the Committee. The full Committee worked on a consensus basis, and you had to be very careful about it. And I think he got burned a couple of times by that, because he had made some very serious representations to the White House and the Defense Department and State that he subsequently had to back away from. It was embarrassing.
- Willens: Do you have a specific example in mind?
- DeG.: I don't, but I know it caused a lot of consternation in the Office. I can remember advising him about it.
- Willens: So were he and the rest of you ultimately satisfied that the Marianas Status Political Commission had the necessary authority and would stand behind its agreement?
- DeG.: Yes.
- Willens: At the conclusion of the first round of negotiations, there was the usual discussion of a Joint Communiqué. One member of the Commission, Dr. Palacios, expressed reservations about using the word "permanent" in describing the kind of relationship that the parties were negotiating.
- DeG.: I remember this.
- Willens: As I recall, that may have prompted a recess, but I know it prompted some very serious concern among members of the U.S. Delegation based on some of the documents I've seen. What is your recollection of that issue and how it was resolved?
- DeG.: We did have a short break, and it was the focus of some very serious discussion in the Delegation about what were these negotiations leading toward. And you eluded to it earlier when you mentioned that Eddie had mentioned that they were talking about a relationship which was somewhat different. This only reinforced this sensitivity about, well maybe we're getting into separate negotiations toward a relationship that doesn't meet anyone's best interests. And if we're going to meet our objectives, we're only authorized to talk about a permanent relationship. Those were the instructions. So the issue was, okay, we have to go back in and find out are they in fact serious about permanent U.S. territorial status or not.



- Willens: The ultimate resolution of that particular problem as reflected in the Joint Communiqué was to refer to the desires of the people of the Marianas as expressed by the Marianas District Legislature for a “close and permanent affiliation with the United States.” It looks to me with the benefit of hindsight and limited recollection that Dr. Palacios’ concern was resolved by putting the word into a quote and using it as referring only to the earlier statement of the Marianas District Legislature.
- DeG.: Well in fact at first he did not want to include that—he opposed it. But we pointed out that this was a binding resolution of the Legislature, this is what they wanted and this is what the other members of the Marianas Commission wanted also. So was he acceptable to that. So he said, yes, okay, he was.
- Willens: Do you recall meeting with him personally on this subject?
- DeG.: This was in the negotiations, not on a one-to-one basis, no. This was a dialogue between himself and Haydn and Eddie Pangelinan within the larger group. We were all meeting.
- Willens: Had you known Dr. Palacios earlier because of his membership in the Congress?
- DeG.: I had.
- Willens: What was your assessment of Dr. Palacios?
- DeG.: He struck me as a very cautious person, one who wanted to keep all his options open. I think he was very friendly to America, but still very concerned about what all these relationships meant. He wanted to make sure that he had some flexibility.
- Willens: Did you regard him as a spokesman for the Carolinian community?
- DeG.: To some extent, yes. I think he did. I’m not sure he represented the entire community. But he clearly spoke for a good block of that community.
- Willens: Did you feel that over time his views toward the proposed relationship with the United States changed?
- DeG.: I can’t say that. I don’t know.
- Willens: After the first round both parties went back to do a considerable amount of work in preparing for the second round in May 1973. During this interim, however, there was a U.N. Visiting Mission that did its periodic task of visiting Micronesia and then filing a report before the Trusteeship Council. The Visiting Mission, like its predecessors, did criticize the separate negotiations. What kind of a strategy did OMSN have in dealing with this kind of criticism at the U.N.?
- DeG.: As I recall, we met with the State Department and devised a strategy basically that put forward the idea of the meaning of self-determination. We put it on the table. We represented this to be the best of democratic institutions and values and these people had voluntarily come forward and asked for these negotiations. They were expressing self-determination, and who were we to say no.
- Willens: Did you find that your colleagues at the State Department were fully supportive of that position?
- DeG.: I think they were lukewarm about it. That was the sense that we had in the Office. They accepted that. I think they felt like there was not much alternative. We had in effect started separate negotiations, and there was no turning back.
- Willens: In earlier years the State Department had been very insistent that any status plebiscite presented to the Micronesians would have to include the option of independence.

That position seems to have been, if not abandoned, eroded by the late 1960s and the beginning of the Nixon Administration. Did you from time to time have any discussions with respect to what the State Department thought was necessary in order to achieve U.N. approval of what was going to be negotiated?

DeG.: Can we go off the record?

Willens: Sure.

Willens: You do have some recollection then about discussions as to the need to put independence on the ballot.

DeG.: There was considerable discussion, but it was felt by many people that we ought to postpone any substantive discussion until we reached the end of the negotiations. But it was an active dialogue, there was no question about it. But the other precise relationships and responsibilities and obligations took precedence over that.

Willens: During this interim between the first and the second rounds of negotiations, there were some drafting efforts that went forward with respect to a possible agreement with the Marianas that could be incorporated into federal legislation. There also was some preparation of proposed instructions to Ambassador Williams setting forth the ground rules within which he was authorized to negotiate with the MPSC. These instructions seemed to have involved not only the various agencies but also the NSC staff and the National Security Advisor. What is your general recollection today about the way in which that process worked, and in particular the role of the NSC staff?

DeG.: We would put our hand to the rough draft of those instructions, and then we would have meetings with the Inter-Agency Group. We would break out into different groups and wordsmith those instructions, because they involved basically the positions of each individual Department. And there were, as you can see in those papers, express positions taken by various Departments when they could not agree with the consensus. We would elevate that to the Deputy Secretary level and finalize the paper for the NSC. At that point, once all the language had been agreed to about the footnotes, who was footnoting what position and what the precise language would be in each of the options and fall-backs, we would finalize it and send it forward to the NSC. It would be reviewed by the NSC staff, and usually Dr. Kissinger would take a hand to it, and he did in fact change some of the recommendations from time to time, and send it back, have the President sign it and send it back.

Willens: Send it back with the changes?

DeG.: With the changes. But we would usually know beforehand what they were. They would call us and work it out to see if it was going to be a serious problem. And if we said well we'd prefer not to but if you insist we'll have to do that. That was really handled at Haydn's level, not at my level.

Willens: Right. We did obtain a fair number of documents reflecting that process. In the earlier years, it looked as though the Under Secretaries Committee played a more substantive role. It looks to me that as of early 1973 the work was done primarily in your Office and then cleared on a paper basis and then sent forward to the NSC without any need for an Under Secretaries Committee meeting. Were there any meetings from time to time of the Under Secretaries Committee to deal with the Marianas?

DeG.: I don't recall on the Marianas, no. I think there were some informal meetings where they would get together and discuss various options. First, Haydn had an excellent consultative process in which he would meet individually with the Under Secretary and Deputy

- Secretary level, and he would meet collectively with them whenever he wanted their consensus. Sometimes that was about the Marianas, but more frequently it was about Micronesia. But when it got to the issues about defense interests in the Marianas and a particular relationship, he did have consultations at the Deputy Secretary level.
- Willens: One thing that is not clear from the documents that we've obtained is whether the staff at the NSC that worked for Dr. Kissinger really made any substantive contribution?
- DeG.: Oh, they did, sure.
- Willens: Were there particular people on the NSC staff that were assigned responsibility for the Marianas or Micronesia negotiations?
- DeG.: Dick Sneider was primarily responsible.
- Willens: Do you happen to know where he is today?
- DeG.: I don't. But whenever I would go over to represent the Office, he was always in charge of the meetings at the White House. We would meet in the Old Executive Office Building in one of the big conference rooms.
- Willens: It seems by 1973 though that the Office of Micronesian Status Negotiations had acquired so much institutional momentum that it would be fairly difficult for any individual agency to take issue with something that Ambassador Williams ultimately agreed to based on his consultative process.
- DeG.: They were not shy.
- Willens: But with respect to the NSC staff, I gather, they weren't shy either in terms of reacting to proposals coming out of your Office.
- DeG.: No, not at all. They had a very active dialogue. They had some excellent suggestions. And they were helpful. When we felt like we were getting into some areas that were extremely sensitive about U.S. interests and what U.S. planning was going to be and we needed to get some feedback from the NSC staff about what the President's views were, they were very helpful.
- Willens: It's very hard to contemplate . . .
- DeG.: Scowcroft was super. I mean he was just outstanding. He really was.
- Willens: Scowcroft was then Deputy to Dr. Kissinger?
- DeG.: Yes. Then he became Chief of Staff.
- Willens: He became Chief of Staff for President Nixon.
- DeG.: Right.
- Willens: That's right. It seems hard to imagine today, nearly 25 years later, that the Micronesian negotiations would find their way to the White House given the range of other critical problems that were faced by the National Security Advisor and the President.
- DeG.: Well, it may seem that way, but because they involved the future relationships, a new territory, new basing rights, the United Nations Trusteeship Council, they did require the President's input. Now that wasn't always easy to acquire, because he was focused on Watergate and lot of other issues, and there were times when we had to wait weeks to get an answer. They just simply could not get an answer.
- Willens: Yes. There are some instances where recommendations from the Under Secretaries Committee or Ambassador Williams sat for many weeks before there was a White House

decision on the subject. There is some indication in the materials that in early 1973 it was hoped that agreement on all basic elements of the relationship with the Northern Marianas might be decided by the end of 1973.

DeG.: They were hopeful.

Willens: Did you personally have any view as to what an appropriate or realistic timetable would be for these negotiations?

DeG.: I didn't. All I knew was that it was not likely that we would reach agreement by 1973, because I could see on the horizon that fragmentation was growing, and it would seem to me to be very unlikely we would get an agreement. I was surprised we were able to initial the Compact of Free Association.

Willens: I guess that initialing happened in 1974, as I recall.

DeG.: Right.

Willens: Actually just to follow up on that a bit. Did you think that that initialing in 1974 represented the end of those negotiations and that from that point, putting aside the Law of the Sea, which as I recall was excepted from that initialing ceremony, that a Status Agreement or Compact could then be presented to the individual Districts and/or the Congress and approved?

DeG.: It seemed that that might be a fairly good prospect.

Willens: And if you had to identify two or three reasons why it didn't happen, what would you say today?

DeG.: I don't know. I'd have to think about it before I gave an answer, because it occurred after I left the Office and there was a lot of communication that I didn't have access to. But when the fragmentation did occur, again I was disappointed but not surprised.

Willens: With respect to the Marianas negotiations, did you think that agreement could be obtained by the end of 1973?

DeG.: I did. They seemed to be very focused, seemed to know exactly what they wanted, from time to time that is. As we got into the more precise issues, I think there was a lot more divisiveness on their part, but that was understandable, because we were all delving into new areas that we were all learning about—customs for example.

Willens: There's a letter that I have shared with you to the Acting Staff Director of the Under Secretaries Committee dated March 29, 1973 from the Justice Department. It is in response to a request from I guess the Under Secretaries Committee, or your Office, it's unclear to me . . .

DeG.: Actually it was from Haydn, I think. He asked Justice to do that.

Willens: To react to the proposed draft instructions.

DeG.: Right.

Willens: I found this letter of particular interest because of some subsequent issues that you and I and others discussed. What was your sense at the time about the position taken by the Department here that the focus ought to be on making sure that the relationship with the Northern Marianas protect U.S. sovereignty but that it might not be useful or necessary to define it as a "territorial" status? Do you have any recollection today of whether this legal issue made any sense whatsoever to anyone and whether it seemed to make any difference?

- DeG.: No. As I recall, I was surprised by it, and it didn't make a lot of sense to me. But it's hard to go back 20 years. I'd have to really jog my memory as to all the events surrounding it, because there were a lot of other efforts on this point, that issue about integration with Guam, status of the territories, etc., they were swirling around this. And I think Herman and others wanted to try to take a position that cut through some of that, but some of this didn't make sense to me and it didn't make sense to Tom Johnson, who was working on it from State. We were not successful in persuading them to take that out of the letter.
- Willens: I assume the letter was drafted by Mr. Marcuse.
- DeG.: I'm almost certain it was.
- Willens: There are no initials on the draft that I have, and you'll be not surprised to learn that the Department of Justice was really the only Executive agency that successfully resisted our FOIA requests during the 1980s.
- DeG.: I can imagine.
- Willens: But it does seem somewhat different from views that I attribute to Mr. Marcuse in subsequent readings.
- DeG.: Yes. I don't have any recollection of that point. Defense was also surprised I think by that letter, saying we don't understand. Obviously we got past that issue.
- Willens: The drafting process was going forward. I have included in the volume a memo to you from Mr. Stowe and Mr. Johnson of the State Department enclosing a draft agreement, and then you responded or reacted to it. Without going into the details reflected in these draft agreements, was it generally the direction you received from Ambassador Williams to try to work in a collaborative way with lawyers from the various agencies and get a draft that could be presented to the MPSC either before or at the next round of negotiations?
- DeG.: Yes. What we would do is we would generate an initial draft in our Office and circulate it for comment to the other agencies. Then they would either circulate back their own draft, as in this case, or they would take our comments and make suggested changes. But we held a regular inter-agency lawyers committee. After a while, Jim Wilson was sort of appointed to be chairman of that group. Basically he left the running of it, I think, to me just to handle the operations, but he would chair the group. Herman was part of that. Tom Johnson, myself, Harry Almond, Brewster Chapman. Some guys from Commerce would come over from time to time whenever we had some issues on commerce or trade. Immigration would send some people whenever we had some of those issues.
- Willens: It became clear, though, at some time in or about April 1973 that you couldn't possibly complete an agreed-upon draft in time for the second round of negotiations in May of 1973.
- DeG.: Yes. I don't recall precisely.
- Willens: Did you have a specific direction or deadline, or was it just to get on with it and try to produce it as soon as you could?
- DeG.: We were just trying to produce it as soon as we could. It served two purposes. One, it helped us to maintain some control over the direction of the negotiations, because we had people from Interior and State and Defense who kept wanting to take charge. So by us exerting more authority and assertiveness, we maintained control over that process. But also it made these other Departments define their positions more clearly by making them go on paper, on record, in this agreement as to what their positions were. So we forced a lot of issues, and we forced a lot of discussion by drafting. That was the strategy that we

worked out with Haydn was, look, the sooner we can get this on paper, the more quickly we can resolve this, and we will make the other Departments become more clear about their positions.

Willens: It certainly seemed to be a sensible strategy, and your memorandum dated April 26, 1973 certainly gives an overview and a specification of many of the issues that had to be addressed in an ultimately negotiated status agreement. Do you recall in these early drafting stages among the various agencies any significant substantive differences, or was it just a question of marching down an agenda of things that had to be addressed?

DeG.: Oh, no, there were differences, sure.

Willens: Any major differences? There's some indication I've seen that suggested a difference of view as to whether there ought to be a detailed document or whether there ought to be a set of principles followed by articles. What is your recollection of the view that you took with respect to that and what views the other agencies took?

DeG.: I can't recall it, Howard, I'm sorry. I can recall that the process involved was not merely just a legal drafting exercise. It required each of us to obtain the views of our respective organizations so that we could hammer out the precise language. Subsequently if we had a disagreement in our drafting process, it meant we would have to have that particular lawyer go back to his Department and come up with a position paper about what they wanted to do and why. If we couldn't agree to it informally and we couldn't resolve it, reach a compromise, then we had to say okay, well then you've got to come back and justify why you've done this.

Willens: The minority view or the agency that wanted to do something differently than the others wanted to?

DeG.: Yes. Like the eminent domain issue is a good example. Why do you want eminent domain? Making Harry just come up with some issues. So it wasn't just sitting down, a bunch of lawyers hammering out some language. It really did serve to force the different Departments to be very precise about their needs and desires and their views about the future relationship. And as such, each of the lawyers represented his Department. We would follow the Under Secretaries Committee instructions very precisely. If they said this, we'd try to draft the language, and we had to draft the language that met their instructions.

Willens: This is after instructions were given to Haydn Williams with respect to the negotiations?

DeG.: We said okay, you wanted commonwealth, you're authorized to pursue a permanent relationship under a commonwealth agreement. Said okay, we're going to have a commonwealth now, let's define commonwealth. What does that mean. And then you'd have to go to the different Departments and say okay, this is what we think we mean, this is what we want. If you have commonwealth then we want these rights and these duties and let them have those duties and so forth.

Willens: Yes. This had never been done before.

DeG.: No, it hadn't.

Willens: And I gather that the Organic Acts with respect to Guam and the Virgin Islands or the draft Organic Acts that had been prepared with respect to Micronesia did not provide much of a starting point for you, or did they?

DeG.: Some. I looked at the Organic Act of Guam. We wanted to have some parallels, but again try to reflect what were American interests in the Northern Marianas. We had to take into

account what was happening in Micronesia, what American interests were there, and how we were fashioning those legal obligations to each. So it wasn't a precise guideline, but it gave some insight as to how we could fashion that.

Willens: Yes, but for example, the points you make about well, what is a commonwealth, and what are the elements of self-government or Federal oversight or whatever . . .

DeG.: What is local self-government.

Willens: . . . were issues that really had not been addressed before this time.

DeG.: Right.

Willens: Your very first point in your memo of April 26, 1973 comments back to Messrs. Stowe and Johnson at State that "you have proposed a U.S. Congressional Act; is it proper for the U.S. Delegation to be negotiating Congressional legislation or would it be better to use a negotiated document" by whatever name. It was a fair question and you ultimately carried the day on that, I gather. Right?

DeG.: Yes.

Willens: So that at one point the drafting turned toward a draft agreement or Covenant as it came to be called?

DeG.: Right.

Willens: Was there any difference among the agencies on that particular point?

DeG.: There were. Interior wasn't too keen on it. I don't want to put words in their mouth. But as I recall, I think their preference was an Organic Act, and there was some concern that we might be trying to preempt Congressional prerogatives. And our sense of it was that's exactly right, that's what we're trying to do, because we don't want them mucking about with this because we have some very clearly-identified national interests, and obviously they perceived it as something else. I mean we'll try to accommodate their views, but it's an Executive Branch authority. That was the prevailing view under the Kissinger-NSC group, look, we're the Executive Branch, and we define foreign relationships and we have to take this very seriously.

Willens: That's a very interesting observation in light of what had gone before, when there had been an effort to engage the Congress in actually participating in discussions with the Micronesians as to future political status, and that approach was rejected rather firmly at the outset of the Nixon Administration. Was it always the view within the Executive Branch (to the extent that you can speak to that) that ultimately what emerged from the negotiations would be put to Congress on basically a "take it or leave it" basis? That's crudely put, but the sense is that the Executive Branch has a duty to negotiate and that Congress then would be asked to confirm it.

DeG.: That was the sense. There were even people within our Office who were somewhat very suspicious of the Congress—in the sense that they felt there were some that were trying to undermine American interests in the Pacific. So I think some people felt that it ought to be a "take it or leave it." Most of us held the view though that, look, it's not being realistic. You're going to have to have an agreement, and it may in fact be modified by the Congress. But if we do that, we all realize that we're going to have to go back to the negotiating table, because we can't unilaterally force this on anyone. So that's what we have to convince Congress—that by making changes you open Pandora's box to other changes in the agreement, because all these different relationships and clauses are dependent on one another. So that was the strategy, and that's what we tried to do. We tried to make it

easier to get through the Congress. And at that point, as we got further down the road to a more complete agreement, was when more consultation took effect.

Willens: Was there some concern that the backlash of the Vietnam War was contributing to a sentiment with some members of Congress that there should not be any further military commitment in the Western Pacific?

DeG.: I don't know. The sense that I had from discussions, and there were a lot of meetings between the Ambassador and Jim Wilson and the Hill that none of us participated in, so we don't know exactly what was said. But from what we were told, the sense and just by discussions by others—by Interior, by State Department legislative liaison people, and by Defense Department legislative liaison people—was that there is this latent or very heavy suspicion by Congress on almost anything the Executive Branch does, particularly regarding U.S. national security interests. So there was open hostility between Congress and the Executive Branch then on a lot of different issues and, as I recall, they had been openly critical of the Department of Interior's administration of the Trust Territory. There were some of us who felt like well, we're going to have to find a way to work with the Congress, because we can't have conflict. You can't have confrontation. This is just simply too important for everybody. So I think that's when some of us started opening up informal contacts with people like Adrian Winkel and myself and others, just to get a dialogue saying, well, you're expressing concern about this—what do you really mean, and do you understand what we're really trying to accomplish, and do you see that this provision is related to that one. And try to explain the dynamics so that they could take a more realistic position with their Committees. But to get back to your point, yes, there was some suspicion and fear that Congress was simply so adamantly opposed to the Executive Branch, and the Nixon Administration in particular, that they weren't certain we would get this through the Congress.

Willens: You're recalling sort of a general concern about an antagonism with the Administration that would result in a challenge to anything the Administration did rather than any kind of a reasoned Congressional view that we need to lessen our military facilities in that part of the world?

DeG.: The short answer is yes, but it seemed to me that they also had clearly focused on the military and what was happening in Vietnam, and the base structure in the Philippines and Japan and elsewhere.

Willens: Let's just turn to the military land needs in the Marianas for the moment.

DeG.: Can I ask you a question?

Willens: Why don't we take a break.

Willens: Adrian, turning to the issue of military land requirements in the Northern Marianas, I have included in the volume a letter dated November 17, 1972 from Secretary Laird indicating that the Defense Department believed that it was necessary, if the entire island of Tinian could not be acquired, to increase the minimum from approximately 16,518 acres to a new total of 18,518 acres in order to deal with certain ammunition safety radius requirements. Do you remember any discussion about this particular minimum need of the Defense Department?

DeG.: I do. We held lengthy discussions with the Defense Department about that. I don't recall the precise details, because a lot of them were very technical—about safety requirements and ordnance requirements and what the planning process involved and what kinds of military weapons they wanted to test, etc. I remember some of the discussions.



- Willens: Before the second round of negotiations, Ambassador Williams did receive instructions that reflected the results of the inter-agency discussion, and he was instructed to try to obtain access to the entire island of Tinian for military purposes if that could be achieved. I've included in the documents a memorandum that was sent back to Washington from Mary Trent in Saipan in which she expresses some concern about the dimensions of that request and the possible adverse effect it might have on the negotiations in the Marianas and also on the Micronesian negotiations. Do you recall any discussion among the agencies as to whether it was desirable strategy to go for the entire island of Tinian rather than settle for the approximately two-thirds of the island that were in fact needed by the Department?
- DeG.: There was a lot of discussion about that and how it would affect the negotiations and the atmosphere surrounding the talks. Many people shared Mary Vance Trent's point of view about that. We had (I think) concluded that because of those instructions we had to make a good faith effort to follow the instructions, but with the recognition that it was very unlikely we would ever attain it. Certainly the Ambassador (I think) realized after our internal discussions and debate that it was not a likely outcome. The more likely outcome would be we could have access to a large portion, maybe 3/4 or more, but certainly not the entire island. And he did. He made an excellent good faith effort to follow those instructions to the letter.
- Willens: What were Ms. Trent's responsibilities in connection with the negotiations?
- DeG.: She served in the same capacity as John Dorrance had, and that was as liaison officer.
- Willens: Did she replace Dorrance?
- DeG.: She replaced Dorrance.
- Willens: Turning to the negotiations themselves that began in May, there was an exchange of position papers with respect to political status early in the negotiations. By the time that the second round took place, was there a fairly firm agreement within the U.S. Delegation as to what the limits were of any political status that would be acceptable to the United States?
- DeG.: I'm not sure. I know that we had a general notion of the minimum requirements.
- Willens: The minimum requirements of course included the necessity of making clear that the United States would have sovereignty?
- DeG.: That's right.
- Willens: I have included three memoranda reflecting meetings in which you and I participated in May 1973 dealing with issues such as mutual consent, local self-government, the applicability of Article IV(3)(2) and so forth. Turning to the mutual consent issue for the moment, did you feel that mutual consent was a concession that the United States could legitimately make within the instructions under which the Ambassador was operating?
- DeG.: I don't recall, Howard. It would take me some time to go back and refresh my memory from all these notes. I'm sorry.
- Willens: What do you remember regarding these conversations, particularly when on behalf of the Commission I stated that the Commission was concerned with the need to accommodate both the applicability of the Territorial Clause and the Commission's desire for maximum local self-government? Was this a subject that engaged you and your lawyer colleagues?

- DeG.: It did engage us, but many of these were political decisions, and they were ones that we had some discussion about with the Ambassador and the Under Secretaries level about what did the Marianas mean by local self-government and how did that relate to U.S. sovereignty. Did it in any way put a limitation on the exercise of U.S. sovereignty. I don't recall the discussions or any more details than that, but I think the idea was to try to resolve the parameters as soon as we could, because these were central to the relationship.
- Willens: In one meeting at which the lawyers and the principals participated, Ambassador Williams expressed some concern that the Commission's position raised fundamental questions about whether the status the Commission was seeking was consistent with his instructions. Did he have a concern of that kind?
- DeG.: He did, and it was a serious concern, and it reflected the concern raised at the Under Secretary level, particularly by the Defense Department and others.
- Willens: Stepping back from the details of this particular dispute, could you just tell me generally what the Ambassador's views were with respect to the involvement of counsel on behalf of the Commission?
- DeG.: Your firm?
- Willens: Yes. Did he feel that that contributed to the negotiations or did it make the negotiations more complicated or whatever?
- DeG.: I can't say that it revolved around this particular issue or this set of discussions. I think he just had a general reservation about the involvement of counsel, of any counsel. I think he felt that there was a sense of once you introduce lawyers into the negotiations, you created an atmosphere of an adversarial nature. And he felt that wherever possible that two people reasoning together could come to a reasonable conclusion. I think though as we went throughout the negotiations and started raising more complex issues, and tried to resolve this to a paper where we had a firm agreement, I think he more and more appreciated the need for counsel. There was concern about whether or not the counsel for the Marianas and Micronesia were in fact interposing their own recommendations or whether or not they accurately represented the Marianas or the Micronesians. I think people persuaded him, and I think he accepted it clearly, that counsel was really representing and spoke with the authority of the Marianas Status Commission and the Micronesian Status Commission, that they really were not taking independent stances.
- Willens: Was that your own personal view?
- DeG.: That was my personal view, and that's what I represented to him. I strongly felt that. You know, there may have been one or two cases where independent consultants may have interjected their own views, but that was a very rare circumstance. And in any case, I felt clearly that the Marianas Delegation and the Micronesian Delegation would not entertain lightly anyone attempting to speak for them without their express consent and approval. That's just not the Micronesian way.
- Willens: In light of your background in Micronesia before you became engaged in these negotiations, did you have some sense that the desire for more local self-government free of federal oversight was a reasonable objective that the Marianas were striving for?
- DeG.: That's a complex question. You mean free from U.S. oversight or free from central Micronesian government?
- Willens: Well, no. I meant free from Executive Branch or free from federal interference. In other words, accepting that U.S. sovereignty is there and immutable, the effort in the negotiations

on the Marianas side was to try to maximize the extent of local self-government and to limit the authority of Congress or the Executive Branch to interfere on matters of local government. That's what precipitated some of this debate. I'm just asking generally what your reaction was to this as a goal, recognizing that there were Congressional concerns that also had to be addressed.

DeG.: Oh, I understood it, and I was not surprised by it, because it reflected in large part their disenchantment with the Trust Territory Administration and their suspicion that it had not always acted in their best interests. So there was a natural inherent suspicion on their part about the role of the U.S. government. While they wanted to embrace the United States form of government and they wanted to become American citizens and a U.S. territory, I think based on their experience they just wanted to maximize their protections against what they considered to be decisions made without local input. So the question was really how to maximize that, recognize it, and bring them on as full participants, because clearly I think it reflects a step in political maturity—that they want to have more control over their affairs. That's a compliment to them, and we ought to find some way to foster that, but within the structure of the relationship of supreme federal authority.

Willens: One of the problems with trying to accommodate that was that it had never really been put on the table in that explicit a fashion before . . .

DeG.: That's right.

Willens: . . . in dealing with any of the existing territories or insular areas.

DeG.: That's right. It did make it more difficult.

Willens: So to that extent any effort in that direction was going to prompt some concern from the U.S. side as to the possible Congressional reactions to any such novel departure.

DeG.: That's true. And what I mentioned earlier about maybe adversely affecting the relationships between the federal government and the territories. You set too large a precedent with the Marianas, then you begin to unravel those other existing relationships.

Willens: Turning to the Tinian situation, Adrian, at the very beginning of the formal negotiations in May 1973, the *Pacific Daily News* headlined in massive-sized print the fact that the U.S. seeks the entire island of Tinian. It appeared from that that there had been some kind of a leak of the U.S. position with respect to Tinian. Do you have any recollection of that particular newspaper development which prompted some concern within both parties of the negotiation?

DeG.: I remember the event. And it was a leak, and I certainly never discovered who it was, and no one has disclosed if they did. But it was of serious concern. People were bothered by it. One, that the information had been presented in such a public forum before we had had an opportunity to discuss it with the Commission. And secondly that there in fact could have been a leak. I mean how did they get this information? We didn't know if it was speculation, or if it was a fact. But the way that it was written, it was clear that someone had access to some documents, and we didn't know how they got them.

Willens: Do you have a recollection of the public hearing on Tinian that took place a week or two later, which was the first of several meetings on Tinian at which the Ambassador and sometimes military representatives tried to outline their needs or desires and respond to questions? What kind of recollection do you have of those public meetings and the kind of dialogue that was engaged in?

- DeG.: As I recall, there was a lot of concern by the Chamorros about the taking of that entire island and the news story in particular. They kept referring to the story, and some people were hostile of course to the concept. People who had made Tinian their home, had lived there generations after the War, were concerned that in fact they were going to lose a right to livelihood. They had no other place to move to, and land was so scarce in the Marianas that it was really a frightening prospect. So I think that came across. My impression was that's what came across in the hearings, and it was articulated in a variety of ways. But I think this clearly is something that the Ambassador understood. It was not a surprise to him. I think he expected that after, even as I mentioned before, that he was going to have to present this as an option.
- Willens: Did he anticipate that there would be as substantial opposition or reaction as proved to be the case?
- DeG.: I think he did. As I recall, Mary Vance Trent had in fact called him about this and warned him that there was a lot of opposition, or she had called Jim Wilson. But as I recall it, people were expecting it, yes.
- Willens: The first proposal advanced by the United States involved the relocation of the village. Was it your sense that this was an integral part of the proposal and that on balance it was of benefit to the local citizens?
- DeG.: No, it was not my opinion. That was the Defense Department opinion.
- Willens: What were the different views with respect to the relocation of the village?
- DeG.: Again, by and large those defense requirements were developed by the Defense Department. We had only influence at the margins. This was discussed and developed at a far more senior level, and certainly at the Ambassador's level. There were many of us who felt that the positions taken by the Defense Department, while some were reasonable, in cases like this they were just not realistic. But we felt that okay, if they're insisting on this and they were persuasive with the President, then they should have to defend them.
- Willens: In the discussions that you had over time with the Defense Department about the proposed Tinian facility, did you come away with the conviction that in fact Congress would ultimately approve and fund such a facility?
- DeG.: I got the impression that on the agreement that we finally reached with the Marianas Congress in fact might finance the base. I was not convinced at the time of the agreement that Congress would in fact approve it. But I felt that, if circumstances evolved to a point where we had to relocate from another country such as the Philippines or Japan or Okinawa or South Korea or Vietnam, Congress may in fact agree to finance the base, because it was not clear whether Guam could in fact accommodate those relocated forces. But that was such a contingency that, I mean, I couldn't foresee it. I had no way of judging it.
- Willens: Did you think that the United States could ultimately persuade the Marianas that purchase rather than lease of the land should be approved?
- DeG.: It was not my option. It seemed to me that the cleanest option clearly was to purchase the land. That would resolve any future litigation, make the relationships much more clear. But I felt that realistically it was just not possible. I didn't feel that the Marianas would ever accept a purchase. I felt that the most they would accept would be a lease. In fact, I voiced that opinion.
- Willens: And did the Ambassador ultimately come to agree with that?

- DeG.: Well, I wasn't the only one. I think there were several of us—John Dorrance and Mary Vance Trent and others in the State and Interior Departments—felt that way, too. I mean I was not the lone voice there. But I think he accepted that, that it was not going to be possible to buy it. But again, he adhered to his instructions.
- Willens: How do you think he performed under the stress of a public hearing like the one in Tinian where he was accosted with all kinds of questions, many of which were quite hostile?
- DeG.: Considering the circumstances, I thought he handled it very well. I mean he was a practiced diplomat. He understood controversy. I think it bothered him a great deal that people might be holding him personally accountable and that people may in fact have personalized their remarks. I know that bothered him a lot, because that was just not the man. He was a true professional. I think he handled it very well, all things considered.
- Willens: That certainly was my impression. I always thought that he displayed incredible patience in dealing not only with the negotiations but with the public at large in instances like that. Turning to economics for the moment, it was at the second round where the Commission, leaving heavily on Jim Leonard's work, presented certain papers with respect to its needs and desires for financial assistance from the United States. What was your general impression of Jim Leonard and his economic reports as you saw them?
- DeG.: Oh, I thought he did a very professional job in preparing reports. When we received them (it was clear that they were done by a well-qualified economist and were well thought out), our concern was that some of these were not in the realm of the possible. We just didn't have that much money. And we were not clear that he had really taken a hard look at some of the earlier recommendations by the Congress on Marianas development and what had happened. But that aside, it was clear it was a good, solid report. It was just that we couldn't accept all the things he recommended.
- Willens: One reaction that the Commission had early on was that the United States didn't seem to be prepared at this second round of negotiations to deal with sort of the more detailed analysis that was reflected in the Commission's position papers. Is that fair?
- DeG.: Yes. I think it's a fair statement. I don't think that people weren't prepared, but didn't expect that kind of a detailed report at that early stage. I think we expected to come to some sort of understanding on the general principles first and then get into details. I think people were just not prepared to deal with those specifics because we clearly had not had an opportunity to discuss any of that at the Under Secretary level.
- Willens: The focus had been on the political status before the second round, although it is true that the instructions delivered to the Ambassador shortly before the second round began did include a maximum figure of \$12 million in terms of grant assistance supplemented by Federal programs as they would become available. So the Ambassador did have a notion at that time of what he was authorized to offer.
- DeG.: That's right.
- Willens: But he elected as I recall not to offer any figure at this time and to reserve judgment on Mr. Leonard's analysis until there was more chance to work on the matter back in Washington?
- DeG.: Have a chance to review it and analyze it and have some of our own economists take a look at it and make some judgments about it, and see how it would fit in with our instructions and where we thought we could accommodate it.

- Willens: It seems from the papers that, given the relatively small amounts of money involved, that the United States might well have concluded that it could come up with a lump sum figure without any detailed financial analysis, simply by looking at the amount that had been expended on the Marianas District under the TTPI and then increasing that substantially and ending up with some negotiated figure.
- DeG.: That was the view of some offices, not OMSN.
- Willens: Why did OMSN take a different view?
- DeG.: Well, I think there were several of us who felt like you couldn't just generalize it in that fashion, that it was going to require some more analysis, based on just my own experience. But because time was critical and there were these other pressing issues, I think people just dealt with it in that fashion. That okay, here was the traditional history of appropriations for the Trust Territory, and here were the approximate allocation for the Marianas, and this is an approximate notional idea of what may be required for the near term, and if we run over that, then we'll supplement it with some other Federal programs. But people really were focused more at that time on security interests and political interests. That's just the sum and substance of it. There was nothing else to it.
- Willens: Adrian, in the Joint Communique following the second round, there was a fairly detailed summary of the negotiations. With respect to the political status, the Communique reflects the agreement of the parties that Article 4-3-2 of the United States Constitution, known as the Territorial Clause, would apply to the future political relationship, but it states that this would be subject to agreement between the parties as to the mutual consent provision and what that pertains to and subject also to the reservation of the MPSC that it will explore means to reconcile the plenary powers of Congress with the exercise of maximum self-government with respect to internal affairs. This reflected an agreement by the parties to sort of defer for the future some of the more difficult issues involved in the legal and political side of the negotiations. Did you regard this as a useful way to move forward on this subject?
- DeG.: I did, yes.
- Willens: Did you have any judgment at the time as to what kinds of things mutual consent should apply to and what it should not apply to?
- DeG.: I can't recall. It seems that we had some discussion about it in the Office, but I can't recall what those were.
- Willens: Ambassador Williams wrote to the President by letter dated June 29, 1973, reporting on this round of negotiations and generally reporting that it had been a successful set of negotiations. In the letter, Ambassador Williams suggests that the negotiations with the Northern Marianas were having a certain impact on the relationship between the United States and Guam. What is your recollection of how it came to be that your Office became concerned about the Guamanian situation? Is there any specific meeting or incident that would help me understand why it was that the Ambassador focused to this extent on Guam?
- DeG.: As I recall, it came up in a variety of ways. One is the whole issue of whether the Marianas would consider future integration with Guam. Secondly, the information that we had from various people in the Marianas that in fact Guamanian legislators and political leaders were giving some advice on the negotiations with the United States in hope that they would get some advantage by being able to then ask the U.S. to then change the relationship with Guam. And there was also, as I recall, some meetings with some Guamanian leaders

and the Ambassador. It seems that we had a short meeting with them also. I met with a couple of them. They were generally expressing reservations about a whole variety of things—the sense that we seemed to be giving many more rights and privileges to people in the Northern Marianas than they had enjoyed, and they were long members of the United States community. They also felt that we were going to give preferential treatment to military matters in the Marianas rather than Guam, take away some of those incomes. They had some concern about the jurisdiction of the courts, about trade, commerce. They felt like if we weren't careful there would be criminal elements going in to the Northern Marianas and it would cause problems for Guamanians. There were a number of issues, and they occurred not at just one time. It was over a period of months, as I recall. As we would go through Guam, of course, we would stay in Guam overnight before we'd go to the negotiations in the Marianas, and from time to time it would be one or two days in Guam meeting with Defense officials in Guam and also meeting with local politicians. So it came up in a variety of ways, and then Americans in the Trust Territory Government would express views to us and people in the Office of Territorial Affairs would also express views.

Willens: Did you find any support within the Executive Branch for renegotiating Guam's political status?

DeG.: No.

Willens: Did you ever hear of any commitment made on behalf of the Executive Branch that the Guamanians would get the benefit of whatever political status was ultimately negotiated with the Northern Marianas?

DeG.: Not in those terms. I think we all hoped that what would occur was that we would structure a relationship with the Northern Marianas that would eventually permit the Northern Marianas to reintegrate with Guam on an equitable basis, and then at some future date a fresh look would be taken at the Guamanian status and resolve any differences so the two could integrate.

Willens: I gather from what you say that reunification was still believed to be a realistic and feasible objective, if not immediately then within the next ten years or so.

DeG.: Ten, 15, maybe 20 years, yes.

Willens: If that was your thought, then you must have believed that the Guamanians then would ultimately achieve the benefits of status that were reflected in the agreement with the Northern Marianas but they would achieve them through reunification.

DeG.: And through development opportunities. We hoped to promote a lot of commerce between the Northern Marianas and Guam as well.

Willens: I have heard, but have really no support for the proposition, that representations were made to Guamanian political leaders that if they did not oppose the Northern Marianas agreement, that they would benefit by having a similar status negotiated with respect to Guam.

DeG.: I don't know of any.

Willens: Any support for that proposition?

DeG.: I never heard it, no.

Willens: As I said, I think it may be unsupportable. But I do note that not only in this letter to the President, but in subsequent communications, Ambassador Williams repeatedly

addressed this subject and he did so although he acknowledged it was not within his area of responsibility. Was there some reason why he felt strongly about this as he definitely appeared to feel?

DeG.: You'd have to ask him. I don't know. Just within that context that I explained, I know that we wanted to make sure that there was no interference with the continuing negotiations with the Marianas or with Micronesia. But there was a sense of loyalty to Guam, and he felt a strong sense of loyalty to the fact that they were a long-time member of the American political family. They should not be treated with less dignity than the Marianas.

Willens: Was it within the Interior Department's responsibility at the time to look at Guam's status and to have entered into negotiations with Guam with respect to some changes?

DeG.: No, they had no authority to do that. I mentioned earlier than I had done this review of the various status relationships between the territories and the U.S., and we had outlined the differences between Guam and the other territories. But that was of course clearly before we had finished any conceptualizations about the Marianas. That just showed the current status. So I think as we were evolving, those differences became much more pronounced, much more clear.

Willens: Did you have any experience in subsequent years with Guam, and do you have any judgment as to why the Guamanians were seemingly unsuccessful at that time and since in working some improvement in their status?

DeG.: No. After I left the Office I had no contact with the Guamanians, and to this day I don't know why they have not been successful. I would have imagined that they would have had more success, frankly.

Willens: After the second round of negotiations, within a few weeks there was an article in the *Marianas Variety* reporting on an interview with Commission members Palacios, Tenorio, and Rabauliman expressing dissent as to the progress of the negotiations. These three individuals were quoted as believing that the negotiations were proceeding too rapidly, that the United States was better prepared than the Commission members were, the United States was forcing status alternatives on the Marianas, and generally expressing dissent from the progress made during the second round. Do you have any recollection?

DeG.: Yes. Just a bare recollection, but I remember there was some reluctance. They were saying we were moving too fast.

Willens: What reaction was there to this within the U.S. Delegation, if any?

DeG.: I think there was surprise. We were certainly not prepared for that comment. We did not understand why they felt that way. Because up to that point, everyone seemed in full agreement about the progress and the next steps to be made and the Joint Committees we'd created.

Willens: Did you have any occasion to meet Joe Screen, who worked for Mr. Tenorio at that time?

DeG.: I don't recall. I could have.

Willens: Subsequently Joeten resigned from the Commission and stated, among other reasons, that he was resigning because he was perceived in some circles as representing his business interests and therefore in a conflict situation with respect to the work of the Commission. Did you have any discussion with Joeten either before or after his resignation about his views toward a future relationship between the Northern Marianas and the United States?



- DeG.: I don't recall.
- Willens: He was replaced by Pete A. Tenorio, who subsequently was engaged in the planning effort and later became a Lt. Governor of the Commonwealth. Do you have any recollection of Pete A. Tenorio and what contributions he made to the Commission?
- DeG.: Just a vague recollection. I don't recall with precision.
- Willens: Who are the members of the Commission that you do have some personal recollection of in terms of their contribution, favorable or otherwise, to the negotiations?
- DeG.: Dr. Palacios, Eddie Pangelinan, Joe Tenorio, Olympia Borja -- those are the four that stand out.
- Willens: At the same time that Joeten resigned from the Commission, one of the Tinian representatives also resigned and was replaced by Joe Cruz.
- DeG.: I remember Joe Cruz.
- Willens: What is your recollection of Joe Cruz?
- DeG.: Oh, gosh. As I remember Mr. Cruz, he was a very articulate fellow, very forceful presentation. It seemed to me he was suspicious of the U.S. approaches. In fact, as I recall he made some comments about moving too fast along the lines that Eddie Pangelinan had made. In fact, that may have been where Eddie and the others got the initiative to begin to slow things down, I don't know, or the reason he made the comments, I'm not sure, but I remember Joe being critical, as I recall, of U.S. defense needs and the relationship. It seemed to me he was just more hesitant about the relationship, is all I can recollect.
- Willens: Did you think that reflected his own personal views, or do you think it was forced on him more or less because of his constituents?
- DeG.: I think it was probably both. Again, the Micronesian way is not to impose your own personal viewpoint. He would have been reflecting his personal and constituent views.
- Willens: During the summer of 1973, the Joint Committee of Future Status of the Congress of Micronesia went around to the various Districts including the Marianas to conduct hearings to ascertain what the sentiment of the people was. They held many hearings in the Northern Marianas on Tinian, Rota and several on the island of Saipan, and they homed in particular in their report on some dissension within the Carolinian community as the course of the Northern Marianas negotiations. Do you have any recollection of what your attitude was toward the Joint Committee conducting these kinds of hearings in the Northern Marianas at the time the United States was engaged in negotiations with the Northern Marianas?
- DeG.: My only recollection was I was not surprised because their viewpoint was that the Marianas still belonged to Micronesia, and they were still members of the Congress of Micronesia, and the Congress was not willing to agree to formal recognition of separate negotiations, so as I recall I wasn't surprised. I think my concern, and that of other people, was whether or not they should be the ones making representations about the negotiations when they had not actually participated in them. And we said, well wait a minute, if they're going to talk about positions of the United States and what we've done, the people who can give a much more accurate account are the people in the Marianas Status Commission, not the JCS.

- Willens: Did you think there was a real problem with the Carolinian community in the Northern Marianas and the extent to which it felt that its future relationship with the Chamorros in a separate status might not be advantageous to it?
- DeG.: As I recall, they were concerned about it. I don't recall the total dimensions of it, but I recall a lot of concern about it.
- Willens: Did you personally have conversations with Carolinian leaders who expressed that concern to you?
- DeG.: Yes, we had receptions, and in the course of those conversations people would talk about it. I don't recall who I talked with or exactly what was said, but there was concern that they wanted to make sure that they might not get adequate representation, they might not get in the new congress of the Marianas. I think that's why we later came up with this concept of more equitable representation. They were concerned about the allocation of resources, whether or not the Chamorros would in fact be fair-minded about those resource allocations.
- Willens: Most of those concerns seemed to be based on how they would be treated within a future Commonwealth of the Northern Mariana Islands. Did you get any sense from the Carolinian community that they regretted the decision to go separately from the remainder of Micronesia as well?
- DeG.: Oh, yes, I did. I got that impression as well. Their sense of loyalty was really to the larger Micronesian community, because they were more clearly identified with the other Micronesians as opposed to the Chamorros. They had a lot of relatives in the Carolines and just that personal family identity went a long way.
- Willens: Was it your sense at the time that the Carolinians did really have that kind of relationship—that they still shared a language and cultural traditions with people who resided in the Carolines?
- DeG.: I felt it was more sentimental than actual. That the fact that they had lived in the Marianas so much longer than they realized and they had so many common shared values and trades and perspectives and different ways of life than what was happening in the other Districts that they weren't aware of. There was a nostalgic sense of identity with their relatives and former lives. That was my sense. That doesn't mean it wasn't legitimate, just that I wasn't sure they recognized that.
- Willens: One issue that you appear to have spent a fair amount of time on during 1973 was the question of returning public lands. How did you get saddled with that particular challenge?
- DeG.: I'm not sure. I don't know. I just did.
- Willens: What was it that sort of brought that to the top of the agenda? Was it a sense that you couldn't really negotiate future status with any element of Micronesia unless you had made some judgment on the part of the United States as to what to do with public lands?
- DeG.: I think there was that recognition. I think there was a sense of some pressure from the Department of Interior as well, who had in some respects made some decisions and done some things that were kind of detrimental to the situation, harmful to it. In retrospect, I'm sure they felt they were making the right choice at the right time, but at the time it wasn't working out that way. So it got to be a sensitive issue, and the question was how to resolve it and make sure that the Micronesians understood we were being sensitive to it. We did recognize their identification with that issue and the fact that this was one more

element of their complaint that the United States was manipulating their very livelihood through its own actions. They had felt that the Trust Territory was controlling the public lands without their input. It was a very sensitive issue.

Willens: At the time, was the Trust Territory doing anything with the public lands? This was still a time when there was virtually no foreign investment whatsoever.

DeG.: No, but it was a question of what would they do with it. There was more a suspicion of what were they going to do with it. In fact, in some cases the Trust Territory had obtained some lands and had built facilities on it when there were outstanding claims to it. They had built some harbors adjacent to land and condemned the land next to it. It bothered people. People felt like well, this is a precursor of what's liable to happen if we have close relations with the U.S. and they have eminent domain and sovereignty and they'll have the ability to take our land away. So the issue was, okay, look, we need to be seen to be resolving this issue, and we should resolve it because it's an irritant to these negotiations, not only with the Marianas but with Micronesia. We've got to convince people we're dealing with this fairly and with some sensitivity to their point of view.

Willens: One of the issues of course was what the relative responsibilities would be of the Congress of Micronesia on the one hand and the individual Districts on the other hand.

DeG.: That's right.

Willens: Did you and the United States officially have any view as to how to resolve that tension?

DeG.: No, I think we did recognize the tension. But I don't know that anyone had any ready solution for it, because by and large it was an internal problem that they had to resolve themselves. It dealt again with this growing sense of fragmentation. It was one of those issues where we're damned if we do and damned if we don't. So the better thing is just let the Micronesians resolve their own issue, but in the meantime at least try to resolve the issues that we deal with on a fair basis. I mean if we control land, then we ought to have some very clear rules and regulations about it, make sure there's prior consultation, make sure there's an effort to involve the Micronesians in the use of that land.

Willens: One of the controversies that came up in the summer of 1973 was the question of a moratorium on the awarding of homesteads on Tinian and on economic development on Tinian. The United States announced this moratorium apparently with very little consultation, and that prompted some considerable controversy in the Northern Marianas. Do you have any recollection as to where the moratorium came from?

DeG.: I can't remember if it came from the Trust Territory or if it came from Interior or the Defense Department.

Willens: One thing that may refresh your recollection is that there was some concern about land speculation.

DeG.: There was some concern about land speculation and some concern that people were going over and buy the land up in hopes that the U.S. would condemn it and make a quick profit off of it. Now that you mention that, as I recollect, the Defense Department in fact was saying we want a moratorium because otherwise we're going to pay ten times the price for this land and it's going to create hard feelings. I think we all recognized that it could in fact create hard feelings because only those people with access to a lot of money could buy that land, and in many cases they were going to be front companies going over and buying the land up. So the question was just putting a hold on it until we could get these negotiations completed.

- Willens: Did you participate in any of the discussions that Ambassador Williams and Mr. Wilson had with Marianas representatives after the moratorium was announced to try to reduce the amount of tension that had stimulated?
- DeG.: No, I don't recollect that I was. As I recall, we met with the Ambassador and Jim Wilson after their conversations. They wanted to handle it (I think) just on a personal basis with the leadership of the Marianas Status Commission.
- Willens: Did they think that their discussions in the Marianas were successful in defusing the controversy?
- de G: As I recall, they weren't totally satisfied it was going to defuse it, but they felt like at least they stopped a bad practice and that the controversy would likely linger for a while. They weren't sure how long. But there was some concern that it would spill over into the Micronesian talks, as well. Just the bad feelings about U.S. action of unilaterally declaring this moratorium.
- Willens: During the summer of 1973 there were some discussions among the lawyers, and to some extent they involved Mr. Brewster Chapman of the Solicitor's Office at the Department of the Interior. What role did Mr. Chapman play in the legal side of these negotiations?
- DeG.: I can only speak for the time that I came on board. He represented the Interior Department for a short while, inactively, while we were having these initial lawyer drafting group meetings. And then after a while he was a less active participant.
- Willens: I gather without belaboring the point that Mr. Chapman was viewed as not sort of being in the mainstream of the negotiations and therefore maybe not the best equipped to deal with counsel for the Commission.
- DeG.: I think that's probably a good way to put it.
- Willens: And I assume that the displeasure at his having lunch with me was not directed at me personally.
- DeG.: No.
- Willens: There was in advance of the next session in November and December 1973 some change in the Defense Department's reassessment of its needs for Tinian. In particular there seems to be some communication here indicating that the Defense Department now decided that its requirements no longer had to take into account a consideration of ammunition facilities, and that resulted in no longer a need to relocate the village. Do you remember any discussions that you might have had at the staff level with Defense before this revised position was communicated to the Ambassador?
- DeG.: In the discussions that I had that I recall (and they also involved the Defense liaison officers in our Office), the questions really were did they really need that land and why did they have to relocate that village, and could they justify doing it. Wasn't there another option that they had not explored. Then it got escalated beyond our level clearly.
- Willens: But the end result was that they did come back with an alternative.
- DeG.: Yes. Our discussions were initiated because the Ambassador asked us to do it. We didn't do this on our own.
- Willens: Was it the Ambassador's sense then that on balance the relocation of the village prompted more opposition than support for the overall U.S. request?
- DeG.: Correct.

- Willens: He recognized that there were those who favored the relocation of the village?
- DeG.: He recognized it. But he felt that on the larger issue it was going to create more problems.
- Willens: In what sense?
- DeG.: Well, where would you relocate them to? How would you pay for it? Who would be relocated and who would not? Who would stay? Who made the decisions about the relocation? That would involve a process all its own that was very time consuming and very costly, and also involved the matter of if there's a misstep, then again it reflects badly on the U.S. It could damage the negotiations themselves, when the real issue is not the relocation, but could the Defense Department's requirements be adequately satisfied by other means.
- Willens: There were some Defense Department surveys or trips to Tinian during the summer of 1973 as part of an effort to sort of further the negotiations along and win the good will of the people.
- DeG.: I don't know if it was framed in those terms. I think the trip was really (and you'll have to talk to Bill Crowe and others about this), but from what I understood was that their reason for the trip was to reassess Defense Department needs and, to the extent possible, explain to the local people in very clear terms what U.S. interests were and what they were not, because there were at this time a lot of rumors floating around about what would be based there and why—a lot of misinformation, a lot of speculation that was harmful. So we said, look, it's your requirement so you do it, as I recall. There was a lot more involved in it than that, and I don't know what it was. I was not involved in those conversations.
- Willens: Ambassador Williams did write a letter to Secretary of Defense Schlessinger dated October 29, 1973 asking for some reassurance that the Defense Department's firmly behind the plans for a Tinian facility and that Congressional approval would be forthcoming. He suggests that some staff and members of the House Subcommittee on Interior and Insular Affairs have been questioning the U.S. military land requirements in the Northern Marianas and asks what the military justification is for a new base complex so close to Guam. Do you have any recollection of what might have prompted the Ambassador to seek this kind of reassurance from the Defense Department?
- DeG.: Not too precisely. As I recall, when he was consulting with the Committee, he was telling them what the defense requirements were. And they advised him that that's not what the Defense Department told them. So there was a mixed signal. As I recall, that initiated a conversation between the Ambassador and senior officials at Defense about what is it your people are saying about this that you're not telling us. I mean are you telling me something here that I don't know. So I want you to reassure me as to what I'm supposed to be doing. As I recall that's what it was. I sat in on one debriefing after that where one of the lawyers for the Senate Armed Services Committee just flatly stated that the Defense Department had told them X, Y and Z.
- Willens: Was X, Y and Z something...
- DeG.: It was different than what we had just told them. We said that's not what we understand. Our instructions are A, B and C. And he said well that's not what Defense had told him. Now whether he was being accurate or not, I don't know. All I know is that we were kind of surprised by that. We reported back again to the Ambassador that well, look, you still have this problem, and we don't know what it is. We didn't know if it was a miscommunication between the legislative liaison of the Defense Department, or if it was

a senior official of the Defense Department who had said this, because these guys on the Hill were not forthcoming about who said what. All they were willing to communicate was the difference in information. As I recall, that's what that was about.

Willens: The drafting of the agreement continued during this period of time, I suppose. Were you of the view that now you were going to be able to complete the drafting of a status agreement before the next round of negotiations?

DeG.: Gosh, I don't recall.

Willens: It was ultimately delivered during the December 1973 round of negotiations, and the documents I have suggest that the drafting process involving you and Mr. Johnson and several other representatives of numerous departments was moving forward. I do remember one document from the Defense Department (which I don't think is in this volume) suggesting that the agreement was getting too long and legalistic and perhaps there could be some simpler way of setting forth general principles or whatever? Did you have a view one way or the other on that general proposition as to whether you could develop a status agreement that would be more general in terms than what was being considered at this time?

DeG.: I can't recall other than trying to make sure that we didn't get too general and leave it so vague we would end up having future disputes about it. It was my sense that the more specific you could make it, the better every one would be, because you would know what the relationship was.

Willens: A lawyer-like position?

DeG.: Right.

Willens: During this break between the second and third rounds, there was a working group on economics and finance in which Jim Leonard participated on behalf of the Commission and Mr. Silver and Mr. Miller and others participated on behalf of the United States. There was some disgruntlement on the Commission side because of the limited progress made in these meetings. Did you have any familiarity with what was going on in the economics and finance side?

DeG.: Yes, some.

Willens: What was your general assessment of the utility of this particular working group at the time, and what do you think accounted for some of the differences?

DeG.: I think some of the problem was just honest misunderstanding on the part of Silver and Miller. They just needed to come up to speed on some of these Micronesian issues. I think they just needed a learning curve. So they were questioning a lot of proposals and a lot of suggestions.

Willens: One issue that seems to have been raised on many occasions was that they were opposed on the U.S. side to any funding for physical planning because there had been numerous plans done in the past under TTPI auspices and that ought to be sufficient for the future.

DeG.: Oh, that's right. We were trying to save money. Yes, I recall somebody mentioning that. As I recall the idea was you don't need to have more plans; what you need to do is implement the plans that have been done.

Willens: That pretty much took us to the next round of negotiations where, at least on the legal and the political side, there was a whole range of issues now being discussed—citizenship,

income tax, customs duty, excise, applicability of federal laws and so forth. Do you have any recollections now of which of these issues you thought was particularly important and how they were treated by the negotiating parties? Take citizenship and nationality—that was an area where the United States for some time was uncertain as to why anyone would desire to have a national status rather than citizenship. But was that an issue of particular importance?

DeG.: It didn't seem to me to be that important. It seems to me that if a person wanted to be a citizen, they would be. I didn't understand why someone would not want to be a citizen and would rather be a national, but it didn't seem to me to be that important to waste time on. I'll let Justice deal with that one, and immigration.

Willens: How about the income tax laws? There were some differences of view at some point in the negotiations about whether the Commonwealth would have the right to enact its own tax laws, as did Puerto Rico, or whether it should follow the Guam model. There's some suggestion that Congressman Burton had some views on that. What is your recollection on that issue?

DeG.: Several of us were concerned again about the fact that we wanted to make sure that we didn't duplicate the Puerto Rican model, and that if we were serious about creating a structure so that there could be future integration between the Northern Marianas and Guam, that we should try to structure that as closely as possible, including income tax. Because if you had something less, then you were going to end up changing it for Guam, and that would be another problem.

Willens: There was a lot of discussion among the lawyers about which federal laws should be expressly made applicable to the Marianas in the status agreement or whether to some extent that entire problem should be left for some future Commission. What was your view in the negotiations as to how this issue was ultimately handled?

DeG.: I think that there were a lot of unnecessary debates about it. I think it could have been handled more expeditiously. But these again were different Departments who were expressing their Departmental point of views, and we had to find some way to accommodate them, and to the extent that we could we did.

Willens: Was there a lot of resistance among the other agencies as to the level of specificity that the Marianas Political Status Commission seemed to be arguing for in the agreement?

DeG.: It wasn't so much that, Howard, as much as it was what did it mean. Did that mean that they wanted to be excluded from all the others, or what implication would that have on the operation of their programs? They just weren't clear; they didn't have the background in the negotiations or in Micronesia. Some of these organizations were just beginning to start operations in Micronesia. So there was a lot of uncertainty. So their option was, well, let's try to make it clear. You get this specific provision in, you know, we've had problems in different areas with this clause, so let's make sure we've got this clause. Or someone would say well that's not really important, we can postpone it until later. That's all I remember about it.

Willens: Ultimately there was agreement on some kind of a formula approach that would handle those laws that were not specifically addressed in the status agreement. Did you end up having any opposition or support for that particular approach?

DeG.: That seemed to me to be appropriate.

Willens: At the third round of negotiations, the United States did deliver a draft Covenant on or about December 11, 1973. It seemed to those on the Marianas side that Ambassador

Williams was hoping that at some point the Commission would walk through the Covenant and make comments and that ultimately it would serve to be the basic legal document governing the relationship. Was that the hope of the U.S. Delegation?

DeG.: As I recall, it was. Beyond that, I don't remember.

Willens: Were you surprised when at the subsequent session the Commission delivered to the United States Delegation its own version of a status agreement and an accompanying memorandum explaining it and pointing out the differences between the two documents?

DeG.: I think I was. I think most of us were. I don't think we really expected that. Well, I can't say that someone didn't expect it, but . . .

Willens: Well, we'll come to that. I mean there was some advance warning of that, but that's not inconsistent with your recollection, which is also my recollection—that people were quite surprised. At this round of negotiations in late 1973, the United States for the first time made a proposal of \$11.5 million plus the \$3 million in Federal programs. Do you remember any discussion about that amount of money within the Delegation and the Ambassador's judgment to advance a figure at this point?

DeG.: I don't recall the specifics about it. I know that the figure that we presented had to fit within those instructions. The question as I recall was how to construct it in a way that responded as best we could to the proposals that had been put forward by Jim Leonard.

Willens: One of the priorities on the Marianas side was to have a multi-year commitment and have also some degree of inflation protection. These issues did not come up necessarily at the same time, but they came up over time. Did either of those objectives present problems to the U.S. Delegation in terms of their own instructions?

DeG.: Well, it did. I think it prompted some reservations, because we weren't quite sure (1) how it would be viewed by OMB and (2) how it would be viewed by the Congress.

Willens: Are you speaking of the multi-year commitment in particular?

DeG.: Multi-year commitment in particular, yes. So I think those were the two biggest reservations that I recall and why. Because we didn't want Congress complaining that we had committed them to a multi-year appropriation without their input.

Willens: It was also at this round that the United States did revise its Tinian requirements so as to request essentially a purchase or lease of two-thirds and leaving one-third under civilian control. What was your sense of the timing of this so-called concession? Did you think that the Ambassador really was required under the circumstances to alter the program request in light of what had developed in the earlier sessions?

DeG.: Yes. I would have liked to have seen that proposal earlier in the negotiations rather than when it came. But I think he should have done it as soon as he could have.

Willens: Was there opposition to that change in U.S. position at the Defense Department?

DeG.: Substantial.

Willens: Did he have to clear his readiness to do that with the Defense Department in advance of his backing off the request for the entire island?

DeG.: He did, and I can't recall how he did it. I don't know if he did it in a phone conversation from Guam or through cables. I think he made some phone calls and he did some cables. It seems to me that he had some preliminary discussions before we even went out.



- Willens: Well, he had the authority, it seems to me under the instructions, to retreat to that position. But it's your recollection that before retreating to that position, he wanted to consult further.
- DeG.: Yes, I think he did. I think he did have consultations before he retreated further, and there was some consternation about it.
- Willens: Where did the idea of a memorial park come from?
- DeG.: That was, as I recall, the Ambassador's own initiative. It was really a good one, and that was his. I think he and Bill Crowe came together with that. He had visited, as I recall, a memorial in Guam or somewhere just before coming out on these negotiations. He was talking about that, and this was his idea.
- Willens: If you were out there again, and some day you will, it's a very significant contribution to the community, there's no doubt about it. At the conclusion of this round of negotiations, Miss Trent sent back a memorandum including the Communique but also containing on the last page sort of her assessment of the negotiations. She stated as follows: "Perhaps fundamentally most important aspect of session was sustained atmosphere of easy and comfortable friendliness between two Delegations. MPSC greatly improved in caliber and competence by addition of Pete Tenorio and to lesser but lively degree by Joe Cruz. Turned in impressive performance of study, discipline, zeal and hard work." Does that sound extreme?
- DeG.: No. Well, maybe a little. But not much. I would agree with that.
- Willens: She went on to say: "Although Commission's counsel and advisors were prominently on hand and on occasion participated at Chairman's request in discussions, members themselves clearly held the initiative and significant new aspect in this round was evidence of commitment on the part of the MPSC." She draws a comparison between their more tentative nature at the second round and their position at the third round. Did you share that assessment?
- DeG.: Yes. I mean this was not just her cable. This was something that she put out on her name, but the Ambassador had some input to it.
- Willens: I wondered about that.
- DeG.: Because all the reporting cables on all of the sessions were sent out under Mary Vance's name because she was the reporting officer, it came from her office as a procedural matter. But the Ambassador, I, Jim Wilson, and Defense all had input in it.
- Willens: Because these reports back were going to receive wide circulation, you wanted to make sure they reflected the Ambassador's considered views?
- DeG.: That's right.
- Willens: Ambassador Williams both in these negotiations and the Micronesian negotiations seemed to place a high emphasis on personal relationships with the leaders of the Delegation.
- DeG.: He did.
- Willens: In this case, Chairman Pangelinan and Vice-Chairman Santos. Why was that? Did he feel that he could accomplish more in dealing with the leadership on a personal level?
- DeG.: That was just his style. I don't know if he had a reason. He never really expressed it to us, other than he felt that he needed to be able to deal with one person who represented the Commission, because he felt he could get more accomplished. Because if you went to the

whole Delegation, it took far longer to get consensus. I think that was just his personal style, the one-on-one basis, or one-on-two. He liked that; that was his milieu. But he was good in all situations—a really superb diplomat. I was very impressed with him.

Willens: What was he like as a task master in terms of how you and your colleagues received assignments and had to be supervised?

DeG.: Very demanding, very directive, had high expectations, didn't suffer fools lightly, in fact didn't suffer fools at all. He was not quick to delegate authority. In fact, his preference was not to delegate authority. We talked to him about it. He just felt, when he talked to Bill Crowe, that it would be disadvantageous to delegate authority because you would have other Departments putting pressure on that person.

Willens: Recognizing your institutional loyalty and your discretion, were there any weaknesses in the Ambassador's performance that you think you could identify politely for the record?

DeG.: In hindsight, I'm sure that I could probably point out several. I would have (I think) liked for him to have been more consultative and more open about some of the private discussions he had at the Under Secretary level, to share some of those thoughts with us, to give us a better sense of urgency about some of the tasking that he had asked for. He was fairly open, all things considered, but there were many aspects about the negotiations which he wanted to keep private, and he did keep private. That was certainly his prerogative.

Willens: In early 1974, the Congress of Micronesia met and failed to pass public land legislation. Did you attach any significance to that failure, and did it have any impact on the negotiations?

DeG.: I can't recall. As I recall, it did have some impact. When I read your memo that you included, I recall it did have some considerable impact, but I cannot remember much about it.

Willens: Okay. There was some briefing by Williams of Congressman Burton apparently in late December 1973, and then Congressman Burton, Congressman Foley and others visited Guam and Saipan early in 1974. Did you participate in any of the briefings with Congressman Burton or his staff either in advance of his trip to the Pacific or after his trip?

DeG.: I participated in some briefings of his staff once before his trip and listened to some of the comments after, but basically it was a briefing on the status of the negotiations with the Marianas and the Micronesians in which we shared the latest drafts that we had exchanged and some of the major issues under negotiation and the impact of those issues. But it was a very perfunctory and very straightforward status briefing.

Willens: Some of the memoranda in the files reflect Congressman Burton's meeting with the Marianas Political Status Commission during that visit. There were reports of that both prepared on the Marianas side and prepared on the U.S. side based on what the Congressman told the Ambassador he told the Commission. One issue that is reflected in those memoranda is whether he basically told the Commission that they should not pursue too many exceptions from the status that Guam had and that, if they pushed too far, they would run the risk of losing his support. Do you recall hearing on the U.S. side any such admonitions that Burton reported he passed on to the Commission?

DeG.: I think he reported that to us. That's what he told him, as I recall.

Willens: He also told the Commission that they should stick with their position with respect to

lease rather than purchase of Tinian land. Did he tell anyone on the U.S. side, to your recollection, that that was his position?

DeG.: Yes, he told the Ambassador that. I think it caused a lot of consternation in the Defense Department, but we said, "Well, look, we've been telling you this all along."

Willens: One of the issues was whether my office on behalf of the Commission should have any direct contact with the members of Congress and their staffs. There was some indication from (I guess) Mr. Wilson at one point that he would just as soon we didn't. Do you recall any discussion as to whether our representation of our client on the Hill was complicating life for the U.S. Delegation?

DeG.: I think Mr. Wilson raised some objections, but I prefer not to get into it.

Willens: Okay. Ambassador Williams did meet with members of the Commission before the next round of negotiations. In fact, Mr. Wilson went out to talk to the District Legislature and the Commission about various aspects of the negotiations. Did you accompany Mr. Wilson on his trip in early 1974 out to Saipan?

DeG.: Yes, I did.

Willens: Were you present then at a meeting where he met with the Commission and he generally reported on the Ad Hoc Committee and other developments?

DeG.: Yes, but I don't recall exactly what was said.

Willens: Do you recall any debate within the U.S. Delegation about this Ad Hoc Committee, which was trying to put together a transitional planning effort and ultimately resulted in a report recommending the expenditure of about \$1.2 million?

DeG.: I don't recall.

Willens: Several papers were prepared in advance of the next round of negotiations, and some of these were drafted by you. Just touching on them briefly, with respect to the separate administration of the Mariana Islands, that seemed to have been an ongoing topic. It seems as though whereas separate administration was thought about as something that might come early in the day, it ultimately was decided that it would be inappropriate until the people of the Marianas had voted on the Covenant. Was there any change in position with respect to separate administration during this period of time?

DeG.: I don't know if there was a change in position. I think the sense of it was that again there was this continuing effort by the Congress of Micronesia to either terminate the separate talks between the Marianas and the U.S. or at least to sidetrack them, slow them down. They were threatening, of course, withholding allocations of funding, and slowing down certain administrative appointments, and all kinds of interference in local administration, which would have been detrimental to the Trust Territory government because it was housed in Saipan. So the debate really hinged on well, look, how do we minimize that interference, how do we make sure that the Trust Territory government meets its obligations for the entire Trust Territory including the Marianas, and how do we reassure the Marianas that in fact they're going to be protected while they negotiate with us and that they're not going to be penalized and forced into positions.

Willens: Did those end up being only threatened interferences, so that there was in fact no need to consider what would have been a fairly drastic remedy of separate administration?

DeG.: Well, they ended up to be just threats. But there was active discussion within OMSN and other Departments that well, this might happen, this could happen. So in that case, what

should we do. It was more or less let's create an options paper should we or should we not and if so how would we structure it. So as I recall, that's how I put my thoughts to that task—just a little think piece to make people understand what the issues are and how we might deal with them. I think that was the purpose behind that paper.

Willens: Was there opposition to separate administration within the Executive Branch?

DeG.: There was some, sure. First, the Office of Territorial Affairs did not want to do it because they felt it would have created a separate administrative burden for them and separate expenses. It might have created tensions at the U.N., because it would have presented a *fait accompli* to the U.N. that we had in fact created a separate administration. And it would have presented a *fait accompli* to the Congress—that in fact we've already done this. So I think that's what some people were concerned about—those were legitimate issues.

Willens: There also was a paper prepared that seems to bear your initials reflecting on the participation of the Marianas Delegation in the Congress of Micronesia. There seems to have been some apprehension within the U.S. Delegation that the Marianas representatives in the Congress were being active participants in the deliberations within the Congress and that that may have raised some concern as to their commitment to the separate negotiations. What was all that about?

DeG.: I don't really remember. I was asked to sort of do a status on what were these people doing. So as I recall, I sat down and went through the cables that Mary Vance Trent had sent in and more or less pulled out the various highlights of different activities which gave some impression of their views about the Marianas status negotiations, their loyalties to it.

Willens: Did you really have any doubt about the commitment of the Commission to its negotiations?

DeG.: No, I didn't. Somebody just wanted to know what are they doing up in the Congress, so basically that paper was okay, this is what they've been saying.

Willens: So there might have been some thought that maybe they should no longer participate actively in the Congress?

DeG.: As I recall, it was at that same time period when we were considering should we create a separate administration or not, and is this useful in indicating to other Departments the need for doing that. Because as long as they participate in the Congress, the more likely it is they are going to get enmeshed in those Micronesian-wide issues and show reluctance to actually make that formal break. I said, look, they've already made the break. They've already started active negotiations. Why would you worry about it?

Willens: One ongoing issue in 1973 and 1974 was public education or, more specifically, political education. The Congress of Micronesia and the TTPI had a political education program called, I believe, ESG—Education for Self-Government. Some papers were prepared pointing out that this TT-wide public education program did not recognize the specific status alternatives being considered in the Northern Marianas. What was the position of OMSN on this political education program question?

DeG.: I think there was consternation because we had not been consulted about it. In fact, when it was apparent that there was no reference or attempt to explain the differences in the two series of negotiations, the two-track negotiations, we were even more concerned. The fact that there was no effort at all to involve the very people who were involved in our negotiations was of concern. We just said, yes, you have some responsibility as a Trusteeship, under the Trusteeship obligations, to educate, but you as a U.S. Government

- entity have an obligation to consult with us, because we're the ones handling the issues, and you're not presenting the issues objectively.
- Willens: So I hear you making two points: first, you weren't consulted; and second, the program didn't really reflect the realities of the two sets of negotiations.
- DeG.: Correct.
- Willens: There is at one point in the materials a quote attributed to the High Commissioner saying that he wasn't really an agency of the United States Government, he should be viewed as the head of a friendly independent government or something of that sort.
- DeG.: I'm afraid that did not win him many friends, because we said, well, who pays your salary.
- Willens: Ah-ha. That got to the heart of the matter. There was then a meeting in Honolulu in March 1974, and I have the agenda and the list of participants. It does not include you.
- DeG.: No. I had an operation at that time, so I didn't participate.
- Willens: But you recovered.
- DeG.: I recovered.
- Willens: There is (I may have to pursue this with others), but I do have the briefing book, and I think I understand what's referred to. Under the category of discussions with Senator Pangelinan and President Santos, there's a heading entitled "Role of Commission Counsel" and there are three subjects identified there. One, the quality of advice; two, relations with U.S. Congress; and three, the sovereignty issue. Based on your experience in the Office at that time, can you illuminate what the Ambassador wanted to discuss with the Commission leadership on these subjects?
- DeG.: I would refer you to the Ambassador and Jim Wilson.
- Willens: I see. I think I get the thrust of the three points, but I'm looking for someone to confirm them. This was a major meeting in terms of efforts to bring in the TTPI personnel, District Administrator Ada, and others. Did you have any dealings with Ada on status-related matters?
- DeG.: No, other than just sitting down at receptions and chatting with him about the current status and what some of the issues were.
- Willens: Did you form an opinion as to his view was of the direction in which the status negotiations were going?
- DeG.: My sense of it was he was not entirely supportive of separate negotiations. I think he really felt sincerely that the Marianas ought to remain part of the larger Micronesian talks, as I recall. And there were some in the Trust Territory government who felt that way as well. They just felt that it would lead to total fragmentation and that there were many districts who were not self-reliant, and they were not prepared for that. They didn't have the resources. Some expressed the view (incorrectly) that it was a purposeful, sinister attempt at divide and conquer. To my knowledge, that was never, ever part of the strategy.
- Willens: I haven't spent any time with it, but you and I've discussed off the record your paper on fragmentation. That seems to reflect your view at the time that there were many causes for fragmentation that were deeply embedded in the individual cultures and the past colonial administrations. You do recommend that the U.S. not at that time seek to exploit it, but

you seem to reflect the view that fragmentation was probably inevitable. Was that your view at the time?

DeG.: That was my view at the time. I was hoping that it would not occur, that we might be able to fashion a political relationship before that occurred and that that in itself would hold the five Districts together. And when we initialed that Compact of Free Association, I thought maybe that would occur but subsequently, after I left the Office, it proved to be wrong.

Willens: Within a common governmental framework that embraced all five Districts, it would have been necessary to delegate the most important authority to the individual Districts, I assume, in order to meet the fragmentation problem, would it not?

DeG.: It would have, but the glue holding them together would have been three things: (1) that foreign affairs and defense would have been held by the U.S.; (2) that we would have committed substantial financial resources to the relationship that would have been allocated fairly, so that they would have had at least one outside source of funding that they could depend on; and (3) I think there would have been some sort of a common effort for political and academic education so that they could have moved forward together.

Willens: In the fourth round of negotiations, there did seem to be some (I guess this was the time when the change in the land requirements was officially announced), but there was still a commitment toward constructing a base, if not immediately within seven years. When did you learn for the first time that the Defense Department had basically concluded that it was not going to construct a base within the foreseeable future?

DeG.: After I left the Office.

Willens: It was after you left the Office. There was a time before the very last round in December 1974 that Ambassador Williams was given some changed instructions from Defense, and he had to notify the Commission. But it's your recollection that really they didn't make that decision with any measure of finality until after 1976?

DeG.: No, they could have. I just don't recall being aware of it until after I left. Because as I recall, up until the time I left, they were still insisting that in fact they needed that land area. Those of us who had been involved in it kept pushing it. We said, "Well, you know, we're not sure you're really going to do this, and here we've expended a lot of political capital to promote your objectives here. And if you're not going to do this, we'd sure like to know because we can do other things."

Willens: It looks from the materials as though Ambassador Williams basically had no choice but to operate within the Defense Department's direction as to what it wanted and what it didn't want.

DeG.: Because it was couched in that way by the White House. The White House defined what those requirements were. The Defense Department made a recommendation of its requirements. It was modified by the White House. Those instructions were then given to Haydn. The background papers that you have don't reflect the full dimension of all of the precise requirements, because there were volumes of top-secret materials, and it was very detailed about which islands, where on the islands, all kinds of movements and plans. So he was required by those instructions, as they were attached to the approved instructions by the President, to follow these requirements.

Willens: During the fourth round of negotiations there was a visit to Tinian, where there was another long meeting at which people now reacted to the changed plans which no longer required the relocation of the village. Do you have any recollection of this particular

public meeting?

- DeG.: As I recall, instead of widespread hostility, now there was considerable consternation that they were not going to be moved. Because I think many had already made plans. So people on our side (I think) were surprised. Said, well, why are they disappointed; we would have thought they would have been extremely happy that we had now changed the plans to protect the town. There was sincere confusion on both sides.
- Willens: Did it suggest to you that maybe you had miscalculated the degree to which public sentiment was weighed against relocation rather than for relocation?
- DeG.: Yes. I think it convinced a lot of us that we were just wrong about it.
- Willens: That may not have been the case, though. It just may have been the impression you got from that public meeting.
- DeG.: Yes. And the cables we were getting back from Mary Vance, which were based on her meetings with various officials on Tinian and Rota and the Marianas, and the Defense Department. I mean people from Saipan were going over to the Defense installations in Guam and making presentations.
- Willens: At one of these meetings in Tinian (I believe it was this one), Ken Jones made a very strong and critical statement with respect to the U.S. military land proposal for Tinian. Did the Ambassador or other members of the staff have any independent contact with Jones as to what would be done with his ranch and deal with him in connection with this matter?
- DeG.: To my knowledge, people did not. I think, maybe at receptions, people would ask him could he clarify, did he have any idea. But I don't think there was any attempt to single him out and negotiate privately, because that would have been clearly the wrong thing to do. All the negotiations were really to go through the Commission, and no one wanted to seem to be sidestepping the agreed channels. I think people might have asked him, you know, what are your plans, what do you want to do, and that was about it.
- Willens: There was at some point at about this time the introduction into the matter of a lawyer from Guam who was taking the view of those who were opposed to leasing anything more than one-third of Tinian. And there was also a threatened referendum to get Tinian sentiment that ultimately was vetoed by Mr. Ada. Do you remember any discussion within the U.S. Delegation as to that proposed referendum or any legal action that might be taken against the United States?
- DeG.: I remember there was some surprise or concern by it. People said, well, who is this person and why is he interjecting himself in this issue? I mean why aren't they handling it through the Status Commission. As I recall, that was the major issue. But people said, well, you know, we'll let the Commission really deal with this.
- Willens: That's right. The Commission did agree at this session to the U.S. demands as now revised, subject to agreement on a lease (as distinct from purchase) and agreement on price. The Commission did ask that its tentative agreement on this subject not be made public until there was some agreement with respect to what was called Phase Two financial support. Do you remember having any reaction to the request of the Commission to link these two issues in that way?
- DeG.: Barely. I know there was a lot of interest on our part to go ahead and make that information public because we wanted to stop this ferment and reassure people. I think the Ambassador felt like, okay, if that's what Eddie and the Commission want, that's what we'll do.

- Willens: Subsequently, the Commission reduced its offer for financial assistance down to \$16 million with inflation protection. The U.S. responded with an amount of \$12.5 million, and there was agreement on \$13.5 million tentatively at this session. Do you have any recollection of this bargaining and whether it struck you or the Ambassador as unseemly?
- DeG.: Yes. Not unseemly in the sense that you imply. I think it was more there was a sense of frustration that a lot of our instructions were so rigid from OMB that we had no latitude, and that because we had no latitude it was frustrating I think for the Ambassador and others to try and deal with this. So it came out as, well, we're nickeling and diming. You know, the issue isn't here, you know what's a couple hundred thousand here or half a million there.
- Willens: As it was, his instructions did set up a maximum of \$12 million, and the tentative agreement here to \$13.5 million would require some revision of his instructions. Is that correct?
- DeG.: That's right.
- Willens: I do have a recollection of one session, and I forget whether it was this one, where the Ambassador came in during the heat of discussion about money and suggested that, "We're not Armenian rug traders here". Then as I recall this (it may be wholly inaccurate), he then proceeded to increase the offer and throw in the power barge, which I thought was a very significant step forward in yielding final agreement. But it showed a sense of humor to some extent and did represent a desire on both sides to reach agreement with respect to the financial side. The complication at this particular round did come from the delivery to the U.S. Delegation of the Commission's own draft and its explanatory memorandum. I do remember Ambassador Williams being very upset with this. Do you have any recollection of what happened when the Commission delivered a pile of papers to the U.S. Delegation on this subject?
- DeG.: I think again, it was surprise and concern—that we had to go back and that it might be reopening issues that we thought we had resolved.
- Willens: It did produce a whole series of informal meetings and working sessions where people tried to explain their position and reassure where reassurance was appropriate. What is your recollection of that process and how it ultimately resolved itself?
- DeG.: Well, it obviously resolved itself satisfactorily. But I think throughout the process it was of concern to a lot of different Departments and agencies about, well, were the Marianas still serious about the relationship, did they in fact appear to be trying to tailor it to something with which we were not able to agree, were these mere word games or was this a reaction to local pressure, why did this happen this way? Was this the Commission, or was this a reflection of the people, the Carolinians, or whomever? Was there a political need for the Commission to do this at this time. In other words, for the Commission to show the people of the Marianas that in fact they were taking the negotiations seriously and that they were not just accepting ad hoc whatever we presented. So we weren't certain.
- Willens: Those are all very good questions that you were mulling over. The United States, as I saw it, had to sort of decide before the end of the session whether it was going to work with this draft. Are you aware of any efforts by the Ambassador or Mr. Wilson to persuade the Commission leadership to withdraw the draft?
- DeG.: I know that there was some talk by the Ambassador and Jim Wilson that some effort ought to be made to get the Commission to withdraw it. As I recall, there was a meeting



on it, and as I recall the Commission rejected it.

- Willens: Just generally as a matter of personal relationships, were members of the U.S. Delegation, including the military people, asked to talk to individual members of the Commission from time to time at receptions and so forth, to get to know them, and try to generally advance U.S. negotiating objectives?
- DeG.: I can't speak for all of them. I know I was. On many occasions I acted as a sort of liaison between the Ambassador and various members of the Commission.
- Willens: Did you have any particular members of the Commission that you approached more often than not?
- DeG.: No. It just depended on the issue. Sometimes I would approach Eddie Pangelinan, other times Joe Cruz about the Carolinian thing for example, or others about the economic proposals, what was really of concern to them. Because the Ambassador didn't want to approach them directly, I don't know, but he felt that maybe I had a certain rapport with them. And I said sure, I'll be happy to ask, and no problem, I'll report back what they say. But I really wasn't authorized to enter into negotiations with them. I mean it was just an informal exchange of information. And they would ask me what did we really mean by this, and I would explain what we meant about it.
- Willens: The military people played an active role in that process too?
- DeG.: I'm not sure to what extent they did. I know that they were approached quite often by the members of the Marianas Commission and the Micronesian Status Commission, because they wanted to know of course what were the real motives behind this and what were the real plans by the military. And the military, to the extent they could, were very tactful and diplomatic about it, but they didn't share all the information.
- Willens: Were you (I'll put this in my most prosecutorial tone of voice) present at the Bar in the early morning hours in Rota at some time during the fourth round of negotiations at which there was a physical encounter between the Executive Director of the Commission weighing in at 140 pounds and 5'6" with a substantially larger Colonel?
- DeG.: No. I heard about it.
- Willens: Did you hear about the encounter?
- DeG.: Yes.
- Willens: What did you hear?
- DeG.: I can't recall the details. As I recall, the Colonel was sent home, or was he? I can't recall. I know there was some disciplinary action taken against the Colonel about it. Regardless of whose fault it was, the admonition by the Ambassador and Jim Wilson was we don't care who started it. You shouldn't have been involved. Period.
- Willens: I was wakened at some early hour of the morning and ended up walking Mr. White down the street of Rota to make an apology to the Colonel in question. But you're not a personal witness to this event because you were busy preparing for the next day's work?
- DeG.: I'm sure I was, but I don't recall that altercation. I remember hearing about it. In fact, I was present when the Colonel got chewed out.
- Willens: The Commission draft was criticized largely by Mr. Wilson on behalf of the U.S. Delegation as being too detailed, too legalistic, placing U.S. sovereignty in question, too many exceptions, and so forth. Did you and the other lawyers on the Delegation have the

chance to review the document and formulate some of those preliminary judgments at that time?

DeG.: Yes. It was a very quick preliminary view. Let's see. It was Herman, myself, Tom Johnson, and some fellow from the Defense Department. I can't remember who it was. And somebody from Interior; it wasn't Jim Berg I don't think. Maybe it was Jim Berg.

Willens: One last issue about land, and that goes to land alienation. The question of restrictions on land alienation had sort of been on the agenda since the very beginning. The question as now developed in this round was whether the United States should impose these restrictions in the status agreement or whether the question of imposing restrictions should be left to the Commonwealth government under its own Constitution. Do you remember any debate within the U.S. Delegation as to those alternative approaches?

DeG.: I can't remember. I wish I could.

Willens: Let's just turn then for a moment to the conclusion of these negotiations in the fifth session which took place in December 1974 and then in February 1975. Did you participate at all in the work of the land Committee dealing with such questions as leasebacks, joint use, and a whole range of problems associated with the lease of land on Tinian?

DeG.: I can't remember that I did. It seems to me that I might have sat in on one of those—I can't remember.

Willens: Between the fourth and the fifth round, there was this major drafting issue in which we all participated, where we took the drafts and we started finding where we could find agreement, what issues had to be reserved for the principals, and so forth and so on. What are your recollections of that drafting process where you and Herman and others worked on that side, with principally Michael Helfer and me from my Office and occasionally other lawyers? What is your recollection of that process now, what progress was made, and what differences continued to exist?

DeG.: I can't recall. It's too long ago. I'm sorry. I just can't recall.

Willens: In November 1974 there was a Congress of Micronesia election, and Ed Pangelinan and Herman Q. Guerrero were defeated. There was some uncertainty everywhere as to whether status was a factor in that election, and there was some uncertainty as to what would happen to the membership of the Commission in light of that. As it turned out, Oscar Rasa came on the Commission, and Pete Tenorio moved from one slot to another, since he was now elected to the Congress of Micronesia, and room was made for Eddie to stay on the Commission as Chairman. What was your assessment at the time as to whether these election results raised a significant difficulty for conclusion of these negotiations?

DeG.: Oh, that's a hard one. I don't remember.

Willens: The documents suggest some considerable concern on the U.S. side that the new people on the Commission might take the view that the voters . . .

DeG.: Have spoken.

Willens: . . . have spoken and wanted the negotiations slowed down.

DeG.: As I recall, the thrust of the discussion in our Office was did this reflect disenchantment by the Chamorros with the Commission members on the status, or was it just a particular individual and he failed to represent his constituency? But there was concern. We didn't know quite what it meant. We had asked Mary Vance (I think) to talk to local people and see if she could get a sense about it.

- Willens: Had you known Oscar Rasa before his election to the Congress?
- DeG.: I don't believe I had. I don't recall. I don't think I had.
- Willens: What is your recollection of the last round of negotiations where you saw Oscar Rasa appear as a member of the Commission in the February 1975 meetings? Do you have any recollection of his participation?
- DeG.: No. Sorry.
- Willens: There was agreement on a draft Covenant in December 1974 with the U.S. needing to get agreement from the Executive Branch as to certain provisions, but for the most part there was agreement on land price and terms and so forth and so on. Do you have any recollections of the negotiations with respect to the price at which the United States would be able to lease Tinian?
- DeG.: I just remember the Defense Department continuing to raise concerns about pricing, that it might be priced completely out of the ballpark.
- Willens: When the negotiations resumed in February 1975, there was an unexpected development in the sense that the Tinian and Rota representatives insisted on a bicameral legislature being set forth in the Covenant with one house of the legislature providing for equal representation among the three populated islands. I have some notes of these discussions, but do you have any recollection of what the Ambassador's reaction and your own reaction were to this new development?
- DeG.: I think he and Jim Wilson and a few others were concerned about putting that specific a provision into the agreement. Because they felt that this dealt with local government, whereas the agreement ought to deal with the relationship between the U.S. and the Marianas. My sense of it was that if that's what it took to provide some level of comfort and reassurance to them, why not. There was no particular harm in it. My only concern was again, are we going to make Congress feel that they've been preempted in some regard, or did maybe the local people think that they're going to be dictated to. But if it came from the Commission, maybe we should do that.
- Willens: Did you have any independent judgment at the time as to whether Rota and Tinian had suffered at the hands of the Saipan majority over the years?
- DeG.: Just from my own personal knowledge and working with the Congress. Again my sense was only based on a two-year perspective. It was not based on a long historical overview. It was a sense that the more populated islands got the most attention and that Rota and Tinian had not been abandoned, but they certainly didn't share in the same largesse as Saipan. I had talked to some of the people, and they had told me about a long historical sense of bias and prejudice and the like, and so the question was really, okay, well, you know. Regardless of whether it's true, that's how they feel. And so the question is if you want them to be a participant in this relationship, how do you remove that fear, and is it something that the people of Saipan would agree to.
- Willens: The Commission took (I think) an unexpectedly long time in considering the Covenant as it had been negotiated before voting on it. Do you have any recollection of how you and the Ambassador felt during the time when the Commission was discussing it?
- DeG.: He was anxious about it. I was not as anxious. I said well, you know, it's their whole future. So you would imagine that they're going to take some more time to review it, make sure it's acceptable to everyone, have everyone express last-minute doubts, get it on the table. So it seems to me there's nothing to worry about. Let them go ahead and do it. From his

point of view, if I were in his shoes, I would probably be a little anxious too.

Willens: Were there any informal channels of communication between the Commission and the Ambassador that kept him generally informed of what the Commission was doing?

DeG.: From time to time, people would call, but I wasn't privy to those. Sometimes Eddie Pangelinan would call. I mean I'd be in the outer office when he'd call them, or I'd be in the office and I'd leave. There were others. Lazarus Salii and people on the Micronesian Status Commission would call.

Willens: Do you remember that a court action was filed the night before the signing to enjoin the signing of the Covenant by the members of the Commission?

DeG.: Oh, I do. I worked on it all night drafting that response.

Willens: What is your recollection of that development?

DeG.: I think we were all surprised by that. No one really expected that to happen. At most, I think most people expected that there might be some disenchantment and some vocal opposition and maybe even some written opposition in the press, but not any court action.

Willens: Were you surprised that the Congress of Micronesia ended up sort of being the instrument of this lawsuit? I mean do you know what prompted Congressman Mafnas to file this lawsuit?

DeG.: No.

Willens: Do you know who funded it?

DeG.: No.

Willens: Did you ever discuss it with Mike White?

DeG.: No. Never did.

Willens: What do you remember about the preparation of the response?

DeG.: Well, when I had been in the Congress, I had done quite a bit of research in that area. If you recall, this happened at the same time that there were some efforts at the U.S. Congress to bring litigation. So we had done some independent research on our own. I just remembered a lot of those court citations and was able to pull them up. It made it a lot easier to deal with.

Willens: Had you worked with Jim White over the years?

DeG.: Yes, I had. He had been actually the public prosecutor in Palau, so I had known Jim there and worked with him. He would be the prosecutor and I'd be the defender, and vice versa on different cases.

Willens: What is your recollection of the hearing in court the day before the signing? Do you have any recollection of how well attended the hearing was, what kind of a day it was, and what the atmosphere was?

DeG.: There was a lot of interest about this, because as I recall there was a real heightened sense of interest in the local community. Everyone found out this action had occurred, and they wanted to find out what was going to happen. It was an event.

Willens: What do you recall of the argument?

- DeG.: Very little. My sense of it was they didn't have a case, so it was pretty pro form. It was a political exercise.
- Willens: Do you have any recollection of Mafnas standing up at some point during the proceeding and purporting to fire his attorney?
- DeG.: That does ring a bell.
- Willens: Several people recall that.
- DeG.: I've forgotten all about that.
- Willens: I don't have any recollection. I've interviewed Mike White, but have not interviewed Mr. Mafnas who's still very much with us. But in any event, the court declined to issue the injunction, and the signing went forward as scheduled. Were you or other members of the U.S. Delegation surprised that two members of the Commission did not show up to sign the Covenant?
- DeG.: Yes.
- Willens: Had you expected all 15 members to agree?
- DeG.: I had. I don't know about the Ambassador, but I had expected all 15. Sure.
- Willens: So you had no indication that Oscar Rasa or Felix Rabauliman were not going to sign the Covenant?
- DeG.: I did not, no.
- Willens: Did you play any role after the Covenant was approved in the political education efforts in the Marianas that preceded the plebiscite?
- DeG.: Yes.
- Willens: What were your responsibilities in that process?
- DeG.: Essentially trying to help. We worked with Mr. Canham to formulate the procedures for political education and procedures for voting. We did some research on various methodologies and certain requirements by the Trusteeship Council—what precedent they had followed with the former Trust Territories.
- Willens: Did that focus on the wording of the ballot to some extent?
- DeG.: There was concern about wording of the ballot, and there was a lot of discussion on that.
- Willens: What were the principal issues?
- DeG.: The principal issues were what was the content of the vote, yes or no on the relationship, or should there be other options.
- Willens: Was independence an option that some people thought should be included on the ballot?
- DeG.: It was an option I thought should be on the ballot. I was in the minority.
- Willens: Did the State Department align itself with you on that issue?
- DeG.: They did not.
- Willens: Was there some thought that the status quo should be an option?
- DeG.: Yes, as I recall.

- Willens: Or would a negative vote have been viewed as more or less equivalent to a status quo?
- DeG.: It wasn't just yes or no on one option. It was a choice between options: either status quo or a commonwealth. I was suggesting a third option, and that was independence. Because it seemed to me that it was important to meet the criteria set out by the U.N. Trusteeship Council, that it was important to meet our own Constitutional precepts about self-determination, and that thirdly the Marianas people did not want it so they would not vote for it, and lastly it was important to give an indication to the Micronesians that we were not afraid of independence and that they too would have an opportunity to vote on independence. But that is the reason that that option never really got put forward, because people felt it was unnecessary and that it would set a terrible precedent. If in fact we offered it to the Marianas we'd have to offer it to Micronesia, and I said well so what? If they don't want to join us, that should be a question of self-determination.
- Willens: You definitely were in the minority at that point in time, at least according to the documents.
- DeG.: But I was always confident that they would never really, despite the rhetoric, accept it. But I did feel as a moral and legal obligation we were obligated to provide it. I still feel that way.
- Willens: Some of the criticism of the ballot is that it didn't provide any room for opponents of the Covenant who stated that they were still in favor of separate status but wanted to have a better Covenant, so to speak.
- DeG.: Right. That they approved the relationship but rejected the specifics.
- Willens: Right. How did you assess that kind of opposition to the Covenant?
- DeG.: Well, that there were people who would want to eventually improve that relationship and that that was not necessarily a bad thing. I didn't necessarily view it as a negative—that was part of self-government, that was part of growing political awareness, and maybe that might auger well for a future relationship between Guam and the Marianas, because there would be some dialogue.
- Willens: But the critics of the question were arguing that a negative vote basically threw the Northern Marianas back with the other Districts and that that was unfair. Do you recall any contention along that line?
- DeG.: That was a valid point.
- Willens: Was there any support within the Executive Branch for changing the alternatives so as to permit people to vote against the Covenant but still have the option at some later point to negotiate a different commonwealth agreement?
- DeG.: No, I think it was discussed, but I think the final analysis, the overwhelming vote, was against that.
- Willens: Within the Executive Branch?
- DeG.: Within the Executive Branch. They just felt that that was not a viable option, that they've expressed a request to join the U.S., and we've negotiated a status relationship based on that, and they should be given an opportunity to vote yes or no on it. If they don't want it, then that's another question. That opens up a whole series of other options.
- Willens: Was there any criticism that you're aware of from U.N. officials to the wording of the question?

- DeG.: I think questions were raised about the wording, yes.
- Willens: What was your assessment of Mr. Canham's performance?
- DeG.: He did an exceptional job. He had a lot of sensitivity, he was hard working, diligent, fair minded, made a lot of suggested improvements to the process. I think he lent an air of credibility to the whole effort.
- Willens: There seems to be so much that was accomplished within a relatively short period of time between the signing of the Covenant on February 15 and the holding of a plebiscite (I guess) in less than four months. Did you think that the time was sufficient to provide for an adequate political education program?
- DeG.: I did. People had been educated at each step of the process. I mean it's a small island community, and people knew others on the Commission. They held a number of informal meetings, and there were also formal education programs. So this was a process that had evolved over two or three years. People were fully aware of the issues, so it really was very clear. I'm not sure people really understood the complete details about customs or employment, etc. But I do believe they understood the fundamentals of the relationship.
- Willens: Did you or the Ambassador have any concerns about the ultimate outcome based on the nature of the opposition and the funding of that opposition apparently by the Congress of Micronesia? Were you aware of that?
- DeG.: I wasn't aware that the Congress had funded the opposition. I don't recall it. I didn't really express any concern. To me it was a fairly foregone conclusion that the Marianas would in fact vote for the relationship and vote to approve the Covenant. I think the concern was not so much that they would not approve it, but the concern was the impact on the other on-going negotiations with the Micronesians.
- Willens: How so?
- DeG.: I mean would it be a narrow vote or would it be a large vote in favor? We wanted to make sure there was a large turnout, and that if in fact there was a large turnout it was a very clear plurality in favor of the agreement, for several reasons. One, to satisfy the U.N. requirement. And secondly to satisfy the critics from the Congress—that look, these people have had the full opportunity to participate in this, and they overwhelmingly have endorsed and approved this new relationship. Those were the major concerns at the time, I think.
- Willens: Did you spend any time out in Saipan in the months immediately preceding the plebiscite?
- DeG.: No, I didn't.
- Willens: Who else in the Office was involved in this process?
- DeG.: Besides the Ambassador—Jim Wilson, Kirby was still with us at that time, or was he not? I'm not sure.
- Willens: Who was that?
- DeG.: Kirby.
- Willens: Oh, Kirby, yes.
- DeG.: I think he was involved in it. Clearly I think someone up in the Office of Territorial Affairs, but I'm not sure who. But again, once we had gotten Mr. Canham on board and sort of helped him pull together some of these precedents and we all agreed on the

wording of the plebiscite, we basically gave it to him and his staff to do. Because we did not want to be seen to be involved in that process. We wanted to make sure this was an independent effort, or as much so as possible. So we really backed away from that. And I think that bothered the Ambassador a good bit, because he would have liked to have been more involved in it.

Willens: What role did Neiman Craley play in this effort?

DeG.: I can't recall what role he played.

Willens: I think he served as the deputy to Mr. Canham.

DeG.: He was excellent throughout this whole process. He's a former Congressman from Pennsylvania and had a real excellent grasp of the issues. I think he was very helpful in some of those Congressional visits explaining at least the Micronesian point of view to the Congressmen and the staffs. He had an air of credibility when he spoke, not only with the Americans but with the Micronesians about what the realm of the possible was.

Willens: Were you with the Ambassador when he learned what the results of the plebiscite were?

DeG.: Yes.

Willens: What was his reaction?

DeG.: He was just absolutely delighted.

Willens: Did the percentage of approval meet your aspirations?

DeG.: Yes. I can't recall what it was precisely, but . . .

Willens: I think it was about 78%.

DeG.: Yes. He was delighted. I think we were all very, very happy.

Willens: Did you end up participating in the efforts in the U.S. Congress then to get approval of the Covenant?

DeG.: To the extent, yes. We had a group who from time to time would go up and brief the different Congressmen on the negotiations and the status. We had done that throughout the process, and then on the approval process we did that as well.

Willens: Focusing on the House of Representatives where the matter came to a vote relatively early in the summer, did you have any difficulties of getting the approval of Congressman Burton and the members of his Committee?

DeG.: No. We got Congressman Burton on board early, and he led the effort.

Willens: What did you learn from Congressman Burton as to why he became so committed to the Micronesian cause?

DeG.: I think he just simply became enamored with the Micronesians and the Marianas in his role as Chairman of that Committee. He took them under his wing and treated them more or less like adopted sons and daughters. He really was very supportive of their efforts, and if they wanted to join the U.S., he was fully supportive of it. He took it as a great compliment and spearheaded a lot of the efforts to persuade other members of the House of Representatives to vote in favor of the Agreement.

Willens: Was there any opposition in the House of Representatives that you became familiar with during the lobbying effort?

DeG.: There was some.



- Willens: What kind of opposition was there in the House side that was different from what emerged later on in the Senate?
- DeG.: Well, it was similar. It matched some of the concerns that they had in the Senate. That was well, what additional obligations are we taking on? I mean we've got another minority group now, another financial commitment, we seem to be doing something in the military area but we don't know what it is. What are those commitments? And what does that mean? Does that mean a shift in our strategic posture in the Western Pacific, or is this just merely a fall back position? There was some suspicion about that. Again, it was in the era of Vietnam and the aftermath. People weren't sure about federal programs. Does this mean more federal programs? Does this mean fewer? And they weren't sure they were ready to take on those added commitments. At least that was the way it was expressed; in summary that was the way it was expressed by some of the opponents.
- Willens: Who in your Office decided which Congressman or staff had to be met with and who would actually organize the meeting?
- DeG.: That was really done by the White House and by the State Department.
- Willens: Was the lobbying effort in the Congress done largely under the auspices of the White House?
- DeG.: Well, they did an awful lot of direction on that, as well as State. State had a lot of contacts on the Hill. None of us had the expertise in lobbying. So they would relate to us various meetings that they had had, and they would direct the Ambassador to send one of us or himself up to meet with these various staffers or the Congressmen themselves, at the request of the Congressmen and the Senators of course because we can't lobby. That was more or less how it was handled. Toward the end of it, Congressman Burton would have more direct phone calls with the Ambassador and tell him which Congressmen to meet with. He'd say, well look, you need to go brief this Congressman's staff. He's asked me about this. Now you go meet with him. And so that's what we did.
- Willens: Were you aware of exactly when Congressman Burton intended to put the Covenant before the House of Representatives for a vote?
- DeG.: I think we knew, yes.
- Willens: Was it put before the House of Representatives late in the evening? There's some tale that it was presented at midnight, and I just don't have any personal knowledge of whether that's true or not.
- DeG.: No, it wasn't. As I recall, it was in the afternoon and there was some debate on it.
- Willens: There was certainly debate on it; that's certainly true. Were you there in the gallery?
- DeG.: Yes.
- Willens: Was that the time when Joe Cruz was also in the gallery and burst into a chorus of "God Bless America" or was that on the Senate side?
- DeG.: I can't recall.
- Willens: Do you remember the incident?
- DeG.: I think I do, yes.
- Willens: But you don't remember in which house of Congress he sang?
- DeG.: I just don't. I think it was the House, to be honest, but I can't remember.

Willens: After it was approved by the House, the forum of attention then became the Senate. Were you and the Office surprised when there was a decision to refer the matter also to the Armed Services Committee and the Foreign Relations Committee? Had you been apprised that that was likely to happen?

DeG.: I don't recall. That was not any conversation I had. No, I don't remember. I was not surprised because of the issues, but it may have been a surprise to the Ambassador or someone else.

Willens: At about this time, the Carnegie Institute had published a study of Micronesia authored largely by Don McHenry and his staff of young law students. Mr. McHenry in his work turned into a focal point for some of the opposition to the Covenant. Did you ever discuss these issues with Mr. McHenry?

DeG.: Oh, sure. I knew Don real well.

Willens: Where do you think he was coming from?

DeG.: I wouldn't want to speak for Don. I think he felt that there was no real opportunity for the Micronesians to have a free choice about their political future. I think he felt that the U.S. in effect was only providing limited options for their future based on U.S. interests, not Micronesian interests, and that therefore it was a moral dilemma for him—that the U.S. consequently wasn't meeting its trusteeship obligations and was not living up to its own political values. He was sincere in that belief. There were a lot of people who didn't feel he was sincere, but I felt he was and I told the Ambassador that. I think he distrusted Don about his motives, but I thought Don was sincere about it.

Willens: There were some very interesting strains of opposition to the Covenant on the Senate side. Let's just identify some briefly, and I'd like to get your reactions. There was some opposition, for example, through the voice of Jose Cabranes, now a Judge on the Second Circuit, who spoke I think for the International Association of Human Rights. He and other people were speaking from an international law standpoint and seemed to be opposing the negotiations principally on the fragmentation issue. Was that an important issue to Members of the Senate or staff with whom you spoke, namely, opposition predicated on the view that the United States should not have engaged in separate negotiations with the Marianas?

DeG.: I heard that from time to time, but it didn't seem to be a central issue for most Senators.

Willens: What do you think were the central issues?

DeG.: For the Marianas you mean?

Willens: Yes.

DeG.: The central issue seemed to be a question about what added responsibilities we were taking on in the Western Pacific and how did it affect Guam. I mean were we going to integrate the two or were we going to keep them separate? What were we going to do with Tinian? What was this commitment for 15 years?

Willens: Fifteen years?

DeG.: Oh, I'm sorry. That was Micronesia. What were the financial commitments? Just some basic concerns. They just didn't want to take on any more additional obligations. I don't know if it was an aftermath of Vietnam or what.

Willens: Do you attribute that set of views to some of the more liberal Senators like Senator Kennedy and Senator Hart, who ended up voting negatively on the Covenant, or do

- you attribute it to the more conservative people like Senator Byrd on the Armed Services Committee?
- DeG.: I think it was both. I mean there were people in both camps who simply said no. Bentsen was against it, as I recall.
- Willens: Who?
- DeG.: Senator Bentsen from Texas was opposed to it.
- Willens: Did some of the opposition come from people who basically didn't think we needed a new military base in the Pacific and/or didn't want to pay for it?
- DeG.: That were some of the arguments. I don't recall any common argument. As I recall, they were across a broad spectrum, and they were individual. Some did not want to have additional commitments of any kind. Others did not want to have another minority group to deal with. Others said that they didn't want to have more military commitments. And others said they were opposed to it because they didn't like fragmentation. And others like Senator Pell wanted independence for the entire Micronesia. So it was really an individual thing.
- Willens: So how did your Office organize itself to deal with that wide range of opposition?
- DeG.: As I recall, we had some meetings with you, didn't we, about some strategies?
- Willens: Well there certainly was some collaboration between the Marianas Commission and its representatives and your Office. I interviewed Richard Wyttenbach a long time ago, and he seemed to have been an active participant.
- DeG.: Yes, Dick was involved in that.
- Willens: But it sounded as though you all were quite well organized in terms of identifying individuals who ought to be spoken with.
- DeG.: Well, we did. We had a list of people who had told us they would vote in favor. We had a list of people who were questionable and people who told us they would not vote in favor of us. Then we had met with various Committee chairman. I knew Senator Sparkman; he was a friend of the family, and so I had talked with his staff about who was critical to get in touch with.
- Willens: He was chairman of . . .
- DeG.: Foreign Relations.
- Willens: Foreign Relations at the time.
- DeG.: Right. So he gave us a list of people he wanted us to meet with. Some of these people were critical, and if we could carry them we could carry a number of other people. So we did that. But it was largely again because we had some expert advice from the White House and the State Department, and they helped us set this up. So what we did then was prepare little packets of information explaining the Covenant and the commitments, what they meant in real terms for both parties, and we would present the package and give a briefing session. Yes, I would say it was well organized.
- Willens: Were there any political overtones that led more Democrats than Republicans to oppose? I really forget the numbers. Some of the people I'm thinking of as opponents were Democratic Senators, but I'm not sure.
- DeG.: No. But we had people like Senator Humphrey vote in favor of it, and Sparkman and others.

- Willens: Did you find these individual meetings productive? There's always the sense when you go up to the Hill that you never know, first, whether people are listening to you and second, whether they might change their mind based on what you have to say.
- DeG.: To be honest, I couldn't tell. It was impossible for me to tell unless they just said, well, yes, okay, we're going to vote for this. But I rarely ever got that commitment. Most people would sit there politely, and, as you say, you couldn't tell whether they planned to vote for it or not unless you talked to the chairman. And he'd say, well yes, he's now told me that he would vote in favor, or he's still leaning against it.
- Willens: So there were some instances where you learned subsequently that in fact the discussion was productive?
- DeG.: Right. But only through those chairmen or through liaison with the White House or the State Department who had gone up and subsequently met with staff on a Committee and gotten some indication from them about whether we were productive or not. But I don't think any of us had the experience to know whether we were productive or not, to be real honest about it.
- Willens: Were you in the Senate gallery when it was voted on?
- DeG.: Yes.
- Willens: Was the extent of the opposition a surprise to you and others at the Office?
- DeG.: I wasn't too surprised.
- Willens: You thought you had a pretty accurate nose count?
- DeG.: Well, I didn't necessarily keep a nose count, it was just sort of a notional idea. I think people in the Office had a nose count, and they thought (I think) it was going to be a little more favorable than it was.
- Willens: There's some suggestion in the documents that people attached some importance to getting a two-thirds vote as one would have to if you were looking at a treaty.
- DeG.: They kept pushing for this and I kept saying well, you don't need it, why is that important. But there was some notional idea that it was just better and it was more complete and that way you could convince everyone, including the United Nations, that it was more important. But my sense of it was that was not the democratic process. We were not asking for a two-thirds vote. This was not a treaty.
- Willens: Did you personally ever go to the United Nations Trusteeship Council at a time when this relationship was being considered?
- DeG.: No, I've never been there.
- Willens: Do you have any other recollections of the negotiations and the end product that you would like to share with me?
- DeG.: I thought it was a delightful, wonderful, critically important process. I still enjoy my friendships with the Marianas people and the people of Micronesia, and I look back on it with a lot of fond memories. I thought it was a very historic moment, and I was very proud and privileged to have been a part of it.
- Willens: What is your assessment now 20 years later in view of what's happened out there? Do you have any thoughts about why it took so long and whether the four entities that emerged out of the Trust Territory are going to survive?

- DeG.: Well that's a lot of questions. I think it took so long simply because that was the nature of their political process, that consensus-building and political discussions in Micronesia do take a long time, largely because they're so consultative with their people. There is a hierarchical society that does make decisions, but only after consultation with the people, and that takes a long time. These are very weighty matters, very complex. I think that was just the nature of the relationship and the nature of the process. I think the only way we would have gotten agreement sooner would have been to force some issues, and I think that would have been inappropriate and counterproductive. We might have gotten more agreements from different quarters, but I just don't know that that was the appropriate way to do it.
- Willens: Fair enough. Thank you very much, Adrian. This has taken longer than we anticipated, and I appreciate your effort very much.
- DeG.: Well, I wish I could recall more.