

INTERVIEW OF JAMES STOVALL

by Howard P. Willens

September 11, 1996

- Willens: James Stovall has agreed to be interviewed generally about his experience initially as counsel to the Congress of Micronesia Joint Committee and subsequently in other capacities working for the Federated States of Micronesia. Jim, thank you very much for being available today. Could you begin by giving me some general personal and educational background?
- Stovall: Yes. I graduated from law school at the University of Alabama in 1960 and spent the next seven years (I believe) in the Judge Advocates Corps in the U.S. Army. Served in Korea. I went to the German Language School in Monterrey and then went to Germany for three years. I worked with the German courts over there. And then I was posted here to Washington.
- Willens: That was when you were in the military?
- Stovall: That's right. I was at the Pentagon. I had been working with a friend at the office in Germany who had come back and through his own devices had become an associate at the firm of what was then called Clifford and Miller. So during the time I was here at the Pentagon, one thing led to another, and I became an associate at the Clifford firm in late 1967, I believe.
- Willens: Were you raised in Alabama?
- Stovall: Yes.
- Willens: You were born and grew up in that state?
- Stovall: That's right.
- Willens: After you became an associate at the Clifford firm in 1967, what were your particular professional interests?
- Stovall: Well, we did a variety of things in those days, but in the early years I worked a good bit on transportation matters. I represented the Baltimore Airport and the University of Maryland Department of Transportation in some railroad matters, abandonments and so forth. And I did other work. We represented Amtrak for quite a long time, and I worked on that. That was actually after Paul Warnke had come along and joined the firm.
- Willens: What year were you born?
- Stovall: 1937.
- Willens: When did you first become involved with the Micronesian negotiations?
- Stovall: That too was after Paul had joined the firm. I guess it was in around 1971 when the firm took on this representation.
- Willens: Do you have any recollection of how that came about? I interviewed Professor Mihaly, who used to be at Berkeley and was serving as a consultant to the Joint Committee in 1971. He told me that he recommended after the third round or thereabouts that Washington counsel be retained because he thought that the Joint Committee needed that kind of professional assistance. Do you know how it came to be that Paul Warnke and the firm were retained?

- Stovall: I'm sure Paul can give you a full rundown on that one. I, being back in the back, wasn't privy to all the details. But I had also heard that Mihaly had made the recommendation and that the Interior Department thought well of it. Actually they thought it would be a constructive move. So we were contacted by Lazarus Salii and were off and running.
- Willens: Were you assigned to the matter on a substantially full-time basis beginning in late 1971, or did that come at some point later?
- Stovall: That would have been much later. In fact, full-time really I was doing a variety of things. But as you noted earlier, I guess Bill Heckman, who was a junior associate at the time, had started off helping Paul on this particular matter. And to be honest, I guess it was when he left the firm that I became involved. Bill wasn't with the firm for very long. He went off to pursue some other interest. So then I essentially took up where he had left off and began attending meetings along with Paul with the Joint Committee. What did they call it in those days?
- Willens: Joint Committee on Future Status?
- Stovall: Yes. I guess that was it.
- Willens: JCFS are the initials that one sees in the documents. As I mentioned to you, the first document that I've seen reflecting the retention of your firm is this document dated December 20, 1971. It reports on a meeting at the Department of Interior. Well, I'm not sure about where the meeting was. It may have been at the State Department actually. But it shows that Lazarus Salii, Paul Warnke and Gene Mihaly were present on behalf of the Micronesian group. The document indicates some question raised by Paul as to whether the United Nations would be involved in the status negotiations. Was that an issue that was of some importance to you early on in the negotiations; namely, the role of the United Nations?
- Stovall: I'm trying to recall. I think that was something that Salii had raised with us just as a matter of curiosity as to how the U.S. saw its position in these negotiations, but I don't think it was ever a great big hairy point.
- Willens: It looks to me as though this meeting was probably just a matter of formality, introducing Paul to some extent and discussing some issues but not really getting into the meat of the matter. Just to get an overview of your involvement, did you stay with the representation throughout the negotiations that ultimately resulted in a Compact for the Federated States, or did there come a time when you left the firm and assumed your present position?
- Stovall: Actually, early on (and this may be unfortunate from your point of view), after about the first year or two (and I'd have to dig it out to see exactly when that was), I was assigned to do something else. And so I got out of this.
- Willens: We'll be able to fix the date I think as we go through some of the documents. It probably was either in late 1972 or 1973.
- Stovall: I think 1972-1973 if I'm not mistaken. Because I remember then that (I believe) Terry Fortune—do you have his name?
- Willens: No, I don't have his name. He was also an associate with the firm?
- Stovall: He was an associate, and I believe he assisted Paul and in fact attended a round of negotiations. It might have been Koror.
- Willens: Did you attend the meeting of the two delegations in Palau in April of 1972?
- Stovall: No.

- Willens: That was the fourth round. The fifth round was in Washington in July of 1972, and that is when the notes reflect there was a lot of drafting done in which you were involved.
- Stovall: I expect that was the first major involvement that I had.
- Willens: The sixth round was just a few months later in Hawaii. Do you recall participating in that round?
- Stovall: No. I didn't do any work out of town on the thing until sometime later, as a matter of fact.
- Willens: Well, that's right. There is a big gap. The seventh round was in November of 1973 in Washington, and then the eighth round was in 1976, three years later. The documents I have are not very illuminating as to what was going on at the time. But generally you were with the Clifford Warnke firm throughout that period?
- Stovall: Oh, yes.
- Willens: When did you leave the firm?
- Stovall: Mid-1983.
- Willens: Throughout the late 1970s and the early 1980s were you involved to some extent in these matters?
- Stovall: Pretty heavily. It seemed to be sort of an increasing demand. As luck would have it, another major part of my practice was involved with representing (or again, assisting Paul in representing) the Australian Meat and Livestock Corporation. So it was convenient since they were both in that direction. When I got to going out there, I often would double up on the trip and leave a suitcase full of winter clothes for Australia in a locker in Honolulu, come back and go down there.
- Willens: And then in mid-1983, did you join the staff here at the Embassy?
- Stovall: No, we had a small firm for a few years in which Micronesian activities were a pretty strong focus. I was continuing sort of full-time on the negotiations, and several of the other people were doing more business-related things but also related to Micronesia.
- Willens: Did Paul continue to represent them also during that period of time, or did the representation essentially fall into your hands after you left the firm?
- Stovall: It was pretty much mine, actually. When was it that Paul went over to the Department of State to be head of ACDA?
- Willens: Oh, that's right.
- Stovall: And when he left the Clifford firm to do that and was gone for a while, somebody had to pretty much take it and run with it. So by the time he came back, he wanted and Mr. Clifford wanted him to get into other things. So I would consult with him, but he didn't have much direct involvement with it.
- Willens: I see. And then you practiced with a small firm for a few years?
- Stovall: About six years. I have been more or less solo ever since.
- Willens: So are you a solo practitioner at the moment, or are you an employee of the Federated States?
- Stovall: No, I have an office down the street. I would say, though, that I spend most of my time working on these matters.

- Willens: All right. At the time that the Clifford firm became involved, the Joint Committee had completed the third round of negotiations in October of 1971 in Hawaii. A whole range of issues had been ventilated, including the Four Principles that the Micronesians had articulated, U.S. military land needs, U.S. desire to control foreign affairs and defense, termination—whether it should be mutual consent or unilateral termination—and so forth and so on. There were some considerable differences between the two parties at that time. How did you go about getting familiar with what the issues were in order to better advise the client?
- Stovall: Well, looking back on it, I think that probably only because I was relatively young and inexperienced, I failed to realize the real complexity of the whole situation. And so we spent as much time as we could to getting to know the people, the client, which was not easy, because they weren't here all that much. Micronesians can seem to be fairly straightforward people, and I guess they are. But if you really want to help them and understand them and react to their needs and wants, you have to learn to look beneath the surface. So that took us some time to sort out. But in those days, Lazarus Salii was very firmly in control of the Commission. Even looking back, I would say that it was pretty remarkable that he was able to run the Commission in the meetings that I attended with as firm a hand as he did and not have a revolution on his hands.
- Willens: You believe that he really was an effective Chairman of the Committee?
- Stovall: Oh, yes, definitely.
- Willens: He had many meetings individually with Ambassador Williams. Sometimes the Deputy Chairman, Representative Silk, would be present, but rarely said anything that was recorded in the minutes.
- Stovall: Right.
- Willens: Was Chairman Salii representing the views of the Committee when he had these sessions with Ambassador Williams, or do you think he exercised a fair amount of discretion in deciding how best to advance the interests of the Committee?
- Stovall: Well, I don't recall (and it has been a long time) any internal tension within the Committee. They had already pretty much worked out their program when they came to us. I mean, we were given the Principles, and we had to learn very quickly that they were quite determined about them. So it wasn't a matter of them asking us what they should do.
- Willens: That's an interesting point, because the documents reflect considerable United States uncertainty as to the firmness with which the Micronesians were advancing the Four Principles. The documents that we've reviewed suggest that the United States thought perhaps that these were just bargaining chips that could be and might be negotiated away if other terms of the settlement were sufficiently attractive to the Micronesians. Is it your view that by late 1971 or early 1972 that those Four Principles were truly non-negotiable objectives of the Joint Committee?
- Stovall: I think yes, if there's ever been such a thing as non-negotiable, that comes pretty close to it. Internally the Committee members weren't highly vocal. Micronesians then and later are not given to a lot of speechmaking in internal meetings, you know. And I think too that a great deal of the development of views probably took place outside of any meetings that we were involved in—certainly outside of formal meetings. They tend to get together and talk among themselves in hotel rooms and restaurants and wherever they might be, and by the time you get into a formal meeting, there's not much to be said. But again, I would

contrast the style with which Lazarus ran his meetings with the way that subsequently in the context of the Federated States of Micronesia Chairman Andon Amaraich ran our show.

Willens: How would you contrast it? What were the differences?

Stovall: Well, the way that the negotiations were conducted was also different. In the early years, say up through 1976 and under Haydn William's tenure, the practice was that the deputies and other subordinates (on both sides) would get together and do the discussing. In our case, Paul attended those meetings. But Haydn Williams did not attend the discussions. He would have an opening round, so to speak, in which he and Lazarus Salii would be present and sort of express some general goals and wishes and hopes for the meeting, and then they would go away.

Willens: You're talking about the formal negotiations?

Stovall: Yes.

Willens: And the practice of initiating them with the exchange of formal statements by each of the delegation chairmen?

Stovall: Right.

Willens: And it's your recollection that Ambassador Williams at least would withdraw and let further discussions go on at the staff level?

Stovall: That's right. And whether he chose to do it, or whether he thought it was proper because Ambassador Williams was doing it, Salii did the same thing. And then after the meetings would have produced whatever they would produce, the chairmen then would come back in for a wrap up that would reflect the results of the meeting. In the meantime, of course, they were being consulted by their own people outside.

Willens: Why do you think that style of negotiation was adopted?

Stovall: As best I recollect, it was just simply the way Ambassador Williams chose to do it.

Willens: Do you think it had advantages or disadvantages?

Stovall: Looking back, it's really hard to say. I thought it was a little stilted at the time. It had the effect of kind of leaving Ambassador Williams appearing to be up on a pinnacle somewhere aloof, hard to reach and perhaps immovable. Maybe the U.S. saw that as a way to take a hard line. But I must say that we made progress, very substantial progress over the years, up through the so-called 1976 draft. So I wouldn't say that we were in any kind of stonewalling position.

Willens: No, that's certainly correct. The Ambassador also had the practice in the Micronesian negotiations, as he did with the Marianas negotiations, of meeting frequently with the leaders of the other side's negotiating team—in your case, Chairman Salii and Deputy Chairman Silk. And very frequently counsel would not be involved in those meetings. Did you have any sense that the Ambassador was taking advantage of the Micronesian leadership in these meetings, or did you regard that as a useful vehicle for moving the negotiations along?

Stovall: I don't recall having any particular sense of outrage about it. It may be because, as best as I can recall, Ambassador Williams had a very good relationship with Paul and consulted him on a pretty regular basis. And as far as the occurrence of meetings like that, I'd be very surprised if he did so over any objections that Paul had.

- Willens: Both Paul and Ambassador Williams from time to time emphasized the importance of informal meetings and the desirability of not having the negotiations turn into an exchange of formal position papers. That seems to have happened and seems to have produced the kind of progress that you made reference to. Let me just run down the names of the members of the Joint Committee. What was your sense of Representative Silk? Where was he from?
- Stovall: Marshalls.
- Willens: Did he play an active role in the work of the Committee?
- Stovall: He was a gentle man, not a head knocker by any means, and a very, very fine, thoughtful person.
- Willens: Was he supportive generally of the idea of free association as distinct from independence on the one hand or commonwealth on the other?
- Stovall: I don't recall that any of those fellows other than the Marianas representatives at the time had any particular leanings other than to let's try and see if we can't negotiate this free association, and that included the Marshalls at the time.
- Willens: Did there come a time when Representative Silk became an advocate of Marshalls' separatism?
- Stovall: I'm trying to remember when he died. He didn't live too long. But as I recall (and I'd have to check on this), I think he was one of the people who was somewhat resistant to the idea of a separate Marshalls effort.
- Willens: How about Senator Amaraich?
- Stovall: Yes. Andon Amaraich.
- Willens: What was his general role in the Joint Committee's deliberations as you recall?
- Stovall: Well, Andon was and is today a strong, quiet sort of figure. He's now the Chief Justice of the FSM Supreme Court. He was never a talkative one in meetings. But he was a strong point. It was actually about at that time I think that he was defeated. He had been in the Congress, but he was defeated by a fellow by the name of Nick Bosse, who then sort of took over Andon's position both in the Congress and on the Commission.
- Willens: Did they have different views with respect to future political status?
- Stovall: Not radically. They were just political rivals in Truk. They came from rival political factions in Truk.
- Willens: The documents suggest that the representatives from Truk on the Joint Committee were the most articulate spokesmen for the independence option. Do you have any recollection along that line?
- Stovall: That's probably fair, and it would probably be Andon. But as far as anybody out there pounding the table for it, no, I didn't see that. It was more a sort of a card to hold in their pocket in case things didn't work out, or expressing the view that they didn't feel the world would come to an end if these negotiations didn't yield success in the basic points that we insisted on. In other words, the principles of independence which were inherent in those early requirements—unilateral termination, that sort of thing, control of foreign affairs—were things that were always very near and dear to Andon's heart. But at the same time, they were willing to fully explore this free association option. I think the U.S. for a

while felt that we just didn't understand the whole concept of free association, and that it could only be what it was, and that's that.

Willens: That certainly is true. That goes back to the U.S. reaction to the report of the Future Status Commission in 1969, which clearly set forth the preference for free association, and the United States responded that it was unclear to them what that meant. And then when you read it, you wonder why they thought it was unclear. In any event, the next name here is Senator Isaac Lanwi. He's someone I've never heard described at all or seen referred to in the documents. What is your recollection of his participation?

Stovall: I wish I could help you there. I don't feel that I ever really knew him. He was, as I recall, a very mild-mannered, quiet fellow. And that's just about all I remember.

Willens: That's the price of being a quiet fellow. The next name is Senator Nakayama.

Stovall: Well, of course, he became the President of the Federated States of Micronesia.

Willens: He now is working as an officer of the Bank of Guam in Truk, is that correct?

Stovall: That's right.

Willens: Was he an active or articulate participant in the work of the Joint Committee?

Stovall: Yes, I would say so. But more than articulate, I would say influential.

Willens: How so?

Stovall: Well, he had been the President of the Congress and was highly respected. To the extent that anybody doubted his political prowess, you had only to look at the fact that he did win that presidency over Amada Kabua, who was very determined and very embittered when he didn't get it. Nakayama sort of headed up one of the two major political factions in Truk, and was closely allied with Andon Amaraich.

Willens: Did they have similar views with respect to free association as contrasted with independence?

Stovall: Yes.

Willens: How about Senator Bailey Olter? What is your recollection of his participation in the work of the Joint Committee?

Stovall: My recollection is that he was definitely one of the boys. He also was in the Congress and was an influential member from Ponape. He was never highly outspoken on issues but added his voice to the majority.

Willens: Were these members of the Committee who were also in the Congress rivals of Chairman Salii, or were they for the most part of the same political leanings within the Congress?

Stovall: I think (and I don't pretend to be an expert on the early sessions of the Congress or anything like that), but I think they were allies.

Willens: I'll skip over the Marianas participants, although actually that's probably not right. You did meet both Ed Pangelinan and Herman Guerrero in the course of the work of the Joint Committee. When did you first become aware that those two felt that the interest of their constituents lay in a closer relationship with the United States as contrasted with the preferences of their colleagues on the Joint Committee?

Stovall: That's kind of interesting, because I wasn't necessarily aware of it from my somewhat limited perspective at the time. The first I became aware of it in the meetings that I attended, the Committee discussions, I don't recall them being swimming against the tide

or anything. If they had contributions to make, they were pretty much along the line of what we can do to advance the position that the Committee has adopted. But the first I became aware of it was when they went privately to Paul to inquire about the possibility of separate representation.

Willens: Do you recall when that was?

Stovall: I'm afraid I don't.

Willens: Was it after the United States agreed to the separate negotiations in April of 1972 at the Palau round?

Stovall: I'm not sure. I think it was probably before.

Willens: The next member is Senator Roman Tmetuchl, and I'm sure I've not pronounced it correctly.

Stovall: That is correct. Tmetuchl.

Willens: He's from Palau, as I recall. What was his level of participation and his particular interests?

Stovall: He was a very vociferous sort of person. Unlike most of the Micronesians, he talked a lot. He was always quite useful. He was on board. He wasn't complaining. But one problem with Roman was although he talked a lot, you had a very difficult time understanding what he was saying. He spoke English with such a heavy accent that you just had to scratch your head and wonder what his point was. Of course, he had a lot of political problems with Salii over the years.

Willens: That's right.

Stovall: They were not fighting tooth and nail in those days, as I recall.

Willens: Is he still alive?

Stovall: Oh, yes.

Willens: I'm sure he's still in politics somewhere in Palau. I forget exactly what. The next name is Senator Petrus Tun. What is your recollection of his personality and participation in the work of the Committee?

Stovall: Another strong silent type who usually would agree with whatever the proposition was. Not that he didn't have views, but I think they were just fairly unanimous in their approach to this thing. He's still involved in politics. He was the first Vice President of the Federated States of Micronesia. And then he served a couple of terms as Governor of the State of Yap. He is currently not in office, but they pass things around in Yap. He's a fairly high-caste chief in the Yap traditional culture and a very strong figure.

Willens: The next name is Representative John Mangefel. What is your recollection of him?

Stovall: Well, John is one of the unique and beloved figures of this whole enterprise. He too sometimes is a little hard to understand because he's always got a mouthful of beetlenut. And he comes across as a simple sort of person. To look at him, and he dresses terribly, you never would think that he was a person who amounted to anything. You might expect him to come and start sweeping the floors. But he was the most intellectual of all the Micronesians. It happens that he was quite expert in Shakespeare and literature generally; he could just blow you away to hear what he would come up with.

Willens: Interesting. Where is he now?

- Stovall: Let's see. I think he's still serving with the national government in Ponape as a consultant to the President.
- Willens: In Ponape.
- Stovall: Recently he served a term as Deputy Secretary of Foreign Affairs. He's also been Governor of Yap and may be again. But John had a way of making his points in parables and stories, and sometimes he would write them and publish them in local newspapers and things. Very, very effective. And quite humorous, a subtle humor.
- Willens: How did the United States delegation respond to his efforts at humor?
- Stovall: They loved it. He was always just very, very fondly regarded, even though he might be making a point that they didn't like. They really felt that he was a man of integrity, and he was. And still is.
- Willens: That's interesting. The last name is Representation Olter Paul. What is your recollection of Representative Paul?
- Stovall: Oh, boy. I just remember that he was there. I don't have much of a recollection of him.
- Willens: Okay. Fair enough. It's very useful to get some idea of the people, and I'm also wondering whether in order to round this out whether it might be possible to interview a few of these gentlemen who participated in these events. They might think it's really distant history, but someone like Mangefel might find it of some utility and interest to retrace these steps.
- Stovall: Yes.
- Willens: Let's go on then to the preparation for the fourth round, which took place in Palau in April of 1972. One issue that comes from the documents, Jim, is whether the Joint Committee members were truly representative of their constituents, or put another way, whether the constituents knew what the Joint Committee was doing in terms of its stated objectives in the negotiations. For example, Ambassador Hummel, who was then deputy to Ambassador Williams, visited the TTPI in December of 1971, and he reported back that there was very imperfect, inadequate public knowledge about the negotiations. He was reporting that the people really didn't know what their leaders were doing and to the extent they did know what they were doing, the Micronesians were expressing concerns that the negotiations were going too fast and that they weren't prepared for the responsibilities that a compact of free association would involve. Did you come to any sense as you worked into this matter that the members of the Joint Committee were way ahead of their constituencies in terms of these negotiations, or did you have the sense that they were basically leaders but still fully confident that their constituents would accept whatever they negotiated?
- Stovall: You know, that was an issue throughout the negotiations, not only early but even right up to the end. But certainly during that period in time it was more or less a matter of necessity, because communications were practically nonexistent out there. It just wasn't the Micronesian way for an elected leader, who typically would have come out of the traditional system, to feel that he had the responsibility of holding town meetings and one thing or another. If he was elected, he had the responsibility and that was that. So yes, to a large extent, the Committee members were flying on their own. But if they came in for any criticism in that, it would have probably only been from their prospective political opponents and that sort of thing. There's always somebody who's going to say, "Well, gee, we didn't know what was going on." But the fact of the matter is, they didn't. In the society that existed in those days, it was perfectly appropriate.

- Willens: I understand what you say, and I think that's very much to the point. Certainly based on my experience, the leaders in those days were expected to lead and to make their own judgments about getting the constituents to follow their recommendations. The United States representatives used these field trips, such as the one by Ambassador Hummel, as a way of raising some concern about whether whatever they negotiated with the Joint Committee would ultimately be adopted by the Congress of Micronesia and by the people. I gather from what you've said that you thought that, if the Joint Committee entered into a compact with the United States, they would be able to carry the day when it came to a referendum?
- Stovall: I think the members definitely felt that way. They didn't have any doubt.
- Willens: You stated earlier that you did not go to the round of negotiations at Palau in April of 1972. Did you hear after the fact what had happened at the session from Paul or some other source?
- Stovall: Perhaps I did, but I'd have to refresh my memory by looking at some documents on that one.
- Willens: It was at the Palau round that the United States agreed for the first time to the principle of unilateral termination, and that was viewed by some as a considerable breakthrough. Do you have any recollection of the significance of that particular concession?
- Stovall: Well, as far as significance, it was probably from an emotional standpoint the most fondly held principle that we had. It looked as though that was just going to be the breakdown of the whole process. So when they finally did work out at least a partial breakthrough on the thing, I guess the people began to feel that maybe we might get somewhere after all.
- Willens: It was at the fourth round in Palau where the Joint Committee for the first time suggested that they were looking for U.S. financial support in the range of \$100 million. And although the U.S. didn't make any counter-proposal at that time, they made it clear that this was far greater than they thought could be supported. The level of U.S. financial support continued to be a significant issue over the next few years in these negotiations. What was your sense about the importance of the level of financial support and whether the Micronesians might have made a better case if they had more economic support for their request?
- Stovall: Well, I don't recall, to be honest with you, how that figure was arrived at. But I do know that without a strong case for it, a rational case for it, it was clear that it wasn't going to go anywhere. I think that we as counsel kind of felt that we needed to try and advance it, but not let it completely stop progress on the other things. As a result, we got up through 1976 as you know with a document that didn't have that in it.
- Willens: Did there come a time when you and Paul or others thought that if you retained some economist to make the case for the Micronesian side that you might have a better chance of achieving your financial objectives?
- Stovall: I just don't recall whether we talked about that. I know that ultimately that's what happened. The negotiating delegations later on did acquire economic help, and you have got to have it.
- Willens: When did that happen in general terms? The late 1970s? Would that have been post-1976?
- Stovall: Oh, yes.
- Willens: I see.

- Stovall: Yes. That was into the early 1980s. Not too long before we concluded the draft Compact in some of the meetings that took place in Saipan and Kona. When we were sitting around in a tripartite negotiation with the U.S.
- Willens: Tripartite in what sense?
- Stovall: It was the Marshalls, Palau and the Federated States of Micronesia.
- Willens: I see. That's staggering even to contemplate.
- Stovall: It was quite an exercise.
- Willens: All right. At the session in Palau, the Marianas representatives submitted a letter dated April 11, 1972, in which they formally requested that the United States enter into separate negotiations with the Marianas. You have a document dated April 11, 1972 addressed to Chairman Salii signed by Paul Warnke and Michael White giving certain legal views as to whether or not the Joint Committee could present a separate statement on behalf of the Marianas delegation. You have it? It's probably Tab 4.
- Stovall: Yes.
- Willens: The letter basically says that the Committee cannot present a view for any individual district because its instruction from the Congress of Micronesia is to represent all six districts. Then they go on in the second page to say that they had no objection from a legal standpoint to the representatives of the Marianas with the consent of the Committee presenting their paper if they so desire. And then in the middle paragraph on page 2 they say it is our opinion that authority to conduct actual negotiation with the United States would require authorization to a Marianas Island political status delegation from the Congress of Micronesia. Now Ambassador Williams basically responded to the Marianas request the very next day on April 12 and agreed to embark on separate negotiations. It's unclear to me whether the Joint Committee believed that the separate negotiations were accepted even though the Trusteeship Agreement could not be terminated as to one component, but everything had to be terminated together, or whether the fundamental legal position of the Joint Committee was that the United States could not lawfully conduct separate negotiations with the Marianas. What was the legal position of the Joint Committee as you understood it in 1972, 1973 regarding the legality of these separate negotiations?
- Stovall: Well, it's difficult for me to sit here and give you a legal opinion now on it. Perhaps the most useful thing I can do is to recall what I can about it. It contrasted significantly with the dynamics of the situation later on when there was a great deal of resistance and resentment about the separate negotiations for the Marshalls and Palau. For whatever reason, I don't think that the desire of the CNMI or the Marianas at the time to have a different status engendered a lot of emotional opposition. So whatever the legalities might have been, I just feel that everybody on the Commission knew exactly what the Marianas wanted to do and the biggest worry was what's going to happen to the rest of us. Because everyone knew that the Marianas had certain financial advantages over the rest, even in terms of prospects, and they of course had the capital. So these were all things that needed to be sorted out. But it was a compatible sort of process.
- Willens: Well, I think that's fair. Indeed, Chairman Salii I think at the opening of this session, or maybe it was at an earlier session, indicated that there were some different views that the people of the Marianas had expressed. And ultimately down the line before the Congress of the United States, the Micronesian leadership did not oppose a separate status for the Northern Marianas. But there were real legal issues raised, not just in this letter but

subsequently in a lawsuit in 1975, and these were not frivolous issues as to whether the Congress of Micronesia was the sole political body that could represent all the districts in negotiating future political status. Your recollection though is that there was concern about it, but at least it was not a surprise.

Stovall: No, it wasn't a surprise.

Willens: Well, the materials suggest that the United States had been maintaining steadfastly that they were not going to have separate negotiations, and that was their position really through almost all of 1971. I guess my question is, did it come as a surprise to the Joint Committee leadership and to you as counsel that the United States changed its position and agreed to separate negotiations?

Stovall: Well, to me personally it might have been a little bit of a surprise, but I don't recall talking to Paul a great deal about this. I'm sure it was no surprise to him. He would have been right in the heat of the discussions with the U.S.

Willens: I'll pursue it with Paul, but it's possible that he might have been given some hint in advance of the fourth round that the United States was going to agree to separate negotiations.

Stovall: Yes. And to tell you the truth, well I should let Paul speak for himself on this. But Paul believed that the commonwealth was a good thing and that it might also be a good thing for the rest of them.

Willens: One of the interesting historical points is that the United States in the 1960s was trying to get itself in a position to put a commonwealth alternative before all of Micronesia by 1968, but they were unable to do that. And the question is, would the people have accepted essentially an organic act at that time, and if they did, would it have survived the test of time and the differences that emerged among the districts over the years.

Stovall: Yes.

Willens: Actually, some of the documents from the United States side at about this point in time in 1972 began to comment on the growing evidence of divisiveness among the districts as aired in the Congress of Micronesia. Issues such as allocation of tax revenues, for example, taxes on certain kinds of imports and so forth sharpened some of the differences among the districts like the Marianas and the Marshalls on the one hand from some of the less well off districts. Did you have the sense that these were increasingly important issues that might end up dividing or complicating your efforts to negotiate a single status for all of the districts with the exception of the Marianas?

Stovall: It's hard to relate any particular useful detail on that. What you say is correct. You could begin to see the strains developing, and they had to do with the natural differences and the economic circumstances people were in. You're talking about cultures that were really quite different and distinct. While unity might be a nice concept, the Trust Territory was not culturally a unit. They're all vastly different. The Marshallese don't consider themselves to be Micronesians.

Willens: They consider themselves to be what? Polynesians or whatever?

Stovall: Please. You know, whatever. They dispute it if you try and call them Micronesians.

Willens: Is that right? I didn't know that.

Stovall: Of course, you know, Palau always was a very distinct culture and very divided internally as to what it wanted to do. But also with a sense of economic advantage that they didn't want to share with everybody else. The Marshalls had their own economic advantage.

And Saipan of course had theirs, and they were allowed to go their own way. And once that happened, regardless of how long it took, it was very, very difficult for the U.S. to stand in the way of the others going their own way. And of course it depends on your point of view as to whether you believe the U.S. orchestrated that and pushed them along, but it would have happened. I mean, you know, by 1979 or whenever the [Micronesian] Constitutional Convention was. The others didn't adopt the Constitution, so . . .

Willens: Which others?

Stovall: I'm sorry. Palau and the Marshalls. When was it? The Constitutional Convention was 1978, was it?

Willens: This is the Micronesian Convention?

Stovall: Yes.

Willens: Well, there was one in 1975, but that may not be the one you're referring to.

Stovall: There was one that was inconclusive.

Willens: Jim, you were recalling that there came a time when the voters in Palau, the Marshalls, and what is now the Federated States voted on a common constitution for all of Micronesia, and the voters in Palau and the Marshalls at that time rejected it. Is that your understanding?

Stovall: Right.

Willens: And is it your judgment now that the differences that led to the fragmentation of what used to be the Trust Territory of the Pacific Islands did have their foundation in some very significant cultural differences among the various districts?

Stovall: Yes. I think that tended to set the stage for the possibility of their not hanging together, because they didn't feel a terribly close affinity. Their working together in the Congress of Micronesia is something that had been orchestrated by the United States. Not that they didn't welcome the opportunity or that they didn't participate, but that was sort of a thing that was laid on top of the Trust Territory Administration, and the Trust Territory Administration kind of tended to hold it all together. But if they were looking at their long-term future, then their cultural backgrounds now came back into it more, and then from that point they proceeded to examine their economic advantages.

Willens: But you did make the point that their economic potential varied widely among the districts and that to some extent, even if there had not been any cultural differences, it might be that their different economic objectives or aspirations might also have contributed to some sense of disunity.

Stovall: Maybe. Of course, that's kind of just speculation. But let's just assume that they were exactly the same, from the same roots and same culture and same traditions. No, I think they would have stayed together.

Willens: All right. After this fourth round in Palau where the breakthrough with respect to unilateral termination was made at least in principle, Carl Heine described it as a "substantial victory for Micronesians." Did you have any dealings with Carl Heine? I believe he was a staff director for the Joint Committee?

Stovall: Actually, my most recent dealings with him have been at the United Nations, where he served a tour as U.N. Ambassador for the Marshalls.

Willens: He's still alive?

- Stovall: Oh, yes.
- Willens: What role did he play in these negotiations, if you have any recollection?
- Stovall: I really don't have a strong recollection of him in those days. I have a stronger recollection of a brother of his, Dwight Heine, who was a rather eloquent spokesman for Micronesian unity, as a matter of fact.
- Willens: Is he still alive?
- Stovall: I don't think so.
- Willens: I don't think so, either. I've heard nothing but very complimentary comments about Dwight Heine. After the fourth round, there was sufficient agreement to justify a considerable effort on drafting a Compact. As I understand it, you did become actively involved in the drafting process.
- Stovall: Yes.
- Willens: Without getting into the details at the moment, how would you describe the drafting process in terms of the participation by counsel and also the members of the Joint Committee? I note from these U.S.-generated notes of the Joint Compact Drafting Group that reflected meetings during July of 1972 that you, Paul Warnke and Michael White were typically present at the sessions and that three members or so of the Joint Committee were also present. You can see from the documents who the U.S. participants were—Lindsey Grant, Bill Crowe, Herman Marcuse, Ronald Stowe and Thomas Whittington.
- Stovall: Yes.
- Willens: Was this a productive process in your estimate in terms of generating a draft agreement?
- Stovall: Well, I guess the end result speaks for itself. It had some gaps in it, but it fleshed out those areas where there wasn't fundamental disagreement. And then I think, most importantly, it defined the military sections of what later became the Compact.
- Willens: Could you elaborate on that? It seemed throughout the notes there was some bargaining that I didn't fully understand as to whether the precise details of the U.S. military needs ought to be in the Compact on the one hand or in an annex. I didn't quite understand what the significance of that was, or maybe I missed the point entirely. What is your recollection?
- Stovall: Oh, let's see. As I recall, there was a discussion of how much to put into the Compact out of deference to Micronesian feelings or desires for sovereignty and that there might have been some feeling that if it were thrown over into an annex it would be easier to take on board. In the end, we really didn't take that approach. I think the U.S. decided on a less detailed elaboration of their needs, and this was mainly the work of Captain Crowe who really gave a lot to these negotiations.
- Willens: Yes, he did. Did the Joint Committee participants in these drafting sessions play an active role, or did they generally just let you and the other lawyers take the lead in reacting to the U.S. proposals and explaining your own proposals?
- Stovall: Yes. This became the style of the negotiations from then on really, right on out to the end. If the Chairman were in the room, he would be the spokesman for the Micronesian side, but if not it would be the principal counsel, whoever that might be.
- Willens: It was Paul on some occasions and you on some occasions as reflected here.

- Stovall: Yes. My role was limited, but Paul did most of the talking.
- Willens: Did Michael White play an active role in the legal work involved here?
- Stovall: Yes. He was a hard worker. Of course, he was resident in Micronesia, I guess in Saipan. And he stayed in Saipan. As far as I know, he's still there.
- Willens: He is.
- Stovall: But he was very enthusiastic. I don't recall much more than that he was always writing us memoranda from out there on one topic or another. Very prolific guy. I enjoyed working with him. He was aggressive, but not unrealistic.
- Willens: He had worked as I recall as counsel to the Congress of Micronesia at some point. Maybe he still was at this stage. I forget. So he knew members of the Joint Committee from that.
- Stovall: Oh, yes. He was very well acquainted with all of them.
- Willens: That was an advantage to you presumably, being back here in Washington. I notice from these notes that Lindsay Grant was a very active participant on the U.S. side. Mr. Grant was from the State Department, is that correct?
- Stovall: Yes.
- Willens: Was he a lawyer?
- Stovall: You know, I don't recall. I think he was Foreign Service.
- Willens: Just running over the names of the U.S. participants, how would you describe each of them in terms of the particular specialty or interest that they brought to the session? Lindsay Grant, for example, what is your recollection of his involvement?
- Stovall: Well, he was a very, very astute diplomat and, from the State Department point of view, I would say he was an excellent negotiator.
- Willens: Have you had any more dealings with him in recent years?
- Stovall: No, I haven't. I don't know when I would have run across him. He was a very nice man. And of course, Captain Crowe, what do you say about him? I mean he went on to great heights.
- Willens: Yes indeed.
- Stovall: Well deserved.
- Willens: What was your impression of Herman Marcuse in your negotiations?
- Stovall: Well, Herman has always been pretty much very even, right on through. An extremely decent man. He's still working over at the Justice Department. He was quite faithful to his assignment. There wasn't a lot of give in Herman's approach to things, but for some reason everybody liked him. I think he liked the Micronesians, and at least you could count on getting a straight answer out of Herman, whether you liked it or not. And he came up with some constructive things. Frankly, I'm not that clear on his role at this time, but later on he was very helpful in negotiations.
- Willens: How about Ronald Stowe, who I think was from the Legal Advisor's Office.
- Stovall: Yes. About all I remember of him is just being a very competent young man.
- Willens: And how about Thomas Whittington, who I think was at Interior at the time?

- Stovall: Same thing.
- Willens: These notes suggest a very extensive discussion even as early as 1972 about the foreign affairs and defense responsibilities of the United States as contrasted with the responsibilities of the future state (country) of Micronesia, particularly with respect to foreign affairs. And these notes suggest that was an ongoing issue as to how to define foreign affairs and the extent to which U.S. responsibilities over foreign affairs would intrude into the internal domestic affairs of the future country of Micronesia. Do you recall those discussions as being of particular complexity and importance?
- Stovall: Well, they were certainly important. The issue became more complex as time went on and the Micronesian negotiators formed a deeper impression of what they wanted to try and do. In the early days, the whole concept of the relationship certainly from the U.S. point of view was that you were dealing with the situation where the U.S. was going to grant to Micronesia something, and that it was going to be less than full independence. And so that the United States could retain foreign affairs authority and defense authority. They were going to just sort of work out some expression of to what extent they were going to let Micronesia do things. It was a non-sovereign status that they had in mind.
- Willens: But sovereignty residing with the Micronesians is one of the Four Principles.
- Stovall: Well, yes. But then and for some years to come, frankly pretty much up until the time of the Hilo Principles, the U.S. continued to hold the view that this was not a sovereign status.
- Willens: As I recall from the materials, the concept of free association at the beginning did involve leaving with the United States or delegating to the United States responsibilities for defense and foreign affairs. But as things emerged, eventually the entities that now exist have control over their foreign affairs. Is that not correct?
- Stovall: Yes.
- Willens: So it was in the area of foreign affairs that the position of the Micronesians changed over time?
- Stovall: Well, it got tougher and tougher. I suppose in the early days it would have been a question of whether the Micronesians were willing to settle for the very limited status that the U.S. would have been willing to confer at that time. But in 1976, I just don't think the U.S. would have come anywhere close to agreeing to what they ultimately agreed to.
- Willens: In particular on foreign affairs responsibilities, or are there other major areas of differences between what the U.S. might have been prepared to accept in the early 1970s as compared to what they ultimately accepted?
- Stovall: Foreign affairs is probably the area where you most easily define the sort of spirituality of the relationship. I mean, later on we spent a long time debating whether there was going to be a moment of independence or not, and all that scintilla stuff.
- Willens: We had a similar problem in terms of the Marianas on that subject.
- Stovall: Yes. And it really wasn't until we actually got into the Compact that the U.S. came to believe that there just really wasn't any value in beating the horse any longer. I'm sorry, I don't mean to jump so far ahead.
- Willens: No, go ahead. What year are you referring to when you think the United States finally agreed to change its views on this subject?
- Stovall: Well, they had been whittled away over the whole process of the negotiations.

- Willens: Well I gather that the documents that I've put before you referring to the Joint Compact Drafting Group in July 1972 may be one of the first occasions on which the nitty gritty with respect to foreign affairs responsibilities was discussed, and these differences were aired. Is that fair?
- Stovall: That would be right.
- Willens: And then these discussions continued for many years I gather until ultimately the United States and the Micronesians agreed to the present relationships which give the foreign affairs authority exclusively to the (in the case of the Federated States) to the Federated States of Micronesia?
- Stovall: Sure.
- Willens: And so they can meet the test of the sovereignty and can become members of the United Nations and so forth?
- Stovall: Yes. The basic nature of the thing is that the Compact is a treaty between the U.S. and Micronesia that (now of course this is from our point of view) in terminating the Trusteeship, Micronesia had already gone through its definitive emergence into a sovereign nation, or reasserting its sovereignty, which had been on ice so to speak during
- Willens: Four hundred years or more.
- Stovall: Yes. So in 1979 when the FSM Constitution was implemented, the FSM was reborn and was being dealt with as a sovereign state, albeit under the U.S. Trusteeship until 1986, when the U.S. terminated its responsibilities and in the view of the FSM, at that point, the FSM became a sovereign state in the international community, free association having been either redefined or improperly adopted for this arrangement.
- Willens: You lost me there.
- Stovall: Well, the basic model of the relationship had originally been sort of adapted from that of the Cook Islands, and the Cook Islands status is much different from what the FSM's is now. The Cook Islands, if you were looking for a classic example of free association, I guess you would say that's it. Because they were given whatever they got (the Cooks, that is) by an act of the New Zealand Parliament. There's no sovereign treaty or anything between them. And the citizens of the Cook Islands are citizens of New Zealand. So whatever other differences there might be, those are two very fundamental ones—that they received their ability to govern themselves as an act of the New Zealand Parliament and they are citizens of New Zealand. Whereas Micronesians are not U.S. citizens, and they did not receive whatever their rights and all that came to them under the Compact as a result of an act of the U.S. Congress.
- Willens: I see that. Also I note that in some of the early documents, there is reference to the Micronesians attaining U.S. national status. But I gather that was another aspect of the early negotiations that changed over time as the Micronesians wanted more indicia of sovereignty which obviously were inconsistent with having U.S. national status.
- Stovall: Yes. And you were asking earlier about the influence of Chairman Amaraich's views on this thing. This is where, particularly during the years in which he was Chairman of the FSM Status Commission, his very strong views on this independence issue had an awful lot to do with our holding out, until finally the Micronesians wound up getting exactly what they wanted.
- Willens: Would it be stretching things too much to say that in fact they achieved independence with a treaty obligation with respect to defense?

- Stovall: That's right. Now, of course, in the Compact the FSM delegates to the United States the right to call on the FSM government to discontinue foreign affairs activities that the United States deems to be in conflict with its defense responsibilities. But that's something that the FSM freely entered into as a part of the delegation of authority to the U.S. And as a matter of fact, it hasn't been problematical in any way. But that defense veto thing to some of the early critics of the Compact was a factor in their arguing that we had not really obtained self-government.
- Willens: I see. Some of these materials from 1972 reflect the position of the Joint Committee and its counsel that they were still negotiating on behalf of all six districts including the Marianas.
- Stovall: Hmm.
- Willens: This came up in the exchange of views with respect to the level of U.S. financial assistance and so forth. Do you have any recollection as to what the strategy was of continuing to assert that the Joint Committee represented all six districts even though the United States and the Marianas had embarked on separate negotiations?
- Stovall: Well, it would be hard for me to dredge that up, without going over all these documents and perhaps then suddenly the curtain would lift. But I think that there was some feeling that in terms of negotiating a financial package, we wanted to keep some kind of a hook on a right to have the whole thing in one package in case the Marianas didn't succeed in getting what they wanted.
- Willens: There is some support for that in the documents that I've recently read. The thought was that if you progressed with drafting a Compact on a sufficiently successful and rapid basis, that the people of the Marianas might have two alternatives that could be presented to them. They might elect to go with the newly-negotiated free association status. And that is reflected here, and I think there may well have been other tactical reasons involved. But after this session in Washington, this was the fifth round that took place in July of 1972 in Washington. Do you remember attending any of those meetings other than these joint drafting sessions? Did you go to any of the meetings of the two delegations?
- Stovall: Oh, yes.
- Willens: It seemed to on the whole have been a fairly successful round of negotiations, although there still continued to be these significant differences on finances. The United States seemed to refuse to present a counter-proposal on financial support. Do you have any recollection as to when it was that you heard for the first time what the United States financial support was prepared to be?
- Stovall: I'm afraid I don't.
- Willens: Okay. After that session was concluded, the Congress of Micronesia met in August of 1972, and there was considerable criticism in the Congress of Micronesia about what the Joint Committee had negotiated. There was criticism of the proposed Compact provisions, there were arguments that the sovereignty of the Micronesians was being infringed upon, and there are references to an independent coalition based largely in Truk. A Joint Resolution No. 117 was passed by the Congress of Micronesia that instructed the Joint Committee to pursue independence as well as free association. This caused considerable consternation back within the United States officialdom. Do you have any recollection of the events that I've just referred to and how that impacted the negotiations?
- Stovall: That may have been during a period when I wasn't working on this project, because while I remember generally the difficulty that arose, I don't have much more to add than that.

- Willens: Okay. Just to refresh your recollection, I can mention that the sixth round of negotiations did take place in September in Hawaii, and when Chairman Salii presented to Ambassador Williams in public and in private the actions of the Congress of Micronesia, the United States concluded it was not prepared to deal with an independence option, and the negotiations basically terminated rather abruptly. It forced an extensive re-examination of U.S. policy back in Washington that really went on for more than a year. Was it about this time that you think you may have been working on other matters?
- Stovall: Yes.
- Willens: And so these particular events don't trigger any recollection that you have about the negotiations?
- Stovall: Nothing that would be of help to you, I think.
- Willens: During the next year, there was considerable effort devoted to the issue of returning public lands to the Micronesians, and this was something of particular importance to all of the six districts. Salii and the Palauan leaders in particular were basically refusing to go forward with the negotiations or even to allow a U.S. survey team to come to Palau until this issue among others was resolved. Do you have any recollection now as to this public land return issue and its significance in the negotiations?
- Stovall: There were several of these issues that were taken up in the context of the negotiations over the years such as the public lands thing, such as the entitlement of some of the people who had worked for the Trust Territory to benefits that hadn't been provided—in the context but not as a part of the negotiations. They were examples of the issues that were being dealt with. The public lands thing, I seem to recall that it was sensitive because there was quite an issue as to who was to receive these public lands and how that process was supposed to work.
- Willens: That's correct. The U.S. policy statement required that there be some kind of entity created in each of the districts, and of course that was quite inconsistent with certain cultural traditions in some of the districts. It was resolved, however, in November of 1973 with issuance of this public policy statement that the Micronesians seemed generally pleased with. The seventh round of negotiations took place in November of 1973. There is some indication in the materials that Mr. Mangefel of Yap was opposed to any reconvening of the negotiations. He wasn't sure that anything would be accomplished, and there seemed to be some growing concern of this kind. Do you recall when you next became involved in the negotiations? Do you think you were involved in November of 1973 in Washington? There was a round of negotiations that took place. It was after there had been a public lands statement.
- Stovall: Actually, I remember when that delegation came, and I believe however that I was not working on it then. I believe Terry Fortune was working for Paul on that one then.
- Willens: Okay. There were then further negotiating of Compact provisions that went on, and there's a memo under Tab 13 dated November 16, 1973 that reported on a session of the drafting committee that took place on the previous day. You'll see reference on the first page here to some figures that were put forward as to the financial objectives of the Joint Committee. The document reflects some considerable differences between the two negotiating delegations as to how much money the Micronesians needed under the terms of a future relationship with the United States. Does this refresh your recollection as to whether you were involved in the negotiations at that time?
- Stovall: Can you give me a second?

- Willens: Of course.
- Stovall: I wasn't at this meeting, I'm sure.
- Willens: You do not recall being present at this meeting?
- Stovall: No.
- Willens: You'll note from the document that again Paul Warnke, on behalf of the Joint Committee, is emphasizing that there are major needs that have to be met under the terms of a financial relationship but agrees that it's not supposed to be just a quid pro quo for making land available for military purposes. In any event, when this round of negotiations ended, there was apparently a subsequent meeting of Chairman Salii and Ambassador Williams about when to reconvene the negotiations and how to use experts dealing with these financial issues. But the next round of negotiations didn't take place until May 1976. That's two and a half years later. I haven't really reviewed the documents to see what they say about why that was, and I'd like your recollection if you have any as to why the negotiations stalled for such a significant period of time or indeed whether they had stalled, because by 1976 there really was a draft Compact that was initialed by the parties. And the only area on which there was not agreement was certain provisions relating to Law of the Sea. I have here the official report of the Office of Micronesian Status Negotiations regarding the eighth round which took place at Saipan in May and June of 1976, and it has the complete staff of the United States present. It also indicates staff for the Micronesians. It includes Paul's name and Kaleb Udui and Michael White, Harry Brown, Fred Ramp and Fred Wyle. Do you recall being present at the meeting in Saipan when a draft Compact was initiated?
- Stovall: No, I was not there.
- Willens: Had you, however, played an active role in the drafting of these various provisions of the Compact in the years preceding May of 1976?
- Stovall: Yes, I can't tell you sitting here exactly which ones.
- Willens: You got back into it then at some point in 1974 or whenever.
- Stovall: Yes.
- Willens: So was it generally the Committee's strategy to work at a drafting staff level, try to put a complete document together before there was another round of negotiations? Was that generally the sense of how best to advance the cause?
- Stovall: Yes. I think there was some desire to lock in what we had agreement on and not lose it and see from our side what level of support might exist for such a document, assuming that further negotiations would achieve a satisfactory result on the LOS and the finances.
- Willens: It's interesting to me that the drafting went forward, produced nearly a complete document that the parties could agree to in May of 1976 even though a few years earlier it looked as though the Congress of Micronesia and some leaders in Truk were espousing independence as an option. It appears as though the Joint Committee leadership decided basically to overlook that and just proceed to negotiate a Compact of Free Association in the hope that when it was finalized it would be supported. Is it your sense that the independence coalition was not really a powerful movement that had to bring about a change in the Joint Committee strategy? The Joint Committee appears not to have changed its strategy.
- Stovall: Well, I don't want to be cynical about the process, but I think there was always some

element of using the independence club as a way of slowing things down when it looked like they might be getting out of hand or of just wearing the U.S. down. I'm not saying that the people who advocated independence weren't sincere. They were very sincere, and they were not an inconsiderable force.

Willens: Were there any articulate representatives of that point of view on the Joint Committee? There's some reference in the U.S. documents that Salii told the Ambassador that particularly based on an election I think in 1972 that he lost some of his more compliant or supportive members and he now had some members of the Joint Committee who were not (or members of the Congress of Micronesia who were not) as supportive of the free association alternative as their predecessors. Do you have any recollection of Salii being influenced in this way by electoral results?

Stovall: Well, I don't doubt that he was speaking the truth, but the Committee was charged to negotiate free association.

Willens: Well, they have this resolution in 1972 to also pursue independence as well, and it's unclear to me whether

Stovall: But the U.S. had indicated that that wasn't on. And to some extent, the whole talk about independence was—I don't want to say tongue in cheek because as I say people really felt strongly about it. But the leaders who were charged with actually trying to make something out of these negotiations knew in their hearts that independence wasn't a tenable path at that time for Micronesia to take, that there simply wouldn't be the financial backing for it and that people would suffer. It's easy to talk about independence from a standpoint of pride, but if you're worried about survival, you've got to have something else. And I would tell you that this was also a concern to those of us advising the Micronesians, that they needed to worry about their economic future. So maybe you couldn't tell the independence people to go away, and you couldn't tell [them] even as an advisor that they were off-base or they were saying something inappropriate. So their views had to be brought forward in a way that made it seem that the Committee was taking account of it, and that slowed down the process considerably.

Willens: It looks though that the issue of independence was presented to the United States in these strong terms in September of 1972 when the United States basically refused to negotiate further then and regrouped, although both Chairman Salii and I think Paul wanted and urged the United States to continue drafting on the Compact of Free Association notwithstanding the actions of the Congress of Micronesia. Then 14 months elapsed until the two delegations got together in November 1973 in Washington, and by that time the public land issue had been resolved. And it seems as though Chairman Salii felt comfortable in proceeding with the drafting effort and that maybe the passage of time or politics or the U.S. position or a combination of the above led them to the conclusion that you summarized earlier that it was better to finish the process, see if you could reach agreement on these areas, and then see whether that was acceptable to the constituencies.

Stovall: Well, the discussion in the Congress in the meantime would have gone along the lines that we've been to the U.S. about this independence question and we have a clear word from them that they're not prepared to negotiate on that basis. What instruction then do you want to give your Commission. The Commission of course wouldn't have proceeded just willy-nilly over the objections of the Congress. I don't happen to have read the journals of the Congress meetings at that time, but I would imagine that they were told, "Well, all right then, proceed as best you can to define this free association thing but pay due

respect to the views of those who feel that the free association should incorporate as much as possible these desires for self-government and sovereignty as we can.”

Willens: Which indeed is what emerged as you said earlier.

Stovall: Yes.

Willens: Well then just in conclusion, can you sort of outline for me what happened after the initial draft Compact was agreed to by the parties in May of 1976? Ambassador Williams, as I recall, resigned his office sometime after that in 1976, and I have seen reference to a meeting in Hawaii that took place in May of 1977. When was it that the Marshalls and Palau decided to proceed separately?

Stovall: Now let's see. 1977. Well, that was the so-called Honolulu Roundtable.

Willens: Well, I think that was the roundtable. It's unclear to me exactly

Stovall: Ambassador Manhard, Joe Manhard.

Willens: I just have a press release. Yes, it was a roundtable. It's called the Honolulu Roundtable Conference hosted by the United States. It doesn't have any names. All I have is a press release from it in this bound volume. They've written that participants engaged in forthright and constructive multi-lateral and bi-lateral exchange of views on a number of subjects, which I'm sure is very helpful. But it included the Marshall Islands Political Status Commission; it included the Palau Political Status Commission.

Stovall: Yes.

Willens: It included something called the Micronesian Commission on Future Political Status.

Stovall: That's us.

Willens: The successor to the Joint Committee?

Stovall: Yes.

Willens: And then the Law of the Sea delegation was there and so forth and so on. So what's your recollection of the significance of this roundtable meeting? Was it by that time that Palau and the Marshalls had decided to go their separate way, or were they just preserving that as an option with their separate commissions?

Stovall: That was a very interesting meeting. I did go to that one, and Paul at that time was off negotiating. I'd say the main significance of the meeting was—well, I mean it achieved absolutely nothing. And it was convened during an interregnum as far as the Ambassadorship went. Ambassador Manhard, I don't recall whether he was ever confirmed as a personal representative or anything.

Willens: He was succeeded by Peter Rosenblatt?

Stovall: Yes. But the U.S. used that meeting to try and find common ground between the Micronesian delegations. Again depending on your point of view, you can either believe that the U.S. was really sincerely trying to hold everybody together or, by allowing these other delegations to be seated at the table, signaling that they were willing to separate. It had its moments. The Marshalls delegation came in—like everybody was in aloha shirts—and the Marshalls marched in with black suits and dark sunglasses. They all looked like the Blues Brothers. And sat all in a row down there. And just as things were getting under way, this Hawaiian woman marches in and sits herself down and there was this half hour of confusion while she announces that she's the Queen of Hawaii and has a right to attend any meeting held in her territory and all this. Things are in a complete uproar until one of

the Palauan guys, Vic Urbalo, goes over and whispers in her ear, and she rises and leaves the room. We all asked him later on, "Geez, Vic, what did you tell her?" He said, "I said if she didn't get out of here I was going to kick her ass."

Willens: Indelicate. Very successful tactic.

Stovall: Then there were various discussions with the U.S. delegation in the room of the advantages of working together and so on. Dwight Heine made an impassioned appeal for Micronesian sovereignty. He was sitting with our delegation, by the way.

Willens: Was he a member of your Commission at that point?

Stovall: No. So then Ambassador Manhard suggested that we have an all-Micronesian meeting, that the U.S. leave the room, let the Micronesians see if they couldn't work something out. So they did, and Fred Wyle and I in the spirit of the moment were getting up to leave the room with all the other haoles. The Marshallese lawyers, however, Dick Kopaken and Jon Weisgall, were determined that they were going to keep their seats and not be excluded from anything. Nick Bosse, who was the Senator from Truk at that point, a very big imposing man, very scary guy, was chosen to chair the all-Micronesian meeting. So when he looked down the table and saw Kopaken and Weisgall still sitting there, he screamed, "Haole lawyers—out!" So they got up and left, too. I'm sorry to waste your time on this, because it's not substantive at all; the meeting really didn't advance the cause of Micronesian unity in any way, although Ambassador Manhard tried. Then subsequently, as you know, Peter Rosenblatt came along, and there were still some sputtering efforts. Then the U.S. tried to move in the direction of having separate arrangements but some sort of umbrella, all-Micronesian entity, which we discussed at Molokai. That didn't come to anything.

Willens: It's your recollection that about this time in 1979 then there was a constitutional convention?

Stovall: Actually the convention—I should look as to the date of that—if you don't have it, I can certainly provide the date.

Willens: I'll find out.

Stovall: It had to be considerably earlier than that. 1979 is the date that the FSM Constitution was implemented, so I'm guessing 1976, 1977, somewhere in there. I didn't attend it.

Willens: Then it was under Ambassador Rosenblatt's tenure or during his term that the decision was ultimately reached to go separate ways?

Stovall: Yes.

Willens: And the FSM adopted its Constitution in 1979, and as you described later, achieved indicia of sovereignty when the Trusteeship was terminated in 1986.

Stovall: The big breakthrough on that by the way came in 1978 when we had our meeting in Hilo, Hawaii. The U.S. had tried earlier in San Diego to sort of hang on to some of the earlier principles of semi-sovereignty and so forth, and that draft was soundly rejected in San Diego by the Micronesian delegations. They finally agreed at Hilo to a set of principles that basically came in our direction on the foreign affairs control issue.

Willens: That was in 1978?

Stovall: Yes.

- Willens: What's your judgment as to what prompted that change in U.S. position? Was it the changed international situation or simply fatigue with the negotiations or Congressional pressure or what?
- Stovall: There could have been some Congressional pressure. I'm sure they didn't feel that they were giving away any essential interest of the United States. But I guess they began to take the—well, they decided that it was in the U.S. interest to conclude an agreement. I think Rosenblatt had been given an initial marching order that they wanted the negotiations finished by 1981. So they were scratching around doing something, and I guess Rosenblatt went and sold the idea that they weren't going to get anywhere unless they conceded something and that this in the end wouldn't really cost the U.S. anything because their essential interests were protected otherwise.
- Willens: What was your own personal experience in dealing with members of Congress with respect to these negotiations and the ultimate results that saw four separate entities emerge from the Trust Territory?
- Stovall: Well, our main contact in the U.S. Congress during the negotiations was Phil Burton, and other people such as Inoyue who kept up with it, and of course in those days Scoop Jackson and the guys on the Senate side, who were very concerned about the U.S. defense interests. But they mainly got involved at a later stage.
- Willens: Were Burton and the others that you've mentioned generally supportive of what your clients wanted to achieve?
- Stovall: Well, Burton really wasn't. He felt the whole idea of Micronesian self-government was ridiculous. That, "Okay, have a Compact, set up a little government if you want to, but let Uncle Phil tell you what's good for you and give you what you need."
- Willens: That was vintage Congressman Burton. Did he try to apply any pressure to change your clients' views as to what kind of status would be best for them?
- Stovall: Well, I don't recall whether he ever intervened in principle as to whether the association was a good thing or not, but we had some pretty brutal sessions with him. One time I went up there with Nakayama to see him, and of course it was pretty late in the day, and he really raked Nakayama over the coals. He had very little use for the elected leaders.
- Willens: That's interesting. But in sessions like that, would there be specific issues on which you were seeking guidance, or was it simply a formality for you to visit him with your client?
- Stovall: It was something you always wanted to do. You couldn't come to town unless you checked in with Burton to kind of let him know how things were going. Nakayama on that occasion was talking about the need for more authority and more self-government, and he just didn't feel that that was of any use to the Micronesian people and that the FSM leaders were acting against the interests of their people.
- Willens: Did you have any sense about the involvement of the TTPI Administration in your negotiations? Did they play any role at all?
- Stovall: Yes. I mean they were always a part of the team. They were always there. The High Commissioner and that staff were always there. We worked a lot with them, particularly toward the end of the game on the so-called transition issues. But even before then, just sort of trying to get ready for the eventuality of the onset of self-government. There were a lot of old matters that needed to be cleaned up, claims stuff and, as I've said, these prior service benefits issues.
- Willens: Did all that get resolved more or less to your satisfaction?

- Stovall: In the end I think so. You can always find someone with a claim that wasn't satisfied. Actually, I think the prior service benefits issue has recently been revived, to my amazement. I thought we had that dead and buried. But yes, there weren't any real bleeding sores left unaddressed. Of course, the other big one was the CIP projects, the infrastructure projects that had been carried out in a defective way and what was the U.S. going to do about those. And that took a lot of doing, but that was worked out.
- Willens: What do you think accounted for the delay in Palau of getting its status together? I've read Arnold's book and I'm aware of all the times the question was put to the people. But were there fundamental differences between the Palauans on the one hand, the Marshallese and the Federated States that resulted in these somewhat different outcomes?
- Stovall: Well, I think there's a very short answer I can give you, and it's probably grossly unfair to a lot of people. But I just think that the Palauan leadership had the view over the years that they could get more. They always believed that in the end the U.S. would give them more money.
- Willens: What's your sense today of the political and economic viability of these three entities—Palau, the Marshalls, the Federated States?
- Stovall: How much more time do you have?
- Willens: Well, talk about the Federated States, because the newspaper reports certainly suggest that it has serious problems with respect to employment and financial support and so forth.
- Stovall: Yes. I really don't want to talk about Palau or the Marshalls in that.
- Willens: Fair enough.
- Stovall: But don't count the FSM out yet. The story has been distorted rather drastically by various people who for one reason or another have chosen to go to the press with this complaint or that complaint. The FSM is a developing country. Developing countries have their problems. Worse still, it's a small island developing country in a remote region with very few resources. We had told the U.S. back in the meetings in Saipan when we first presented our economic package, with the aid of this consultant that I mentioned earlier, that 15 years might be an acceptable period for a Compact, but that it's just a political figure that had nothing to do with the progress of development in an economy just starting from ground zero in a place where people hardly even knew what money was. And that we could agree to whatever we might agree, but not on the basis that this was going to produce a self-sufficient country within 15 years. Unfortunately, in the process of selling this thing to the Congress, the U.S. people under Fred Zeder went up to the Congress and basically told them, "Look, we've worked this out very carefully. It's a carefully-negotiated package that will produce self-sufficiency within 15 years." You know, that just never was in the scheme of things. We are currently completing a document that will be circulated around the Congress and so forth. Because as you know, we have negotiations beginning to come up on the horizon.
- Willens: Looking toward what, is it 2001, or what's the key year when the 15-year period ends?
- Stovall: Fifteen years is 2001, but we start negotiating in the 13th year.
- Willens: Jim, can you elaborate about the paper you're putting together with respect to the state of development within FSM and needs for the future.
- Stovall: Yes. I'll try and not go on too long with this. Actually, it is a Compact success story. We're now 10 years down the road, and it seemed to us to be an appropriate time to make an assessment of how things have succeeded. Now, it's frankly self-serving, but we got a little

tired of reading all this stuff in the paper about how the money was being wasted, the Compact was a failure, so on and so forth. The fact of the matter is, according to all the development experts, our own consultants, a group called Development Associates across the river, and now the ADB, who had three people out there living and circulating around in FSM for a year or so now, and providing advice, convening meetings on economic needs and strategies. They're now in the process of reporting that the country has done amazingly well in 10 years and that the money in fact has not been wasted, that the mistakes that have occurred have been mistakes that one can't be too surprised about in a country starting from where it did. The level of corruption, for one thing, in Micronesia has always been amazingly low. Now they are members of an island society where they have their own traditions, and sometimes that impresses Americans as being inappropriate or immoral or whatever. But discounting that, you don't have anybody being taken out in the bushes and shot for political disagreement or anything out there. You don't have, except in a very few isolated cases, anybody with their hand out taking big bribes and stashing money away instead of letting it get down to the people. So anyway, it won't be me talking, it will be some fairly objective people reporting that things can be held together in Micronesia if things are done right, but that it's going to take some future support from the U.S. or some source. Over the last 10 years, they've developed quite a lot of other inputs of assistance in various forms from other countries like Australia, Japan, China and also from the development institutions and all of that. So any kind of future assistance package from the U.S. will not be the same as what we now have. Anyway, I'm sorry, that's a long answer.

Willens: No, no, that's very interesting and useful. Just in conclusion, are there any comments you want to make about the separate Marianas negotiations and what the impact of that was on Micronesia generally or how its development over the past 20 years has been viewed from the point of view of FSM, for example?

Stovall: How the Marianas development has been viewed?

Willens: Yes.

Stovall: Well, I'm not much of one to have a lot to say on that, but I think the people of FSM at least still feel quite close to the people of the Northern Marianas and of Guam, despite the disagreements that have arisen. And we do take it that there's very little blame being put on the Micronesians for the situation, as you pointed out, it's just that they're trying to get the U.S. to do what they see to be the right thing. And in large part, I think they're absolutely right. But unfortunately the process of presenting those cases hasn't gone very well, especially in the case of Guam. I don't really know that much about the Marianas, although recently I think maybe they needed a good political advisor in dealing with the Congress. But I think that there's a very strong feeling of family ties and what have you between all those countries out there still, including the Marshalls and Palau. They work together amazingly well considering the differences in them. I don't see any signs of the kind of internal strife within any of them that is likely to lead to any sort of dismemberment. The FSM had in 1987, I think it was, a requirement that they must have another constitutional convention every 10 years, and they went through a great exercise, and they had a big Second Constitutional Convention and wound up nothing.

Willens: This is the FSM?

Stovall: Yes.

Willens: Okay. Well, I'll tell you off the record about our own experience in the Northern Marianas. I think whoever put that provision of requiring a convention every 10 years into a constitution hasn't probably attended too many constitutional conventions. But in any event, Jim, we'll conclude it here. Thank you very much for your time and your help, and it's been most instructive to me, and I may come back and seek your guidance on another occasion.

Stovall: Yes. Please feel free.