

## INTERVIEW OF JAMES E. WHITE

by Howard Willens

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- Willens: James E. White is a former colleague who served with distinction as Executive Director of the Marianas Political Status Commission from 1972-1975. Jim, I appreciate your willingness to assist me in this historical project. Could you begin by giving me some background regarding your growing up and education?
- White: Yes, I born in Gowanda, New York, a little town about 30 miles outside of Buffalo and shortly thereafter moved to a town called East Aurora, New York, 18 miles southeast of Buffalo. I had my grade and high school educations there. I lived there all of my formative years, in a beautiful little New England-type town. I had a very nice upbringing. From there I went into the service at the age of 17 during the Korean War in early 1951 and after basic training was initially an instructor at Sampson Air Force Base in Geneva, New York. After about a year of that, I went into combat crew training for a gunner on a B26. I eventually wound up in Pusan, Korea, where I had a series of missions. After completing my service there and the truce that eventually developed in 1953, I was then reassigned as an instructor gunner on a B29 at Randolph Air Force Base in San Antonio, Texas. I was discharged on what they called an early release program at the end of the Korean War. I was able to take advantage of that early out and with the GI Bill went to the University of Idaho in Moscow, Idaho.
- Willens: How did you happen to find your way to Idaho?
- White: Interestingly, I had been accepted at the University of Buffalo but my brother had gone to the University of Idaho as an ROTC person and he thought it was a good school. It was a very nice small college town where you could live on campus easily and the out-of-state tuition was massive. It cost \$75.00 per semester. These were the items that convinced me that Idaho would be a good place to go to school.
- Willens: What did you study as an undergraduate?
- White: Business administration with a major in accounting.
- Willens: What persuaded you to go onto law school?
- White: Well, I didn't initially. I went off and was an auditor for Liberty Mutual Insurance Company and several other jobs which I did not like. I got married, had one child and finally came to the conclusion that I wanted to go to law school. I was living in San Francisco at the time and applied at Hastings and they indicated that I needed a degree and that I had lacked four hours of a foreign language. In order to actually, get my degree, I had to go back up the University of Idaho for one semester and pick up that course. I was thereafter accepted at both the University of Idaho School of Law in Moscow and Hastings in San Francisco. I opted for Hastings (which as background is the oldest law school west of the Mississippi and is part of the University of California school system).
- Willens: When did you complete your legal education?
- White: I completed that in 1964.
- Willens: What were your first jobs as a young lawyer?

- White: My first job after passing the bar was as an assistant district attorney in Orange County—deputy district attorney they call them there. You were thrown into a baptism of fire as far as trial work was concerned from day one.
- Willens: Was that principally criminal work?
- White: Yes. Initially misdemeanor panel, a true training ground, where you try a lot of driving under the influence cases, which had all of the significant aspects of any significant lawsuit because they had expertise and they always had a good defense. So it was good training ground.
- Willens: How did you find your way out to Micronesia?
- White: I had completed several years in the district attorney's office and went out into private practice with a couple of people that I was associated with from the district attorney's office.
- Willens: Was that in Orange County?
- White: Yes, in Newport Beach. I had a nice practice there, mainly defense oriented, but I found myself more and more convinced that I was not oriented towards defense work. I was much more oriented towards the prosecutorial side. I somehow felt always that victims weren't adequately represented and defendants were more than adequately represented. I just felt more comfortable taking bad people off the street rather than putting them back on the street. I became somewhat dissatisfied and thought about going back into the district attorney's office. But my wife and I had always had a desire to do some traveling and so we were kind of pitching around to see what we could find. I almost went to Alaska in the Attorney General's office there, but at the last minute a friend of mine told me about Micronesia. I never even knew it existed and that it was a trust territory of the U.S. We contacted the Attorney General, Robert Hefner, and I was eventually hired as a district attorney for the Palau and Yap districts of the Trust Territory.
- Willens: You worked then for the Attorney General's office?
- White: Yes.
- Willens: Your area of responsibility covered both Yap and Palau?
- White: Yes. I had a staff in both locations. My function mainly was to try your major felonies in the high courts on both Palau and on Yap and be in charge of a local group of prosecutors who tried the smaller cases on both islands.
- Willens: Where did you actually live?
- White: I lived on the island of Koror in the Palau group. It was a very beautiful, but at that time very primitive, location.
- Willens: Were the lawyers with whom you worked principally U.S. citizens from the mainland?
- White: The ones that I tried cases against generally were. But all of the misdemeanor and lesser felony cases were tried by local prosecutors and local defense attorneys, none of whom had any real legal training.
- Willens: Were they local citizens of Yap or Palau?
- White: Yes. They just had training through our offices and through the Public Defender's office.
- Willens: During what years did you serve as assistant attorney general in Yap and Palau?
- White: I was district attorney for two years from April of 1970 to April 1972. It was a two

year contract. At the end of that two years, although I liked it very much, I felt that my usefulness was coming close to an end because the Palau area was very controversial.

Willens: How so?

White: Very politicized between two large clan structures that were constantly vying for power. It became almost impossible to not be—I don't want to say compromised—but it became more and more difficult to work within that structure.

Willens: Was it especially difficult for someone who came from the mainland?

White: Yes. We had superimposed on Micronesia a set of American laws that were basically from California. Years before they had a Peace Corps representative out there that developed the Trust Territory Code and initially they used as a model the codes in California and somewhat in Arizona.

Willens: During your two years in Palau did you get to know Lazarus Salii?

White: Yes, I did.

Willens: Based on your acquaintance with him, how would you evaluate him in retrospect as a political leader?

White: First, I liked him very much. I thought he was probably one of the brightest people in Palau. I never was sure of where he was coming from. I think he purposely handled himself in that fashion. I got the overall impression that, although he sought a lot for his people, he was very much desirous of seeing a good relationship with the United States. I think he felt by and large that the United States was probably the most beneficial group that had been there. Previously the islands had been run by the Japanese from the end of the First World War up until the end of the Second World War. Our official policy at that point can be best described as "benign neglect" in one sense and what you would call a defense posture negative for the lack of a better term. In essence, what they wanted to do in Micronesia generally was to keep a presence there that would not necessarily be used by us affirmatively but to not allow any other country to develop a foothold in that general area for military purposes.

Willens: Was Lazarus Salii a important political leader within one or two groups that you earlier made reference to?

White: Lazarus was always off to the Congress of Micronesia and very seldom on island. Yes, he was, but I don't really know what clan structure he was from. I think he was from the Ibidul structure, in which you had the Ibidul, who was the head man for what they called the south clans and then the north clans were run by the chief called the Reklai.

Willens: During the two years that you were in Palau and got to know Mr. Salii, did you learn anything about the status negotiations that were underway between the United States and the Micronesians?

White: No.

Willens: Did he ever talk to you about that subject?

White: No. At that point I was totally unfamiliar with any movement towards political status.

Willens: You were not aware of status negotiations?

White: No, other than the fact that the status negotiations generally were underway. I did attend meetings with an exploratory mission in Palau. (I'm trying to recall whether or not Haydn Williams was on the project at that time or not). There was a group of Americans that

came to Palau and held two days of discussions. They had several things on the agenda. I think they were from Interior. One of the things that they were concerned with was whether or not it was appropriate to continue to have the Micronesian Legal Services in the islands.

Willens: Did you have any views about the Micronesian Legal Services?

White: Oh, yes. I was very opposed to it the way it was then being run.

Willens: Why?

White: Well, I didn't mind the concept of the Micronesian Legal Services. But they have one office and my complaint at that particular juncture was by having just one office, the first civilian that got to that office got the only professional help on the island, because there were no other attorneys that were U.S.-educated in the law. So what you wound up having was a civil case being tried in the local court system with Micronesian Legal Services on the one side and local representation on the other. It was very, very uneven, and very unfair to whomever had to rely upon just local representation. My suggestion at that point was either to do away with Micronesia Legal Services entirely and let it all be done through local people, or split the office and have two separate offices or have another service come out so that they can have equal representation on both sides. As far I know that all fell on deaf ears.

Willens: Some of the books I've read about the administration of Micronesia by Japan and the United States emphasize the extent to which the Japanese developed Palau.

White: Yes.

Willens: Many of the commentators suggest that there was considerable sympathy in Palau for the years under Japanese rule and that there was much more pro-Japanese sentiment even after World War II than in some of the other districts. Do you have any recollection of how people in Palau generally felt about Japan as compared to the United States in the years that you were there?

White: Yes. People in Palau liked what was occurring as far as the development of their own political status was concerned. In other words, they had their district legislature. They had a Paluan district administrator who ran the island, Tom Remengesau. The entire staff almost was Paluan. The only non-Palauans on the staff were a man in charge of marine resources, myself in charge of law enforcement, and I think there was about it, although there may have been a few others.

Willens: So the Palauans were generally happy about the extent to which the U.S. Administration encouraged them to develop their own governmental institutions?

White: That's correct. They weren't their own; they were Trust Territory government institutions, but they had their own legislatures and they had a lot of voice in what they did. People liked that. There was a lot more freedom than there had been under the Japanese. Under the Japanese for example, on the island of Koror no Palauans were allowed to live. They all had to live on the island of Babelthuap, which is a large island just adjacent to Koror. Koror was at that point the Japanese headquarters for the Trust Territory. They would transport people over each morning to work from Babelthuap to Koror, but they all had to go home at night. It was a very segregated society. The people that liked the Japanese during the time I was there liked the order and the strict rule of law that they saw disintegrating under our more freestyle free-swinging system. The older people especially longed for this law and order. There was no drunkenness back then, while there was quite

a bit of drunkenness when I was there. They had more access to money and they had more access to alcohol [under the U.S.]. They abused alcohol tremendously in Palau.

Willens: Did you get any sense that the Palauans were as a group interested in some kind of permanent affiliation with the United States, or were they looking toward independence?

White: Would you repeat the question?

Willens: Did you have any sense that the people of Palau were interested in any kind of permanent affiliation with the United States or were they interested in pursuing a course of independence?

White: Most of the people in Palau, I think, really wanted to pursue a course of independence. The Palauan people have a cultural base that, I will describe it this way, is truly a island paradise that was ruled (and is ruled) by a most ugly structure of government by traditional rule. It's a chief's system, so to speak. It's a matriarchal system that frankly attempts to break down any form of a family relationship. When the children are about three to four years old, they are all adopted out. It's very strange, but you would have a child in your home for the first two, three, maybe four years within a fairly small community, which they call a clan, and they would be kind of taken care of by everybody. But you would be the nominal head of the family. But, when the child was about four years, that child would be adopted out.

Willens: Okay, let's go to the point at which you left Palau.

White: I thought you'd get there.

Willens: How did you end up in Saipan?

White: Before I get there I want to complete one thought. I'm not derogatory against the Palauans. But Palauans were brought up in such a way as to negate the normal family structure, that's the purpose of it. That way everyone was more beholden to the clan, more beholden to the chief and what you had is a structure where everything was oriented towards the clan. It was a very, very money-oriented society. It was a quiet bookkeeping that was taking place all the time and you were held in checks and balances that created a lot of strife on the islands. A lot of people really turned to drinking when the opportunity came along. Just to get away from this very severe structural basis that existed. It was very sad, very sad, and two years there was more than sufficient.

Willens: Again, how did you come to relocate in Saipan?

White: In the latter days that I was in Palau, I was anticipating going back to California. I handled a case involving a Micronesian company called MILI. This steamship company provided transportation in the Trust Territory as a monopoly and was rife with theft. When the ships would come in, there would be all sorts of theft off the ships and sales by crew members, etc. So we did a wholesale stop and search of the ship in Palau, so it was crazy. It was wonderful. But anyway, we wound up with a very big case. We shut everything down, confiscated all the contraband, and arrested the captain and the first officer. We had a big trial in Palau. As a result of that, MILI went through a reorganization.

Willens: Does MILI stand for something?

White: Micronesian Inter-ocean Lines, Inc. That was a California corporation run by a guy by the name of Kiskaden out of San Francisco, kind of a folksy person who somehow got an in with the Trust Territory to get this exclusive franchise. The Micronesian government took over.

- Willens: The Micronesian government or the High Commissioner?
- White: The High Commissioner. Well, that's the Micronesian government. The Trust Territory of the Pacific Islands government took over MILI. There were no bankruptcy laws or anything like that in Micronesia, so they just took it over. They set up a management team to run it. They hired a naval expert to run it and he called me and asked me if I would come to Saipan and be their general counsel.
- Willens: You were still employed by the Trust Territory at the time?
- White: That's correct. But he was in desperate need of good legal assistance and he knew that I had a lot of trial experience and was capable. I flew up to Saipan and we interviewed. We established a contract where I went up and would be in private practice. I would not be with the government. I refused to be with the government under those circumstances because, as I informed the government, the first thing I would do is try to get them out of the business. So I went up there and negotiated a contract that was pretty good. I guaranteed them a minimum of 20 hours a week and I had offices in their building. I started a private practice on the island of Saipan.
- Willens: You were a sole practitioner at that point?
- White: That's correct.
- Willens: At approximately when in 1972 did that take place?
- White: Let's see, I probably actually got started there in July of 1972.
- Willens: When you first settled in Saipan, do you recall how you became aware that the Northern Marianas were going to have separate negotiations with the United States?
- White: Yes, I was in the office one day and Ed Pangelinan came to see me. I didn't know him from Adam, it was the first time I'd ever met him. He asked me if I would be local counsel and executive director of the Marianas Political Status Commission. He had seen me from some of my dealings with the Congress of Micronesia and also some of the publicity that arose out of some of my cases. He needed local help with the formation and running of the Marianas Political Status Commission.
- Willens: Had the members of the Commission already been appointed at the time that Eddie approached you?
- White: It's my recollection that they were already in existence. An initial letter had been sent forth requesting negotiations with the United States. I recall that in my discussion with Eddie at the time I said that I would be honored and very pleased to do this so long as what they were truly attempting to do was to establish a close association with the United States. I was not interested in representing them if they were interested in setting up a independent state or anything like that.
- Willens: What did he say in response to that?
- White: He was very eager for that. From day one his whole emphasis and that of the Commission was based upon on a close association with the United States, basically, the closer the better, but trying obviously to ensure that they had an economic and political base that would be unique and helpful to the people of the Marianas.
- Willens: What was your impression of Ed Pangelinan when you first met him and discussed the prospect of working with him on status matters?
- White: Seemed like a bright, very bright fellow, young man. I was informed that he was U.S.-

- educated, had his law degree, and that he was with the Congress of Micronesia. He seemed to be an active person, a doer.
- Willens: Did you get the sense that he was very much a part of the Chamorro culture and political structure?
- White: I'm not quite sure how you mean that.
- Willens: Well, he was certainly a young man, but did you get the sense that because he was in the Congress of Micronesia and was the first Chamorro lawyer that he had a lot of political status?
- White: Yes, yes.
- Willens: And promise?
- White: I think that the very fact that he was a U.S.-educated attorney vaulted him into a position of prominence over some of the more experienced locals.
- Willens: The members of the Marianas Political Status Commission were appointed on about August 16, 1972. They had been nominated by various groups. I'd like to review each of the members of the Commission with you just briefly and get your assessment of them as personalities and as functioning members of the Commission during the two or three years that you may have worked with them. Let me begin with the president of the District Legislature, Vicente N. Santos, who was elected to be vice chairman of the Marianas Political Status Commission. What is your recollection of Ben Santos?
- White: Ben Santos was probably the most prominent politician in the group. He was a very likable person. He was very, very savvy politically; and he knew how to work with people. I thought he was very good.
- Willens: Do you have any particular recollection of issues on which he felt strongly or exercised leadership within the Commission?
- White: He didn't really exercise all that much leadership on the Commission. His whole style and approach would be to kind of be in the background, be a nice person, be very friendly, and then would quietly try to get his things in.
- Willens: Well, it was generally viewed by the people in the Marianas that it was important to have the Commission be funded and supported generally by the District Legislature.
- White: That's correct. He was very supportive of that, by the way. I never got the impression he resisted that at all. He wanted this to go forward, and he was very desirous of a close association with the United States.
- Willens: What do you think his feelings were with respect to people like you and me who were serving as consultants to the Commission.
- White: He was very supportive. I never got the impression that he was trying to undermine us at all. That isn't true with all the members, but he was—I think he was—very used to working with people like that because he had Peace Corps lawyers working with him for years, and he was aware of the Micronesian Legal Services and he was more open to that type of involvement. He knew how to handle it where he could in essence control it in his own way.
- Willens: The second person that was designated by the District Legislature for membership in the Commission was Felipe A. Salas. He later became a judge and withdrew from the

Commission, near the end of its tenure. Do you have any particular recollection of Mr. Salas?

White: I have no independent recollection at this time, except his being attentive, quiet, never did seem to participate particularly, was a follower.

Willens: There were two members of the Commission that were designated from the Congress of Micronesia. One was Ed Pangelinan, who became the chairman, and the second was Herman Q. Guerrero. Both were among the more influential figures in the Popular Party in the Northern Marianas at the time. Do you have any recollection of Herman Guerrero and his participation in the Commission?

White: Yes. He was a very, very active, kind of intense person, who I think was probably a little, if you were to ask me the question you asked previously, he may have been a little more suspicious of our involvement in this process. Could we be trusted? Where were we coming from? I don't think he fully understood the legalistic aspect of us in the sense of representing the client and representing only their best interests.

Willens: Did you remember hearing at one point that certain members of the Commission had been reluctant to hire lawyers from the United States because they might have divided loyalties.

White: That's correct.

Willens: Do you remember any person who was particularly associated with that point of view?

White: I think he was, and Dr. Palacios, I think, was involved in that to a certain extent. I got the feeling that Felix Rabaliman and Oscar Rasa were very much, especially Oscar Rasa, he's very much of that opinion.

Willens: You mentioned Dr. Palacios, who was a member of the Commission from the beginning. He was designated by the Territorial Party and had also served as a member of the future political status commission while he had been a senator in the Congress of Micronesia. What is your recollection, if any, about Dr. Palacios?

White: My recollection of Dr. Palacios is that he was a very rigid personality. It seemed like the rest of the Commission was constantly trying to placate him, and he enjoyed that status. He was almost the prickly instigator of the opposition. I would call him the ideal opposition to whatever was going on, and I think he enjoyed doing that because he enjoyed making sure that both sides of an issue were discussed. Very hard to get along with.

Willens: Do you have any recollection as to whether he was committed to the idea of a permanent relationship with the United States?

White: I thought he was not necessarily committed to a permanent relationship with the United States. They all, on the surface, said they were committed, but there were certain members who I thought were probably not truly committed, and I thought he was one of those.

Willens: Do you think his views changed during the two and a half years of the negotiations?

White: I think so. He didn't let the Commission know that, I don't think initially, but he and I got to be good friends later on, and I know that wasn't true initially.

Willens: The Rota Council designated Benjamin T. Manglona and Joannes R. Taimanao. Do you have a recollection about either of those individuals?

White: Well, Ben Manglona I thought was one of the most beneficial people on the Commission. He was quiet, but he was a real—I would call him almost a peacemaker. He had the sense



of creating: let's get back to the basics, let's get the job done. We know where we want to come from, and we have to be in a compromising position sometimes, and we have to recognize that. Some of the members of the Commission would get pretty fired up on issues, and he was, he was more the equalizing force that somehow knew instinctively how far you could go in a situation, and I thought he was an excellent negotiator.

Willens: There were issues on which the representatives from Rota and Tinian disagreed with the representatives from Saipan, and Mr. Manglona was always a strong advocate for his constituents on Rota. Do you feel that his loyalties to his Rota constituents were inconsistent with his effective participation as a member of the Commission?

White: No. No, I think he was very devoted to Rota, and he represented that island very well. My feeling was, after going through this session, that Rota was not really thought of particularly by the hierarchy in the Northern Marianas other than: "That's an island there." And he necessarily needed to be pretty vocal in trying to develop some of the economic benefits that were resulting from this great United States coming in and asking them to join. I think he was concerned that his island would have been forgotten completely if they could have gotten away with it.

Willens: "They" being the leaders from Saipan.

White: Yes.

Willens: There are those who recall . . .

White: Wait, I do want to say one thing about Ed Pangelinan in that regard. He was always supportive of Rota.

Willens: There are those that recall that Benjamin Manglona was a particularly effective orator in his native language. Did you have any sense of whether he felt comfortable in speaking English as distinct from when he and other members of the Commission spoke Chamorro in our presence?

White: I think he was a little quieter. He was a little shy about proceeding in English, and I recall several times during sessions, he would ask to speak in Chamorro. He was embarrassed to do that on one side, but he felt like he couldn't properly express himself, and that immediately Eddie would kind of translate for us a little bit—at the first opportunity afterwards—let us know what he said, and what he was saying. It always made very good sense. I had no complaint with it. I felt very comfortable allowing him, I don't mean allowing him, but seeing him do that because I knew it was not an attempt to undercut us per se or anything like that; it was his inability to use the English language fully.

Willens: Well, some of the members of the Commission have told me that from time to time they went into the vernacular more or less just to trick us and to talk about some of the issues or about us without our understanding what they were saying. Did you have any feeling one way or the other about their use of the local language in our presence?

White: I know you and I used to laugh about it every once in a while, and we knew—I think we knew we were being the butt of certain jokes or a little bit of fun, and I think we probably deserved that. These were by and large hard-working devoted people, but they weren't of the same sophistication or experience or education that we had, and I think they used to like to rag us on our differences to a certain extent. I enjoyed it.

Willens: Do you have any recollection of Mr. Taimanao, also from Rota?

White: No.

- Willens: OK. The two members of the Commission designated by the Tinian Council at the beginning were Herman M. Manglona and Francisco A. Hocog. Do you have any recollection of either of these individuals?
- White: Yes, I do. Manglona.
- Willens: What is your recollection?
- White: I always had trouble listening to him because of his eye problem. He had a very distinctive wandering eyeball, and he was a firebrand of the first order. I thought he was a significantly fiery orator towards the idea of total independence for Tinian, frankly. I don't know if he really felt that way, but he was not adverse to espousing this kind of an approach. He was very concerned about the heavy military presence that was going to be on Tinian.
- Willens: Do you think he was an opponent of providing a substantial portion of Tinian for military use by the United States?
- White: No. What I think he was a superb negotiator, putting on a very, very strong pretense to make sure that Saipan was willing to be supportive of as much as he could possibly get out of them. That was my impression.
- Willens: Do you have any recollection of Mr. Hocog, who served for a very limited period of time?
- White: No, I don't.
- Willens: Two representatives designated by the Saipan council were Vicente T. Camacho, more informally known as Ben Camacho, and Daniel T. Muna. Do you have any recollection of either of those Commission members?
- White: I have a wonderful memory of Mr. Camacho that has absolutely nothing to do with the Marianas Political Status Commission.
- Willens: Good, tell me about it.
- White: His favorite drink was a Bloody Mary, and he would drink a Bloody Mary that had been heated up profusely with a little Tabasco sauce. And he would get that Bloody Mary and he would take that Tabasco sauce bottle—you know, the thin tall ones—and he would put a third more of the whole bottle into one drink. Absolute fire, that drink had to be. Just total fire.
- Willens: Did you ever taste it?
- White: No, I did not. But one time we were at a meeting, and I think it was at Herman Guerrero's house. And we were all there, and Herman Guerrero had a little bush outside, beautiful little bush with ornamental little peppers on it. I don't know if you ever saw those, but they were maybe the size of half of your little finger. And they hung down, almost like a little Christmas tree in a sense. I mean, it was a perfect little tree with maybe a hundred of these red little things on it that were so hot that one time I had just touched the outside of one and after just touching the outside of it, I touched my eye, and for 20 minutes I couldn't see. And, so, when we were there that day, I took one at Mr. Camacho's recommendation. He said, "You should try eating one." And I just laid it on my tongue, and I lost complete sensitivity in my tongue for a good half hour just from having it touch. And he mildly took one and just chewed it away. He had to have died somewhere along the line from ulcers.
- Willens: No, he's still actually very much alive, although I have not yet had the pleasure of interviewing him.

- White: I personally liked him probably as well as any member on the Commission.
- Willens: Do you remember any particular issues that were important to him?
- White: No. I don't think he had any particular issues that were particularly important to him other than the good welfare of Tinian.
- Willens: Do you have any thoughts with respect to Dan Muna, who was one of the more colorful members of the Commission, as I recall?
- White: I think Danny Muna did not have a good command of the English language at all, and consequently for a long period of time I felt that he probably was subnormal as far as his abilities are concerned. I later felt that that wasn't true, and he seemed to be a particular friend of Eddie's. Eddie certainly was protective of him—I know that—and particularly he listened to him. I never got the impression that he was particularly forceful at any time during the negotiations, either pro or con. I think he was more pro. He certainly never sided with the rebellious group at all.
- Willens: The senator from the Congress of Micronesia, Olympio T. Borja, was designated as a member of the Commission to represent the small islands north of Saipan. He had previously been a member of the Territorial Party but had switched to the Popular Party sometime after the 1970 elections because all of the members of the Territorial Party who had run that year had been defeated in part based on status issues. Do you have any recollection of Oly Borja?
- White: Oh, yes. He was the true entrepreneur and, if there was a way to make some money, even if it was a little bit on the tainted side, he was not adverse to being plied in those trades. I recall his having several bar locations and a store that I always tried to figure how it could ever make money, because of its disheveled appearance when you had other stores that were at least competing on a better basis.
- Willens: That was a supermarket, was it not?
- White: Yes, and he was a very likeable person, friendly. I think he could have been bought by either side.
- Willens: He's now deceased.
- White: But he was a nice person.
- Willens: But do you remember what issues were of particular importance to him?
- White: The economic issues. How much money were they going to get. He was very favorable towards the pact. I think he was one of the more positive factors for close association with the United States. I think his basis for doing that was economic. I think he knew full well that a good relationship with the United States was worthwhile. He also had close association with people from Japan. I suspect, I don't know if it's true or not, but my suspicion would be that he came out rather well with the Japanese development.
- Willens: The Popular Party designated Joaquin I. Pangelinan, who was a Peace Corps official at the time, to represent the Popular Party on the Commission. He had been an active participant in the Popular Party for about 10 years. Do you have any recollection of Mitch Pangelinan?
- White: Yes, I do. Mitch was a very thin, tall, appeared to me to 100 percent Japanese extraction, although he had some dark-skinned characteristics. Now whether or not he had any Saipanese blood, I don't know, I don't think so, but the one thing I can relate here is the story I was told about how he came to Saipan. At the end of the Second World War as the

American troops were invading Saipan, he was found in a cave where there were like 50 or 60 Japanese people who had committed mass suicide. He was sitting in the middle of that protected by his dead mother and he was still alive. And he was not injured, he was just kind of in there, he was just an infant at the time. He was adopted by a Chamorro family. I can't tell you where I know that story from, but that's the—I don't think Mitch told me that story. I know I was never so presumptuous as to ask him about his background.

Willens: Did you remember . . .

White: He was very, very well educated, I thought, for local education, and he had very good command of the English language. He was one of the very strongest supporters of a close association with the United States.

Willens: Do you recall him being a particularly active or talkative member within the Commission?

White: Yes, I thought he was one of the most active. And he was very close to Eddie, and was very supportive of Eddie's position. There were others on the Commission that I think were a little jealous that Eddie had the distinction of being the Chairman, but Mitch wasn't one of those.

Willens: The United Carolinian Association designated Felix Rabauliman to be its representative on the MPSC. Do you have any recollection of Felix?

White: I sure do. He was my next door neighbor up on Capitol Hill. He lived around the back side of Capitol Hill and he was a really nice person who in essence, what did you say, how did he wind up on the Commission?

Willens: He was designated by the United Carolinian Association.

White: I was just going to say he was a representative of the Carolinian people, which was a minority on the island of Saipan. Almost without a doubt, his total interest was making sure that the Carolinian people were fully included in the status negotiations and that their lands would be protected and developed as strongly as anyone else's lands. I think they had a lot of, as I recall, fishing rights along the coastline that he wanted to be sure were protected for the Carolinians and wouldn't get lost in the shuffle. I think he was quite concerned about Japanese development, changing the character of the island. He was much more the traditionalist who wanted to see things remain as they were.

Willens: There's some suggestion in the records that the Carolinians on Saipan were not as enthusiastic about a separate status for the Northern Marianas as were the Chamorros on the island. Dr. Palacios, from time to time in his capacity as a leader in the Carolinian community, still harbored some preferences for a Micronesia-wide future. Do you think that Felix Rabauliman was truly committed to a separate status for the Northern Marianas?

White: No. I think he was much more concerned with the Carolinians as a race or as a people, and many, many Carolinians lived in other locations throughout Micronesia. And I think that he wanted to see a close association with the Carolinian groups. I'm trying to think now, but I think that Yap is a Carolinian location, and I'm not sure, at least some aspects of the Palauan area are considered Carolinian. I think he was afraid of losing those ties and winding up as a very small minority on the island of Saipan with the Chamorro majority along with the United States. He was very concerned about that.

Willens: Do you think that he was . . .

White: He wound up not signing, by the way.

- Willens: Why do you think that was?
- White: He told me that he was going to sign, right up to the end, he said he was going to sign. That was one of the most important things I worked with him on, you know, what do we have to do for Felix to make sure that this is acceptable to the Carolinian community so that they can be happy and go forward in a united front. I thought it was important with not just our dealing with the United States but also our dealing with the United Nations that we showed a united face. And he assured me that he was going to go forward and when it came to signing, he didn't.
- Willens: Did he ever explain to you that decision?
- White: No.
- Willens: Did you think he was free to vote on issues the way he wanted to vote, or was he very much under the control of the leadership within the Carolinian community?
- White: I don't know if he was under control or whether he was the leadership of the Carolinian community. I think that was it. I think he was, he was the control. And I think in the final analysis he just, my impression is that he just didn't feel comfortable signing this at all. He wanted to show that the Carolinians weren't ready to subjugate themselves entirely to the Chamorro majority.
- Willens: Do you think he felt as the status terms were negotiated that there was inadequate protection for the Carolinian community.
- White: I think he felt all the way along that the Carolinian community was given a little bit of a short shift. I know that you and I worked very hard to make sure that didn't happen but I think it happened nevertheless. At least he felt that it happened.
- Willens: You think that he felt that it happened or that there was a risk that something might happen in the future?
- White: I think he felt that happened. And it had nothing to do with what we were getting from the United States. It had all to do with the political power of the Chamorro people versus his political power for his people. I think he just felt like they were being swallowed up in this. It's a very heavy cultural thing, too, you know. It's an entirely different culture between the Chamorro and the Carolinian peoples.
- Willens: Did you see any examples of discrimination by the Chamorros against the Carolinians while you were living in Saipan?
- White: No overt thing. There were no demonstrations or anything like that that I'm aware of. It's much more, the people in Micronesia and the way they approach things is very much into themselves and I think they felt things very deeply but they just had an innate concern about the faithfulness of the Chamorro community.
- Willens: You'd be interested in knowing that when I was in Saipan about a year ago I met Felix when he was involved in the political campaign. He introduced me to his wife at the Territorial Party, or Republican Party, campaign headquarters. He said that Howard had returned to Saipan to get him to sign the Covenant and that he was now prepared to do so. So he was extremely friendly and supportive and I think has prospered.
- White: Has he signed?
- Willens: That's what I want to know.

White: I'm sitting here right now, looking at my copy of the original Marianas Political Status Commonwealth Union that was developed and signed and I think in February of 1975. His and Oscar Rasa's names are the only two that weren't . . .

Willens: No, and it's just as well that they didn't show up because the military commander who was assigned the responsibilities for bringing in pens to sign the Covenant failed to bring a requisite number. If everyone had showed up there would not have been individual pens for each member of the Commission. Whether that is true and will be confirmed by independent evidence I do not know.

White: I have no independent recollection . . .

Willens: In any event . . .

White: I happen to be looking here, Howard, and it looks like they all used their own pens. I don't recall anyone using specific wonderful pens at the time. Do you remember?

Willens: No, I don't.

White: And I think I would have remembered that.

Willens: Well, I think the military person in question was Richard Wyttenbach, who you may not remember. He has now married a Guamanian woman who is active in politics on Guam and lives there. He told me he was assigned by Ambassador Williams to provide the requisite number of pens.

White: Was he a major?

Willens: I forget his rank at the time. The last member of the Commission that I need to ask you about was Jose C. Tenoreo, better known as Joeten. You will remember him as being one of Saipan's most successful and respected businessmen. Did you know Joeten on a personal or professional basis?

White: Yes.

Willens: Well, what was your assessment of him as a political figure, as a businessman, and as a member of the Commission?

White: Let me go to the back one first. As a member of the Commission, I think he was honored by being named a member of the Commission and he wanted that honor. But then I think he wanted to bow out so that, because of his business interests, he just didn't want to devote any time to the Commission itself. He felt he couldn't and he didn't want to. He was, I think, the most successful businessman on the island and he was smart enough to have one very obnoxious manager by the name of Joe Screen who was very good. In his very, very obnoxious blunt way, but. . .

Willens: Do you think he fully shared the objective of the Commission to negotiate a close and permanent relationship with the United States?

White: Yes, and I think Ed Pangelinan got a lot of his power from him.

Willens: You think so?

White: Yes. Ed never told me anything like that, it's just my gut reaction strictly. My gut reaction is that Eddie was, one of his functions was, to protect Joeten's interests.

Willens: We'll come later to some events where Joeten, or Mr. Screen on his behalf, took issue with the course of the negotiations and it may trigger further recollection. Let's move on now to what preparations were undertaken by the Commission in anticipation of the first round of negotiations which was held in December 1972. Jim, do you recall having

any particular responsibilities as Executive Director before the first round of negotiations actually began?

White: No, other than I got backgrounded a bit by Eddie and I think there was a meeting where I met the members of the Commission. I'm not sure if you were out there at that juncture or not, I don't think so, I think you showed up later. I'm trying to recall when you were hired.

Willens: The records indicate that Ed Pangelinan as Chairman consulted with the Commission members on December 7, 1972. He had been in Washington earlier in the fall to interview various law firms and potential economic consultants and it was at this December meeting that the Commission officially designated you as Executive Director, James Leonard at the economic consultant, Joe Screen as a consultant, and me and Wilmer, Cutler and Pickering as legal consultants. Did you meet the Commission on that occasion?

White: I think I was introduced to the Commission on that occasion. I don't recall Joe Screen physically being there at that juncture, he may have been but that's probably where I got my idea that there was a heavy, I don't want to say control on Eddie in that regard, but I'm sure that Joeten wanted Joe Screen there to protect his interests.

Willens: Do you have any recollection of Joe Screen actually performing any duties as a consultant for the Commission?

White: Never did, no.

Willens: Did you know that Ed Pangelinan was interviewing Washington law firms to serve as counsel to the Commission?

White: No, I was surprised. It was interesting because he had seen me several months before. I don't know just exactly when it was that he saw me, but I assumed that I was being, my initial assumption was that I was being hired as their legal representative. He called it Executive Director. Of course I had no idea particularly what my functions were to be in that regard. And I was surprised when they got Washington counsel but I was certainly happy they did.

Willens: Well, were you somewhat offended by . . .

White: My initial reaction, I was offended. I had a lot of governmental experience and I had a lot of experience in various governmental entities, county, state and federal level, and territorial level, and I thought that that's what my expertise was for. He mentioned the fact he had not said to me he was going back and interviewing, of course I had only met him a couple of times at that juncture, and he was kind of giving me a little background. We went to this session and he announced that he had hired your firm and I obviously didn't say anything at that particular juncture, but I was wondering, OK, now what's my purpose.

Willens: Did he ever try to explain to you what he perceived to be the need for having a law firm involved based in Washington as well as having you based in Saipan?

White: Yes, I asked him about that. Mainly what I asked was not derogatory in a sense to you or what you were doing. It was after the meeting. I had a session and I asked him what he thought the function was and how we were to function. He felt strongly that there was a need for Washington representation because of the involvement of the State Department and the Department of Defense. A lot of that activity happened in Washington and they needed a solid representation with someone fully understood that governmental framework and as soon as he explained that, I was more than content. I want to say this

before I forget, when I saw the work product that came out of yourself and your firm, I was very impressed, I was very pleased, and I felt honored to be associated with you.

Willens: That's very nice of you to say. I remember that we worked together preparing for the first round of negotiations. I arrived just a few days before the negotiations actually began. Did you recall what instructions we were given with respect to what the Chairman of the Commission wanted to accomplish at the first round of the negotiations?

White: Yes, I recall, and that, to this day probably is the most surprising thing to me. And this is in my discussion with you to use as you see fit, but I think some discretion is necessary here. I was absolutely thunderstruck when, after you had arrived, we had had some discussions and we were sitting and talking to Eddie about what he wanted to do by way of a presentation at these first formal sessions. And he looked at us and said, "I don't know, you tell me, that's what you're here for." And "Well, do you have any ideas?" And we walked away from that session.

Willens: At that time, he had authored earlier in 1972 a couple of statements of why the Marianas wanted to have separate status negotiations and be associated with the United States.

White: That's correct.

Willens: My recollection is not different from yours, and we all were somewhat unclear as to exactly what was to be accomplished at this first round other than to have a ceremony that announced that the negotiations were to begin. But as I recall we went off (I forget what day of the week it was) and we collaborated on producing a draft statement for him to review with the members of the Commission. Is that your recollection?

White: It's my recollection we went over to the Congress of Micronesia and sat in their backroom library and we spent an afternoon and an evening trying to figure it out. Ed wanted a close association with the United States. There was some discussion of the form of the status maybe being a commonwealth format, or that needed some study as to the various types of format that might be agreeable. The only thing that Ed seemed to indicate is that he wanted a close association with the United States. He said nothing to us in reference to structure. Nothing to us in reference to what the ideals and what the things that people there were trying to do to protect or assist themselves. That was kind of left all open, and I recall us sitting there and just looking out, I have a recollection of us looking out the window out of the Marianas legislature and then walking outside between that and the water and just kind of standing there, and we frankly started laughing. I don't know if you recall this but it was a kind of a deep laugh, like, "What the fuck are we doing here?" I mean this is just, it was like, wow, and I think you and I both felt a certain responsibility here that was a joy and yet a deep need that these people needed true representation that would protect their interest, that they didn't have a guiding light within the Commission at all that knew where to go and they were truly looking at us to supply this. I think both of us were wondering whether we were up to that capability. And we just kind of sat down and we kind of put down on a piece of paper areas that we thought ought to be touched on as an opening gambit and as I recall we picked seven or eight areas and . . .

Willens: I'll review some of those with you. There was an opening session at the Mount Carmel auditorium which took place before an audience of approximately 300 Marianas residents and visitors from Guam and elsewhere. Do you have any recollection of the formal opening and how that went off?

White: It went off very well, I thought. Hard to tell, I mean it was all done in English and most, I suspect a good many, of the people there didn't understand English very well.



- Willens: There was a lot of interest in the Guamanian press about the opening of these separate negotiations and that Guamanian interest remained with us for the next few years, especially as the terms of the relationship between the Marianas and the United States became more concrete. Did you ever have any dealings with anyone from Guam or with Joe Murphy of the *Pacific Daily News* where the subject came up as to the different status arrangements being negotiated for the Marianas on the one hand as contrasted with those that Guam had?
- White: Yes. I never talked to the press independently or individually. I would only be with and talk with Eddie at the time. There was some grave concern in Guam. I think the initial impression was that we would certainly not get a better relationship in Saipan than they had in Guam. Initially, I think that's what they thought, they thought that the Saipanese would not be able to get—in other words, the upper limit would be whatever they had, we would get nothing better.
- Willens: I see.
- White: And I think as I saw the negotiations coming down and the first things being indicated as a result of some of the sessions that we had, they became aware of the fact that their association was not anywhere near as potentially productive as the one we were developing. I think there was some real concern in Guam over this and, frankly, there was some unique laughter and enjoyment on the part of the Marianas Political Status Commission that we were, in essence, getting a one-up.
- Willens: Do you remember that . . .
- White: Ed was very pleased with it.
- Willens: You remember in earlier years the Marianas political leadership had wanted to affiliate with Guam but there came a time in 1969 when Guamanian voters in a plebiscite turned down any such union.
- White: That's right.
- Willens: And it was at that point that the Marianas political leadership said, in essence, well, that's the way you feel about it, we'll do our own thing. But it is your recollection that certain members of the Commission were determined to negotiate a status that was superior in some respects. . .
- White: They loved it.
- Willens: What was there about the Guamanian relationship with the United States, in your opinion, that the people in Saipan and the Marianas wanted to avoid?
- White: I think that the Guamanian relationship was much more of a possession-type relationship. It was like, that was our calling station and we owned it. And when I say "we," I'm talking about the United States government. We own it and we run it, and there basically was not any particular regard for any independent development of a political basis for the Guamanian people. There was some, but they certainly didn't have the same things that we were trying to negotiate for the Northern Marianas, such as duty free port, such as most favorable status relationship and all of that, with the United States. We were pushing much more for economic progress that the Guamanians didn't have and I think they were kind of hurt by this.
- Willens: They were in the early years of developing a very substantial tourism business in Guam when we were negotiating the Covenant, isn't that correct?

- White: Yes.
- Willens: But you recall economic development as being an area where they thought they had been unduly restricted by U.S. regulations.
- White: No, I just think that they didn't feel as though they had the—what they had was OK, but it wasn't what we were getting politically for our people.
- Willens: There's a lot of debate in the paper and complaints from Guam about the military occupation and use of land. Was that, do you think, one of the major aspects of the Guamanian situation that our clients wanted to avoid?
- White: Yes, I think they were concerned about the military overbearing on Guam. There also, I think, was a concern on Guam that there might be a relocation of some of the military bases, personnel to Tinian, as the idea of a joint military base developed. I'm trying to think of the word now, but that was where all three services were being combined into one super base structure. I think, when that became apparent as a real potential, that the Guamanians were concerned about that aspect on whether or not they would lose their position of military prowess. Because in the final analysis, although they may have hated the military, they liked the benefits that derived from it.
- Willens: In the opening statement that Chairman Pangelinan delivered, he touched on four general topics. One was the future political status issue, the second was land, the third was the area of economics and finance, the fourth was the question of transition. On the subject of future political status, the Chairman said that the MPSC planned to undertake a thorough analysis of the various forms of political relationship that might be established between the United States and the Marianas. He said that the Commission was looking at the experience of Guam and other insular areas, and then he said in a phrase that was publicized the next day, he said that after making this study, the Commission might conclude that it might be "necessary to develop a totally new political status for the Marianas." Did you have any recollection of whether he or the Commission members believed that it was possible to create some new and different kind of political status that would be acceptable to the Marianas people and to the United States?
- White: Yes, that was developed in our discussions at the Congress of Micronesia.
- Willens: At the Congress or the Marianas District Legislature?
- White: I'm sorry, the Marianas District Legislature. Wherever Santos had his offices, anyway, we used their library, as I recall, and we were discussing that aspect and I see your fine penmanship in that regard. Our discussion very specifically on that issue of whether or not we could in fact work with the United States towards a separate type of an association that would be more conducive to giving greater independence to the Northern Marianas over the other forms of government that existed in Guam, in the Virgin Islands and in Puerto Rico.
- Willens: Now, after this session was over, of course, it was one of the assignments given to my law firm to develop a complete memorandum analyzing these alternatives and making some recommendations for the Commission to consider. As I recall it, we were recommending that the Commission make a statement that would preserve its flexibility in terms of where it ultimately might want to come out, is that your sense?
- White: That's exactly right. And I think it was the first time there was ever any discussion with them that . . .
- Willens: With whom?

- White: Well, after we drew up this draft statement, that draft statement was read to the Commission and you and I were there and before it was presented in the plenary session. When Eddie first read that, I'm not sure if Eddie read it or you read it, I can't recall at this point, but anyway it was read and I think they sat back and they were really very surprised in certain areas, and this was one of the most surprising things. It seemed to them, I thought, that they took a little gulp, like "My God, where are we going with all of this," and it's like they were thinking of a nice little cozy relationship and the United States would be nice to us and all of a sudden we were developing a full-blown negotiation with the United States where we might, in fact, show some individual power. That was the first input in that regard.
- Willens: Do you recall any reluctance among the Commission?
- White: I suspect you and I were chuckling a little bit over that because we felt we represented our client well. And they loved it. They thoroughly loved it. I think that's when they finally got with the idea that truly this Commission could be a real nuts and bolts development for the Northern Marianas. That would be beneficial.
- Willens: There are some points further on that we'll come to where the Commission did gradually mature into an effective negotiating instrument. Certainly at the beginning it was my feeling that many members of the Commission, although they knew each other, had never really had worked together in this kind of a group before and that there was some time that it took in working together before they could really be effective. Do you have any recollection along those lines?
- White: Yes, I thought there was a great amount of distrust within the group when we first, the first meetings we had. Several items. There was some concern that all of the attention was being placed on Eddie. There was some concern that Ambassador Williams was treating Eddie as his little prodigal son and "come on over here, lad, and we'll work things out." Eddie was very careful to explain this to the Commission that this appearance may be there but that it was not happening. But there was definite concern on the Commission's part. There was also concern about our involvement and where we were coming from. In those first sessions, I think that when, as I recall, the way this original document was presented to the Commission, and you correct me on this, Howard, if my recollection is wrong, but my recollection was that we had put this document together, we had split the sections up, and we just integrated it and it was, I was impressed when I walked away how our, I mean we literally wrote it separately. You wrote a section, I wrote a section, you wrote a section, I wrote a section, and it all fit together and it sounded like it came from one voice. I've never forgotten the fact that we seemed to be simpatico in this regard. And I think it was our basic inclination to represent our client fully and to open a broad brush capability showing them what is potentially available, that we don't know where the United States will come down on this, but let's open up the whole panoply of ideas and approaches and present a forceful front. And that combined with the idea of making sure that we went forward and controlled the negotiations were the two items that convinced the Marianas Political Status Commission that we were on their side.
- Willens: Did you think there was some risk involved that we might not have anticipated at the time in presenting too strong of an opening statement to the Commission for its consideration at the beginning of what were supposed to be, after all, basically ceremonial events?
- White: Well, you and I, when we finished the document, we were concerned about that. We were sitting over there in the office looking it over and saying like, I don't know if Eddie's going to like this document at all. This may be too strong a language, this may involve too many

potentials, this may create too many problems, and he's worried about the United States just packing up their bags and leaving. And we had a concern on whether or not this was too strong. And we finally came to the conclusion we thought it was strong but we didn't think it was too strong. But we decided we wouldn't say anything to Eddie, we would just present it to him and see what he had to say and what the Commission had to say. And that's the way it went. And Eddie looked at it and he liked it, and I was surprised, and you were, that we were both thinking we were going to have a little problem discussing this with Eddie, and no, this is fine, I'll present that. He was very pleased with it. And we pointedly asked him do you think this is too rough on the U.S., do you think maybe, and we did this in front of the Commission, we told them that we developed these viewpoints but they seem to be a very strong posture and did the Commission want to present that strong a posture, and the Commission as a whole voted unanimously, yes, they want to present that posture, they were clear in that regard.

Willens: That's basically my recollection, though I must say, I do not have any specific recollections of this discussion.

White: That particular session more than anything else.

Willens: You might have specific recollections of events in which we both participated where I might not, and vice versa.

White: And you know, this whole thing, the reason I have such a vivid memory of this is because I think when I first met you I was very well ready to not like you. I was very well ready to think of you as competition. I was very well ready to consider, you know, what is this all about. And I was so pleased to have a true friend in court and a person who thought like I did.

Willens: One of the subjects that were reviewed in the Chairman's initial statement was the land question. I expect that this is probably a portion of the statement that you might have initially drafted because of your greater familiarity with some of the land issues. The statement touches on the need to return military retention and public land to the people of the Marianas. The statement emphasizes the need for the United States to be very specific about its need for land for military purposes and mentions the possible restrictions on the sale of land to those who are non-Marianas citizens. Do you remember any discussion within the Commission about any of these land issues at this very first round of negotiations?

White: Not prior to writing that.

Willens: In the course of reviewing this statement and deciding what the Commission should say about land issues at the first round, do you have any recollection of any of these land related issues being of particular importance?

White: The most particular importance I think was voiced by the Tinian group in reference to the military use of Tinian. Because there was concern that a great amount of that island was going to be needed including, I think, the little town of San Jose. If I'm not mistaken, they wanted to have the land where San Jose was and that had not been announced by the United States yet. But there were some background indications that this may have happened. There was grave concern on what kind of land grab they were going to have. One of the rumors they heard was that they were going to take the whole island of Tinian.

Willens: You think they heard that rumor as early as the first round?

White: I can't say for sure. But I know that they—I may be looking at a later negotiation—were

very concerned about that. And Ben Manglona immediately started voicing his concern about the land problems mainly dealing with the seaport for Rota. They had a real problem, they needed a sea wall I think.

Willens: If I recall, they needed some harbor work done badly.

White: But the main concern that we voiced and brought up at that first session was the idea of what to do in reference to alienability of land. That brought some interesting reactions on the Commission because I think some of them were very much looking forward to a close association with the United States and with respect to alienability of land had mixed emotions. Some of them definitely wanted full alienability because they had a lot of land and they wanted to be able to sell it and make the biggest buck. And they were concerned about whether or not if you restricted that sale of land to a shorter term increment of a lease, what effect that would have. There was certainly some exploration that needed to be done and they voiced that as to just where we wanted to go in reference to that issue and what would be sufficiently long term to allow for proper investment. I think we were all kind of shooting arrows in the dark on that one. None of us had any real first hand experience as to what business would stand for and still be willing to pay a reasonable investment.

Willens: There also were substantial legal issues involved.

White: That's right.

Willens: Well, focusing on that for a moment and looking forward to the whole thrust of the negotiations, is it your recollection that ultimately the members of the Commission decided that restrictions on land alienation were in the interest of the Marianas people?

White: Very definitely. And I think that was basically what most of them felt right from the start.

Willens: There is some debate in the historical record as to whether the Marianas Political Status Commission initiated and supported the idea of restraints on land alienation or whether they accepted those restraints begrudgingly only after the United States insisted on such restraints.

White: Oh no.

Willens: Well, what is your recollection?

White: My recollection was clearly that the first time that issue was raised was between you and I in that session before writing this first paper. We discussed whether or not there should be free alienability of land. It was our impression that there were some debacles around the world, especially in Hawaii that I was very familiar with where people had practically given their land away and in Guam where they had given their land away and were not of a sufficiently business orientation not to be screwed out of their land. We were concerned about that. When we voiced that before the first session and when this was initially read, I think that most of the members of the Commission at that point were very much in agreement that there should be some restraint. At least to the idea of not seeing a fee simple going across. A long term lease may be okay, but let's keep the Saipanese land for the Saipanese people.

Willens: But you do recall some reservations being expressed by some members of the Commission.

White: Well, I recall an outsider to the Commission who was very influential with the Commission to a certain extent. A man by the name of Dave Sablan. I don't know if you're

familiar with him, but he ran an auto dealership on the island and was very U.S. oriented. He wanted free alienation of land and he was pretty verbal with some of the members of the Commission about this. And they voiced some concerns but by and large, very early on, the entire Commission was very desirous of having restraints, so long as they were reasonable.

Willens: Do you recall the reaction to that?

White: The U.S. always was saying, "Okay, if that's what you want." But we were and they were concerned, as a matter of fact; they voiced a concern whether or not that would be constitutional. Herman Marcuse was very much of that opinion that you might have some real serious problems trying to get that through the Supreme Court and that may not stick. You had already voiced that position and the Commission was well aware of that, but we would attempt to write it in such a fashion where it would be good but that there was no guarantee what the future might hold and that we felt sure there would be almost an immediate attempt to knock it down when the new status was developed.

Willens: Is it your recollection that the land alienation issue was the principal issue related to land that the Commission was concerned with during this first round? Do you recall any discussion about the military requirements aspect of the negotiations?

White: No, I think mainly the land alienation was the biggest issue at that point because there wasn't much discussion, we didn't really know the requirements of the military at that point.

Willens: I guess you did express earlier though the concern that some of the Tinian representatives had as to the uncertainty as to what the U.S. was ultimately going to request.

White: I'm not sure when that took place, Howard. Whether that was at the first time, I don't know. I don't think we showed much concern with that aspect other than that we wanted them to define and I think that was because rumors were floating around that the military obviously wanted a large hunk of land, especially in Tinian.

Willens: Ambassador Williams responded on the first day to the Chairman Pangelinan's opening speech, and he spoke generally about the history of the Marianas' desire for a separate relationship with the United States. He made particular reference to the fact that the Northern Marianas in previous years had indicated some willingness to accept the basic proposal presented by the United States in May of 1970 to the Micronesian delegation which was called a "commonwealth" proposal. Do you have any recollection of Ambassador Williams' overall response to the Chairman's speech either in his official statement or in more informal discussion?

White: My impression was that he was pretty shocked at how strong Eddie's speech was in preliminary session and that he was the consummate negotiator and he handled himself well. You never saw any surprise in his face but he was, I think, concerned that the negotiations had taken a turn for the worse as far as he was concerned. He thought he was going to be shooting ducks in the pond and I think he got very concerned about you and I being on scene.

Willens: Well, do you recall any personal discussion with him or members of the U.S. delegation during the very first round that dealt with the substance of the negotiations?

White: No. Most of it during the first round was in Ambassador Williams' attempt to get Eddie aside and trying to kind of negotiate. Matter of fact, he told Eddie at one point that we could sit down, just you and I could sit down, and get this thing all put together easily.

- Willens: Did Eddie talk . . .
- White: Without all of this high priced, expensive consultant assistance and it's time extending. I think he felt he'd wrap up a deal in one session frankly and he was disappointed that this thing was going to be extended out and explored fully. I think that really bothered him.
- Willens: What's your basis for that recollection?
- White: Comments that he [Eddie] made to me about meeting with, there were a couple of times where Ambassador Williams sought him out separately from the Commission.
- Willens: Even during the first round?
- White: Yes, and Eddie talked to me about that. And one of the things he asked me to do was to be with him any time he met with the Ambassador until the Ambassador got sick of me. There were times and the Ambassador was very upset that I was there. He treated me well but did not like me.
- Willens: But there had been a practice of the Ambassador having private meetings with Lazarus Salii and sometimes another member of the Micronesian delegation, so he undoubtedly found that to be a useful mechanism. He did in fact meet with Chairman Pangelinan and Mr. Santos personally on many occasions throughout the negotiations.
- White: Most of the time though Eddie was well-briefed ahead and he discussed it with the Commission after the first few times. Later he would say "he wants me to meet with him tonight" and the Commission and you and I would inquire what is it he wants to talk about so that we could at least have Eddie informed of what our present position was in reference to it. Ed was very, very smart in this regard in never committing to anything without coming back and discussing with us and the delegation.
- Willens: The U.S. delegation at the very first round included Ambassador Williams, James N. Wilson, Deputy Assistant Secretary of Interior, Stanley S. Carpenter, Captain William J. Crowe, Jr. with U.S. advisors consisting of Herman Marcuse, Captain Gordon Schuller, Adrian de Graffenried and Mary Vance Trent. Do you recall any personal discussions with any of those members of the U.S. Delegation or advisors during the first round?
- White: I was a personal friend of Adrian de Graffenried. He was a Peace Corps representative on the Island of Yap when I was down as the D.A. for Palau District of the Trust Territory. He and his wife were living in a little native hut sort of arrangement. Every once in a while he would get to Palau to help with the legislature in Palau and he would just love to come up to the house. He and his wife felt as though they were getting out of the jungle (so to speak) for a few days. Really a nice person.
- Willens: How did it come about that he ended up as an advisor to the U.S. delegation?
- White: I often wondered that. I often wondered if he had other affiliations during the time he was in the Peace Corps. I have no idea. I was very surprised when he was kind of plucked out of thin air by Ambassador Williams for such an important assignment.
- Willens: As the negotiations proceeded . . .
- White: Straight out of the Peace Corps and I never understood why.
- Willens: As the negotiations proceeded did you have personal conversations with Mr. de Graffenried about the substance of the negotiations?
- White: No. I wouldn't do that. I would sometimes ask him how the Ambassador was feeling about certain subjects but I never discussed our position with anyone.

- Willens: No, I'm not suggesting any disclosure of confidential information. I'm wondering whether you or he used the personal relationship that you had as a way to help each other understand what was going on?
- White: I supposed in an informal way we did, but no, it was just a very personal relationship. I had great respect for Adrian de Graffenried and I think really he was a glorified recording secretary for the Ambassador there and doing a lot of legal wording for him in that regard, working with Herman. I can't say for sure, but it did surprise me that he all of a sudden wound up in that position.
- Willens: What was your overall assessment of James Wilson's performance as deputy to Ambassador Williams throughout the negotiations that you participated in?
- White: My personal impression—he was very efficient, very capable, very presentable. I liked him. There was no doubt who was the Ambassador and who was the assistant but I thought he played a very meaningful role all the way through. He batted the party line, he never fell out, he never fell out of step with me, I don't know if he ever did with you or with Eddie or with anyone else, but there was never any dichotomy between his position and the position of the Ambassador. He's very careful. He's a very careful negotiator.
- Willens: Did you have any impression of Captain Crowe's participation in the first two rounds of negotiations?
- White: No, he was kind of background I think more than anything else. Did you have any?
- Willens: I had some discussions with him. He became the Chairman of the Joint Chiefs of Staff and is now the Ambassador to England. I've heard recently that Ambassador Williams was very significant in advancing Crowe's career because of his respect for the work that Crowe had done in these negotiations. It was Colonel Crowe wasn't it?
- White: No, it was Captain at the time and he subsequently became an Admiral. I recall him now. He was not aloof to the problems of the people of the Marianas. I think he felt more, he was more in common touch than Ambassador was or Wilson. I don't think either Wilson or Williams had much of the ability to see at the common level that Crowe was capable of doing.
- Willens: What was your overall assessment of Ambassador Williams and both the strengths and the weaknesses that he brought to the negotiations as the principal representative of the United States?
- White: It's a bit of a mixed bag. If I look at it from the United States perspective first, I think he was a very capable Ambassador, I think he was a very, very tough negotiator. He gave the impression of being very fair, but very aloof from the whole procedure. He consistently wanted to deal not necessarily with the Commission as a whole but with Eddie as its Chairman. He wanted to put much on an individualized basis. That was his technique, I assume. He was very nice but always very formal with me in any meetings that I ever had with him. I had an occasion to go to dinner with him at his home, which was a penthouse in San Francisco overlooking the bay in Pacific Heights. On another occasion when we were in New York, we were invited up to a meeting in a house (later it was a safehouse for the CIA) in New York. I'm not sure if you were there at that session or not. That was a U.N. session. I was introduced to a person there who I do not remember who seemed to have total authority even over Ambassador Williams at that particular juncture. One man, blond, I have no idea who he was and we met at this house, but he seemed to have a great deal of information. Nothing ever developed, but both Eddie and I left with a sense of



unease that this was something a little different and new and we didn't know quite where he was coming from or what it was all about. Never saw him again.

Willens: But so far as Ambassador Williams was concerned, you thought that he certainly represented the United States very effectively?

White: Yes, I would give him, for his representation of the United States, I'd give him very high marks. He constantly kept pressure on the Commission to keep their demands as minimal as possible. He was doing a good job in that regard. He showed great concern, but I personally never felt that that concern was anything but professional—that he was trying to get this thing done and he was trying to get as best a deal as he possibly could.

Willens: But you suggested earlier that he was somewhat frustrated by the indications as the negotiations went on that it was going to take longer and be more complicated than he had anticipated.

White: I think he was very concerned that you and I were on board. I think he thought this would be a completely local Commission without any outside consultants. And I think he was concerned when we showed on the scene after the preliminary session when he saw the extent of how things had kind of opened up from the way they had been before. There was a definite attempt on his part at that juncture to get Eddie aside and try to derail us and to try to derail the whole procedure.

Willens: Do you recall subsequently and . . .

White: When I say derail, I don't mean derail. He just wanted to change the emphasis down to a more personalized basis and see if he could close this out quickly. It seemed as though he didn't want any discussion on the military situation or their needs. He was very secretive in the matter. I suppose he needed to be.

Willens: Do you recall any efforts by U.S. advisors or delegation members to persuade the Commission members, our clients, that they were being poorly advised?

White: Never. I never, no one, no one on the Commission ever came to me and said that.

Willens: Said that they had been approached by someone from the . . .

White: . . . other than Eddie telling me—he told both you and me and I think it was at that first session—that he had been approached by Williams and he tried to say we could probably sit down in an evening and put this together [if you got rid of the consultants]. Eddie laughed about the remark, and I think he was very glad to have our services.

Willens: And who would he be?

White: Eddie.

Willens: On the second day of the first round of negotiations, the last day of this opening round, there were some private working sessions that excluded the public. Some of the topics discussed in these working sessions related to the procedures to be followed during the negotiations. There was also a brief exchange on some of the substance of issues that had been raised by the Commission in its opening statement. And there was some discussion of the preparation of a joint communiqué to be issued after negotiations. One of the procedural issues that Ambassador Williams raised in these working sessions was whether the Commission members actually had the authority to represent the Marianas and whether they would be ready to commit as Commission members that they would support the agreements that were reached between the United States and the Commission. Do you have any recollection of how this was raised and what the Commission's reaction was?

- White: What I recall was that the Commission very forthrightly said yes, that it had the ability to do this and that they determined that their, I forget now where their authority actually came from, but that their authority was complete and that the people of the Northern Marianas looked to them to arrive at an agreement, whether or not there would have to be a plebiscite or something like that afterwards or a vote by the people. I don't know if that was discussed, but that there was a definite ability on the part of the Commission at least to agree to a result.
- Willens: And to commit themselves to support the agreement. The Commission in fact passed a resolution on the second day indicating that they would support any final product agreed to; that was presented to Ambassador Williams and he received it very favorably.
- White: Yes.
- Willens: There were some questions that apparently were prepared by the Commission or on behalf of the Commission in an effort to clarify what the U.S. positions were on various issues. I don't have a copy of those questions in front of me but some of the questions were described by Ambassador Williams as complicated and highly legalistic. Others related to the return of land issue and whether the U.S. would make studies available to the Marianas Commission. Do you have any recollection of how this set of questions was prepared by the Commission or its consultants and the decision made to submit those questions to the U.S. delegation?
- White: Yes, I think you and I developed the questions and discussed them with Eddie and then the Commission. We refined some of those questions and made some additions and it was fully reviewed by the Commission itself. I think the original questions we were presented were an embellishment of what we presented at the open session. Wasn't that a lot of clarification in reference to alienability of land and related issues. Military requirements as I recall were a big item; we wanted to have some clarification on that.
- Willens: That's what I remember. It looks from the set of questions as though we were trying to get the benefit of any U.S. studies that might be helpful to us for further investigation.
- White: I recall that.
- Willens: And that seemed like a logical thing that we might try to do during a round of negotiations. But with respect to efforts to probe specific U.S. positions on land or on military needs, I guess I don't have any recollection as to what our strategic thinking was (if we had any) in advancing these questions.
- White: I don't recall.
- Willens: The last issue that came up was the joint communiqué. The record demonstrates that Dr. Palacios within the Commission objected to the fact that the word "permanent" was being used in the joint communiqué to describe the future relationship between the United States and the Northern Marianas. And Chairman Pangelinan requested that the word be changed to "lasting" as a way to avoid a minority report. The United States got very, very concerned about this reluctance to use the word "permanent" and suggested that this was a basic issue and might call into question the role and the authority of the MPSC. Do you have any recollection of internal Commission discussion about the use of the word "permanent" during the first round?
- White: Yes, I remember. I remember Palacios very vehemently wanting not to have the word "permanent" in there. I indicated earlier that there seemed to be great deference to Dr. Palacios, that they were trying very much to placate him. I'm talking about the Commission itself now. They did arrive at the use of the word lasting and that at the time,

when the Commission broke up at that time, we had a discussion with Eddie afterwards. We thought maybe this would be a very difficult concept for Ambassador Williams and the U.S. and that they wouldn't like this. Eddie said that's fine, that he kind of laughed over it and he felt it would be a very good point to raise at this point because he thought in a sense that it shows what we're thinking.

Willens: No, well,

White: Do you recall that?

Willens: Well the historical record that I reviewed leaves somewhat unclear exactly what the accommodation was. The joint communiqué language was slightly modified as a result of this internal problem and was approved by the MPSC without dissent.

White: Right.

Willens: However the word "permanent" was still used.

White: Yes, Palacios finally agreed to . . .

Willens: Well, this is what happened, the best I can determine, and let me ask you whether this squares with your recollection. It looks as though the accommodation amounted to putting quotation marks around the phrase "close and permanent affiliation" as a way of describing the status that had been repeatedly sought by the Northern Marianas over the years.

White: Right.

Willens: That appears to have been the accommodation. Does that make sense to you?

White: I know we had a hard time, when I say we, the Commission. It seemed to be Palacios alone in this quest for the position he was taking and it seemed almost to the point of being unreasonable on the part of the rest of the Commission. And they were trying to work...

Willens: What was unreasonable? Dr. Palacios position?

White: And we were trying to figure out a way around it. But they clearly wanted to not alienate him, they were afraid that if they alienated Palacios that that could have a very disastrous effect on the Commission, that they wanted to make sure that he stayed on board. I know that there was some concern, all the way through on how effective the Commission would be because of his presence. But it seemed like after that he wasn't that much of a problem, but that particular thing really bothered him.

Willens: After the joint communiqué was issued, I recall that I flew off in a hurry because I had an oral argument scheduled a few days later back in Washington. You had the task of cleaning up and doing what had to be done with the clients. Do you recall any discussions or events that took place immediately after the first round of negotiations?

White: Not really.

Willens: What was your general assessment of the first round? Did you think that the Marianas Political Status Commission had accomplished its objective in this two day introductory session?

White: Oh, yes. I think, mainly, it was a very successful session as far as the Marianas Political Status Commission was concerned. They had truly established themselves as a full voice and a strong participant in the negotiations that wasn't necessarily there before. I thought the make up of the Commission had its difficulties and Dr. Palacios was a major one. And

I'm not even sure if Rasa was even there then. I don't think he was on the scene at that juncture.

Willens: He was not a member of the Commission. I don't know whether he was on the island.

White: And I was later thinking to myself, thank God the two of them weren't there together initially. We could have had some real problems. But I thought that we had some pretty decent relations with the Commission. I think we pretty much put it to bed and went back to wait and see what was going to happen down the line.

Willens: Well, certainly both the delegations went back to prepare for the next round of negotiations which everyone recognized were going to be more substantive and to get into the topics. There were certain developments that took place in early 1973 that I wanted just to present to you and see if you have any recollection of them. The fact that there had been a first round of negotiations generated a good deal of publicity—national publicity as well as local and the Guamanian press about the negotiations and the fact that the United States had agreed to separate status negotiations. There was a good deal of publicity about Tinian in the Guamanian press. The *Pacific Daily News* had a six article series about Tinian that focused on everything from its archaeology to its role in World War II and whatever. Do you recall any of the publicity about the negotiations and the increasing concern about what was going to happen with respect to Tinian?

White: Yes, I think the rumors were flying early on about the military needs for Tinian. I know this was a major concern especially for Cruz. He was really concerned and we kind of brushed him aside a little. I don't mean brushed him aside, but I think we treated him a little more lightly because he had such an effusive personality.

Willens: Now he doesn't become a member of the Commission until later in 1973. But another thing that happened after the first round was that the Congress of Micronesia . . .

White: I maybe, I think this where I'm losing my . . .

Willens: I understand that. The Congress of Micronesia in February of 1973 passed a resolution opposing the separate negotiations. That happened during their session on Saipan. My question is whether you had any contact in your capacity as a representative of the Commission in dealing with the opposition within the Congress of Micronesia in early 1973?

White: No, I think Eddie handled that all by himself.

Willens: Also in 1973 there was a U.N. visiting mission that came to Saipan to investigate the situation and report back to the Trusteeship Council in May or June of that year. In prior years, the visiting mission had always issued a report that was strongly opposed to separate negotiations for the Marianas. The visiting mission did visit on Saipan with the MPSC on March 1, 1973 and my question is whether you may have participated in that meeting.

White: I can't recall.

Willens: There would have been representatives from the United Kingdom and Australia.

White: I think so. Yes. As a matter of fact, I do recall. They had a guy there from I think it was from England who was very, very, bright and very, very humorous.

Willens: They seemed on the whole to be quite critical of the separate negotiations and not at all persuaded by the presentation that Chairman Pangelinan made during this meeting in Saipan. Do you have any recollection of any substantive discussion about the negotiations and why the Marianas people felt that they were important?

- White: As I recall that session, and my very cloudy recollection of it is not as you recall. I got the impression several members of that mission were pretty critical, or at least used critical language and discussions, but that there were other people there that thought separate negotiations was the only way to go and that it was an appropriate procedure. They didn't voice it openly but they talked informally and recognized that this was going to occur and that they were basically supportive of it. But there were a lot of third world countries that were ready to come unglued about the U.S., reflecting the concern that they were dubious whether or not the U.S. was using its position as trustee to basically continue a colony. That's what their concern was but most of the friends of the United States called it pretty straight. (I want to say the guy from Britain. I think there was a guy who was very funny; oh god, he had one of the nicest sense of humors I ever seen in my life. It was a pleasure.) If we arrived at a happy conclusion it would get through the U.N. He didn't have any great concern on that, he said. A presentation eventually would have to be made to the U.N.
- Willens: As part of Chairman Pangelinan's presentation to the visiting mission he submitted a legal opinion that you had prepared on the lawfulness of the separate negotiations. Your legal memo borrowed appropriately from what had been previously written on the subject.
- White: Your telling me it wasn't my original thoughts?
- Willens: It was a response to what had been previously written on behalf of the Micronesian delegation by Mike White and Paul Warnke challenging the authority of the United States to conduct these separate negotiations. You today don't have any particular recollection of that issue coming up either before or during the meeting with the visiting mission?
- White: I'd love to see a copy of that if you have it. Do you?
- Willens: No, I don't have a copy with me. Your sense was that they were perfectly polite in the discussion, humorous and friendly, but they might of indicated some support for the Marianas position informally.
- White: Yes. That was my impression.
- Willens: Now during the interim between the first and the second round of negotiations, all the consultants had been asked to embark on tasks of one kind or another. One of the people that we haven't discussed is Jim Leonard, who served as a economic consultant to the Commission. Can you give me your recollection of Jim Leonard as a person and consultant?
- White: Yes. I got to know Jim Leonard very well through both your many visits to Saipan. He spent a lot of time out at Saipan. I found Jim Leonard to be a very, very capable person representing the economic interest of the Marianas and his work product was outstanding, I thought. My personal impression was that he took an amorphous subject that is very difficult to write about and did an amazing job of doing it. It's the kind of thing that can be trivialized just because of the kind of thing it is and you almost think anyone can put something like this together. But it was clear to me how much actual effort went into his work product. He told me one interesting thing he may have mentioned it to you as a little aside and I know I told Eddie about it. He probably did tell Eddie about it. Prior to the start of the negotiations with the Marianas Political Status Commission (I don't know whether it was after he had been hired or it occurred before he was hired) he was in Japan on some AID project of some sort. He was introduced to this businessman in Japan (I don't the specifics or the name of the person and then if you know the story maybe you know more about it) and was in this man's office. He said to ask him about Saipan

and he finally just said to Jim that we [his organization] are prepared to develop Saipan completely. He turned around and he pulled a drape which showed a complete, large relief map of the island of Saipan totally developed from one end to the other. He said, "If you think the Japanese weren't interested in the island, you're crazy. They are totally interested and they would love to own it lock, stock and barrel." That was one of things that made us concerned about the alienation aspects of the land and these people [in the Marianas] just losing their whole heritage through a mess of pottage in that direction. I think that concerned Jim Leonard very, very much. It concerned me, it concerned you that it's a very, very heavy influence from Japan. It's an attempt to conquer economically where they didn't conquer otherwise. They clearly wanted back into Saipan in a big way and I guess it is now showing fully.

Willens: I think that's true.

White: Jim Leonard as a person was outstanding.

Willens: We'll come to some of his analysis later. One thing I neglected to ask you about is whether you have any recollection of an interview in the *Marianas Variety* of Dr. Palacios in February of 1973. This was the first occasion on which one of the members of the Commission went public with views that were critical of the way in which the Commission was performing. Dr. Palacios maintained that the U.S. delegation was trying to capitalize on the use of the phrase "permanent association with the United States" which he said was in conflict with the principles of self-government that his party adhered to. He maintained that any relationship that did not provide for modification or termination of the relationship was not in harmony with his party's view of self-government and he was concerned about the impact of the negotiations on the remainder of Micronesia. Do you have any recollection of Dr. Palacios going public with this kind of criticism of the Commission's negotiations?

White: Yes. The Commission was very irritated with him for doing so, but they always showed proper respect. I think they always felt if they didn't placate Dr. Palacios that he was going to be—he was intelligent, he was capable—an absolute thorn in their side. He was their thorn and they recognized it and they recognized that they didn't want to talk him off too badly because the guy could go off the wall at any given junction. There was a real attempt by their people to include him fully in the negotiations. So he was one of the people that really needed to be won over and eventually he was. He signed.

Willens: There really was no way for the Commission as a group to restrict the ability of any of its members to express their views publicly, isn't that correct?

White: No, but they were irritated. As I recall, we had a meeting (I don't know if you were there or if that occurred between sessions) of the Commission after that came out where this was discussed on whether or not there should be individual discussions. I'm not sure if Joeten didn't have a little something to do with that to.

Willens: There was another statement subsequently issued after the second round that you will remember and involved some meetings that we may both have participated in. But to go back to the fact that the Marianas Political Status Commission had now to prepare for the second round, the decision was made that you as Executive Director would prepare a report regarding land issues, Jim Leonard would assess the financial needs and related issues, and Wilmer Cutler & Pickering was given the task of analyzing alternative political status relationships and related legal issues. These reports were all prepared during the spring of 1973 and submitted to the Commission in advance of the second round of negotiations. I don't know whether you've had a chance to see your opus on land and

military problems which was submitted in April of 1973, but it covered a very wide range of land issues and was a thorough review of some of the land problems that had developed in Micronesia over the past several years.

White: Do you have a copy of it here with you? The most important item I thought at the time when I was doing it was we had no idea what the actual military requirements were. We needed to know that for us to have any idea on how to approve their request. That was absolute first priority. The second problem was that the land problem itself was in total disarray as part of the Trust Territory government. They had a land cadastral program.

Willens: A what kind of a program?

White: Land cadastral program, which was an attempt to survey and determine ownership of land and develop a program for disseminating land to people. There also was a land commission that was developed throughout Micronesia with a land commission in each of the districts. They had one in Saipan. This was helpful and they were attempting to get some things done. But when we sat down with them at their offices, it was obvious how inadequate their procedures were. The fact was that they did not have anything; it was almost total gridlock there. Things would be developed, they couldn't get permits issued, and economic development was stalled a lot of times simply because of the land problems and trying to determine whose land it was. They needed to survey the land; that's what your cadastral program was all about. There was no adequate survey for the islands. They tried to determine ownership of the land once it was in fact surveyed and then, where it was determined to be public lands available for use, to issue various work permits.

Willens: We were discussing the two issues in the land area that you thought were particularly important. The second of those related to the lack of records and all the consequences. My question to you is: why was that set of issues of any relevance to the work of the Commission?

White: One of the relevant factors was they felt that the Commission might be able to assist in getting that work done. In other words, there were commitments by the Trust Territory government to do these certain jobs—the land cadastral survey, developing a much more cohesive use of land, issuing of permits and establishing a better program. There was some thought by some of the local people, including the guy who ran the land office, that if there was an input from the Marianas Status Commission to the United States that that may get the Trust Territory government to operate more expeditiously in this regard.

Willens: As we'll come to see, there were some issues like homesteading that came up frequently during the course of negotiations and there always was the ambivalence within the Commission as to whether to become involved in issues that were not directly related to the negotiations. Do you recall either being concerned or hearing the concern expressed that if the Commission got involved in issues that were not technically involved in status that there might be some complications and disadvantage to the Commission's work?

White: Yes. I think we were always attempting to keep the Commission on track and the Commission would digress. But this one area was very important to them. The whole land problem was a true mess of gigantic proportions and they were frankly ticked off about it. It had gone on for years and years and years and they were promised and promised and promised through the Trust Territory government that this, and this, and this would be done and it never was.

- Willens: Well, we're going to the bottom line. Do you think that the Commission's interests and concern in this set of land problems ultimately did assist in developing solutions for those problems within the TTPI Administration.
- White: Not when I left. I mean up to the time I had left I saw no significant change. I know there was an attempt on Eddie's part to contact the Ambassador in reference to this specific issue. Just because it was a serious problem, I think we did it. If I recall it correctly, it was done by letter to try to defuse it as a political issue with the Marianas Political Status Commission itself kind of presenting it as a side issue.
- Willens: Yes, I think you are right in that. We may come to the point where we can talk a little bit more about that specific correspondence.
- White: But I don't think there was any significant result from it. At least I'm not aware of any. Maybe there was or maybe it occurred after I left because I left shortly after the negotiations were completed.
- Willens: The other issue that you mentioned focused on the anticipated U.S. military requirements for land in the Northern Marianas. My research indicates that between the first and the second round of negotiations you made some efforts in the Northern Marianas and my firm made some efforts in Washington to try to get the United States to disclose some more detailed information about their military needs in advance of the second round of negotiations. Did you remember any effort that you personally made?
- White: Yes. I'm not sure if that was the time that Eddie and I were in San Francisco and met with the Ambassador at that point or not.
- Willens: I see some reference to a meeting that you might have had with Miss Trent in late February of 1973. She was a State Department representative, wasn't she?
- White: That's correct.
- Willens: And you apparently urged (according to her report) at the meeting that the United States should be prepared to furnish specific information regarding its land needs for discussion at the second session. It's a little ambiguous or unclear whether you were pressing to get information in advance of the second round.
- White: Yes, we were. What we were hoping for was an indication specifically as to their land requirements and what they were going to be for generally. I knew we weren't going to get specifics of that initially. I think it was related to me that the military would be at best in their planning stages.
- Willens: Would be what?
- White: Best in their planning stages and wouldn't have anything specific as to what it was going to be used for. But we were hoping to at least get some general parameters of land use. I think that was an outgrowth of our meeting in Guam as I recall.
- Willens: Let's turn to that. Your land report was unable to make very specific negotiating recommendations because you didn't know exactly what the United States was going to recommend. But you did have an overview of some of the issues that was facilitated by a meeting that you and members of the Commission participated in with Guamanian officials on November 30, 1972. That meeting obviously took place even before the first round of negotiations. Do you have any recollection of your participation in a meeting with Guamanian officials on military land issues?
- White: My recollection is very vague. I know they were very helpful. As I recall, I was a little



concerned about having the meeting in the first place for fear of how cooperative they would be with us etc. and I was very new on the Commission.

Willens: You know where the initiative for the meeting came from?

White: I think Eddie. Eddie was friends with the Governor and the Lieutenant Governor and I think we met with the Governor, Lieutenant Governor and several other people and they were very helpful. They were very friendly to our position. I don't know if that continued when they saw what we were getting but at least early on they were telling us some things to be aware of and be concerned about and one of their major concerns was military. They really emphasized the fact that we have to be very careful in our dealings with the military because in essence they don't want to tell you what they're doing ever. There would be some economic development or impact from it, but there was lots of downsides and one of the things that was initially raised here joint use.

Willens: What do you mean by joint use?

White: Well, there were major portions of Guam that were totally completely off limits for use by the civilian population. There were very good beach areas, for example, that was a big issue and good fishing areas that were totally inaccessible to other than the military people that lived on the base. They didn't think about it at the time they had these negotiations with the United States but it was a constant irritant and the military was unwilling to be bending in this area at all. And that if you've got a negotiation going, to make sure in the negotiation that you would have joint access to open areas, joint access to beach areas and joint access for fishing purposes. This kind of joint use—the more you can develop in there—and I think that triggered in my mind the need to have a very, very open and forthright approach in our discussions with the military to try for joint use. I don't know if you recall this, Howard, and I'm not even sure maybe this isn't an appropriate time to talk about it. But let me talk about it because I'm thinking about it. Later, when we were specifically reviewing the base requirements as indicated for the Island of Tinian, they [the U.S.] were initially at least going to take over the area of San Jose that was going to be part of the base complex and they were going to set up a whole new town for the people of San Jose. They made quite a production and a presentation of that and we even got to the point where we took the position (I think) of suggesting that not only should we have a joint use of certain facilities but also maybe an integrated living structure rather than having a separate community being built having the relatively small population. This would be a model of significant total integration within the American community that would be based there and would be a wonderful experiment. Of course, the Commission was well aware of the fact and chuckled over the fact that this would probably be rather hard for the military to swallow. We approached this as a beautiful prod or negotiating tool that could be raised at any time, very significantly raised, and with great due diligence raised that would be a constant irritant in the negotiations. But I don't think any of them anticipated any positive result in that regard and we were well clear of that. But it was a very good negotiating tool. Is that your recollection?

Willens: Yes, that is correct. The second round of negotiations began with some informal working sessions on or about May 10, 1973 and the formal session began officially on May 15, 1973. This round of negotiations was the first substantive round and more or less established the procedures that were followed in subsequent rounds of negotiations. The Commission would meet with its consultants for approximately a week or so in advance of the negotiations to review the work of the consultants, to develop draft position papers and to generally discuss overall strategy for the session. I don't have any recollection of how it came to be that there should be some informal working sessions but apparently

both delegations agreed to meet informally before the formal opening in the hope that informal discussions might produce more substantive and frank exchange of views than in a more formal structured setting. Do you have any recollection of how the informal sessions worked and whether they were useful?

White: I recall one informal session where the Ambassador wasn't there and this was maybe at a later session than what were talking about. But this session took place on Saipan and we (Eddie and I) went over to a meeting at the hotel where they were staying on Saipan and we met with some of the military types there. There was a young major there, I think, and several others. And there was a civilian from the Department of Defense there and they seemed to be more of a working group discussing the various military problems that existed, which says to me it was after our first presentation. I'm trying to recall the sequence of events. Did they make a presentation of their needs first and then we made a presentation of what we wanted to do? That's kind of my recollection that we kept asking them for what their needs were and they did make that presentation but it seemed like that was kind of a formal presentation. That it was done during one of the sessions.

Willens: Let me try to help in that regard. The Commission met for about a week before the first informal meeting and developed a position paper setting forth the Commission's views on political status. That was dated May 10, 1973 and it was delivered on that occasion. At the same time Mr. Wilson on behalf of the U.S. delegation presented its initial position paper in which he covered all the various subjects on the agenda for the negotiations including political status, finances and to some extent land issues. There was a first informal session on May 10 at which these two papers were presented and there was some discussion of them. But the records are a little unclear as to what happened before the formal negotiation actually started five days later. I think there were some private and informal meetings between May 10 and May 15 on some of the subjects covered on the initial day.

White: Was there at Wilson's presentation before the meeting a covering of the military requirements for Tinian?

Willens: In general terms, not in the details that ultimately were revealed. I'll remind you that there on the very day or the day after the formal opening of the negotiations on May 16, 1973, the *Pacific Daily News* announced an exclusive report with a headline of major dimensions saying "Say Navy seeks all of Tinian." So just at the very beginning of the formal negotiations there was a leaked document to the *Pacific Daily News* that was publicized and revealed for the first time that the United States was seeking the entire island of Tinian for military purposes and intended to lease back to the Marianas citizens 1/3 of the island for civilian development. So that's the big publicity that happened and there were no details about the military requirements I think given by Wilson in the informal meetings as I remember it. That's not entirely true now that I look at some of the materials; he did summarize the U.S. plans and said more details were coming. In fact he told the Commission that the United States would like to have as much of Tinian as possible under military control "indeed if it can be done we would like to see the entire island under military control". So he indicated informally where the United States was going but saved some of the details for presentation by Ambassador Williams and the military assistants. Does that sort of conform with your recollection of what happen?

White: Yes.

Willens: Now let's go back to the Commission meetings in advance of the first session with the United States because it was during these meetings (that went on for several days) that

the Commission worked through its desires with respect to political status. Wilmer Cutler & Pickering had submitted a extensive study of alternatives and made certain recommendations, but it made it quite clear that the Commission had to address a whole series of issues and indicate where it wanted to go. Then the consultants would prepare a position paper that would incorporate those views for its final approval. There was some very intense discussion of issues with the Commission. Do you remember, for example, the discussion about sovereignty and whether the members of the Commission were willing to commit to a relationship with the United States that would mean in essence that the United States had sovereignty over the Northern Marianas?

White: Yes.

Willens: You remember any debate or dissension within the Commission as to what U.S. sovereignty meant?

White: I think there was. I know that you presented a very significant paper at the start of that session. We locally were very pleased and impressed with the work you had produced. And it did generate a very thorough discussion. For the life of me I can't think of the specifics. I know it was intense, I know it involved a lot of wrangling but really there was no dissension. I think the Commission went almost down the line with the idea that (1) we were going to have a close association with the United States, that was clear that (2) there was no doubt in their mind that this meant U.S. sovereignty?

Willens: Another topic that was discussed was the requirement for mutual consent. The Commission in its position paper adopted the position that the proposed commonwealth relationship with the United States should be modified only by mutual consent. Do you recall whether this subject was of particular importance to the Commission in the course of putting together its initial detailed statement on political status issues?

White: I thought it was. I think there was some concern that if there wasn't a statement to this effect strongly put forth by us that there would be an attempt to keep it open for the United States to somehow change the status unilaterally after we gained close association. We wanted to have it included in the pact itself establishing that there would be no change. I think there was even a reference back to how the Indians were treated in the early days, etc.

Willens: Another issue that the commission discussed at great length . . .

White: I hear we did wonderful things, by the way, for our client, I really do.

Willens: No self-congratulation is permitted on the record.

White: This is not for the record. This is for your own consumption. I want you to be aware that I thought that you did a hell of a job in putting this political package together and your oversight and review of it and you did fantastic service to your client. And I feel strongly that way.

Willens: Help me then to try to put the pieces together here. There also was a good deal of discussion (as I remember it) on the subject of U.S. citizenship and whether the Marianas representatives should seek a status in which each Marianas person was entitled to U.S. citizenship or something called U.S. national status. Do you recall that there was extensive discussion within the Commission on that more or less abstract subject?

White: Yes.

Willens: What kind of views do you recall being discussed within the Commission?

- White: I think there was a little concern among them. I'm not sure if Oscar Rasa was around then or not.
- Willens: No, he was not on the Commission at the time.
- White: But I think Felix had a problem with it and I think Dr. Palacios had a problem with being a U.S. citizen.
- Willens: What kind of difficulty or problem did they envision?
- White: I think they felt a certain amount of that this created another movement to being lost in the shuffle. All of a sudden not only are they being dumped out by the Marianas Chamorro people but all of them, they being a smaller part of the Chamorro people being gulped up, now we're all going to be U.S. citizens and somehow we're just not going to account for a hill of beans. They kind of wanted to have a different sovereign effect. But they didn't indicate exactly what they wanted, there didn't seem to be any way for them to go other than the approach that was being put forth and I think that was citizenship.
- Willens: Did you think when all the discussion was over within the Commission before the second round that they had reached a satisfactory position as to what initial proposal they wanted to put to the United States across the table on this subject?
- White: My recollection is they were in agreement that they wanted citizenship with the United States.
- Willens: And in terms of the overall commonwealth relationship, do you think that they felt comfortable in the positions that they were going to take?
- White: Yes. Didn't you?
- Willens: Well I think so. I recall that it was a very detailed and difficult discussion with the commission. I have a recollection of sitting there and responding to many questions about different aspects of the paper or study we had prepared and a lot of uncertainty about some of the specifics of the political relationship like citizenship, sovereignty, applicability of federal laws, and a whole range of very technical legal issues.
- White: Let me tell you something. I'll tell you what I think in that regard. I recall that you reviewed the paper with some kind of overview first and during that overview there was no concern, really. They were prepared to sign off of it right then, but you forced them to go through a paragraph by paragraph analysis that did in fact generate some underlying problems that I think even they didn't realize existed in their hearts and minds. They were just kind of willing to go along with the flow. They're very nice people, the whole Commission. There wasn't a really nasty person in the lot although Dr. Palacios was a bit . . .
- Willens: Idiosyncratic.
- White: Yes. But you forced them and rightly so. You did your job beautifully in that regard. And I think that's one of the things I appreciated is that as they went through a paragraph by paragraph analysis of—this is what this creates and here is what can happen as a result of this and that—and that did raise some issues.
- Willens: As I recall, it also took longer to put the position paper together than we might have anticipated because the detailed review of the study and the issues prompted more discussion than we might have anticipated.
- White: That must have taken a lot of work on your part.

- Willens: Well it did, but it was an important first step. Mr. Wilson did cover several subjects in his initial statement on May 10, 1973. As I indicated earlier he did summarize in general terms the U.S. plans for Tinian; he emphasized the scope of the need, the number of personnel that might be involved and the economic benefits that would flow to the citizens of Tinian. He did include such things as resettlement of the village.
- White: San Jose I think it was.
- Willens: San Jose, hiring potential, benefits that would flow from the military facilities that were constructed and so forth and so on.
- White: Wasn't there an initial position that they would in essence own the entire island and lease back part of it?
- Willens: He indicated that that was their preference and it came across somewhat more specifically when Ambassador Williams later on made the detailed presentation. But do you recall the Commission having any reactions to the overall U.S. proposal as it was summarized by Mr. Wilson in early May 1973?
- White: Yes, I think there was extreme concern about the U.S. owning the entire island and leasing back a portion of it. They wanted to—and this was an outgrowth of our trip to Guam—I think that they [the MPSC] wanted to restrict that down as much as they could and they wanted to make sure that they [the U.S.] only took whatever land they needed and the rest was owned by the Marianas government or by the people, but that there should not be U.S. government ownership of this land.
- Willens: But on the other hand was there not considerable support for the idea of relocation of San Jose village and the construction of an entirely new modern village?
- White: There was some excitement initially to that view, but some mixed reactions. Was Jose Cruz on board yet?
- Willens: Not yet.
- White: When he got on board, he showed some definite desires not to relocate.
- Willens: Yes. When the formal negotiations opened on May 15 . . .
- White: But I want to say this. Initially some great excitement was generated over the fact that they were going to build a whole new town for them and it was thought that this might be terrific.
- Willens: How about the other economic benefits that were identified by the U.S. initially as redounding to the benefit of Tinian, such as the opportunities for construction effort and for modern facilities. Did that kind of economic benefit attract any particular members of the Commission as you recall?
- White: I don't recall.
- Willens: Jim, as to the reaction of the MPSC to the disclosure for the first time by the United States that they preferred to have control over the entire island of Tinian, I am interested in whether you thought some of the other economic advantages to such use of Tinian by the United States were persuasive to the members of the Commission, such as construction opportunities, use of modern facilities as the military would construct and so forth. You have any recollection on that score?
- White: I recall that they were. One of the items, if I'm not mistaken, they were excited about was joint use of the harbor that was going to be developed in conjunction with the

development of Tinian. I think they were well pleased with that. And the idea of a town, a new town, as I said before, created initiatives and really interesting excitement, and wondering if they all were going to get new houses. The whole idea of a brand new town was very intriguing.

Willens: At the opening of the formal session on May 15, 1973, both Ambassador Williams and Chairman Pangelinan made brief opening statements. In his statement, Ambassador Williams expressed the hope that preliminary understandings and possibly even tentative agreement, even tentative language of a draft could be reached during this round of negotiations. Is that consistent with your recollection that Ambassador Williams hoped to reach early agreement on a formal status document?

White: Yes. And it was his attempt to take the high ground, I think. I suspect it was the euphoria of doing all of this wonderful stuff on Tinian, he tended to use that as a nice [inducement] and maybe close down this package down right away, quickly.

Willens: Well, the idea of putting off the land issue until late in the negotiations proved to be impossible once the *Pacific Daily News* had the headline story as to the scope of U.S. requirements . . . .

White: The Commission didn't want to hear anything else until they heard this. This was really . . .

Willens: Is that your recollection?

White: Yes.

Willens: What did the Commission want to do as soon as the story broke in the *Pacific Daily News*?

White: They wanted a detailed discussion and review with the United States in terms of just what the requirements were and what their position was in reference to it.

Willens: Both the United States delegation and the Commission initially took the position that they would not comment on the published report.

White: That's correct.

Willens: Do you recall any internal discussions in which you participated as to how Chairman Pangelinan ought to handle this disclosure issue? To help you refresh your recollection, the two delegations initially adopted a policy of no comment, but they reversed it a few days later and issued a joint press release on May 17, 1973. The joint press release said that the two parties had preliminarily touched on U.S. military requirements but had not yet exchanged position papers or any kind of documentation on the subject. Then the joint press release went on to suggest that the newspaper report had overstated U.S. interest in having exclusive use of all of Tinian and that the MPSC was fully committed to represent and protect the interest of the citizens of Tinian. As a result of this disclosure, there was a decision to have a public meeting on Tinian on the evening of Friday, May 18, 1973. This meeting was attended by Chairman Pangelinan and other MPSC members and it was designed to provide an opportunity for the Tinian representatives to express their views about the public disclosures as to what the U.S. wanted. Do you recall attending a meeting on Tinian at about this time at which the Commission addressed the people of Tinian and tried to answer their questions, but at which Ambassador Williams was not present. There was to be a later meeting where Ambassador Williams and the military went over to make a full presentation with charts as to what was desired. Do you have any recollection of an earlier public meeting?

- White: I don't recall that meeting on Tinian. I do have a very vague recollection of Eddie saying that he and the Commission were going to go over to Tinian and have a meeting with the people there because this disclosure in the newspaper had created a [furor] with the people on Tinian. They wanted to allay their fears and listen to what they had to say. I seem to recollect there was an indication to you and I and probably Jim Leonard that we needn't bother go over with them because it was going to be held in Chamorro and it was just kind of a very informal thing. They were just going to try and put forth the position that the Commission had already taken, that this was something to review, this is very preliminary, we won't don't have their formal position paper yet, etc., etc. That's my very vague recollection. I think that would be a very superb question to put to Eddie Pangelinan.
- Willens: Well, there certainly was a meeting that the members of the Commission had later in the session. As I recall, Ambassador Williams went over to Tinian. That was late, relatively late in the negotiations. We went over on that one, didn't we?
- White: I know we went over there. I do remember that. That's what I'm just trying to check out. Yes okay, we'll come to that because there was a U.S. presentation on that. Wait a minute, wait a minute. I'm jimmying up a real recollection on Tinian. There was a big meeting there and I think we were there. Now this may have come later.
- Willens: Yes, and it did include Ambassador Williams.
- White: And there was the guy from the ranch, Jones, is it?
- Willens: Ken Jones.
- White: He was there. He had a very large concern too. There was quite a "show and tell" about the fruit problems, getting fruit to market and getting access to the Guam markets, and things like this.
- Willens: Do you recall that near the end of the negotiation session the U.S. delegation finally did make a detailed presentation regarding the U.S. military requirements?
- White: Fairly detailed, yes. I mean, as I recall, they showed us a map showing the area that they would be required. They didn't go into specifics on the map as to what they were going to use it for. It did show the proposed location of the new village or approximate location of the new village away from the harbour.
- Willens: Did the presentation involve a request by the United States that it be entitled to lease the entire island of Tinian with an option to purchase, with the understanding that the southernmost third of the island would be leased back to current resident for civilian activities.
- White: It's my recollection that was their second proposal. Their first proposal was to own the whole island of Tinian and then lease a part of it for civilian use. I think their second posture then was, they seemed to give up on the ownership aspect or least they were leaning in that direction, but they wanted then to lease the whole island and then sublease back part of it.
- Willens: The records available to me indicate that after the U.S. presentation on May 29, 1973, the Marianas Political Status Commission met for several days in order to consider the proposal and to prepare an appropriate Commission response. A response was made by the Commission on June 1, 1973. Did you have any recollection of the discussion within the Commission that involved the various questions that were raised by the U.S. request?

White: Yes. There was significant discussion within the Commission itself. And there were several meetings between the U.S. delegation, the subdelegation I should say, working meetings between some members of the delegation and Marianas status people. I remember a meeting that I went to, this is the one I was talking about earlier, about going to this meeting involving basically military people and their requirements in reference to Tinian and Ambassador Williams was not there. There were several military officers there and there was a civilian, a person from the Department of Defense, there. This is a little aside, that was really kind of interesting to me. I'd never seen this type of ranking before. But we were in this meeting and we got into the side discussion and all of a sudden this one Major who is kind of a friendly guy to us, I don't know his name, but fairly young looking, obviously one of the more junior people there. He had a little discussion with us there that seemed to be a little more friendly than the normal discussion and half way through this discussion, and I can't even tell you what the subject involved, all of a sudden the civilian person from the Department of Defense, said, "Major, that's not open for discussion" and the Major said, "Well I think that this is appropriate to discuss this area here in the sub-meeting, to at least explore" and he said, "Major, I am a GS 16, which is a civilian ranking within the Department of Defense that's the equivalent of a Brigadier General, do you understand? That's not open for discussion." And both Eddie and I looked at him and it kind of reinstated in our mind, with force at that point, that we better make sure that our negotiations are strong and fairly complete dealing on land with the military before the end of the status negotiations, because once, if it ever got into the hands of the military itself without the interface with State Department and with the Administration generally, it would in fact be very difficult to deal with the straight military organization.

Willens: The story you just relayed it suggests that the military representative was more willing to discuss something . . .

White: The younger one.

Willens: . . . than the civilian representative who outright refused.

White: That's correct.

Willens: But it's still your sense that the military representatives of the Department of Defense were going to be taking a harder line with respect to military requirements than their civilian supervisors?

White: No, no. All I'm saying is that you just got the real sense of how you could run up against an iron wall dealing with the military. There would be much less flexibility and you might not even know who you're talking to.

Willens: You have a recollection then of a working session between representatives of the Commission on the one hand and the U.S. delegation on the other hand that took place during the second round of negotiations?

White: Yes. That meeting over at the hotel with Eddie and myself and with I think with three or four military types that were there. It was specifically discussing the military requirements on Tinian.

Willens: Could this have taken place after Mr. Wilson first disclosed the U.S. position on May 10, 1973 or is it your recollection it took place after Ambassador Williams and the military people had made the full detailed presentation?

White: It would be my recollection that there was a formal presentation by Ambassador Williams, then one or two days progress, and then the Tinian meeting I think it was between those two meetings that this particular incident occurred. And the emphasis I want to make on



this does not mean that they were uncooperative or anything else, it just meant that you can run up against a brick wall when dealing with the military and you're better off, and this is a re-emphasis of what the Guamanian people said, when you're dealing with the military you're much better off getting the bits and pieces put together during the status negotiations then you are later. And this just kind of re-emphasized it, boom, like a big hammer. Eddie and I walked out of there and went wow!

Willens: In the position paper that the Commission provided to the United States on June 1, it presented the Commission's views on a number of subjects related to the U.S. request for land in the Northern Marianas for military purposes. On the issue of the form of acquisition, the Commission firmly stated that it would not agree with the sale of land but would agree to the lease of land on some term to be subsequently agreed to.

White: That's right.

Willens: How firm was the Commission's view that it could not agree to a sale of land?

White: Very firm. Very firm.

Willens: Was there ever any indication within the Commission, to the best of your recollection that any member was prepared to compromise and agree to a sale of the land?

White: None. None at all.

Willens: What was the Commission's perception of the likelihood that the United States ultimately would agree to a lease of some kind?

White: They felt sure they would. There was just too much world-wide precedent for it. You know, the Guantanamo leasing in Cuba was an example, the Philippine lease that they were very familiar with, and I think there were some leases in Japan for some bases there.

Willens: But as you recall during this round and subsequent rounds, Ambassador Williams would always acknowledge that leases were used in foreign lands but that leases were not used in states or territories under U.S. sovereignty.

White: Yes but there was a clear indication to the U.S. delegation from us and the Marianas Political Status Commission that land as far as the Marianas was concerned was a different and unique situation in comparison to land as treated in the United States generally. The whole posture being put forth was to not allow alienation of land and that same analogy was being applied to the military. Even though we're not foreign they should be able to be flexible enough to acquiesce to a leasing arrangement so as to continue to keep the heritage ownership by the people of the Marianas in the long haul. Does that make sense?

Willens: That's what I wanted to hear your views on. I just wanted your recollection.

White: And there was never any indication to the contrary and I don't think our position was any different than that. I think that was both yours and my position too. Do you agree? Is that your sense?

Willens: Yes. During the time that the Commission was putting together its response to the United States there was some publicity in the *Pacific Daily News* that quoted unnamed Commission representatives to the effect that they were unprepared to deal with the U.S. request and there was not enough time to really give the matter careful consideration. Did you recall any concern within the Commission that the Commission was being pushed too hard by Ambassador Williams to come to agreement on such an important matter?

White: There was a concern in the Commission. My impression is this: there was an attempt by Ambassador Williams to take the high ground with his formal presentation of this

infusion of capital into Tinian that would benefit the people to a significant extent, not only economically for jobs but for new housing, a new town, a new harbor area with joint use and things like this. These were very, very positive things that a lot of people on Tinian wanted and were looking forward to. The place had laid fallow since the Second World War and they were excited by this. I think it was really an attempt on the part of the Ambassador to take the high ground and carry it through and (not force) but to try and push the negotiations to a quick close maybe before proper reflection and review. I don't know if he was trying to deny us proper reflection or review or all he wanted to do was close it.

Willens: Did you personally feel that the Commission was able to proceed in putting together an appropriate response to the U.S. request for land within the time made available to the Commission?

White: No, I think our basic position was to indicate that we needed further time for review and input. And we needed more specific information from them. I think that our final communiqué or final position to the United States reflected that there was a lot...this was not something that was going to be resolved today or tomorrow. It was something that needed some real significant work on the part of the Marianas Political Status Commission between now and the next meeting. As a matter of fact I think we established a special subcommittee for that purpose.

Willens: Another subject that the Commission addressed in its position paper was the U.S. delegation's request for land in the Tanapag harbor area. The Commission characterized the U.S. request as unreasonable and said that it might be willing to lease some of the land around Tanapag harbor to the United States on certain conditions, but would not lease the amount sought by the United States. What is your recollection about the importance that the Commission attached to the land in the Tanapag harbor vicinity?

White: The kind of impression that the Commission had was that the Tanapag harbor land request was a pawn, that this was an attempt on the part of the [U.S.] government to put up a straw issue that they could then bend back.

Willens: Well, you will remember that the United States delegation always emphasized the potential contingency use of Tanapag harbor and the fact that they could not afford to let any civilian development occur that would prevent the United States from subsequently developing that harbor in response to some kind of military emergency.

White: I—the Commission—felt that that was a ruse.

Willens: A ruse?

White: Yes, the reason I say that is I'm trying to recall if there was specific discussion of this. I think there was, saying that clearly if you're going to have a multiservice base covering the two-thirds of the island of Tinian there really wasn't any significant need for additional harbor space on the island of Saipan, that in all probability what they're doing is they're putting that up as a strawman so that they can be nice guys and give it up or back off of it to quite an extent as a moving pawn in the chess game so to speak. It was my recollection of their impression, the Commission's impression.

Willens: What was your impression?

White: That was mine. I saw no need for it really. I mean if there was to be a pullback like from the Philippines or from Japan, they have their base at Tinian to do this and they are going to have their own harbor, these are going to have two-thirds of the island, three quarters of the island, plenty of space.

- Willens: I recall some considerable discussion within the Commission about the economic importance to the Northern Marianas of further civilian development of the harbor. Was it your sense based on your residence and knowledge of the community that retaining a civilian ability to control the harbor was important to the Northern Marianas?
- White: Yes, it was.
- Willens: Were the harbor facilities adequate at the time?
- White: Totally undeveloped. The only harbor use at that point was by TransPac and by Saipan Shipping. We were looking at maybe the equivalent of two vessels a week. Let's put it in perspective, there wasn't much use of any of the land at that juncture.
- Willens: So why would the Marianas Political Status Commission attach much importance then to future development?
- White: Well, I think they anticipated especially along—I am trying to think of which side it is, but it's the side where the Continental Hotel was located—that the whole area on that side would eventually have significant hotel development. Let's put that in perspective. Saipan is approximately 1500 miles from Tokyo and, as I stated earlier about Leonard seeing this guy [outline the] complete development of the island, there was great desire on the part of the Japanese to treat Saipan as a Hawaii of Japan. If they could get control of that island significantly they could have package deals that they would carry out that would be wonderful for the local population. I mean the Japanese population to make use of. And hopefully better control than the Guamanian situation was. And a lot of the people on Saipan wanted that development, and they were very conscious of that and wanted to make sure there was also adequate harbor available for them.
- Willens: With respect to the amount of land that the United States wanted for its use on Tinian, the Commission's position paper described the requests as "so overwhelming that they are difficult to comprehend." The Commission went on to say that it was not inclined to lease the entire island to the military, but that it would be prepared to negotiate at least for that portion of the island actually required for military purposes. The Commission then requested additional information on a variety of subjects. What was your sense about the Commission's deliberations on this issue, namely the amount of land? Was there any substantial difference within the Commission as to what position to take?
- White: Later there was. At that particular juncture I think they were absolutely right, they weren't necessarily overwhelmed, but it was new information. The request did require a substantial part of the island and an attempt to lease the whole island. I think what the people were saying at that point was, "Well, we want to look at this in more detail. We want to go back to what our Guamanian friends said and look at it more specifically—what they were using the base for, what could be used as joint facilities, and what effect along the whole shore line for example was that going to have on our use of the land." Kind of a hard thing to do, when there are very few people living at that particular juncture on the island and you are trying to anticipate future growth to monitor. It was my impression that we made one decision here that I think was important and it was passed along to the United States in the form of a Marianas Political Status Commission response. That was indicating that this isn't something that's going to get cleared up right away but in essence don't let that throw things into a real quandary. We at least will let you know now that we are willing to lease a substantial part of Tinian for the purposes that you request, but we want to make sure that it is necessary and needed. And that we were willing to lease. There wasn't an attempt to try to deny that kind of access to the island. People wanted it and the U.S.

wanted it and we thought that was a hell of a gift and I think that was even mentioned by the Ambassador in his final communiqué.

Willens: On the subject of price at which the land would be made available, the Commission emphasized that it should be at a fair and just price and that the two delegations should try to agree on procedures by which the value of the land would be determined. The United States had made known its view that there were certain traditional procedures followed in the United States by the military for determining the value of land to be taken for military purposes. The Commission response suggested that these standard procedures might not be applicable in the Marianas. Did you have any views at the time as to the issue of price and how ultimately it should be determined?

White: Yes. The usual procedure in the United States is what they call highest and best use of land in determining the value to be paid for it. I want to back up. Traditionally, under the U.S. trusteeship there was very little development anywhere in Micronesia. There was a negative in essence what was told to me when I was in Palau. I was told by one of the top people from the government that would have been in sometime between 1970 and 1972. I'm not sure what Administration that would be now. Any idea?

Willens: High Commissioner Johnston?

White: No. No. Johnston was there.

Willens: Was it the Nixon Administration?

White: It would be the Nixon Administration at that juncture. Anyway, one of the high ranking people who came in was higher than the High Commissioner. He was Ambassadorial rank of some sort representing the President and he came out to Palau and he got quite plowed at a Palauan festival that they gave in his honor. And he got up and he just said—probably no other person ever told the truth like he did right then—that the United States frankly has no interest in developing Micronesia at all or developing Palau. That really what we [the U.S.] are looking at as far as Micronesia is concerned is what they call a “negative defense posture.” That means that we’re not planning to develop anything militarily here because of concern shown by the people. They asked the question: “Do you plan any development in the beautiful harbors of Palau?” because there are great beautiful fishing waters and just beautiful reef areas and there was some concern. And he said, “Don’t have any concern, folks, cause it’s a negative defense posture and we just don’t want anyone else to come here and use it defensively.”

Willens: Do you recall any discussion within the Commission at this round or perhaps later as to what price would be a reasonable price at which the U.S. could use most of Tinian?

White: The position we had at this time in the session, when we had just been presented with this was the determination that we had no reasonable way to estimate the value of the land. Because you could not realistically use fair market value at this juncture because of the fact that the United States had not properly put enough infrastructure and economic development into these islands to bring them up to where they belong. In other words, if you compared it to Hawaii you would develop a very high factor. If you compared it to Guam you would have a very high factor. But if you compared it to the development on Saipan and on Tinian and on Rota, I mean you’re talking land that was worth a hundredth of what it would be worth in even any reasonable development. We were trying to figure a way to adequately price the land, taking into consideration the future development of the area. That was kind of an open question. I recall that we were thinking in terms of a lease arrangement that probably had escalator clauses in it and had review after a period

of time. I seem to recall a discussion on the idea of maybe a 75 year lease with a 25 year lease with a incremental impact at the end of 25 years to be reviewed at that juncture to the then market value of the land. Do you recall that?

Willens: There were discussions that took place, if not at the second round, at later rounds about different ways of valuing the land.

White: Yes. It was very difficult.

Willens: The U.S. took some rather strong positions on that issue.

White: Well they had a wonderful precedent to use.

Willens: One of the last subjects discussed in the Commission position paper in June of 1973 on this subject related to the impact on the civilian community in Tinian. The Commission's paper relied on your report and other sources of information to raise a whole series of questions about joint use issues in the community on the island. This was a subject in which you took a particular interest, as I recall. Was it a subject that you think members of the Commission first understood fully and secondly felt strongly about?

White: This was raised by the members of the Commission. In other words, I think what you're talking now is joint use.

Willens: Joint use and generally the options that would be available to them with respect to employment and so forth. A wide range of issues relating to the civilian community.

White: Yes, this was utmost on the minds of the people on the Commission. The first general area that they were really concerned with was making sure that the type of jobs that were made available to them would not just be menial superficial jobs. That they would be trained and developed for the good jobs that would be available on a military complex to civilian personnel. That was one item. They wanted to insure that their education and training would be developed to adequately allow them to get decent work. They wanted to see integration of the school system that would be used by the military with the local people involved directly in to that educational process so that they would get the benefits of, in essence, a very responsible U.S. education. Let me reflect. The people were very aware on Saipan that the educational production there was terrible.

Willens: The what?

White: The educational production in the Marianas was disgusting. There was a large American population on Saipan because it was a headquarters of the Trust Territory. Most of the people that lived and stayed there had their kids go to school there until the 8th grade, but at the start of high school they sent them off to either Hawaii or Japan so that they could get a decent education. The high school education on Saipan was abysmal.

Willens: After the Marianas made . . .

White: They're aware of that. I mean they're not stupid. They're aware of the fact that they were not getting proper education for their children and they very much wanted to see an integrated military civilian use of any facilities developed on Tinian in that regard. That was the one item. The second item they were very concerned with was the use of the beach areas. There was a great racial concern among the Guamanian people who felt that the military racially excluded them from certain areas that were nice beaches and that the only reason they excluded them was because of race. They wanted to keep it nice and didn't want the native community messing it up. That's not their beach and they were very concerned about making sure that didn't occur anywhere on that military base. That all recreation facilities would be for joint use. Big item, big item. And it was an emotional

item and it was one that could have caused a hell of a lot of upset if there hadn't been agreement on that.

Willens: The next important step on the subject of Tinian was a visit that Ambassador Williams made to Tinian to conduct a public hearing on the evening of June 1, 1973. There's some indication in the records that I've reviewed that members of the MPSC were reluctant to have Ambassador Williams visit Tinian to explain U.S. land requirements personally. Do you remember any discussion with Chairman Pangalinan or members of the Commission about the Ambassador's desire to go to Tinian for that purpose?

White: Yes. They didn't want him to.

Willens: Well, why was that?

White: I think they felt that it was Ambassador Williams' attempt to usurp the Commission in their function by going directly to the people and trying to do a selling job with the local people that would then somehow force the Commission to take a position favorable—more favorable—before they'd had an opportunity to review and see what positions they wanted to take. The procedure they wanted to follow was to have a thorough review and analysis of what has been presented and develop a solid position that could then be explained to the people of Tinian before there was any involvement with the United States.

Willens: Before Ambassador Williams went to Tinian, there was a public statement by Congress of Micronesia representative Felipe Atalig, who was representing Tinian at the time. He had returned from a visit to various U.S. military operations abroad. He made a public statement that Tinian residents should strongly oppose the U.S.-proposed plan to acquire all of Tinian. He described the U.S. proposal as "some kind of fancy dream by the military." Do you have any recollection of Felipe Atalig?

White: No. I do know this: At that time it seemed to be an attempt on his part I'm not sure if he had been shunted aside by the Commission or whether he was pissed off because he wasn't a member of the Commission (that could very well have been)—to kind of put the Commission down and say, in essence, eventually they're going to have to deal directly with the people on Tinian because we run the show here. It was a further attempt to make an independent state of Tinian, I think really, on his part, or in his thinking at least as far as negotiations were concerned.

Willens: Do you remember attending the evening meeting on Tinian?

White: Yes.

Willens: Thinking back now twenty-plus years, what do you recall about the way in which Ambassador Williams handled the task of presenting the U.S. requirements to the Tinian public?

White: I thought he did an excellent job. He worked very hard in that meeting. It was a hot, stuffy place, and he was making a presentation that created great excitement, and there was a group of people there that were definitely opposed to any use of Tinian by the military. Let me put it this way: I think there was an outgrowth of the Vietnam War and the anxiety in the United States in reference to its continued operation that created a significant anti-government feeling amongst a lot of people in the United States. And that wasn't lost on the people of Tinian and on the people in Saipan, that there was a lot of discontent with military aggression on the part of the United States. I'm not saying right or wrong in reference to Vietnam; I'm just saying that these people viewed it just as well as the people in the United States viewed it.

- Willens: There's some recollections . . .
- White: People were rabble-rousers over there.
- Willens: Well, do you recall any younger participants in the meeting expressing the kind of anti-military sentiments that you have just referred to?
- White: Yes, there were.
- Willens: Do you recall any specific individuals who spoke at the meeting?
- White: No, but there were a couple of them that spoke that were quite young. You know, I call them the typical college-student-age development saying how much they were disturbed about the United States here. And there was a tremendous outpouring of people saying, in essence, "Shut your mouth." That's what I was told. A lot of this was done in Chamorro, but I was told by—I think Eddie was standing there kind of chuckling over this whole thing because it was a local argument, saying, "The people there that wanted some damn development to come in because there has been nothing going on in that island for twenty years are telling these kids to shut their trap."
- Willens: When the meeting was concluded, did you feel that on the whole Ambassador Williams had done a good job and that it had been a useful meeting to permit him to respond personally to questions from Tinian residents about the U.S. request?
- White: Yes. I think the original concern of the Marianas Status Commission was that somehow Ambassador Williams would try to usurp and go around them. He never did. He made it very clear that he was dealing with the Marianas Political Status Commission, that what he was doing there was to just describe the opening position of the United States in reference to use of Tinian. He wanted the people on Tinian to know it and, according to Eddie, at that time he indicated that there was no attempt on his part to subvert the Commission. Matter of fact, he applauded the Commission for their efforts and their fine attempt to review problems and that they were being very careful.
- Willens: After the Tinian meeting, Ambassador Williams at the very end of this round of negotiations responded to the MPSC position paper. He raised some question about the Commission's views regarding the Tanapag harbor and Isley Field requests and suggested that the U.S. would be willing to reduce those areas to some extent. He devoted most of his paper, however, to the Marianas' position on Tinian and tried to answer some of the Commission's questions. Did you have any general recollection as to how the negotiations ended with respect to this particular subject? Did he say anything that you remember as being particularly adversarial or difficult to understand?
- White: No, I don't think he changed much of his position. The only thing that I recall him changing any position on at all really from his opening gambit was offering to reduce the needs on Tanapag harbor. But he was not making any such offer in reference to Tinian. He did seem to indicate, as I recall, an item about joint education. I recall an indication of joint education of the military personnel and the Tinian local population. Now I don't know if the communiqué said exactly that, but I was left with that impression, that that was a kind of significant posture that they took, and I was really rather surprised that they were willing to go that far.
- Willens: The joint communiqué did indicate that the parties had exchanged their views, of course, with respect to land. Ambassador Williams at one point proposed some kind of a joint committee to consider land-related issues during the recess before the next round of negotiations. I'm not sure that joint committee was established after this particular round, though. Do you recall that it was?

- White: Yes.
- Willens: And you participated in it, as I remember.
- White: Yes. I think, now correct me if I'm wrong, you know more of the logistics of this, but I recall we had a meeting at the U.N.
- Willens: Yes.
- White: All right. And I think directly after the meeting at the U.N. some or all of us went to Washington, and we had a meeting over at the Pentagon with people in reference to this land issue and what they were going to do, more definitive discussions as to the use of the military and the military requirements on Tinian. That was . . .
- Willens: . . . early June, 1973.
- White: That's correct.
- Willens: We have to go back and I'd like to hear your recollections about how these negotiations proceeded on two of the other important subjects discussed during this round. We talked earlier about the position paper presented by the Marianas Political Status Commission with respect to political status. The United States ultimately submitted a responsive paper, and two issues developed that focused on the political status issue. First, the U.S. delegation took the position that there was no need for a mutual consent provision; and secondly, the U.S. delegation took the position the U.S. government had to . . .
- White: No wait. Give me that first one again; I'm sorry my mind's skipped then.
- Willens: The U.S. delegation in its formal presentations argued that there was no need for mutual consent with respect to changing the fundamental relationship as the Commission had proposed in its position paper.
- White: Yes.
- Willens: And the second issue related to the U.S. delegation's desire that the federal government would retain plenary legislative authority under Article IV(3)(2) [of the U.S. Constitution]. Try to focus your attention on the mutual consent issue. Do you recall the U.S. delegation arguing to the Commission members that there was no need for mutual consent?
- White: Yes.
- Willens: What was the Commission's reaction to that?
- White: Negative.
- Willens: Why.
- White: Again, an outgrowth of the Guam meetings. They were very desirous of making sure that the U.S. would not unilaterally make any changes through Congress or otherwise without the consent of the Northern Marianas. That this sort of stuff happened all the time in reference to Guam, in effect altering their agreement without any input or review by the people of Guam. And they did not want to see that happen. By god, set up the agreement now. If you want to change the agreement, that's something that you're going to have to do in another series of negotiations.
- Willens: As a result of the initial disagreement on mutual consent, there were some informal meetings of counsel in which I participated. I'm not sure, because I don't have the memoranda with me, whether you may have attended one or both of the meetings that took place, I guess, on May 19, 1973 and I think a day or two later.



- White: I seem to recall you, I, and Mike—is it Helfer?
- Willens: No, he would not have been present at this session. Jay Lapin . . .
- White: Jay maybe, OK.
- Willens: . . . was with me at this session. Do you remember any sort of informal discussion among counsel representing both delegations on the subject of mutual consent and Article IV(3)(2)?
- White: I recall a meeting being held in James Wilson's office. Is that what you're recalling?
- Willens: These meetings I'm referring to took place during the negotiations themselves in Saipan.
- White: Oh, in Saipan.
- Willens: Yes. Do you remember participating in any of those meetings?
- White: I do not. I may [have done so]. I have no independent recollection, no.
- Willens: Ultimately, during this second round of negotiations, the U.S. delegation did change its views on mutual consent tentatively to say that if agreement was reached on all other issues, they would be, might be, willing to include a provision for mutual consent that would limit significant alterations in the basic structure of the relationship.
- White: Right.
- Willens: Do you have any recollection of what the Commission's reaction or your reaction was to that apparent concession?
- White: Yes. I recall that we felt very pleased that this was being reconsidered by the U.S. because that to us was a deal breaker, almost. You know, mutual consent was needed, period. And I think that was indicated very strongly to the Ambassador, and that may have been also indicated at the mini-meeting, so to speak.
- Willens: The other issue relating to . . .
- White: I don't recall independently, though.
- Willens: I understand that. The other issue related to the very technical problem of federal authority under Article IV(3)(2). The United States took the position that whatever status would be negotiated could not limit Article IV(3)(2). The Marianas Political Status Commission to some extent was unprepared to deal with this issue because among other things, my firm and I really had not honed in on exactly where we wanted to come out with respect to Article IV(3)(2).
- White: Are we talking about the United Nations interface?
- Willens: No, we're not talking about United Nations. I'm talking about the fact that the Commission did not want to accept the United States' position that the federal government would retain full legislative authority in the Northern Marianas because of the Commission's concern about the impact on local government.
- White: Yes.
- Willens: Do you recall any discussion within the Commission about the need to try to negotiate some kind of limitation of Article IV(3)(2)?
- White: You mean, to make general legislative results of the United States applicable to the Northern Marianas?

Willens: Yes. I mean, the United States delegation in its position paper made it clear that its concept involved full retention of authority by the U.S. Congress to legislate for the Northern Marianas under Article IV(3)(2).

White: Yes. The only thing I recall: It was my impression there really wasn't much we could do about that, that that authority applied everywhere, and that I would think it would be very difficult for us to arrive at any kind of exclusions on that authority.

Willens: Well, we did eventually make a statement on the subject that the Commission needed further time to study the issue as to how to reconcile the desire of the Marianas for maximum self-government with the plenary powers of Congress under Article IV(3)(2).

White: Right.

Willens: And the U.S. delegation was quite upset with that position.

White: Yes.

Willens: Do you remember that?

White: Yes. They were upset. All I'm saying is I think our position with the Marianas Political Status Commission at that time was to inform them—I'm not saying they had to accept this—that to change that was almost a physical impossibility. That's my recollection, Howard. It may not be correct. You were more intricately involved on the political status issues themselves. But my recollection is that within the meetings we told them that we understand your desire for control here, but that nowhere does that control exist, and the chances of it being included here would certainly be challenged in the courts.

Willens: Jim, after thinking further about this and discussing it, off the record, do you have any recollection of how the consideration of Article IV(3)(2) developed during the course of negotiations?

White: Yes. What I said earlier applied to an early-on meeting with our Commission when this position became noticeable as a very significant problem. And I took the position that, in all probability there wasn't much opportunity to get this changed. You felt strongly there was. I was concerned because if it applies equally to all the states, I was concerned on how it could be negated for the Marianas. You felt there were ways to do it. But you weren't exactly sure what avenues to follow at this juncture. At least that's my impression, my recollection today, and you were right.

Willens: But did you think that the members of the Commission understood that this was, at least from a legal standpoint, a fairly important issue?

White: Yes, yes. And all I'm saying is, we were always very forthright with the Commission, even at the times that we may have different opinions. And it was my opinion that they probably wouldn't move off the dime on this, and your position was, let's keep shooting for it, and the people there on the Commission wanted to keep shooting for it. I guess I was more of the impression that if you have mutual consent that that would probably take care of it, but . . .

Willens: That's exactly right, and subsequently, in further rounds of the negotiations, the question was what specific provisions in the Covenant would be protected by mutual consent. We'll come to that. The last area I wanted to raise with you . . .

White: I got to be really honest, Howard. At that juncture I was very wrapped up in the land side of it. I was there at the meetings and I listened to what you had to say. But any discussion I had at that particular juncture that I recollect was almost like firsthand, sitting as a

- Commission member hearing it for the first time. I had not reviewed any of the legal aspects of that at that juncture.
- Willens: No, that's fair enough. I spent relatively less time on the land issue because you were working that area. Jim Leonard had submitted a report on the economic and financial aspects of the relationship. Based on that consultant's report, the MPSC developed a position paper that it presented to the United States on or about May 10, 1973. The Commission's paper outlined a three-phase program of U.S. economic assistance. They proposed a transition period of a year or a year and a half. They proposed a second phase to last for approximately seven years, and set forth some detailed figures as to what the needs were of the Northern Marianas, as analyzed by our economic consultant. Do you have any recollection of the process by which that position paper was put together and the importance that the members of the Commission attached to it?
- White: Well, that was done by Jim Leonard, basically, back between sessions, and he presented it to the Commission initially. It was a very thorough analysis of our immediate needs, our near future needs, and long-term range. It had some very, very specific figures in it that we all felt were well-arrived at. He gave a lot of the background data on how he arrived at it, and the Commission was favorably impressed with it. Based on that, we made a presentation to the Ambassador in reference to our economic needs.
- Willens: In response to that initial . . .
- White: I think we just put that paper right across to them.
- Willens: Well, we did deliver a position paper that was based largely on Jim's report.
- White: Right.
- Willens: I think one interesting difference that I recall is that the Commission tended to defer to Jim Leonard's statistical analysis because they knew they lacked the expertise to evaluate it, whereas they were very ready and eager to critique, comment and change some of the recommendations made in the land area or in the political status area.
- White: Where they had some knowledge.
- Willens: Is that your recollection too?
- White: Oh, yes. I mean, I think we all, in a sense, trusted Jim Leonard and with good reason. He seemed very ethical, very capable. I went back and went through his system in his office in Washington one time just to review what procedures he followed and how he arrived at his conclusions. I was very impressed with his whole output and whole demeanor. And the Commission was very favorably impressed with him at all times. Eddie thought he was marvelous, and I agreed. I never had an iota of an indication to the contrary. He was excellent. And frankly, I think that kind of an analysis coming out of the Marianas Political Status Commission really did shake the U.S. side because they didn't expect it. I don't think they expected this type of very definitive statement of money requirements and needs to be presented.
- Willens: Do you remember what kind of a response they made?
- White: They basically made no response to speak of except in very, very general terms. They had nothing specific to respond to our very specific figures. I think they were just taken back, and finally they took a position similar to the kind of position we took in reference to Tinian. You know, this is a wait-and-see; we have to look at it more carefully; and where they had done a lot of work in preparation of their military requirements on Tinian, we

had done a lot of work in reference to our economic development; and both sides were in need of time to review.

Willens: Do you recall what kind of response the Commission had when they realized the United States was not prepared to discuss the financial issue with the level of specificity that the Commission members thought was appropriate?

White: Yes. I think they suggested, "Well, then, maybe it's appropriate that you accept our figures, and let's proceed from there." And the U.S. wasn't particularly desirous of doing that at that juncture, but it certainly made a lot of sense. I knew there was nothing indicated by the U.S. to say that our paper wasn't appropriate or our process wasn't appropriate. Matter of fact, I think he commented on how complete and professionally it was done.

Willens: Well, was it your judgment at this early stage of the negotiation that economics and finance was not ultimately going to be a difficult issue to resolve? When you look at the three issues—political status, land requirements, and economics and finance—what was your sense of the relative difficulty and importance of those issues.

White: I didn't think it was a problem, really. I mean, I think it was necessary for us to furnish the information, for us to have a position that was very progressive and quite aggressive in a sense of making sure that there was adequate funding, that the federal government had the capability of giving that funding, and it was just a matter of hard-boned negotiations when it came to the crunch. When it comes to dollars, I think it's just a matter of how much, how many of those dollars you're going to get. The things that might stumble a negotiation are your political status positions and positions in reference to land that the military needs. I mean, if we're too verbose in our requirements for land needs, for example, that may queer the deal, or if we require so much autonomy, local autonomy, as to not allow the government, the U.S. government, to effectively operate in the areas it necessarily needs to, those are the two areas that could queer the whole program. But I never thought economics would queer it, but I thought it was very necessary for us to present a unified position in that regard.

Willens: Do you think the members of the Commission would generally share the views you've just summarized as to the relative importance of the issues?

White: Well, they loved talking the economic sides of it because they particularly liked talking about getting, like, seven and a half million dollars, or whatever it was, a year for running the local government. Most of these gentlemen were very innocently involved with local government, and those millions of dollars meant a lot of potential jobs and a lot of potential bureaucracy.

Willens: The negotiations, then, essentially . . .

White: But, I mean, they knew that we were reaching as far as we could in the land area. We were reaching as far as we could in the political status areas, basically exploring new ways and new grounds in both, and those were the areas that were really, we had to be very persistent in our positions in both of those areas, but we necessarily had to keep in mind the need to eventually have a cooperative result. Otherwise, the whole thing would fall apart.

Willens: At the second round of negotiations, there were several other topics that came up and were mentioned in passing but did not receive really detailed consideration until later rounds. I have in mind such things as which federal laws would be applicable in the Marianas, which provisions of the U.S. Constitution would be applicable or inapplicable, what the

transitional planning would be, and so forth. Do you recall any of those issues in the second round as being of particular importance.

White: No, as a matter of fact the idea of a free port or the idea of favored nation status being available to the Northern Marianas in the interim period, the issues of when would the transition take effect and how would it take effect, those did not appear in the earlier sessions at all. They came later, and most of the discussion was devoted to land requirements for the military needs and the political status.

Willens: Give me a little sense in retrospect of the flavor of these negotiations. This was a particularly difficult set of negotiations because of the publicity with respect to Tinian and the controversy that prompted. It also was characterized by some initial disagreements of importance with respect to political status. Do you recall the informal receptions and dinners where members of the two delegations and their advisers mixed? Do you have any sense of whether people were proceeding in a collegial way . . .

White: Yes.

Willens: . . . as compared with an adversarial way.

White: No, there was a lot of, for the lack of a better term, very informal cocktail-type settings that can only take place on a Pacific island with a nice warm balmy evening breeze that keeps the bugs off but is very pleasant to be at, and a lot of convivial discussion, no hard-boned negotiations. But I think there was a real sense, there was a real sense on both sides that they wanted to come out with a development. They knew it was going to be a hard-nosed negotiation and certainly the U.S. was not a pushover at all. I think Ambassador Williams did an outstanding job in preserving the U.S. position. If I was fiscally looking at something and looking at Ambassador Williams in the sense of did—if I was representing the United States rather than representing the people of Northern Marianas, I would have to say, by and large, that I think Ambassador Williams did an outstanding job. I have no complaint. Maybe he was a little too aloof. He could have been a little bit more human in the sense of his relations with the Commission. He tended to kind of stand back and stand off and really only wanted to talk to the chairman.

Willens : Well, let's talk about that for a minute. Did you have the feeling when at these sessions that the members of the U.S. delegation and its advisors were sort of more eager to talk to the members of our clients, the Commission, than they were to talk to you or me or Jim Leonard.

White: Initially, they really tried to avoid us. I think in the first series or first sessions, more so in reference to us than to Jim. They knew Jim was an inside-Beltway economist, and they knew eventually—I think in their heart of hearts they knew—we'll arrive at an economic result. There's no problem there. But these other areas. Who are these two attorneys assisting the Northern Marianas in their political status and where are they coming from? And they didn't like us being on the scene at all. I think they would much rather have been able to proceed without that. And I'm sure Adrian probably informed the Ambassador. He knew me well and he knew how client-oriented I was and how I would preserve the integrity of the people I was representing. He knew that; I knew that would go forward and certainly you were very forceful in the way you approached things. We were well-excluded early on.

Willens: Did you remember that early in this round of negotiations that I brought to Saipan an associate of mine called Jay Lapin.

White: Yes.

- Willens: What was your impression of Jay during this second round of negotiations as you came to know him?
- White: Oh, I thought he was outstanding. I really did. I thought he was a very good attorney. He tried very much to become a true friend of the Commission. I think the Commission was a little standoffish to him initially. They wanted to deal with you as their Washington representative and they were kind of going, "Why is this guy here?" But they soon realized that this guy had a lot to say, and he was very helpful in explaining the very legalistic points that were involved in the status aspects. Very competent person. Very, very capable.
- Willens: What was the general impression then as the second round came to conclusion? Do you think that the Commission members thought they had made substantial progress forward.
- White: Oh, yes. I think the Commission members felt that they were doing a very good job. And they were. I was very impressed with the fact that for as little money as we had, and as little organization as we were able to develop, we were able to be a very adequate participant in some very significant negotiations. To this day, I think the people in the Northern Marianas were served very well by that Commission.
- Willens: Jim, after the second round of negotiations concluded, the MPSC went to a meeting on Guam with the Guam Political Status Commission. Did you go along to that meeting.
- White: No.
- Willens: Did you hear anything subsequently about its purpose and what was discussed?
- White: The purpose of it was there was great concern on the part of the Guamanian Status Commission that somehow or another we were receiving a far superior political status than they had. And let's face it, they've been around for 75 years as a possession of the United States and had been faithful to the United States, even in wartime, and during the wartime occupation by the Japanese. They were very concerned that we were somehow being offered something that was far beyond what they had been offered, and there was some belated desire to have maybe a status negotiation involving both Guam and the Northern Marianas together. Before Ed went over there, he and I discussed it, and he said there really isn't any reason for you to go and most of it will be held in Chamorro anyway. And he said, "I'm just going basically over there and listen and tell them how pleased we are with how our negotiations are going and that basically that anything that we do can do nothing but help you folks in your later negotiations. So no reason for any derailment." When he came back, he personally confided, and it was very pleased with the fact of how jealous and how upset they were, how much progress we had made.
- Willens: He reported that to you?
- White: Yes, and he was kind of in good humor. He was laughing about the fact that it was just a few years before that they were kind of the stepchild of Guam and wanted an association to join Guam, and Guam had kind of thumbed their nose at them. And now all of a sudden the shoe seemed to be on the other foot, and Ed was enjoying it thoroughly.
- Willens: There was some public evidence of dissent among the members of the Commission in an interview on June 15, 1973 in the *Pacific Daily News* with three MPSC members, Dr. Palacios, Mr. Tenorio, and Mr. Rabauliman. These three Commission members expressed concern with both the substance of the negotiations and the preliminary agreements reached to date. Did you have any idea in advance of this public release that these three members of the Commission were dissatisfied with the course of the negotiations to date?

- White: No. It was a real surprise to me. None of them had. The only one to even voice any concern was a concern raised by Palacios in reference to the political status article.
- Willens: Well, the interview did express a concern about the vesting of full sovereignty over the Northern Marianas in the United States.
- White: Right.
- Willens: And this was an echo in your mind of some of the reservations that Dr. Palacios had on that subject?
- White: Yes. And yet it was my impression that by the end of the second session that he was well in agreement with the position that the Commission was taking and it was a surprise to me that he had gone out in left field, so to speak. And yet he was the only one [with whom] I expected that to happen. Felix Rabauliman had never said anything. He was very quiet in the course of the negotiations, and he never voiced any dissident concern at all.
- Willens: Well, one aspect of the interview that troubled me on a personal level was Mr. Tenorio's complaint that the U.S. delegation was fully prepared and unwavering, whereas the Commission was "unprepared for the most part" and "rushing to get agreement on the basic fundamentals of the future relationship in the form as proposed by the United States."
- White: Who made that quote?
- Willens: Joeten reportedly stated that, and that, of course, seemed to suggest that the consultants perhaps were not doing their job in enabling the Commission members to understand the issues and express their views. Did you ever have any personal conversation with Joeten on the subject of his participation in the Commission?
- White: No, other than the fact that he didn't participate. I mean, he was at a few of the early sessions, but by and large he never came to the sessions and certainly was not involved with any of the second round negotiations at all that I can recall.
- Willens: Well, there apparently was a letter responding to this interview written by a staff assistant to Chairman Pangelinan that was quite critical of the three Commission members for expressing the views that they did. Did you write that letter?
- White: I have no independent recollection. I was wondering that myself. I may have,
- Willens: I don't think I was trying to be cute in describing . . .
- White: It would be the kind of thing I would probably write—something to the effect of the non-participatory aspects of Mr. Tenorio and the fact that Felix Rabauliman had never said anything at all in the meetings is something that is well focused in my mind. He never did. I suppose I gave Eddie a hand in writing that.
- Willens: Jim, I have a recollection of a meeting with Joe Screen sometime during the second round of the negotiations, I believe, in an effort to persuade him to influence Joeten not to go public with any criticism of the Commission's negotiations. I have a recollection that you may have participated in this meeting as well but frankly I don't know what prompted it or how it unfolded. Do you have any recollection of a meeting of that kind?
- White: I recall that you and I and Jim Leonard, I think, went up to see Joe Screen in Joeten's offices and he kind of brushed us off. He was all, "I am really very busy and I don't have time to talk about it." And we said, "Well, you know we're here to allay any concerns you may have and we will discuss anything you want to discuss in reference to the matter

and we'll try to resolve the problem, if there is a problem." It was really kind of—we're brushed off. That's my recollection.

Willens: After the second round of negotiations, the residents of Tinian became increasingly active politically with respect to the negotiations and the proposed use of their island. There was an election shortly after the second round where a speaker of the Municipal Council was ejected from office. But more than half of Tinian's registered voters signed a petition to the U.N. that seemed to take issue with the present U.S. request for the use of Tinian land. Do you remember any political activities on Tinian after the second round that related to the negotiations?

White: Yes. I think there was some concern on the part of the people of Tinian that the Marianas Political Status Commission itself wasn't sufficient. How do I want to say it, that the major involvement of the U.S. military was going to take place on Tinian and that the negotiations for that involvement would be handled by the Marianas Status Commission which was basically made up of people from Saipan and that the needs of the Tinianese people should be handled by Tinian's people. I would relate it as similar to the idea of Guam versus Saipan after Saipan started making significant progress, there was no desire on Saipan to join with Guam in future political status negotiations. They wanted to continue on their own, they wanted to be recognized as their own entity. And I think the Tinianese people wanted to do the same thing. That certainly is understandable.

Willens: Now how did Chairman Pangelinan respond to this kind of concern among the Tinian representatives?

White: He indicated to me at that time that there's a certain amount of discontent but that by and large most of the people on Tinian are very desirous of seeing the military come and do something on their island. And that they know that what we're doing for them would be open and above board with them. That they're very supportive of us. He did not consider this particular petition to be of any great significance.

Willens: Was he confident that he continued to have political support on Tinian for the position he was advocating?

White: Yes. I don't think that was 50 percent of the voting population of Tinian. Its my recollection that its like twelve hundred people on Tinian and there were about 100 and some that were involved in this particular protest. That may have been among political lines or party lines. I'm not sure.

Willens: One of the events that took place during the summer of 1973 was a series of meetings that the Joint Committee of the Congress of Micronesia had throughout Micronesia to ascertain the sentiments of the people with respect to status. A representative group of the Joint Committee headed by Lazarus Salii conducted hearings in Rota, in Tinian and with several different groups on Saipan. One of the meetings he had on Saipan was with the Marianas Political Status Commission. Did you by chance attend that meeting?

White: No. I think I was off on other business at that time.

Willens: Do you have any recollection now as to what the interplay was between the Marianas Political Status Commission on the one hand and the Congress of Micronesia Joint Committee on the other during this period of time.

White: Yes. There was some concern that separate negotiations with the Marianas, maybe the best way to describe it is that if you have a collection of jewelry . . .

Willens: A collection of what?



- White: Of jewelry that you want to sell as a package, for example. If there's one part, one piece of jewelry in the group, that's a little better as far as value is concerned than the other pieces, the other pieces want to maintain the major piece of jewelry in the collection to make the whole collection more valuable. I think the Congress of Micronesia Status Commission headed by Salii realized that by allowing the Marianas to skip out and go on in their own way—and they basically agreed to it originally and didn't fight them on it at all—that was their major concern. They wanted Tinian, they wanted the military complex on Tinian and the Micronesian Status Commission lost a real bargaining chip when it lost that capability. So there was concern, part belatedly, to try maybe to derail those negotiations and get it [the Marianas] back into the Micronesian negotiations.
- Willens: During the recess between the second and the third rounds of negotiations, two members of the MPSC resigned and were replaced. Herman Manglona from Tinian was replaced by Jose Cruz. What is your overall assessment of Jose Cruz's participation in the work of the Commission?
- White: He was superb. He was a very very active participant. He's just the kind of representation that was needed by the Tinian people cause he was totally and completely involved, especially anything involving [Tinian].
- Willens: But there were some people that would make fun of his tendency to burst into "God Bless America" at the slightest provocation. Do you have any recollection of his personality and the way in which he tried to accomplish his objectives?
- White: He was a very humorous, enjoyable person and he would go sing "God Bless America." He loved America because they were coming over and they were going to create great economic development and he would be a rich man as a result of it. He could hardly wait for it all to begin. He was still, however, there protecting all the rights of the Tinianese. He was an excellent representative. I liked Herman. I enjoyed him in many ways because I felt underneath in his heart of hearts he was very desirous of seeing this thing go forward. But he was a natural antagonist, he was probably the other natural antagonist other than Dr. Palacios.
- Willens: Well, why do you think he was replaced?
- White: Because he was an antagonist and I think that that position was probably made known to the Tinianese people and they decided to replace him. Cruz had a real reputation, you know, he was the [crafty] politician, he was a drinker, he was a hell raiser, he had brushes with the law, he had all sorts of wonderful history around him. But he was one hell of a participant, that is my point, plus he added a lot of levity to the organization.
- Willens: As he joined the Commission as a member, he initially took the position that on behalf of his Tinian constituents that he was not inclined to agree to the U.S. request for land on Tinian. Is that your recollection?
- White: No. That's not my recollection.
- Willens: Do you have any recollection of what his views were?
- White: His views were that he very much wanted to see the United States military come. He did not want to sell them an inch of land, that he was adamant about. He was very much of the idea of "lease yes, sell no." Lease only the land they needed, not lease the island. He was adamant about that. Well, he did resist one thing that kind of surprised me. I thought he would be totally impressed with the idea of a new home.
- Willens: You mean in the village?

- White: Yes. He was opposed to that. He didn't think there was any need for them to take over San Jose or move them out of San Jose. He thought that they could stay where they are. That's where their history is, that's where the people are buried, and that's where their little places are. He wanted that to remain.
- Willens: Was it your bottom line assessment that he was using superficial levity as an adept politician?
- White: Yes.
- Willens: Do you think that he enjoyed . . .
- White: Maybe the very best among the Commission.
- Willens: Do you think he enjoyed the respect of the other members of the Commission.
- White: I think so. In the same way I respect them, they knew what he was. He didn't hide himself, didn't hide any of his warts. He was a rascal; everyone knew he was a rascal, but everyone loved him, and I can understand why they did.
- Willens: The other change in the membership of the Commission involved the resignation of Jose Tenorio, better known as Joeten, and his replacement by Pedro A. Tenorio. Joeten submitted a letter of resignation in which he said that he was motivated in part because members of the Commission thought that he was participating in the work of the Commission primarily to protect his business interests. What do you think prompted him to resign?
- White: I don't think he resigned because of that kind of criticism. I think he resigned because he had a lot of business interests, and he was quite busy. I don't think he wanted [to be on] the Commission. He didn't devote very much time to it originally. I think he felt things were going on that maybe he could be held accountable for that he really didn't have any input into. And he was receiving information back from his party members, from the party that he belonged to, which is the same one that Dr. Palacios belonged to. I think he felt that because of the fact that these things were being agreed to and going forward and he had certain concerns and certain reservations about them, at least people of his party did, and he hadn't been involved, that someone is going to blow the whistle on him, some where along the way and say you are never there, you are not involved, and here you are allegedly a part of that Commission. And he could be faulted for that. And I think he knew that and he decided the best way to handle it was to get out.
- Willens: Did you ever have any conversations with him or Joe Screen about his motives in resigning?
- White: I asked him why he was leaving, you know, and he told me that he just couldn't make it to all the meetings. And I said, "Well yes, that's been true." That's about the extent of it.
- Willens: There was some suggestion that I gleaned from other materials and interviews that he had a deep-seated feeling of regret that the Marianas were pursuing a separate course from the remainder of Micronesia, but recognized that his views on that subject placed him in the minority. So he thought that resignation might be the appropriate thing to do.
- White: Well, he had a very good reason for being concerned about the Marianas going a separate way. Because as soon as this negotiation was completed, there was a strong indication that the headquarters of the Trust Territory would leave Saipan, a significant source of his income as the best supermarket on the island and his automobile enterprises. He depended a lot on the American expatriates for his business, and he was afraid of losing it. You are talking about several thousand people living up there that came down and

frequented his store continuously, and a lot of bucks came out. Both he and Joe Screen never deviated from profit. Their major concern was how profitable is this particular project or that particular project. I am sure they looked at the imminent demise of the Trust Territory government headquarters as decimating their business.

Willens: As you know, that in fact never happened.

White: Well, you had a large Japanese input too, and you never did see the Trust Territory Government leave.

Willens: I think it's finally petered out. Petered out is probably the most colorful way to describe it. Joeten was replaced by Pete Tenorio. Did you have any familiarity with Pete Tenorio before he became a member of the Commission?

White: No.

Willens: What is your overall assessment of Pete Tenorio's participation in the work of the Commission?

White: He was very similar to Dr. Palacios. He was a bright fellow. He certainly had an agenda. He was very suspicious of what had gone on before him. It took him a long time to come up speed, get on board and really be enthusiastic at all with the program.

Willens: You think he ultimately became enthusiastic about the direction in which the Commission was proceeding?

White: I think he signed the agreement. I don't know if he signed it with the same desires as Pangelinan. Wasn't he vice-chairman at one point?

Willens: No.

White: But he wound up back in Washington and was included in the inner circle with the President at the signing. He was pleased with that. I thought he was a very generous person, and was certainly very capable of presenting new points that tested the Commission's thinking.

Willens: You regarded him as a more active and articulate member of the Commission than Joeten had been?

White: And he was a great force for, I don't want to say opposition, but for forcing the flow of thought to review things.

Willens: In a sense, you are suggesting he had a way of making the Commission generally and the consultants in particular more effective?

White: Too nervous and more thorough.

Willens: During the period while the status negotiations were going on, of course, there was growing interest in the economic development of the Northern Marianas, in particular Saipan. There were regular visits by Japanese interests for a variety of purposes; there was renovation and expansion of Isley Field; there was competition for airline service; Saipan disputes about foreign investment; and so-forth and so on. As a resident of Saipan during the 1972 to 1975 time frame, what is your recollection of the way in which economic development was proceeding during that period?

White: The Trust Territory government Economic Development Department was very slow in recognizing the potential of development in Micronesia generally and in Saipan specifically.

Willens: Was that a matter of deliberate policy?

- White: No. I don't know if it was a matter of then present-day policy, but the policy had long been to go slow on economic development.
- Willens: Was that to protect the local people from foreign domination?
- White: I am not sure what all the reasons were, except it goes back, I think, to an outgrowth of the original desire to have a "benign neglect" situation. In other words, preserving Micronesia generally as a whole for a higher U.S. influence militarily, but in a negative way and making sure no one else came in. Most of the development wanted to come in to say Saipan was from the Far East, mainly Japan, and there was significant resistance on the part of the Trust Territory government to that need.
- Willens: But notwithstanding that residual policy as you described, there were very significant developments occurring during this 1973/74 timeframe. Is that correct?
- White: Yes.
- Willens: Was it, on the whole, beneficial?
- White: Well, I don't know if it was very significant, no, I wouldn't say very significant at all. My speculation was on the possibility in the future, but very little was being done.
- Willens: Well, did there come a time while you still were resident on Saipan that you came to a different view—when you thought that now, perhaps after the status agreement had been signed, that there was now truly a new opportunity for economic development?
- White: Oh, I knew that, yes.
- Willens: Did you think it depended on a final agreement being reached before you would really get Japanese and other foreign investment in the Northern Marianas?
- White: Yes. I didn't think you'd see any significant development occurring until the agreement had been signed, there was separation, and basically the Northern Marianas would be running their own affairs. Then you would see a significant input; they would then be rid of the Trust Territory government hammerlock on economic development. That doesn't mean people weren't coming in, trying to get work done and do things. They were. But you weren't seeing the kind of explosive development that you might expect. A large hotel was built during that period, the Continental Hotel.
- Willens: Until that was built, the only real hotel on the island was the Royal Taga.
- White: There was the Royal Taga and then the . . .
- Willens: The Hafa Adai.
- White: Which was a beautiful spot. I have fond memories of . . .
- Willens: What was it approximately three years you lived there?
- White: Three and a half.
- Willens: And you lived there with your wife and children. What was your assessment of the public services in terms of water and power and generally the quality of life?
- White: Power was very fragile. It was the best of any of the six districts, but it was very fragile. There was no excess power available. That was one of the things that held back progress. There was not sufficient proper electrical generation of power. Road infrastructure was very bad, you know. When I say bad, on a comparative basis with the other districts in the Trust Territory it was the best, but it was inadequate. Housing was inadequate. There were enough hotels to take care of the slight influx of people that came in. The

Continental Hotel almost went belly up a couple of times, I think, early on because they were empty. There just was not that activity. I don't know if you've heard differently but, believe me, I was the only American attorney basically with a practice on the island. I knew all of the inroads into the Trust Territory government as far as getting work done, and relatively little business was coming in at that point. A lot of people inquiring, a lot of people considering. I did some feasibility studies in various areas. As I mentioned to you before, the President of Nauru was looking for a home for his people really, and making investments in various islands and locations, and he was very interested in Saipan. But it was like, "We're ready to come, just get the door open."

Willens: Was it your sense at the time that, if the Marianas were under the sovereignty of the United States and U. S. law applied, foreign investment interests would be encouraged to come by that development?

White: I had no sense of it through the Trust Territory government, but I had a feeling that once you had the Northern Marianas government taking over and running the local economy, with the Trust Territory and the Department of Interior basically out of it, then I thought probably you would see a great desire on the part of the people to have economic development and a lot of investment people wanting to come in.

Willens: One of the highly publicized issues during the summer of 1973 related to a United States declared moratorium on Tinian homesteads. After the second round of negotiations, the U. S. announced that only those land leases or homestead applications approved before May 8, 1973, should be honored. That happened to be the date on which the MPSC was apprised of the U. S. military land requirements on Tinian. This prompted considerable opposition on Tinian, on Saipan, from the Micronesian Legal Services program, and ultimately both Mr. Wilson and Ambassador Williams appeared before the District Legislature in August of 1973 to try to justify this policy. Do you have any recollection of this dispute?

White: Yes, and I think that's one of the reasons why you saw the dissent from the people on Tinian, because of this stranglehold on economic development. Everyone wanted to get their share of land before all of this development happened.

Willens: For that reason, wouldn't you say with the benefit of hindsight that the U. S. policy was well-intentioned and perhaps necessary.

White: We had to do it, because the land speculation would have gone crazy. As far as the United States would be concerned, if they were going to give fair market value to their land requirements, they certainly would not want to have a flurry of homesteads and development on those homesteads, especially in the areas where the military development was going to be located. And as I recall, a good percentage of those homesteads were in that area.

Willens: So you basically agree that the U. S. policy was an appropriate one?

White: I didn't say that. I said it was appropriate for the United States to do that.

Willens: One of the complaints from the Marianas side was that there had been no consultation whatsoever.

White: Of course, that's true. And they did it unilaterally. That decision was without consultation with the Marianas Political Status Commission. And people in Tinian and people in the Commission were ticked off about that.

- Willens: Do you remember any conversations with Chairman Pangelinan or members of the Commission on this subject?
- White: Yes. Ed, I think, was very much of the opinion that (whether he knew about this coming down ahead of time, I can't tell you, I don't think he did) but I think he was well aware that this was going to create a certain amount of havoc but he also was well aware that it was probably something the United States would do under the circumstances because there was so much land speculation. I think one guy who resigned was involved in that kind of speculation on land.
- Willens: Well, there were repeated allegations that members of the Commission were personally seeking to profit from land transactions on Tinian.
- White: Oly [Borja] was.
- Willens: Did you have any personal knowledge of any of these transactions?
- White: Well, I was aware of Oly's purchase of land on Tinian right at the time of the negotiations. As soon as this deal was heard of, he was over there buying land. And he wasn't buying the land, he was getting Herman [Manglona] to buy land for him. Herman bought the land and sold it to him.
- Willens: Another incident that occurred during the second and third . . .
- White: By the way, I only know that by hearsay. I mean Oly didn't come up and tell me this.
- Willens: The other event during the recess that prompted some controversy was the decision by the Marianas Political Status Commission to publish the position papers that had been exchanged during the second round of negotiations. The Commission prepared a report for the Legislature that would include the position papers and they anticipated that, once the papers were submitted to the Legislature, they would likely be made public. When the U. S. representatives heard about this intention they expressed concern and thought that the papers should not be made public by submission to the Legislature. Do you recall having any involvement in the decision to go public with the position papers?
- White: Yes, I think that was an attempt to stem the accusations made by Joeten and others that we were unprepared. Ambassador Williams had gone to great extremes to publicize the position of the United States. There had been no publicity about the position of the Marianas Political Status Commission. And it was felt appropriate that as long as the Ambassador felt unilaterally he should go forward that they should be able to do the same.
- Willens: I was personally told by Mr. Wilson in Washington that Ambassador Williams was most unhappy with the intended publication of the papers and intended to reach Chairman Pangelinan to discuss the matter with him further.
- White: Yes.
- Willens: Did you know whether there were any efforts by Ambassador Williams to persuade the Commission not to publish the papers?
- White: I think he did. I can't remember factually on this but it's my recollection that he did contact Eddie, and Eddie just basically, in a sense, told him that it was necessary that he do this. That it was an embarrassment on the Joeten thing, and that showing the coherent, positive approach presented by the Marianas Political Status Commission was necessary, because of his [the Ambassador's] involvement in going over to Tinian and presenting the American position.

- Willens: As it happened, the release of the position papers prompted a series of articles in the *Pacific Daily News* and the *Marianas Variety* that were, on the whole, very favorable to the Commission. Do you remember that the position papers were extensively discussed in the media?
- White: Yes.
- Willens: Did you think personally that that was useful?
- White: Yes. It was necessary. I mean, it's like any campaign. If you let one side get the information out and the other side has to keep his mouth shut, the people only heard one side. I think if Joeten had said nothing, that would have been okay. We were willing to sit back and be quiet about it. But after that kind of a position was taken by him, I think it was felt necessary to let the people know that the Commission was working very hard, had produced some very significant position papers, and were very well-prepared and have proceeded forward.
- Willens: Well, one of the other reasons for releasing the position papers was to demonstrate to the Legislature that the Commission's request for additional funds was appropriate. The Commission was requesting a very large percentage of the funds available to the District Legislature and much of the funds were devoted to the work of the Commission's consultants. And in particular the legal consultant and the economic consultant.
- White: You guys were very expensive.
- Willens: That's been said before. Did you have any dealings with members of the Legislature and try to explain to them why these funds should be allocated or was that something you basically stayed out of?
- White: I think I was involved in that. I don't have any independent recollection, but I remember being over there and talking to Ben on that and he agreed to be wholeheartedly supportive of our needs.
- Willens: Now do you . . .
- White: I mean, that's my recollection. It's very vague, very vague.
- Willens: Now do you recall having any specific assignment that was given to you during the recess between the second and the third rounds of negotiations? There were two joint committees established, an economic committee and a joint working group on legal matters. For the most part, I think the work took place in Washington and you were not involved. But I'm trying to recall whether you had any . . .
- White: We had several meetings of the Commission during that hiatus, and I always went to those. There was some land committee work done during that period of time, I think, and I'm not sure if that wasn't the time we went back to the United Nations and made a presentation, when I was with the Marianas delegation for that.
- Willens: There was a presentation in the United Nations in 1973 and I think that my firm and I personally were involved in that. I'm not suggesting that it's inconsistent with your recollection, either that there were presentations made by representatives of the Commission. I'm just looking at my files. I think I have the feeling it was Mitch Pangelinan and . . .
- White: Ed Pangelinan?

Willens: No, I think it might have been Mitch Pangelinan and someone else but I'm having a little trouble fixing on that. But it's your recollection that you did go to the 1973 Trusteeship Council session where the Marianas views were presented?

White: I can't tell you the date. I know I was there, specifically went there. And it had to have been after Mr. Cruz came on board because he was in New York at the time and I've got a very humorous story to relate in that area if you're interested in hearing it.

Willens: What was that?

White: I was staying in the hotel down there and they were staying at a different hotel. I had flown in from Japan. I had some business in Japan. For several days the members of the Commission were there. There were four or five of us there, including Mr. Cruz and Eddie [Pangelinan], obviously. I'm not just sure who the others, I think there were four of them. And I was there. And they wanted me to go out and kind of party with them. And I kind of tried to avoid this, because I knew several people were heavy drinkers and I wasn't sure what kind of activities they would really try to organize during that particular time. And so finally one evening we got out at about 9:00 from a meeting with the U.N. people and they said come on, we're going to go out. And I was nervous but I finally said okay, I can't avoid it any longer, let's go. And we all piled into a cab and Mr. Cruz told the cabbie we wanted to go to Times Square. The last thing in the world I wanted to do about 10:00 at night was wind up in Times Square. I don't know if you're familiar with the area but it is total Sleazeville USA at that location, with every conceivable aspect of immorality floating around in great glorification and my worst fears were coming to a head that this was going to be an excursion for certain lusty appetites. We got down there, drove straight down, and Mr. Cruz was very excited about arriving there. And he got out of the cab right in the heart of it all and immediately walked across the street and we went into, believe it or not, a Greek restaurant that was an open-air place that had, I'm trying to think of the word, but it's the lamb, souvlaki-type thing where they scrape the lamb off this huge piece of compressed meat that they use. I don't know if you've ever seen this or not, it had to be one of the finest meals I've ever had in my life and, as a matter of fact, several years later when I took my oldest daughter and my oldest son on a little trip East we went to Times Square and went to that location. It was that good and that interesting a place to be for a few moments. So it turned out to be very innocent and we all had a good time.

Willens: Let me turn to the third round of negotiations that began on December 6, 1973. In the opening session Ambassador Williams expressed hope that the two delegations would come very close to agreeing on almost all the basic issues in the negotiations during the third round. Do you recall having any sense that achieving agreement on all basic issues was possible at the third round?

White: Oh, it was almost impossible. We were more concerned about the fact that responses to some of our requests had not been met and certainly it was almost impossible to arrive at an agreement on points because we hadn't even received their significant inputs in reference to the land problems in Tinian, for example. They were still very generalized, there had not been any specific plan laid forward so that we could really meaningfully involve ourselves in a good dialogue on attempting to limit their requirements on Saipan. I mean, excuse me, on Tinian.

Willens: Do you think the members of the Commission recognized that the third round was not going to be the last round and that there would be the need for further sessions with the United States?



- White: Oh, yes. And it was very clear that there was a lot of interim work to be done and that in all probability it would take one or two more sessions at least to complete our work.
- Willens: Do you remember any discussions with individual members of the U.S. delegation during the third round where they expressed dissatisfaction with the pace of the negotiations?
- White: Yes.
- Willens: Do you have any specific recollections in mind?
- White: I'm trying to recall if, I think there was, I'm trying to remember, Howard, if Wilson was there at that particular session. I think he was, yes, and I recall him kind of indicating to the Chairman and myself (and I'm not sure if you weren't there also) at a cocktail party, that he was concerned that we weren't meeting our obligation to conclude this in a quicker timeframe. It was starting to extend out and this was a real concern with him. And I got the impression that he wanted to see a relatively quick deal completed with the Marianas, because continuing openness was creating some conflicts with their status negotiations with the other Micronesian districts. That they were kind of going as a total group forward, it was becoming more of an irritant to the Congress of Micronesia group that the separate negotiations were being carried on by the Marianas. That was creating a real political dichotomy within the Congress of Micronesia itself.
- Willens: Let me review with you some of the issues that were the subject of negotiations during the third round and see if you have any specific recollections about either the negotiations or the internal deliberations of the Commission on the subjects. One subject that was discussed at length, and was summarized in the joint communiqué of December 19, 1973, pertained to U.S. citizenship and nationality. After discussion in the third round, agreement seems to have been reached on this subject so that Northern Marianas citizens would in the future have the option of becoming U.S. citizens. Do you recall any debate within the Commission on this subject?
- White: Yes, I think that Dr. Palacios was concerned about, for lack of a better word, being swallowed up. I think really he was concerned with whether or not we wanted to become U.S. citizens, and that would we not then become just part of a mass. I think he somehow wanted to keep some kind of independent citizenship status for [the Northern Marianas] rather than the U.S. citizenship. I think he wanted somehow to be able to have a Northern Marianas citizenship that would be different from the U.S. citizenship in some fashion, because he felt if we were all U.S. citizens all of a sudden everything would apply to us as it applied anywhere else.
- Willens: Do you have any recollection as to what controversy, if any, there was as to the general question of the applicability of U.S. tax laws in the Marianas and the ability of the Marianas government to adopt its own income tax rules?
- White: It's my recollection that fairly early on the United States indicated that they wanted to have U.S. income tax laws applicable in the Marianas but that, upon the collection of revenues from the Marianas under the U.S. tax law system, there would be a rebate of all of those funds to the Marianas for use in their local government. There was some concern among the Commission members that they wanted to maintain an ability to have potentially a different tax structure applicable to the people of the Northern Marianas.
- Willens: Why was that of importance to the Commission members?
- White: Well, one is that the Northern Marianas was not sufficiently economically developed at this point and the peoples' incomes were much different than the incomes in the United States generally. They wanted to have more flexibility, I think, to attract business interests

that might give them some reasonable advantage from moving into the Marianas. The United States was very concerned about [businesses] leaving places like Guam, where they were more restrictive under the U.S. income tax structure, and coming to Saipan. Of course, I think the Marianas Status Commission members were desirous of just that happening, frankly. They were looking for any form of economic development at that time. They were frustrated by the fact that they could feel the development at their fingertips, if they could just get a means of getting it to come in, and until that point, at least, there was a real reluctance on the part of the Trust Territory government to allow any foreign business entry and they were slowing down every economic project imaginable.

Willens: Another subject discussed during the third round pertained to the applicability of U.S. customs and excise taxes. Preliminary agreement was reached that the future Northern Marianas Commonwealth would be outside the customs territory of the United States. Do you have any recollection about this particular issue and its importance to the Commission?

White: I know I know it was important. I've kind of forgotten, Howard, the specifics of how the law operates. But they wanted to have a better free trade potential and they did not want to be restricted by the various requirements applicable in the United States. They wanted to have a freer trade capability to import goods.

Willens: All right. Another subject of some complexity that was discussed during the third round pertained to the general problem of applicability of U.S. laws. The Commission reviewed some legal memoranda on this subject prepared by the law firm and made a proposal to the United States that some kind of a general formula be developed. In general, the Commission took the position that questions as to the general applicability of Federal law in the Marianas should be resolved before the status agreement was signed. The United States took the position that these problems were too complicated to resolve during the negotiations and should be left generally for some future commission. Did you remember the exchange of views between the delegations on this subject?

White: Well, I particularly remember the position that the Marianas Political Status Commission took during its working sessions with us prior to dealing with the United States delegation. They were very concerned about having these issues, which were highly legalistic in many ways, be done now. If they waited until after an agreement was reached, they would lose a tremendous amount of leverage as far as whether or not certain laws would, in fact, be applicable. They wanted a real expansion in this area, a survey (to the best that your firm could do) to establish a panoply of laws that might be of interest to them to see whether or not they should be applied to the Marianas. They were concerned about, frankly, what's out there that we don't know about. There were so many U.S. laws that somebody was going to have to do some sort of a survey to just try to determine what laws might or might not be applicable to the Marianas and that maybe we should try to have some separate meaning as far as their applicability to the Marianas.

Willens: Do you remember any particular statements of position by the U.S. delegation on this subject, either in formal sessions or informally?

White: Well, they took the position, informally at least and, you know, in the little discussions they were having, that American laws had to apply equally. If they applied to the States and applied to Guam, the Virgin Islands and Puerto Rico, they also would equally apply to the Marianas. Our feeling was that there might be some [laws] that our special needs might require non-applicability. My timing might be off on this, Howard, but I think at that point we were all kind of hazy [because] we didn't have a thorough analysis of

all the potential laws applicable. Maybe there was some need to get together with the Guam people more to find out what things were hampering them that they wished they weren't constrained under Federal law, and maybe that this ought also be done with some consultation in Puerto Rico and the Virgin Islands to see what problems existed with those people and a thorough review of the statutes, U.S. statutes that are generally applicable that might have an impact in our unique situation.

Willens: Perhaps the most difficult political status issue that came up during the third round related to the local self-government issue and the extent to which the United States would agree to some limitation on the plenary legislative authority that the U.S. Congress was authorized to exercise under Article IV(3)(2) [of the U.S. Constitution]. This was the issue that the MPSC had wanted to study during the recess between the second and the third rounds. The law firm submitted a memorandum on the subject and, during the informal discussions with the Commission, developed a position paper on this subject. In short, the Commission proposed some kind of a limitation on Article IV(3)(2) to the United States and the United States delegation engaged in a serious discussion with this proposal on the table. Do you have any recollection, generally, of the exchange of views on this local self-government and Article IV(3)(2) debate that went on during the third round?

White: I have some recollection. One of the things, Howard, is define "plenary" for me, just to make sure I'm using it in the proper context.

Willens: As used by the United States, plenary legislative authority meant unrestricted legislative authority. Ambassador Williams basically expressed the view that the Northern Marianas did not have to be concerned about Congressional interference in local matters because they traditionally did not do that. He raised the legal concern that, if you restricted Article IV(3)(2) in certain respects, it would raise legal questions of "residual sovereignty" that might give the United States Congress difficulty when it reviewed the status agreement. What is your recollection about this debate and how it came out?

White: Well, I think that there was a tremendous amount of concern on the part of the United States on any attempt to somehow limit the sovereign authority of the United States, period. This was a real nut cruncher as far as they were concerned. They were holding quite firmly on the idea that, if you're going to be in close association with the United States, part of the price you had to pay was to fully recognize the sovereignty of the United States government. And that any attempts to limit that would tend to negate that sovereign aspect. The U.S. was jealously guarding that perspective and they were very hard in that area, I thought. The Marianas Political Status Commission members, I think, slowly over time recognized more and more the impact that this sovereignty would in fact have. And they, especially members like Palacios, became very concerned that they were going, in essence, to wind up under the heel of the United States because of this sovereignty. They felt the weight of sovereignty very much.

Willens: Do you think the issue was one of sovereignty, which is a very abstract concept, or did the Commission members begin to realize that they wanted to insure that the U.S. Congress would not enact Federal laws that would interfere with the local functioning of the future Marianas Commonwealth government?

White: This is where they were concerned. In other words, I think they realized that, if you accept U.S. sovereignty generally as a principle, this could be abused by the U.S. Congress at any time they desired, by just passing some legislation. We frankly were running into the

problem of not having any representation there. In other words, we were frankly told by the Commission that we would not have our own representative in Congress.

Willens: Were told by the Commission or by the U.S. delegation?

White: U.S. delegation. We were told that there was no way that we could have a Congress person or that the Marianas was of sufficient size to even warrant a non-voting delegate like Guam had. That the best we could hope for would be to make use of the offices of the Guam delegate to have the Northern Marianas positions heard. This was a concern that somehow we were going to be usurped by Guam again and they were concerned that Guam would eventually wind up having control of their destiny. They wanted to create a separate entity of the Northern Marianas that was not under the thumb of Guam.

Willens: Just let me ask a related question. Why were the Commission members not reassured by the U.S. delegation's repeated statements that there was no need for concern here because Congress traditionally did not interfere in the local affairs of the territories?

White: The Trust Territory government, which is the only government they were aware of for many, many years, was frankly very controlled by the United States. Very controlled by Congress. Many things were passed that had impacted Micronesia. The U.S. was very bureaucratic in its approach to Micronesia and they had a lot of "benign neglect." By that, I mean they were resisting any development. That's the only history that these people could relate to, one. And two, the subtleties of this very legalistic area between mutual consent, sovereignty and the applicability of Article IV(3)(2) was in a sense lost on the Commission members. Their sophistication and education really didn't allow them to grasp those technicalities. I think, if there was ever a time they were lost, that was it. But they could understand the basic problem of being swallowed up and not being heard. For years they were not heard by Washington, all of their cries for assistance and cries for development. Example, the average wage of a full-time Trust Territory male person working in the ranks, let's say as a mechanic, was something less than \$200 a month at this time, and they clearly saw the disparity of wages that the Trust Territory American expatriates earned in comparison to that.

Willens: You mentioned the subtleties and the complexities of this particular set of legal issues. To some extent, the observers of the future might say that the negotiation here was driven by counsel rather than by the Commission. The question is: was counsel representing the client appropriately in trying to strive for limitations on U.S. legislative authority under the circumstances?

White: I think counsel was doing the correct thing. I think it was absolutely necessary to try to establish as much independence for the Marianas as possible within the framework of recognizing sovereignty. That was their job and that necessarily was very complicated and very legalistic. That's really what, if anything, your firm was hired for, your expertise in this area. I think the Commission fully recognized that they weren't going to understand a lot of it, but they did have a very strong gut feeling on wanting to have as much protection as they possibly could from the sovereignty aspects of the U.S. government. They understood that.

Willens: Did you think that by the third round that the Commission had, first become a more unified and effective negotiating entity, and secondly, come to have more faith in its consultants than was the case at the outset?

White: Oh, yes.

- Willens: Do you have any specific recollection of instances in which either of those points could be illustrated?
- White: I think that there was, after the first session that we had with the Marianas Political Status Commission . . .
- Willens: The very first ceremonial session back in December of 1972?
- White: The very first set of negotiations that occurred in our first meetings. I think by the end of that session there was no real concern on the part of most of the members of the Commission. There was the different political element within the Commission itself that involved Palacios and Rabauliman versus most of the other members, and there was the Carolinians versus the Chamorro interests on the Commission, and there was the interest between Tinian and Saipan, which was a political divergence. But I did not get the sense that there was any feeling that we were somehow siding with one of those racial or political factions, but that we were trying to represent the whole district.
- Willens: How would you evaluate Chairman Pangelinan's role in keeping those diverse elements within the Commission working toward a common objective?
- White: I haven't said too much about the Chairman to this point, but I had an occasion to know him very well and to watch how effectively he operated, especially in his dealings with the Ambassador. He was very good. I never saw him get mad in front of anyone, you know. He's always very upbeat. There was a constant political swirl by the previously mentioned Carolinian split, the Tinian split, and even the Rotanese split to a certain extent, although not as badly. And Ed had a marvelous ability of seeing through and frankly cutting through the bullshit and just, in a very upbeat way, making all the members feel that they were important and making all factions realize that their interests were being heard. He was extremely fair. I don't think they could have gotten a better Chairman, really. I think he was clearly the very best and most qualified of the people available on the Marianas Political Status Commission. And certainly the most educated. He was a very bright, capable person.
- Willens: I certainly agree with that.
- White: As you know, we wound up with a practice on Saipan for a period of time together and shared office space. He had his own financial interests that he wanted to pursue, like we all do, but he would never let that conflict with [his MPSC duties] or there was never a hint or smell of any corruption on his part. I'm not sure you could say that about all the members of the Commission, but he's just a very good, solid, straight-arrow.
- Willens: During the third round of negotiations, the U.S. delegation delivered a draft status agreement to the Commission. It was labeled as a U.S. working draft dated December 11, 1973. One day after delivering the draft document, Ambassador Williams asked the Commission whether it had any comments or preliminary views on the draft agreement, and Chairman Pangilenan responded, "The MPSC will review the covenant and comment in due course." Do you recall what the reactions of the Commission were when it received this U.S. working draft covenant?
- White: Yes. I think that they were not pleased at all with the U.S. They felt like it was an attempt on the U.S. to take control of the negotiations completely and in essence present a fait accompli, just here it is, let's go with this. I think it was a very, very crude attempt on the part of the U.S. delegation to somehow put consultants down and try to minimize their impact, and trying to frankly jump ahead a step out of order to impress the Commission and also get their position forward first. I think that may be in retaliation to the fact that

at every previous negotiating step we kind of, in practical terms, flushed their toilet by preempting where we would talk, what we would talk about, and the positions we thought were important. And I think this was an attempt on their part to jump a step ahead. And the Commission thought very ill of that. I thought that was very inappropriate, that we should work in due course and that we should be allowed the opportunity to do our preparation in this area that had not been previously thought of as part of this particular set of negotiations.

Willens: Do you remember having any advance information that the U.S. was going to deliver a draft document?

White: No, this just came like a bolt out of the blue.

Willens: Did you know whether Chairman Pangelinan was aware that this was going to be handed over to him?

White: He was not aware.

Willens: Was the Commission generally satisfied with the advice of counsel that the draft document would be studied during the recess and counsel would subsequently make a recommendation to the Commission as to how to respond to it?

White: That was the Commission's response initially to you. I mean they requested that they don't want to talk about this now, that they don't feel the least bit prepared to discuss this area, and they wanted you to do some real significant research and meet with them prior to saying anything on the subject. And I think that if Ed ever enthused the Commission into a rallying point and solidarity [behind] his handling, I think he even went further than the one remark you mentioned, his handling of the U.S. delegation in very nice but very blunt terms just kind of solidified and unified the whole Commission behind him. It was almost like a cheering section, "Yes, go ahead." The Commission really got quite an esprit de corps over a period of time. You know the Rotanese incident maybe showed that to me.

Willens: Well, we'll come to that. Let's turn to the question of economics and finance, if only briefly. There was considerable discussion during this round about what was called transitional planning and funding. There had been some discussion of this during the recess in a joint working group. Do you recall what the principal issues were in this transitional planning and funding area?

White: You mean generally or economically?

Willens: Generally, yes, well with respect to transitional planning and funding, initially.

White: I can't tell you the specifics at this particular point, but it involved a near term transitional funding process to allow the Marianas Political Status Commission and others to thoroughly analyze these areas, to get together during this interim period after there was an assigned agreement to work toward money, to work towards a constitutional convention, monies to hold the plebiscite and sell the program to the Northern Marianas people. There was money that was needed for immediate problems in reference to the land, very serious land survey problems, I know that. Also interim five-year Phase 2 planning, as I recall.

Willens: But do you remember any issues during the negotiations about this, any differences between the parties?

White: Oh, yes.

- Willens: Can you remember any specific discussions between the two delegations with respect to Phase 1 transitional planning and funding? That may be too specific for you to recall. It seems as though the United States had not been responsive during the recess . . .
- White: They didn't, they didn't respond. They never responded to a very particular position paper put forth by the Marianas Political Status Commission in reference to revenues needed. Mr. Leonard put together a very solid economic package that covered all of these areas and was reviewed thoroughly by the Commission before presenting it to the U.S. and whatever changes we thought were necessary were included. It was a very important document as far as our Commission was concerned; we passed this document over and we expected some very significant input by the United States. And they didn't discuss it. They didn't want to even review it. They thought this was premature, that we should have a settled agreement before we even went into these considerations in any significant degree or at least closer to a settled agreement. Then eventually they came out with a response that didn't respond to anything. They just named some figures off that were substantially less, they were almost insulting to a certain extent and I think the Commission felt they hadn't responded at all to the very specific format laid forth by Mr. Leonard in his positions. They were frustrated by this.
- Willens: As a result of the exchange of views on this subject during the third round, the parties agreed in the joint communiqué to create a so-called ad hoc committee that would consider this matter further. Did you think that was an appropriate resolution of the subject?
- White: Yes. I did, because again you have two very technical areas. Actually there were three areas, but really the technical areas that the Commission on its own really needed to be educated in, one was the economic area and the monies and amounts needed. This was Mr. Leonard's real expertise and the Commission [needed] him to be a member of that ad hoc committee and refine the requirements back and forth with the United States to a point where they were potentially within tolerable limits and then coming back and educating the Commission and getting their position on that. And then the other aspect of the ad hoc committee, as I recall, was that much of the legalistic aspects in reference to the sovereignty and our mutual consent and the application of plenary powers was to be handled in the ad hoc committee, too. And this was basically going to be your office's bailiwick, and necessarily so. These were very complex areas that the Commission really needed yours and Jim Leonard's expertise.
- Willens: The third round of negotiations also produced for the first time a specific U.S. response on what was called Phase 2 financial support. During this session the U.S. made a proposal of support over our first five years in the amount of \$11.5 million. It was designed as including \$7.5 million for governmental operations, \$3 million for capital improvement projects, and \$1 million for a Marianas development loan fund. That total was \$11.5 million, and in addition there was reference to an estimated \$3 million for federal programs and services. So the U.S. made a proposal of \$11.5 million over a five-year period, which was substantially less than the Commission had indicated earlier was required to meet the objectives set forth in Jim Leonard's analysis. Did you recall what the Commission's response was in general terms to that proposal?
- White: This was the first indication by the U.S. of what funding they were willing to consider. The action that I recall by the Commission on their first receipt of this is they were very pleased, that they thought this as a bottom set-point was frankly more than they anticipated. I think they expected the U.S. to be much more niggardly in this area, and I think they were pleasantly surprised to see the start point be at those levels.

- Willens: The U.S. justified the amount and emphasized its generosity by pointing out that it represented an increase of about 54 percent more than the Northern Marianas were presently receiving from the TTPI government. If the Commission members were so pleased, why didn't they sign up immediately?
- White: As any good [negotiator] knows, you want more. I think that economics were something that they did understand. They felt that, if the United States was willing as an opening position to go to that extent, it gave much more credence to Jim Leonard's figures than I think when they initially saw those figures. They thought this is kind of a pie in the sky that Jim is floating, let's go along with it and see what happens. But when the U.S. came back with their figures I think it gave more credence to Jim's work and I think for the first time, maybe, at that juncture they really realized the value of Jim Leonard.
- Willens: As it happened, the U.S. proposal was delivered across the table near the end of the negotiations so there was no need or time for the Marianas Political Status Commission to respond in any official way. The joint communique committed the MPSC to give the U.S. proposals careful consideration during the recess. Is that your recollection as to how it ended up?
- White: This is. I want to say a general thing here. This is how the U.S. delegation operated in many of the important areas. They would tend to wait towards the end of the negotiating session and they would pop a position paper across the table. All they wanted to do at that juncture was pass it over; [they] weren't looking for any comment unless we were willing to agree to it at that juncture. But they were going to use it for publicity purposes and they would release this document to the press and to the public at the same time. It was an attempt on their part to, this kind of got the Commission in trouble, by the way, at one point, as I recall.
- Willens: What are you remembering?
- White: Well, as a result of the way these sessions were held, the U.S. positions got great exposure to the press and the public, so they were well known very quickly by all the people in the Northern Marianas. The counterpositions of our Commission were more kind of under wraps. We would pass them across to the U.S. and try to work out an agreement between us, but there was no release of these figures to the local population. For one reason, there was a desire on the part of the Commission not to excite the people to a point where they would be disappointed necessarily, but that they felt that that was more the need of the Commission itself to arrive at a conclusion and then pass the result out. Well, I think it was realized, I'm not sure if it might not have been after this session was completed, that part of the problems that were stirring on Tinian, for example, was that the U.S. position had been put forth but nothing had been said about our positions.
- Willens: Let's turn to that question of U.S. military land requirements because that was a subject that occupied several days of negotiations during this third round. The United States raised the subject and emphasized essentially that it continued to make the same requests that it had previously. As to Tinian, Ambassador Williams reaffirmed the preference of the United States to acquire the southern one-third of Tinian but stated that this portion would remain under civilian control and the land leased back to current residents. There was a very extended informal discussion between the two delegations on these military requirements. Do you have any recollections as to what kind of discussion took place within the Commission and between the two delegations on military land requirements during the third round?



- White: Yes. At that juncture, as I recall, there was a lot of discussion within the Commission itself as to what they [the U.S.] wanted these lands for. All you saw at that particular point was a general map showing the land area that was wanted by the United States and that was really about it, there was no detailing down. There was no definitive planning shown, no review of the planned functions of the base, the manning aspects and all of the potential economic aspects that might be involved there, or even the cost of construction. None of that was put forth and that was always kind of while we're still in the planning stages, we're getting ready to go forward but they haven't been completed, and the survey hasn't been done. They didn't even have a survey done of the area yet so they could put forth more specifics. The Commission was frankly frustrated by this.
- Willens: Did the Commission essentially stick to the positions that it had previously taken with respect to Tinian?
- White: They stuck very definitively to the position that they would not sell land. They were willing to do a long-term lease or, as I recall it, a 50-year lease with an option to renew. I think the feeling of the Commission was there would be an option to renew it for an additional 50 years but probably at an increased then rate more applicable to whatever the economic climate was.
- Willens: The Commission also seemed to have expressed a willingness to make some land available in the Tanapag harbor and Isley Field areas but not the full amount of land that had been originally requested by the United States.
- White: About 50 percent of the land requested by the U.S. And again by lease, not by sale.
- Willens: It was during this round of negotiations, and near the end of the discussion, that the United States delegation finally made one significant concession with respect to Tinian. The record indicates that the United States agreed on the very last day of the session to limit its request on Tinian to only the land to be used for military purposes and to leave the remainder one-third of the island under Northern Marianas ownership and control.
- White: That was a big give on the part of the U.S..
- Willens: Do you have any recollection of the circumstances in which that changed position was communicated to the Commission?
- White: As I recall, I think the Ambassador spoke to the Commission directly in session and he made quite a specific point on this at that time. I don't think it was done by a position paper being handed across the table, I think it was done verbally and it was a big give on his part. He was making sure that we were well aware that it was a big give.
- Willens: What was the reaction of the Commission members in private to this changed U.S. position?
- White: They were pretty much of the opinion that this was always going to be the case. They were happy to see that he had done it, but they felt, well, they knew, first, that that would be a deal breaker if they didn't do it. If they didn't come around to the position that they would only take the land they specifically needed, and second, it would be taken on a lease rather than on a sale. I think at this point they were still going for, correct me if I'm wrong, their give was on the amount of land and not, they were still asking to have a sale.
- Willens: Yes, that's correct. Do you think in retrospect it was good negotiating strategy for the United States to come in with the initial proposition that it wanted to take over the entire island and give back the one-third, or would it have been more advantageous from the U.S. standpoint to have come in with the more modest proposal first?

- White: All right, if you put me in their shoes for the moment, I think they were correct in taking the procedure they did by asking for, in essence, the moon in that regard and saying we'll buy the whole island and we'll lease back part of it to you. And it was a shock treatment, really. I think that's a pretty good negotiating tactic; you shock the opponents by asking for the moon and in very solid, very favorable terms to the United States, but the whole theory of that is to educate the people what they're dealing with—that we're not coming in and asking for 25 acres or 250 acres for a base. We want a very, very substantial part of this island, and to that extent I think it was a good educational tool.
- Willens: In the closing statements of the third round, both Chairman Pangelinan and Ambassador Williams commented on the commendable amount of progress that had been made during the third round. What was your personal assessment of the third round and the progress that had been made on that occasion?
- White: Not much had been happening. In other words, we expected a lot more progress to be made in reference to the Tinian situation and they really didn't do much at all other than they made this one give at the end. We had no more in the way of specifics on their planning than we had before. That was very frustrating to the Commission.
- Willens: On that point, it was agreed during the third round and reflected in the joint communiqué that there would be a joint working committee on land issues finally established. I think it in fact began to work during this recess, but we'll come to that. Is that your recollection?
- White: That it had not been up to that point anything.
- Willens: But that there was a working group in which you participated during the third and the fourth round, or was that during the fourth and the fifth round? Maybe we'll come to that.
- White: I need to think about that a little bit. As you know, I've timing problems, it's been 20 years. We talked between sessions and they all kind of ran together.
- Willens: There's some reference in the materials that Ambassador Williams had a private meeting with Chairman Pangelinan, Vice Chairman Santos, and Joe Cruz near the end of the session and Ambassador Williams was assured by these three Commission members that the United States would ultimately get two-thirds of Tinian and that those individual Commission members were to get the support of the people during the next several months. Did you know that such a meeting took place?
- White: No. I was unaware of it.
- Willens: Does that surprise you in any way?
- White: No, I think that from time to time they felt they needed to make some private assurances and that, for one reason or another, I think that Eddie probably felt strongly.
- Willens: Jim, after the third round of negotiations the MPSC engaged in a series of public meetings on Rota, Tinian and Saipan to explain what was going on and to respond to questions from the public. Did you participate in any of these meetings?
- White: No, other than that I met with Eddie prior to the meetings. He was concerned about the disruptions that were occurring on Tinian to a certain extent as far as certain disgruntled groups seemed to be increasing in size. They [the MPSC members] were going to have some meetings over there and try to placate the problem. They were really worried about the political aspect of being usurped by the Chamorro people on Saipan controlling their future on Tinian. In other words, most of the people on Tinian were placed there from

the Yap area, as I recall, right after the Second World War. So they didn't have any physical history and they were feeling alienated by the Commission to a certain extent.

Willens: Was there any concern among the Commission members (that you were aware of) that they may have gotten out too far in advance of the public with respect to the negotiations?

White: Ed was really concerned about the fact (I just briefly mentioned this earlier) that there was a lot of material that was produced through these disseminations by Ambassador Williams. But there was no input from our side at all and the people were kind of getting (and Tinian was getting) very nervous as to what's going on. They were trying to come up with solutions and answers to what was being said by the U.S. delegation and we had not indicated our positions at all. I think it was an attempt on the part of the Commission to allay the fears of the people on Tinian—that we were honestly working towards a positive result.

Willens: Did you get any reaction from Ed Pangelinan subsequently as to whether he thought these public meetings were successful or useful?

White: He thought they were successful. When he was talking to me about it afterwards he thought they went very well and I had no reason to believe they didn't. However, there was a referendum requested by I think a former Commission member who was trying to set up a referendum on . . .

Willens: On Tinian with respect to the . . .

White: Herman, I think, was trying to get a referendum to determine a couple of things. The reason I want to mention this is that it indicated once again a problem—that the Commission felt that there was an attempt by the Tinianese people to develop this referendum. Ed and the Commission felt that they should let the people go ahead and do that. Not, you know, just let 'em have their say, and they were sent relatively simple questions, let's just go ahead and not worry about it. We'll deal with the problem after it occurs and it shouldn't be at all serious that they had done enough education. They felt that [most] thinking people would put it down.

Willens: But you will remember the referendum proposal was vetoed by District Administrator Ada.

White: That's the point. The point was that that was kind of done by the U.S. delegation through their authority over the Trust Territory government.

Willens: Do you know that for a fact?

White: Let me just tell you what I'm saying. No, I don't. I can't tell you for a fact, but I know that there was some concern on Ed's part afterwards and I'll tell you how it was voiced. When they tried to establish the ad hoc committee they were suggesting there would be three people from the Northern Marianas and two people from the United States on the ad hoc committee. But they wanted one of the three members from the Northern Marianas to be the District Administrator, and Ed resisted this saying that he was nothing more than, in essence, a lackey of the U.S. This problem in reference to the Tinian referendum was a pure example of that.

Willens: Turning to the negotiations . . .

White: Eddie didn't say lackey. You understand what I'm saying. But he was concerned that he [the District Administrator] was fully controlled by instructions he got from the High Commissioner or the Secretary of Interior's office.

- Willens: Let us turn to the fourth round of negotiations that took place in May of 1974. Again the principal issues discussed during the fourth round were U.S. military land requirements, phase two of financial assistance, transitional planning and the problem of the Commission's response to the draft covenant that had been provided to the Commission at the third round by the United States. Do you recall any particular issue that concerned the Commission as it prepared for the fourth round of negotiations?
- White: Yes. There was concern that they had not really had any response from the United States at all in reference to the Tinian land problems. There had been no clarification, there had been no meeting of any land commission, there had no . . .
- Willens: Of any land committee during the recess?
- White: No.
- Willens: So even though the joint communiqué had said there would be a joint working group on land issues, it appears that that did not ever see fruition.
- White: No, it didn't. The U.S. just kind of kept putting it off. They weren't ready. They weren't ready to go forward with that. They were still doing their planning on Tinian. They weren't ready to respond.
- Willens: It was the U.S. military land requirements that were the first agenda item at the fourth round of negotiations. Ambassador Williams reported that an environmental impact statement had been prepared with respect to one of the islands that was being sought for target practice and he also reported on developments in Washington with respect to the proposed memorial park. I haven't asked you about that before. Do you have any recollection now of Ambassador Williams proposing use of land near Tanapag harbor for a memorial park during the course of the third round of negotiations?
- White: Fourth round?
- Willens: Well, he made the proposal during the third round and then he reported on further discussion back in Washington on this subject. My basic question is what overall was the Commission's reaction to this proposal.
- White: Whenever it was first presented by the Ambassador, it was enthusiastically received by the Commission. They were really excited by this. They felt that, for one thing, this would help tourism very much. They really needed a nice park area for the people on Saipan to go to and this was why they jumped in feet first with this. They wanted to have more exploration of it, wanted to have meetings with the people who would be in charge of that development, and they wanted to have a lot of input into that. They were just generally very excited by it, I thought.
- Willens: Early in the discussions of the fourth round, Ambassador Williams advised the Commission for the first time that the United States had changed its position with respect to its needs on Tinian. He advised the Commission that the United States would reduce the amount of land required on Tinian by about 1,200 acres and that this meant that there no longer was a need to relocate San Jose Village. Do you recall the reaction of the Commission to this disclosure?
- White: Yes. As I recall, the Ambassador said that there was no reason to relocate because they were going to use a different way of loading and unloading or storing ammunition. There was a lot of disappointment on the Commission. I think really the people of Tinian got their toilet flushed, frankly. And I think the Commission was very disappointed. They sensed that the U.S. had listened to the temperament of the people on Tinian and found a way

to go around so that they wouldn't have to relocate them. Really, I think in their heart of hearts a good percentage of the people on Tinian wanted that relocation, wanted that city, and wanted that development would accrue from the construction and everything else that would accrue from it. And I know that Cruz was very disappointed by this.

Willens: As a result of this new disclosure and the need to respond to the overall U.S. position on land requirements on Tinian, the Commission engaged in several days of internal discussion about how eventually to respond to the U.S. request. Do you have any recollection of these internal discussions with respect to the amount of land to agree to and the terms on which it should be agreed to during the fourth round?

White: I'm ready. I just had to think about my response there for a second because you're talking about two days of very serious discussions that the Commission was having. There was a lot of unrest as a result of it. I think they finally came down to the conclusion that one, the U.S. probably would not change its position again in reference to the relocation of San Jose village and that was lost. And it was a loss that was very hurting to the Commission in many ways. But that they were going to have to make the best of that and look to the other aspects of this, the positives that might come out of it. And one of the areas that they wanted to present to the U.S. delegation was the need to upgrade their basic requirements such as electric, power and water needs, simply because of the fact that they're not now going to relocate the village. These requirements were still needed to establish a viable village, which was very lacking in the utilities area and needed special assistance. They also were very desirous of pursuing the issue of lease versus sale. There was, as I recall, I don't know if it was mentioned at this particular moment or not but there was a request in reference to this land that there be a lump sum payment for purposes of the leasing or for the purchase of the land. They were still talking purchase, although there would seem to be some subtle inquiries being made at this point of what possible arrangements could be made for leasing. We felt very strongly, the Commission felt very strongly that leasing would eventually come; there was no doubt. As a matter of fact, there'd been a meeting with the U.S. Congressional members (I'm not sure what committee it was, was it the Insular Affairs Committee or whatever it was), but Congressman Burton had been out and Foley and a couple of others. And they advised the Commission to hang tough on leasing, that the U.S. government would take a fall on this area and that certainly the Congress was not opposed to a lease versus a sale at all.

Willens: During this fourth round of negotiations there was another public meeting on Tinian where Ambassador Williams explained the revised U.S. plans for Tinian and responded to questions and criticism that was presented to him by many opponents of the U.S. plan. Did you attend that meeting?

White: Yes.

Willens: What is your recollection about the tone of the meeting and how Ambassador Williams dealt with the questions that were presented to him?

White: If I were to equate his first meeting versus his second meeting, I felt Ambassador Williams did an outstanding job at the second meeting. I really thought he was better than at the first. He was more prepared, he was more definitive in the needs that he had, and he was able to express them. He did I think a very good job in handling everything. There was a lot of dissension there, but there were an awful lot of people that weren't dissenting, that were very much in agreement with the position that the Marianas Political Status Commission seemed to be leaning towards. The prior education that had gone on with the Commission prior to the start of this negotiating session, I think, had really

had an impact. There was less dissension than there had been previously. I think, if the referendum had gone forward (you know, the little referendum they wanted on Tinian) that probably it would have been very favorable to the MPSC.

Willens: After the public meeting on Tinian and its several days of informal deliberations, the Commission formally presented its position regarding military land requirements to the U.S. delegation on May 24, 1974. With respect to Tinian, the Commission decided to essentially agree to the request of the United States so long as it was done on a lease basis and various other commitments were made with respect to civilian use of the harbor and so forth. Do you recall the vote on this subject within the Commission and whether there were any people who wanted to dissent from that position?

White: I know that this was probably the most serious vote that was taken there and I think each individual member spoke on it. I think even Eddie had some concern on how many people would be opposed to it. My recollection was either they all agreed to it—basically two thirds of the island being leased to the U.S.—or there may have been one person, I'm not sure if Palacios didn't abstain maybe. I don't think there was any negative vote. I think there was one person abstained. Ed was clearly pleased with that result. It was done with great solemnity. It was probably the most serious period of time for the Commission. It was really crunch time and they knew it and they were making it. They were taking a position that would have a certain degree of unpopularity (if that's a word) and they knew they would take a lot of heat for it.

Willens: As a way of dealing with the political sensitivity of the issue, the Commission made an unusual request of the United States. The Commission requested that its agreement preliminarily to the U.S. land requirements on Tinian not be made public until such time as the United States was prepared to agree to a level of Phase 2 financial support. Do you recall any discussion within the Commission about this particular strategy?

White: Yes, the whole idea was that, using this as a leverage, we might finally break them loose on Phase 2 funding.

Willens: With respect to Phase 2 funding, Jim, it was during the fourth round of negotiations that the Commission felt it had to respond to the proposal of the U.S. in the amount of \$11.5 million that had been advanced at the last session. The Commission put together a proposal requesting financial support at the level of \$16 million, after some considerable discussion. It elicited a slight change from the United States with respect to its amount. The United States basically was prepared to increase its response from \$11.5 million to \$12.5 million. Do you recall at that point what our economic consultant advised the Commission with respect to his ability to support any amount for further resources from the United States?

White: It was very difficult for him to justify not accepting their offer. He felt that he couldn't justify it. And he was prepared to go to the Commission and say that, I think.

Willens: And what was your reaction to that in terms of what the Commission should attempt to do under the circumstances?

White: Well, as an attorney and as a person dealing in negotiations for proper funding and in various aspects of lawsuits, we thought it was inappropriate for him to go to the Commission on that. Let the lawyers handle it, we were aware of what his position would be if requested, but let the lawyers handle it at that point.

Willens: But the Commission members felt most strongly about the need for additional funds for capital improvements. Do you recall any internal discussions or working session with the

- United States where members of the commission spoke individually about the need for more capital investment in the community?
- White: There was a nice roundtable with questions and answers by each of the Commission members to the Ambassador and to Wilson who was there at the time. Almost individually going around and making a [case] for one of the avenues of needed infrastructure.
- Willens: Do you have a recollection of individual Commission members by name making any particularly persuasive presentation?
- White: The names that come to my mind are Herman Guerrero and Cruz.
- Willens: Joe Cruz?
- White: Yes. Those are the two that come to mind and Pete Tenorio voiced some concern about certain aspects. But as to which infrastructure items, the amounts and what they needed, I have no direct recollection.
- Willens: Okay. As a result of these negotiations, the U.S. delegation did increase its offer to the total amount of \$13.5 million for each year of the first multi-year period which, was now agreed to be seven years. An additional \$1 million for capital funds was agreed to with \$500,000 be in reserved specifically for each of Tinian and Rota. Do you recall what the reaction of the Commission members was to that increase in the U.S. delegation's proposal?
- White: Other than that they were happy with them.
- Willens: And it was on that basis then that the two delegations preliminarily agreed to the amount of \$13.5 million?
- White: Yes.
- Willens: Was that in your opinion a significant development in the course of the negotiations?
- White: I'll tell you the things that were. And they almost came one on top of the other. One is the concession that we reviewed on the land situation. They were really pleased with something that we haven't discussed—the Ambassador's agreement that there would be joint use of all harbor, all recreational facilities on the base and all beach and fishing facilities. That meant a lot to them and that was a very meaningful thing. I think they felt up to that point there was a certain amount of prejudice involved, and this kind of resolution showed some really good faith in that area. The second area: they thought that the U.S. had made some good movement in the financial area and they were pleased with that result.
- Willens: The other major subject discussed at the fourth round pertained to the drafting of a status agreement. Early in these negotiations the Commission tendered across the table to Ambassador Williams a different draft agreement that had been prepared by counsel during the recess with an explanatory memorandum that identified and discussed the differences between the U.S. draft that had been previously provided and the Commission's draft that was being presented for the first time to the U.S. delegation. Do you have a personal recollection of the circumstances under which this occurred and what the reaction was of the U.S. delegation?
- White: No.
- Willens: Do you have any recollection of the extended discussion that then followed as to whether the Commission's draft should be kept on the table or withdrawn from consideration by the Commission?

- White: No, Howard, I don't.
- Willens: Do you remember any discussion with Ed Pangelinan or any other member of the Commission about what they were told by members of the U.S. delegation about the strategy that the Commission was following with respect to its own draft?
- White: Yes, that I recall.
- Willens: What do you recall?
- White: You mean from the U.S., from the Congress.
- Willens: No, I'm speaking about during the negotiations themselves. Did you ever hear from any member of the Commission as to what the U.S. delegation's reaction was to the tendering across the table of wholly new draft prepared by the Commission's counsel?
- White: For some reason I have no recollection in this area.
- Willens: There was a brief discussion during this round of negotiations about separate administration of the Northern Marianas from the rest of the Trust Territory. Was that a subject that was of any particular importance to the Commission members?
- White: Yes.
- Willens: How so?
- White: They were very anxious to separate themselves from Trust Territory government control and have individual control with whatever their group was going to be in the Marianas.
- Willens: Do you recall any other issues?
- White: It was real important to them, by the way. The earlier the better to get local control in their hands. Even though a great percentage of the people that worked in the District government were people from the Marianas, they were totally controlled by the High Commissioner and Department of Interior and they really wanted to get away from that. They wanted to have [local] control.
- Willens: Did you recall whether the U.S. delegation was responsive to these Commission desires?
- White: My recollection, and it's very vague, is that they were trying to continue as much as possible the operations as they were existing until a full change had been completed.
- Willens: In other words, until a status agreement had been reached with the remainder of the trust territory?
- White: Yes, the U.S. government delegation seemed to be saying, 1) we're only going to go to the U.N. for dissolution of the Trust Territory at one time, that [even though] we may get an agreement with the Marianas early on, the full implementation of that agreement would have to wait until the completed negotiations with the other districts in Micronesia. Then there would be a dissolution of the Trust Territory. Figuratively you would still be under Trust Territory control, but that you would be given more local [control]. That's how the U.S. delegation seemed to be [planning]. We were trying to say, all right, we would like you to go to the U.N. with us separately. If that's unacceptable and that can't be produced, then at least we want to be really assured of local [authority] and a break in that we wouldn't really in fact be covered by the Trust Territory.
- Willens: Do you recall at the concluding negotiations that Joe Cruz initiated a impromptu singing of "God Bless America"?
- White: Yes, they were very pleased with the results of this session.



Willens: Who was pleased?

White: Cruz. It was like it had finally solidified in his mind, yes, we're going to do this, we're going to have the Tinian and go forward. We are going to have funding. They were very pleased with the results of this session.

Willens: Now during this session, there was also a brief visit to the island of Rota and there were appearances scheduled with the Rota Municipal Council generally to inform them of what the commission was engaged in doing. Both delegations travelled to Rota. Do you recall one evening when you were socializing at one of the local hotels with various members of the U.S. and the Commission delegations?

White: Yes.

Willens: Can you relate for the record what happened?

White: We had had a very good session with Rotanese people earlier that day. We were all at the local bar and it was very crowded and very lively, just a very pleasant time. There were probably 20 or 25 people from both delegations that were sitting around the bar, at tables and things like that. I was sitting at the bar next to Ed and we were just having a general discussion with nothing in reference to the Commission work necessarily but how nice it is to be over in Rota. It had been my first time over there and I was enjoying it when this Colonel, I can't remember his name, an Air Force Colonel, who was a member of the working team of the U.S. delegation, kind of came up to, and stood next to me. [He] started the conversation and just in general terms I was talking to him. His attitude was very condescending towards me. That bothered me a little bit but I didn't pay too much attention until he started making some remarks that were almost derogatory, and I was concerned. I was there with my Chairman for one thing and I was just kind of bothered by the tone of his voice. But I didn't pay too much attention when all of a sudden he made a very extremely condescending comment like to the effect that the only reason I was in Saipan was because of my inability to function in "normal society in the United States." I took umbrage at that remark. I had had a few drinks and, I guess, all of the rounds of negotiations with the United States were frustrating and they were being very, very difficult to deal with on many occasions. I think that kind of all welled up and I just turned off the bar stool and stood up. I decided it was time to hit him and I did hit him and I knew he was lot taller and lot stronger than I was, but there are times when you do things of this nature because you're very irritated with their position. I caught him very decisively and I was aiming for his chin and missed, just went slightly south of it and caught his adams apple and it was very interesting. It blew him up against a bunch of tables and chairs behind the bar, I mean next to the bar, and [he] crashed into them and fell right to the ground.

Willens: What happened next?

White: Well, I looked at him and my first reaction is when he gets up, I'm probably in serious trouble. Eddie said, "Come on, Jim, I think it's time we left." And so we immediately walked out of the bar.

Willens: And what was the reaction?

White: When I left, he was still on the ground. And we went back to the hotel and I think the first thing we did was go to your room to report the latest eruption. I was very concerned about having done this, number one. But I wasn't concerned about the fact that the guy deserved what he got, he deserved every bit of what he got but I was concerned if this would have any negative impact on the negotiations or because it was seen by the Rota

people that were there too. Ed assured me, no problem, don't worry about it. You were very concerned and thought that we needed to take decisive action and I agreed. I forget about what time it was but I think we, whether we stayed up or whether we just got up very early the next morning, I think that's what occurred. And you and I, I don't think Ed was with us, I think it was just you and I who went over immediately to where the U.S. delegation was staying. We saw Ambassador Williams there and he had a look of almost, I don't want to say horror on his face but he was disturbed obviously. I'm sure he had gotten a report from his side. I said to him that I'm not apologizing for what I did last night, but I am apologizing for putting any possible dent in the negotiations in any fashion and I'm here to make certain apologies for creating, not for creating, but for being involved in an incident that could impact the negotiations. And I was prepared to have a discussion with the Colonel right now and apologize for the extent of my reaction, but that I must say in all candor that it was warranted.

Willens: And did you apologize to the Colonel?

White: Yes.

Willens: And how did he respond?

White: He was very apologetic. He told me he was out of place to ever have made such a remark.

Willens: And was there any adverse effect on the negotiations as a result?

White: Yes. I had to sit with that Colonel and he had to sit with me for the next day, for the whole day, as we toured the island to make sure that we were seen as congenial.

Willens: All right, and your client, members of the Commission, was generally complimentary of your performance?

White: Was very interesting. After we had the meeting with the Ambassador and the discussion with the Colonel, Eddie and I went down to breakfast and it was very interesting. I was really concerned about meeting the Commission because I thought they might be very upset by what I had done. And there were cheers, it was like "Yes," and it kind of solidified my relationship with the Marianas Political Status Commission that I was willing to get in there and really duke it out with a colonel of the United States Air Force.

Willens: All right, let us turn to the preparation for the last round of negotiations which took place in December of 1974 and continued in February of 1975. Jim, during the fourth and fifth rounds of negotiations, a land committee comprised of representatives of both delegations was established to consider some of the issues relating to U.S. military land requirements. Did you participate in the work of the land committee?

White: Yes.

Willens: Do you have any recollection today of some of the specific issues that were discussed and how they were ultimately agreed to?

White: Generally, yes. The main issues involved the amount of acreage, generally a review of whether or not they would accept the U.S. requirements. The lease versus sale was the big item. The issue of lump sum payment versus a periodic payment for this lease was another. Our position was that we wanted to have a periodic yearly payment on the lease and not a lump sum and that we were agreeable to a lease for 50 years and a renewal for 50 years.

Willens: Was any agreement reached in the land committee on those issues or were those questions discussed and left for resolution at the round of negotiations?

- White: I don't recall.
- Willens: In November 1974, there were elections for the Congress of Micronesia and both Herman Q. Guerrero, as I recall, and Ed Pangelinan were defeated. More specifically, I know that Ed Pangelinan was defeated by Pedro A. Tenorio, who was also a member of the Commission but of a different political party. Do you recall whether status issues were a question in that particular election?
- White: No. You mean the election itself? No.
- Willens: Do you recall any discussion with Chairman Pangelinan as to why he thought he had been defeated in the election?
- White: I have no recollection of this.
- Willens: As a result of the election results, the membership of the Commission changed in some respects, in particular Oscar Rasa became a member of the Commission. What is your recollection of him as a political leader and as a member of the Commission?
- White: He was probably the most difficult member that we had ever faced. He was young, he was very anti-American. I suspected that he may very well be a communist. His leanings were very strongly in that direction. He talked in terms of developing a close association with China, for example, and things like this. He was a very disturbing influence on the Commission.
- Willens: Do you recall what efforts were made to keep the Chairman Pangelinan as a member of the Commission notwithstanding his defeat in the election?
- White: I recall that they really had a technical problem on whether or not he could remain as chairman when he was no longer a Congressman. They worked out some technical arrangement where that was allowed. I don't recall. I know it was very volatile at the time but that it worked out relatively quickly and, as I recall, Pete Tenorio was in total agreement that Eddie should remain as the chairman.
- Willens: Turning to the negotiations themselves in December of 1974, do you recall Ambassador Williams making any announcement at the beginning of the negotiations with respect to U.S. plans for Tinian?
- White: Yes. At the start of the negotiations, there was an indication by the Ambassador (my recollection is somewhat vague). Previously it was definitive that construction of the base would start almost immediately upon the conclusion of the Covenant. Now there was some real concern on whether or not the base would go forward. At this time, there was a funding problem as far as Congress was concerned, and whether or not it would ever go forward, we weren't sure. This was a great disappointment to the Commission, they were really concerned. It was almost like after the San Jose Village thing was taken away from them. Now all of a sudden we might not even have any construction, might not have a base over there.
- Willens: Well, had the Commission based its request for financial support from the United States on the assumption that the base would in fact be constructed and that there would be economic benefits that would fall from that?
- White: Yes. Very definitively. That was one of the big disturbances that occurred and required a review and possible adjustment in the amount of funding that would be provided by the United States.
- Willens: And was that done?

- White: Yes.
- Willens: On the subject of military land requirements, you identified some of the key issues that had to be resolved at this last round of negotiations. Do you have any particular recollection as to the circumstances under which the U.S. delegation decided and announced at this session that it would agree to a lease?
- White: It just seemed to come in dribs and drabs and I guess initially it came about by a an inquiry late in the session. I'm not just sure whether it was this session or the previous one, where they were still pushing for a sale of the land. They were asking for more particulars from us as to what they would mean by a fifty year [lease] plus a fifty year option, a fifty year lease with an option for fifty, if we'd be more definitive and or could there possibly be a 99 year lease. This seemed to us, even at having that inquiry, that they were prepared to go forward with some sort of a lease arrangement, so long as they were happy with the length of it and so forth.
- Willens: What is your recollection as to how agreement was finally reached with respect to the amount of money to paid to the Marianas for the lease of land on Tinian and to a lesser extent the land on Saipan.
- White: The Commission's particular position always had been that they wanted a yearly rental payment and hopefully one that would escalate or would have some kind of a cost of living-type adjustment on a yearly basis. This was something that the U.S. said would be almost impossible to get through Congress. They needed to work it on a lump sum basis so that they would be able to work through the U.S. Congress in a more definitive way on what they needed in the way of funding. We finally agreed, so long as the amount was efficient, a dual lump sum.
- Willens: And how did the parties ultimately reach agreement on the amount of the lump sum payment?
- White: I have no recollection at the moment.
- Willens: Do you have any other recollection of any issues discussed during this fifth round in December 1974 on the subject of land?
- White: Just that there was to be a technical committee, a technical paper in reference to the land.
- Willens: Did you participate in the drafting of that technical agreement?
- White: Yes.
- Willens: Do you have any present recollection of any particular issues or incidents that developed during the course of drafting that agreement?
- White: No, my only recollection is that it went smoothly. And there was an attempt to resolve any issues. We were so close to having tied everything down, it was a relatively [easy] negotiation at that point. As I recall, it was done out in Saipan and the final writing of it was done in our office.
- Willens: Going back to the December 1974 round of negotiations, do you have any recollection about any of the legal issues that were considered with respect to the draft Covenant itself that had been developed in the work of the joint drafting committee in which I participated?
- White: My recollection was there was a blizzard of problems and that you were really snowed

under with the work that was going to have to be developed in a relatively short period of time to resolve all of the technical problems that existed.

Willens: Do think that the Commission was of the view at this time that they had to reach an agreement on all these issues and to some extent compromise on their desires in order to resolve these negotiations?

White: Yes. I think they were convinced that they had to get to the point of signing the Covenant and relatively [quickly since] the negotiations had gone on long enough. We had gotten the major concessions that we wanted and, as far as we were concerned, so long as the positions that were taken were relatively reasonable, they were willing to go along with it. Let's try to get the best we can but there was no reason for any deal-breaking at that point. They wanted to go ahead and get this over with, get the Covenant signed.

Willens: There's been some subsequent comment that the negotiations proceeded too hastily and that developing such a detailed agreement in approximately two years or slightly more than two years was too quick and that the people on the Commission and the public did not have a fair opportunity to evaluate the proposed new relationship. What is your reaction to that?

White: There was a concern on the part of the Commission that we proceed reasonably rapidly. Not a rush to judgment that would leave areas unexplored, but they felt a need to pursue this through relatively quickly. They felt a certain amount of pressure coming forth in the Congress of Micronesia that might upset the separate negotiations, and they did not want to see this opportunity lost. I think there was a need to complete it.

Willens: But was there new opposition to the idea of negotiating this document because of the recent election results and the new membership on the Commission?

White: Yes. I think there were people within the Marianas and within the Commission that would like to have, if they could have, opened up the door completely and gone back to peg one on whether or not they even wanted a close association with the United States. This was resisted heavily by the chairman. He reminded the people, at several open sessions when they met with the local people, that going back to the original request of the Marianas and of the Marianas group, their request was in fact to have a close association with the United States and that was their directive when the Commission was originally established. To move for a full, close association with the United States. As a matter of fact, when Ed hired me, the first question I asked him when he asked me would I be the Executive Director of the Marianas Political Status Commission, was whether it was, in fact, the desire of the Commission to move towards a close association with the United States. And I was not interested in getting into a fight with the United States government in reference to what kind of an association it would be other than a close association. And he assured me at that point that that was the whole intent of the Commission itself and the intent of the District Legislature that established this organization.

Willens: Do you have any other recollection about the round of negotiations in December 1974?

White: The biggest recollection I have is that upon the conclusion of that round, the Marianas Political Status Commission generally was very, very excited. And they were looking forward to the signing of a Covenant and they were looking forward and starting to think about the Constitutional Convention. They felt that they were finally going to get some progress.

- Willens: Did you recall where the idea came from for a recess between the first portion of the fifth round in December 1974 and the resumption of the round six weeks later or so in February 1975?
- White: It's my impression that the Ambassador had some prior obligations that required his relatively early departure. There was the indication by the Commission that, if we were going to work towards a [final] Covenant at this session, this would be a lengthy process because of all the technical aspects that still needed to be touched on, and the logistics of just putting together a solid draft Covenant.
- Willens: There was, in the final report of this session, a draft Covenant dated December 19, 1974 that had a reservation at the request of the United States attached to a few of the provisions in the draft document. Do you have any recollection as to what Ambassador Williams had in mind when he insisted that these be marked as subject to reservation?
- White: I may be guessing now, but I think his concern was that the U.S. Congressional delegation that had visited Saipan and Guam voiced some strong concerns about whether or not what we were getting in the Northern Marianas by way of a Covenant was something that was really above and beyond and superior to what was presently existing on Guam. They thought there would be significant U.S. Congressional problems with that. And I think he reserved in certain areas to have further discussions with them.
- Willens: When the Commission resumed its meetings in February of 1975, the representatives on the Commission from Tinian and Rota asked that the draft Covenant be amended to require a bicameral legislature with one house providing for equal representation to the three principal islands of Saipan, Tinian and Rota. Do you have recollection of the circumstances under which this Tinian and Rota request was first presented to the entire Commission?
- White: It just basically went back to the idea of they were afraid of getting lost in the shuffle because of their smaller population that they had in both Rota and Tinian in comparison with Saipan.
- Willens: Why did it come up so late in the negotiations? Do you have any recollection of their making a similar request early on within the Commission and having it rejected by the Commission?
- White: No. My indication was there were always the fears on their part that were voiced about them being lost in the shuffle or being controlled by the Saipanese majority. I don't think there was any discussion as to the physical breakdown of the legislature that would be developed under the Covenant until later on. That's my general recollection. I don't know.
- Willens: Did you have any recollection that the Tinian and Rota representatives on the Commission informed the Commission that they would not sign the Covenant unless their proposal on a bicameral was accepted by the Commission?
- White: That was a last minute thing and I don't recall them saying they wouldn't sign it. It was my impression that they were concerned that it be included.
- Willens: Did you recall any conversations with Chairman Pangelinan and other members of the Commission as to whether the Commission should accept this Tinian and Rota proposal?
- White: No.

- Willens: Do you have any recollection of the internal deliberations of the Commission in February 1975 before they made a final decision to go forward with the signing of the Covenant?
- White: My recollection is that what I thought would probably be a relatively easy thing—and just kind of almost a vote in a normal Commission manner—wasn't to be. They were taking this with great [solemnity] and it was a much more formal approach to it.
- Willens: What do you remember as being the approach followed by the Chairman?
- White: The approach was, I think, to have a little more open session as far as the actual final vote of each of the members and that each member would say yea or nay in a more open session.
- Willens: Well, you don't mean open session in terms of having the public there, do you?
- White: I'm trying to recall that, Howard. I don't think so. But it was just kind of a more formal thing where they would each have their say and they would say without interruption whether or not they were going to sign the agreement, whether or not they approved.
- Willens: Is it your recollection that Ambassador Williams and the U.S. delegation was standing by for a final agreement from the Commission while these deliberations were going forth within the Commission?
- White: They weren't in the room, but they were near by and they were very concerned at this late stage. They assumed that the Commission had already agreed and that all of a sudden this kind of took them aback to realize that now the Commission was taking a final look at everything together and deciding whether or not they were ready to approve.
- Willens: Do you recall having any personal conversation with Ambassador Williams or any member of the U.S. delegation while this process was going forward?
- White: No. I don't have any recollection of any.
- Willens: What is your recollection of the circumstances under which finally a vote was taken within the commission?
- White: They very carefully went through it. Eddie had a very nice lengthy discussion with them and suggested to them that this was the time to say yea or nay in reference to their position.
- Willens: Were there people who did not want to bring it to a vote?
- White: I didn't recall that. I don't recall that they didn't want to vote. I think Rasa wanted to go back to peg 1 and start all over again. He had indicated he would like to do that. I recall that being said, but my general recollection was that all the members when asked agreed to the Covenant.
- Willens: Is it your recollection that both Oscar Rasa and Felix Rabauliman agreed at the Commission meeting to approve the Covenant and sign it?
- White: Yes. Well, there was nothing said about signing it. You know that this was clearly a vote of saying "Yes, I agree it was my affirmative vote for the Covenant or my negative vote for the Covenant." That's really the way it was presented and each person made a statement and said yes, they supported the agreement.
- Willens: Do you have any recollection as to how you felt about this process that the Commission was engaged in? Did you have some doubt about the need for this kind of extended discussion?

- White: Well, I was concerned whether or not we had [unanimity]. You know, watching Oscar Rasa and I wasn't so concerned about Felix Rabauliman. He was so quiet through all of the sessions that I got the impression (and I had some just casual conversation with him) that if he had any problem he never indicated to me any significant problem with the Covenant. As we went through the Commission, the biggest recollection I have is that when we got to Dr. Palacios he was the first of what I would call the potential dissidents and I was really concerned in the final analysis, whether he would approve. That to me was key; when he said yes, I felt like all right, the others are going to probably go along and they did.
- Willens: Did the Chairman attach a high priority to getting unanimity from the Commission?
- White: Oh, I think he indicated that he was very hopeful that there would be unanimity. That would show a solid front not only to the U.S. delegation but also in later education to the people of the Northern Marianas. He was hopeful that they could be solid.
- Willens: Do you have any recollection of members of the community assembling outside the Commission's room where they could overhear the deliberations of the Commission?
- White: Yes, that's when I was [thinking] when I was trying to recall whether it was an open session, since in a sense it almost was.
- Willens: How so?
- White: Well, we met, if you recall, physically upstairs in this building and there was quite a large crowd of people that just kind of were there. They knew this was happening.
- Willens: And they weren't in the room?
- White: No, but they were downstairs and they were out on the street and out on the area in front of the building.
- Willens: How about on the balcony?
- White: And upstairs you know there was a balcony off where we use to kind of take our break from time to time, and they were there.
- Willens: And how did it happen that they were there, if you know?
- White: I have no idea other than that you know the people know it's a small island. I'm sure that some of the delegation were saying tonight's gonna be the vote and it was a night, an evening vote as I recall.
- Willens: Did any members of the Commission express concern that they were being overheard and to some extent intimidated by this presence outside the Commission's room?
- White: No, no one said anything like that that I recall. I think everyone really felt the total weight of what they were saying then and what they were doing then. They had worked a long time on this. I want to say a couple of things. I really thought when I started in on this job that there would probably be a very light involvement on the part of the people of the Northern Marianas and on the part of the Commission, that they would come there and it would be a lot less than what it really was. I was very impressed with how diligent this Commission was. They were very deferential to each other; I never heard anyone screaming or yelling at one or the other. They all made their positions known and weren't afraid to, but they all held themselves in great decorum. They all knew that they were in there to do a job and they all wanted a positive result. They just wanted to make sure that the various individual political and racial variations were included. I think I don't know if I was in tears, but I felt like I was in tears when I saw this process completed and I was



very proud to have been there, and I am today. I had a great affinity for members of that Commission, all of them.

Willens: There was one last-minute obstacle that appeared the day before the signing ceremony on February 15, 1975. You will recall that a lawsuit was filed seeking to enjoin the signing of the Covenant by the members of the Marianas Political Status Commission. What is your recollection about this lawsuit and how ultimately it was resolved?

White: We received documentation in reference to this lawsuit late in the afternoon (as I recall) of the day before the proposed signing. We went over to my office and reviewed the briefing material that had been presented by Mike White, the attorney for the opposition. We spent a very unusual evening in trying to overcome this last minute problem. You and I and Eddie worked very hard reviewing various law books and trying to just develop an opposition. As you know, law books were scarce. Case law was scarce (on the island) but we searched with whatever we had there. We had a fairly good package of law there and we were able to find good substantive law to refute every one of their allegations in their complaint and we backed it up with very substantial U.S. precedent.

Willens: Did you have any personal knowledge as to why Mr. Mafnas, who was a member of the Congress of Micronesia, decided to file this lawsuit?

White: No, I don't.

Willens: What happened the following day when the case was scheduled for argument at approximately nine or ten o'clock in the morning of Saturday, February 15.

White: Well, I want to take one more second in reference to [the time] we spent all night putting that package together in response. As I recall, my secretary finally wore out about 1:00 a.m. and a local attorney by the name of Bill Nabors had come in maybe around ten o'clock somehow and came around and asked if he could be of any assistance. He kind of hung around. At that juncture, I think you and I worked out pretty much of the legal aspects of it and you were madly doing the writing and my secretary was madly typing your writing. And then my secretary just finally fizzled and Bill Nabors called his secretary and she came down and finished the job. I think we got done with it around I want to say 5:00 or 5:30 in the morning. I know it was all night and we finally clipped and stapled the package together and we made sure that that was delivered to the court by 8:00 o'clock in the morning so that the Judge would have an opportunity to review our points and authorities. There was some concern when we then arrived as a group, the members of the Commission, Ed and yourself and myself. Bill Nabors was there too because he had been then a member of our legal effort that evening. The Judge looked down and was concerned about who would make the presentation. He certainly was not ready to hear from all the attorneys that were then present. As I recall, I said to him that you would be making the presentation and, you know, I would love to have made that presentation. But once you completed it, your presentation was one of the finest dissertations in court that I've ever heard. I've often said (and my wife will tell you this) that you are in my mind a lawyer's lawyer and I've told you if I was ever in very serious trouble, you're the lawyer who would represent me.

Willens: Well, that's very nice but that need not go on the record here.

White: No, no I wanted that to be said. I want you to be aware of that because it's very important to me that you recognize just how outstanding you were that day. I think everyone was very taken aback. Your delivery and the things that I remember about it was your ability to bring it forth to a conclusion. You went back and brought it forth to the same conclusion

in another way and you went back and you came forth with an additional conclusion that was in the same area. You did it about six times, but everything was fresh and new but it always dovetailed into the final conclusion. It was not only something that was very understandable to the packed courtroom, but it was very understandable to the judge. To make that accomplishment in a presentation that would be something that the people could understand and also be judicially outstanding is rare.

Willens: How did the people happen to know that this was going to be heard in the morning? I have a recollection of many, many people flocking to the courtroom on a very sunny, beautiful day in Saipan. Did the word get out that this was going to be an important court proceeding?

White: I have no idea how they got there actually. I mean you and I just barely made it through the courthouse and I think we were both surprised at how many people were gathered and how packed the courtroom was when we walked in. I can only say it's a small island and I'm just rather sure that members of the Commission knew there was going to be a battle royal and they wanted to be there to show their support.

Willens: Some people have a recollection that after Mr. White made his argument . . .

White: That's Mike White. I don't want any confusion.

Willens: Yes, Mike White made his argument on behalf of the plaintiff but the plaintiff Mr. Mafnas stood up and tried to fire his counsel on the spot. Do you have any recollection of that?

White: I think he was upset.

Willens: What was he upset by?

White: I think he felt that Mike White had overstepped what he wanted him to say. Mike White was very capable of doing that; he was a firebrand. I forget what his upbringing was but it was either Peace Corps or Micronesian Legal Services. He was truly a person who would take a quarter and turn it into a silver dollar as far as oratory was concerned, and I'm sure he went beyond what his client wanted him to say.

Willens: As I recall, the United States was not named as a defendant for some strategic reasons and the United States lawyers who were present on the island did not play any role in defending this case. Is that your recollection?

White: That's my recollection.

Willens: Were they in the courtroom?

White: I think they were, yes.

Willens: Did you remember . . .

White: I don't recall the Ambassador being there, but part of his entourage was.

Willens: There is also the report that the Judge was an appointee of the Department of the Interior and that it was most unlikely that he would rule to enjoin the consummation of status negotiations that had been going on as a matter of U.S. policy for 2 1/2 years. Do you have any judgment about the judicial system that was in place at the time?

White: No. In a sense, in the mornings he was a very competent judge. He was quite learned and he was very capable of going against the administrative arm of the Trust Territory of the Pacific Islands. He had done it many times, as he was Chief Justice for the Trust Territory. There were a series of opinions in the Trust Territory books where he had ruled against the U.S. position or the Trust Territory position. He felt strongly that the separation of

powers that existed in the United States government between the judicial branch and the administrative branch existed in the Trust Territory, and no one had ever that I'm aware of ever had tried to refute that. He had been Chief Justice for many, many years.

Willens: What is your recollection of the signing ceremony that took place on the afternoon of Saturday, February 15, 1975?

White: Absolute pleasure. I think everyone on the Commission was really very excited about it. The only sad point about the whole thing was that unfortunately when it came around to the actual signing, everyone was signing it—probably 20 or maybe 25 of the Covenants and everyone of the members of the U.S. side and signed by Haydn Williams. On the Micronesian side all of its members were busy signing the Covenant and unfortunately at that juncture Felix Rabauliman and Oscar Rasa for whatever their reasons chose not to sign.

Willens: Did they in fact appear?

White: It's my impression they did not.

Willens: Did you ever learn why those two Commission members decided not to sign the Covenant?

White: I remember asking Eddie about it, and he said he didn't know but that they would probably sign shortly. That he would talk to them and see if they would sign. But when these things were finally distributed, they still hadn't signed and that was still that same day.

Willens: Do you recall anything that the Ambassador said on this occasion with respect to the many steps that remained to be followed before there actually would be a self-governing commonwealth of the Northern Mariana Islands?

White: I don't have any independent recollection at this point. All I know is it was a very happy day and there was a lot of pleasure and members of the Commission were very pleased.

Willens: After the Covenant was signed what involvement did you have, if any, in the subsequent political campaign that led ultimately to a plebiscite in June of 1975?

White: I had no involvement in that at all. At that juncture my responsibilities with the Commission were—I don't want to say they were over but I was at a position where I felt I had accomplished all I would be able to accomplish unless I stayed with the Commission and stayed in the Trust Territory. It was a family decision that it was time for us to leave and go back to the U.S. I had been offered an opportunity to go to work in the office of the Interior Department Director of Territorial Affairs. It had nothing to do with the Saipan involvement at all. It was a request on their part for me to be the assistant. I would be in charge of Guam and Micronesia, generally, assisting the Director of Territorial Affairs, who covered also Puerto Rico and the Virgin Islands. I was going to be mainly probably tripping out and handling negotiations work—not the negotiations for the political status of the Micronesia but just general day to day Trust Territory governmental operations. I would be providing oversight from the Department of Interior.

Willens: Who was the Director of the Office of Territories at the time?

White: It was Fred Zeder. He was a Texas millionaire who had a very successful private company and was a political appointment under Ford.

Willens: How did you happen to get to know him or come to his attention?

White: He had come out to Saipan in his capacity as Director of Territorial Affairs and I was introduced to him in a social gathering over at the Continental Hotel. We had a long conversation and he had known about my time and tenure as a DA for the TTPI in the Palau and Yap districts and he asked me if I was at all interested in coming to Washington.

Willens: Well, what happened eventually with that particular job?

White: I went back to Washington and I reviewed it carefully. I was going to take it, but it just looked like the main reason we were going back to the United States was for the education of my son and my eldest daughter who were becoming of high school age and I just felt it was time. If we stayed in Micronesia or if we stayed in Saipan, that would be the home for the children. I thought it was appropriate that they at least [learn] about the United States generally and I definitely wanted to see them get a good education, which was not then available on Saipan. When I went to Washington and was with those people for several days, going through what the transition would be etc., I realized that the workday was roughly about 10 1/2 hours and the commute that was involved was about an 1 1/4 hours each way. I was looking at about a 12 hour day and I decided that that was not too appropriate. A friend of mine offered me a job as an Administrative Law Judge in California, so I chose to go home.

Willens: And then you subsequently ended up as a Assistant U.S. Attorney in Fresno, is that correct?

White: Yes, Chief Assistant U.S. Attorney in charge of the Fresno office, which covered the federal enclave responsibility from Bakersfield through Modesto, including such places as Yosemite and all of the various parks that are located within this district.

Willens: And you remained in that capacity until approximately when?

White: 1986, when I retired.

Willens: Jim, since you worked with the Marianas Political Status Commission, have you gone back to Saipan or the Northern Mariana Islands?

White: I had one occasion about the end of 1976 to go back. I had some work to finish in Palau, work from when I had been in private practice and a couple of items on Saipan I needed to clarify businesswise. It had nothing to do with the Trust Territory, excuse me the Marianas political study.

Willens: Have you had any contacts with members of the Commission since that time?

White: I saw Eddie several times when he was in Washington and met him socially, but for years now no.

Willens: In concluding this wonderful interview and I'm really most appreciative of your hospitality and your taking the time, I wonder whether you have anything else that you have not said that you would like to say with respect to this professional experience that we shared so many years ago?

White: Yes, I would like to say that working with you has been a real pleasure. At that time it was one of the highlights of my professional career as far as having the ability to work with someone of your caliber. The honor of being involved with the Marianas Political Status Commission was a once-in-a-lifetime—I mean how many new countries are developed or how many new states or whatever you want to call it are developed. It was a unique opportunity for us to be involved in this from the beginning really. I think that we did [a fine job] along with Jim Leonard. I don't want to forget him on the economic side; I

think he just did a marvelous job. I think that we did a hell of a service to a client. I have never worked more closely with anyone who I was prepared to not like particularly. I felt initially a competitive aspect there which melted away, and I wanted nothing other than to be supportive and helpful as I could to the Commission and to yourself. The work you did really was, and the firm and their expenditure of time and effort in the last days in developing all of the technical expertise required, I would never had the ability to do that especially from Saipan. I would never have had the expertise in this area. Eddie was absolutely correct in hiring Washington counsel and he could never have gotten better.

Willens: Well that's very nice of you. We will talk again as this thing develops. I hope that if any book or article emerges from this you will be one of its most careful readers.

White: I will definitely be that and if you see Eddie tell him how appreciative I am of his great service in the Marianas Political Status Commission. He was outstanding. For as a young a person as he was at that time, he had great maturity and I enjoyed my time with him. I particularly enjoyed, if you see him, I particularly our Greek sandwich in Times Square in the middle of the night.

Willens: All right, on that note we'll end the interview. Thank you.

White: Thank you.