

INTERVIEW OF MICHAEL A. WHITE

by Howard P. Willens

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- Willens: Michael A. White is a practicing lawyer on Saipan who has been in Micronesia for more than 20 years. He was active with respect to the work of the Congress of Micronesia and the Joint Committee in the early 1970s. So we are going to begin the interview, Mike, by thanking you very much for being available to assist in this interview. As I've told you, I'm interested in your best recollections regarding some of these historic events to assist in developing a history with respect to the Commonwealth of the Northern Mariana Islands. Can you begin by giving me some background as to where you were educated and how it came to be that you came to Micronesia?
- White: I graduated from the Pennsylvania State University in 1966 with a major in political science. I graduated from Temple University School of Law in 1969. I practiced law for a year in Philadelphia and was unhappy with living in a city at that time and was unhappy generally with the kind of practice that I was then engaged in. I had applied to the Peace Corps (I believe it was in my second year of law school) and didn't hear anything from them for two or three years, but in February of 1970 I got an invitation to join the Peace Corps, and they said they had a program in Micronesia. I knew nothing at all about Micronesia. As I was saying, I wasn't terribly pleased with living in Philadelphia at that particular time or with the kind of law I was practicing. I was in a small firm that was concentrating on a personal injury practice and I wasn't happy with it at the time. So I had applied to the Peace Corps, I believe it was my second year of law school, and didn't hear anything from them, and then in February of 1970 on one cold winter's day I got an invitation to join the Peace Corps. They had a lawyers' program in Micronesia, and I didn't know very much, if anything, about Micronesia. I went to the library, looked it up, liked what I read, what little there was there, and accepted the invitation.
- Willens: Did you then become part of the Micronesian Legal Services Program?
- White: No. The Peace Corps had a lawyers' program here in Micronesia. There were five of us that came out in 1970. We all arrived approximately June 30th of 1970, and we were all assigned to various places in Micronesia. I was assigned to the Congress of Micronesia along with another volunteer, Steve Miller, who's now deceased. Fred Ramp, who's still in Ponape, was assigned to the Ponape State Legislature.
- Willens: That's Fred Ramp? R-A-M-P?
- White: Yes.
- Willens: And he's now still in Ponape?
- White: He's still in Ponape. He's in private practice. Adrian de Graffenried, whose name you probably know because he subsequently got involved in the status negotiations from the U.S. side, was assigned to Yap.
- Willens: Do you happen to know whether Adrian is alive and practicing law somewhere?
- White: I haven't seen or heard from Adrian in at least ten years. And the fifth lawyer in our group was named Peter Jacobs, who was assigned to Palau, and I haven't seen him in more than 20 years, or heard from him.

Willens: As I have read the materials, Mike, there had been a very substantial Peace Corps program in Micronesia and in particular many volunteers in the Mariana Islands. When you first came to Micronesia, did you become aware of any controversy with respect to the Peace Corps at that time?

White: The apocryphal story that was floating around as to why the Peace Corps Lawyers' Program in Micronesia had been discontinued was, the story goes, set in a cocktail party in Palau between General Walt, I believe his name was, who was then the Commanding General of the U.S. Marine Corps, and a Peace Corps lawyer having some discussions about the morality of the Vietnam War, and after that, the story goes, the lawyers' program was discontinued. I have no factual basis for that, I'm just repeating a story.

Willens: When was it discontinued?

White: I don't know. The next previous lawyers would have had to have been at least two years, and probably three, before I got here.

Willens: Did you replace someone at the Congress of Micronesia?

White: No.

Willens: Did the Congress of Micronesia have the benefit of American-trained lawyers before you arrived?

White: The only lawyer who was there when I arrived was Kaleb Udui, the late Kaleb Udui, who was a Palauan, and who was, I believe, the first Micronesian lawyer. He was Legislative Counsel at the time, and he did all of their drafting work until I got there.

Willens: What were your general duties at the Congress of Micronesia?

White: Drafting legislation and staffing committees. A Congressman or a Senator would come to us with a request for legislation in one stage of development or another, and we would develop the idea and draft legislation for consideration by the Congress. The other thing that we did was when Congress was in session, we would staff committees at hearings and draft committee reports based on what the committee decided to do with a particular piece of legislation.

Willens: Were there any particular members of the Congress that you worked closely with?

White: I initially worked very closely with Andon Amaraich who was then the Chairman of the Senate's Committee on Judiciary and Government Operations; that's the committee that I worked with for six years during my tenure with the Congress of Micronesia.

Willens: Is that how long you were there then—six years?

White: A total of six years, of which the first 16 months were in the Peace Corps.

Willens: And then what happened when you left the Peace Corps?

White: I stayed on with the Congress of Micronesia.

Willens: So you were with the Peace Corps from approximately June of 1970 until approximately the end of 1971?

White: About October or November of 1971, that's right. I didn't complete my two years. I was told to make a choice between working for the Joint Commission on Future Status or resigning from the Peace Corps, so I resigned from the Peace Corps.

Willens: Who put that particular choice before you?

White: Peace Corps officials.

- Willens: Who were the Peace Corps officials here in Micronesia, and in particular in the Marianas, at the time you were a member of the Peace Corps?
- White: The Marianas Director, his name was Farley Maxwell, and I was just reading over my file last night. He referred to me as a "fat file volunteer," that's someone who tries to bend the rules, and I suppose that was a fair characterization of me at the time.
- Willens: It certainly wasn't very charitable of Mr. Maxwell. Do you know where he is today?
- White: I heard he's in Oregon, and I heard he's a minister of some kind. I haven't had any personal contact with him.
- Willens: I see.
- White: The other, Larry Johnson, was the country director, and I believe he subsequently became Director of Peace Corps. And if I remember correctly, the Peace Corps Director with whom I had no contact at that time, I believe his name was Shorter.
- Willens: Just stay with the Peace Corps for a moment. We have relatively few documents about the Peace Corps, and it is, on the whole, peripheral to what we're doing. We did obtain, however, a lengthy status report dated about June 1972 trying to summarize the Peace Corps program in the Mariana Islands. It reported, as I recall, some considerable frustration among the volunteers because of inadequate assignments and not sufficient work to do and also some resistance of the people of the Marianas to the Peace Corps program. Do you have any recollection as to how the Peace Corps program was evaluated in the Marianas in particular in those years?
- White: The lawyers were fairly insulated from the rest of the Peace Corps population, even in our training, which was held at Hopwood High School. The Congress of Micronesia was then in session, so we were taken to work from the very first day we got here. Aside from language training, we participated in other Peace Corps activities, I think, I'm speaking for myself, really, to the extent that I had to do so. I wanted as little as possible to do with the organization and that's the way I played it. I certainly had enough to do. Again, I was rereading my Peace Corps file last night, and I made the comment at the time, which is consistent with my recollection now, that I certainly wasn't lacking for things to do.
- Willens: I think you're right. The report I'm referring to did not, as I recall, say anything very specifically about the legal side of the operation. It was speaking more about volunteers who were being asked to develop math courses or assist in housing or do other things of that nature.
- White: I really had very little contact with those people except very casual social contact. I really can't answer the question.
- Willens: Okay. Well, what was the relationship, if any, between your side of the Peace Corps operation and the Micronesian Legal Services program?
- White: Micronesian Legal Service Corporation hadn't even been founded at the time. They had, by the time I left Peace Corps, they had been founded but had not yet started operations.
- Willens: I see. And was Ted Mitchell then the first Director of the Micronesian Legal Services Program?
- White: That's right.
- Willens: And was it based in terms of its headquarters in Saipan?

- White: Yes.
- Willens: When was it then, turning back to your Congress of Micronesia days, that you first became exposed to the focus on future political status?
- White: Well, it was the number one topic when I first got here. You couldn't help but be exposed to it. The first time I became directly involved with it was 1971.
- Willens: That was after the issuance of the two reports by the Future Status Commission that had been established by the Congress of Micronesia. You may have refreshed your own recollection, but there was a report in 1968 and 1969, and then the Congress established the Joint Committee with Senator Saliu as the Chairman, as I recall.
- White: Right, there was actually something in the interim called the Political Status Delegation which issued a report in 1970.
- Willens: That's correct. Were you then asked to evaluate the positions being considered by the Joint Committee or its predecessor in response, for example, to the United States' offer of 1970 that was considered, termed a Commonwealth Proposal? Do you remember any discussions within the Congress of Micronesia as to the adequacy of that particular U.S. position?
- White: You asked if I were asked to evaluate it, and I don't remember being that closely involved in that, in 1970. I remember hearing about it, I remember seeing it, I remember thinking how exciting a time it was, given the fact that a nation's political future was being considered. But I wasn't directly involved in it. I don't recall who was staffing the various political status entities at the time. I just remember that it wasn't me. It may have been Kaleb.
- Willens: Were you aware that the President had appointed F. Haydn Williams in March 1971 to represent the United States in status negotiations?
- White: Yes, I was.
- Willens: What was your understanding from the Congress of Micronesia's side as to what that appointment signified, if anything?
- White: I'm not sure I had any. I recognized the significance of it at the time, but I wasn't involved directly with it at that point. Now it seems to me to be quite clear that the United States had started to take Micronesian political status aspirations a lot more seriously than it had previously.
- Willens: Mike, as I understand the record, the Congress of Micronesia endorsed Four Principles to guide its representatives in status negotiations in August 1970. Did you participate in the deliberations on that subject as a staff lawyer?
- White: I may have, but I don't have any recollection of it. I do not recall this as being something that was referred to a standing committee. If it were referred to a standing committee, it would have been to the standing committee that I staffed. But I don't have any direct recollection of it. At that point, the political status effort was self-contained in terms of its own staffing. You're talking, just for the record, about House Draft Resolution 87, House Draft 1, which was adopted by the Congress at its third regular session on August 14, 1970. I remember seeing this at the time. I don't remember having a great deal of input into it.
- Willens: It was such a major development in the political status negotiations. Do you have any

- recollection as to what were the precipitating factors that led to that declaration of position by the Congress?
- White: Only from reading past reports and conversations with leaders of Micronesia at the time. The United States had originally offered what was described as commonwealth status, and that idea was not acceptable to the leaders.
- Willens: Did they have any sense at the time as to what a free association alternative, in fact, would involve?
- White: I think, and I'm surmising here, that they had some historic perspective as to what free association was. The term is used in House Joint Resolution No. 87, and I therefore assume they knew what it meant.
- Willens: You indicated that the delegation submitted a report to the Congress of Micronesia shortly before that resolution was adopted. That report, I believe, summarized the delegation's view on the two rounds of negotiations that had taken place to that point. Another factor that's worth developing is that in early 1971, there was an incident in Saipan that involved the burning by arson, it was believed, of certain Congress of Micronesia facilities on Saipan. Were you on Saipan at the time that took place?
- White: I certainly was. I was there that morning.
- Willens: Which morning?
- White: The morning that the fire took place in the night. I was there the following morning.
- Willens: What's your recollection of what you saw and heard?
- White: Well, the buildings which housed the Congress' chambers and the Clerk's offices and related offices of the two Houses of the Congress were burned to the ground. There was virtually nothing left. The Legislative Counsel's office, where I worked, which was down the hill slightly, had not been disturbed, so my own particular work wasn't terribly interrupted other than the fact that the Congress couldn't meet anymore because they had no further place to meet. Incidentally, they never discovered who burned the buildings, they never caught anyone and never charged anyone as far as I can recall. There was no one who claimed responsibility for it. It seemed to be equally likely in people's minds at the time, including my own, that burning the buildings may have had something to do with the income tax which the Congress had either just passed or was about to pass, as much as the political status situation.
- Willens: It did come at a time when there were resolutions being enacted by the Marianas District Legislature strongly opposing certain actions of the Congress, particularly with respect to revenues, but also disagreeing with the rejection by the Congress of the United States' so-called commonwealth proposal. As you recall the situation, how did you evaluate the nature and strength of that Marianas separatist approach?
- White: I think I probably had the realization at the time that the Marianas were going to go their own way.
- Willens: Why did you think so?
- White: In the 1972 election, a strongly pro-commonwealth Congressional delegation was elected in the Marianas. After that, I didn't hear anyone in the Marianas whose opinion carried any weight who wanted to go along with the program that the rest of the Congress of Micronesia seemed to be committed to. I think we all hoped in the context of the work of the Joint Committee on Future Status and the other political status efforts that we were

going to develop a program that would be attractive enough to the Marianas to keep them in the fold, so to speak, and that when it came to a vote, they would stay in the fold either because the agreement was attractive or because they wanted to preserve Micronesian unity, such as it was. But I think that was more a hope than an expectation.

Willens: You mentioned the revenue allocation or taxing issues. My review of the documents suggested that that was a very important issue within the Congress of Micronesia and that the Marshall Islands, as well as the Marianas, had some growing difficulties with the allocation methodology that the Congress was considering. Do you have any recollection on that subject?

White: I think you may be confusing, or I may be confusing based on the statement you just made, a couple of things. There was a great deal of unhappiness in the Northern Marianas with the proposed taxes that were being enacted by the Congress. There was also a feeling on the part of the people in the Marianas, as well as the people in the Marshalls, at least as expressed through their leaders, that the economic worth of a political status arrangement with the United States was going to come from the brows of the people of the Northern Marianas and the Marshalls where the U.S. had some apparent military interests. And therefore they ought to get the lion's share of whatever benefits there were.

Willens: I see. I think you're right in separating out the taxing issue from the other aspects of the matter. Mike, there was some constant debate within the Marianas as to the desirability of reintegration with Guam or establishing a separate relationship with the United States. I have some basis to believe that the Carolinians in the Marianas community were particularly concerned about staying with the remainder of Micronesia. Do you have any recollection as to the extent to which the Carolinian leadership within the Marianas community took views on status that were different from the Chamorro leadership?

White: I think it's a generalization, and generalizations are very dangerous, but I'll make it. The Carolinian leadership opposed commonwealth and wanted to stay with the rest of Micronesia in their relationship of free association with the United States. I'm not sure that I can tell you why, whether it was ethnic ties with the rest of Micronesia or the fact that they were a minority group, a distinct minority group here in the Northern Marianas, and tensions at that time between the Carolinians and Chamorros were much higher than they are today.

Willens: There is also some suggestion in the press reports at the time that the Territorial Party had diverse interests represented within it, including the Carolinian leadership, as well as the business leadership, and specifically Joeten.

White: Right.

Willens: Is it your recollection that there was some reluctance on the part of the business community to move forward toward a separate commonwealth relationship with the United States?

White: Now that you mention it, I do recall, of course Joeten was a member of the Territorial Party, and of course that was the party with which the Carolinian community by and large was associated. And they did oppose the compact. I wonder whether that wasn't just the dialectic of the situation, that the Popular Party, which was the other political party at the time, was composed of strong supporters of the compact.

Willens: You mean the commonwealth agreement?

White: I'm sorry, the commonwealth agreement. I wonder whether the Territorial Party didn't oppose it just because the Popular Party was for it. I don't remember having any discussions

with Joeten at the time or now knowing his reasons why at the time he was opposed to the compact, although I now recall he had reservations. I really can't answer your question.

Willens: Let's go back, then, to the Congress of Micronesia and your first involvement with an actual negotiating session with the U.S. delegation. I believe it may have been in the October 1971 meeting of the delegations in Hawaii, but I could be wrong in that connection.

White: Unfortunately, they did not take me to Hana, I recall being very disappointed at the time, since I felt I had worked fairly hard, but I guess it was still a little early to expect that kind of trust to have developed in the relationship.

Willens: Do you recall receiving any reports as to whether it was viewed as a successful meeting between the two delegations?

White: Well, I've got both the United States' report and the draft report of the Joint Committee on Future Status of those, the Hana round of negotiations, and the Joint Committee on Future Status was distinctly unhappy with what had developed at Hana, in that Hana had sowed the seeds for dismemberment of Micronesia, and I think people on the Joint Committee saw the writing on the wall at that point.

Willens: Well, what specifically happened at Hana as you recall that precipitated that judgment on the part of the Joint Committee?

White: I'd have to read this report in a lot more detail than I did last night to be able to tell you that. It's my recollection now that there was disagreement within the Micronesian ranks. I'm really going too far, Howard, I just don't recall. There's a summary of the positions of the two delegations, that's set forth in the Micronesian report.

Willens: This was the first occasion on which the Four Principles had been laid out to the U.S. delegation, as I recall.

White: Right. At that point, it looked like, well, the report notes the United States delegation proposed that the association between Micronesia and the U.S. be in the form of a compact, a sort of sui generis document which would set forth the agreement of the two parties. They talked about land and eminent domain. And for the first time, apparently, they detailed their military requirements, in particular military retention areas on Saipan, and in Babelthuap and Palau.

Willens: But your basic recollection is that when the Joint Committee returned, you got the impression that they felt that this had not been a productive set of negotiations.

White: Productive in terms of reaching agreement on principles of the future political status, no. I think that the Hana round was more exploratory than anything else. Each side sort of set out its position. These discussions, I think, went slow because of the Micronesian way of doing things and because of the nature of the operation here in Micronesia. This was not a one-man show under any circumstances, the Micronesian side was composed of elected representatives of the people who took things fairly cautiously. Although there was an immense amount of personal leadership in terms of the personalities involved, there was nobody who had such control of the situation in his own district that he could make decisions on his own without going back and chewing it over with the rest of the delegation.

Willens: You suggested a couple of very important points there. Let me follow up on a few of them. You made reference to the Micronesian style of doing business in this setting. Could you elaborate on what you mean by that?

- White: Like a lot of the Far East, you don't sit down with the average Micronesian and conclude a business deal in five minutes. They've got to sit and think about it and discuss it, and as the end result of this process, you get a product. But it's a much longer method of digestion than Americans are used to.
- Willens: My own experience with the Marianas Political Status Commission was that there was a considerable drive to attain consensus. That the members of that particular group were reluctant to bring a matter to a vote if they anticipated there would be a minority view that was strongly felt. Do you have some sense of that same phenomenon being experienced within the Joint Committee?
- White: Absolutely. I think it was even more true in the Joint Committee and in the rest of Micronesia than it is in the Marianas which have become Westernized over the years. You don't force things down people's throats. You don't put things to a vote when you know they are going to be contested. What you do is you sit down and discuss them, and if there is still disagreement, then you're silent for a while and let people chew it over and think about it, and then you come back and discuss it some more until you build that consensus. And that process, which would have eventuated just in any group of ten or twelve Micronesian people, was made more difficult by the fact that these were people from five or six culturally distinct locations within Micronesia, and it was made even more difficult by the fact that these were, as I said before, representatives rather than people who were making decisions for themselves.
- Willens: Another point you made was the question of leadership. Certainly Ambassador Williams had a practice of trying to deal with Chairman Salii and I guess his co-chairman, Representative Silk, on a personal basis, and it proved on the whole to be a useful means of communication between the two delegations. Do you have any sense as to whether the Chairman and Representative Silk had any authority to speak for the Joint Committee, or were they necessarily required to go back and consult with respect to each matter of importance that was presented to them?
- White: I think very definitely when we're dealing with the matter of substance they had to go back and consult, and you had some tremendous people on this Committee in the early years, as well as later. Lazarus was a brilliant man. Andon Amaraich was and is a brilliant man.
- Willens: Can you describe Chairman Salii a little bit further? What kind of a person was he?
- White: You want to use the adjective "mercurial" when you talk about him. Smart man. He was Lenin to Amaraich's Trotsky, if I can use a bad comparison. He was the magnet, he was the political leader, he was, if there ever was a political leader in Micronesia that people could galvanize around, Lazarus was it. He was a natural choice to head the political status delegation because of his personal magnetism. He was a real quick study, not only in learning about the nuts and bolts, but in learning how people reacted and how people inter-reacted with each other.
- Willens: What kind of political support did he have in Palau?
- White: Lazarus was a popular man. He was subsequently elected President of the Republic, but he was not above the fray, like maybe Tosiwo Nakayama in Truk.
- Willens: So he was not above the fray?
- White: Absolutely not.
- Willens: What do you mean by that?
- White: Well, he was contested every time he ran for office. That's, just the way things are in Palau.

I think people recognized how good he was, but there are other considerations besides that.

Willens: One aspect that comes through the documents in this period and a little bit later is that he became increasingly frustrated with the work of the Committee and the failure of the Congress of Micronesia to take some of the steps that he thought were required to move forward. There were several aspects to this. One was the so-called pro-independence movement that had some leadership in Truk but had representation in other districts as well. Do you have any sense as to how significant the independence view was in the Congress of Micronesia in late 1971 and 1972?

White: My sense of it was that it was some people may have been serious about it, but I viewed it more as a negotiating ploy than anything else. I think that if Micronesia had to live with independence, Micronesia could very well have lived with independence. So I don't think it was an alternative that they weren't prepared to accept. But I don't think it was ever the majority of people's first choice, although I think there were some people who felt that independence would be appropriate.

Willens: There are U.S. documents that evaluate, or tried to evaluate, Micronesian sentiment at the time and often suggest that there were some active Peace Corps or former Peace Corps personnel or a religious figure whose name I forget . . .

White: Father Hezel?

Willens: Could be. People who were actively engaged in stimulating an independence movement. Do you have any sense of this?

White: Did they mention my name or what?

Willens: No, your name was not mentioned that I have seen.

White: A Congressman, Charles Dominick, made a speech early on in the Congress of Micronesia that echoed Dr. King's "I have a dream" speech or something like that. He got attacked for it, and I kind of defended him in a letter to the paper, for which I took some grief from Peace Corps. So I was, I suppose, marked by the U.S. Administration as someone who was trying to foment independence, as if I could foment anything with people like that.

Willens: I'm referring to the later period, after you have left the Peace Corps in terms of the independence advocates during 1972, 1973.

White: I couldn't push an agenda on these people. I'm not sure anybody could. Paul Warnke couldn't. These people do what they want and these were brilliant people. Look at the people you had here. You don't tell these people what to do. All you could do is give them choices and give them facts. They made the decisions. Lazarus Salii would have wound up being President of Palau. Tosiwo Nakayama, who wound up being the President of the Federated States of Micronesia. Andon Amaraich, who's a Justice on the FSM Supreme Court. Bailey Olter, who is now President of the Federated States of Micronesia. Eddie Pangelinan, who had a glorious political career here in the Northern Marianas until he decided for family reasons to move to Washington. These were giants, these were the founding fathers. Nobody told them what to do. I mean some snotty little Peace Corps volunteer certainly couldn't do that.

Willens: How about Representative Silk?

White: Ekpap was not as brilliant a man as the rest of them were.

Willens: What's his first name?

- White: Ekpap, E-K-P-A-P. I don't know why he was co-chairman unless it was as a surrogate for Amatu Kabua who was not on the Commission that early. That's the only thing I could figure, but that's just speculation.
- Willens: You mentioned Paul Warnke's name. When did he first become counsel for the Joint Committee?
- White: I don't know when he was hired, and I don't recall participating in that decision. I do recall being with him in the Washington round of negotiations which . . .
- Willens: That would have been in 1972.
- White: Well, he was there in Palau, also.
- Willens: Right. There was a set of negotiations in Palau 1972, that I'd like to turn our attention to. Do you recall, in view of what you said about the Joint Committee's reaction to the previous round of negotiations, what the general thrust of the Joint Committee was in the 1972 negotiations in Palau?
- White: We were just moving forward. We were going to negotiate an agreement. I think at that point everybody knew what the position of the Northern Marianas was. Its representatives and senators had made it real clear in speeches on the floor of the Congress and in other forums that they had their own political aspirations which were different than ours. We anticipated the presentation of a request for separate negotiations, and I think you, in your memo to me, referred to an opinion that Paul wrote—I guess Paul wrote it—and I signed off on it (or maybe it was the other way around, I really have no independent recollection of it) anticipating that they were going to make a request for separate status negotiations and what our legal position ought to be on that.
- Willens: Did you have any inkling before the April 1972 negotiations in Palau that the United States had decided to agree to a request for separate negotiations if it was presented to them at that round of negotiations?
- White: No, I think we hoped that they wouldn't. I think—I'm very sure on this point—that every signal they had given us to that point was that they would negotiate with Micronesia only as whole. I think the practical realities of the situation dictated that they change their position not so much because of sympathy for the aspirations of the Marianas but more because of what the United States wanted out of this agreement. I think that they thought that a divide and conquer strategy would allow them to achieve their objectives a lot more quickly and a lot more easily than dealing with Micronesia as a whole.
- Willens: You're referring in particular to their military requirements for land in the Marianas, is that correct?
- White: Yes.
- Willens: Is it your view then that if the Micronesian negotiations had proceeded in a more promising way from the U.S. perspective, then they would not have agreed to the separate negotiations with the Marianas?
- White: Yes, I think that's correct. I don't think the U.S. really wanted to have to deal with a lot of little governments out here. I don't think they ever liked that idea from an administrative standpoint. I think they turned to that alternative only when it became the path of least resistance in terms of achieving their goals.
- Willens: Did you have any dealings on behalf of the Joint Committee or the Congress of

Micronesia with the United Nations Trusteeship Council or its visiting missions that were sent to Micronesia every three years?

White: I staffed, for a couple of years, our delegation to the annual Trusteeship Council meetings and, if I'm not mistaken, I did that from 1972 or 1973 through 1975 or 1976, I'm not entirely sure. That would have involved writing the principal speeches. I don't remember touring with the annual U.N. delegations, although I may have.

Willens: The United Nations consistently took the view that the United States should discourage separate negotiations.

White: Yes, and we played on that.

Willens: What do you mean, you played on that?

White: We used that as ammunition to try to get the United States not to agree to negotiate separately. Here's the United Nations position; you ought to follow it.

Willens: You do recall that during the Palau negotiations, the Marianas representatives Pangelinan and Guerrero made a written request for separate negotiations and the United States, through Ambassador Williams, agreed at that time. There is some indication that the Joint Committee acquiesced in the request being made by the Marianas representatives. Can you clarify exactly what the view of the Joint Committee was at that time?

White: Here the years are really getting in the way. My sense of it now is that at that point the Joint Committee realized that the Northern Marianas was going to go its separate way, a way that was different from the way that the rest of Micronesia was heading down.

Willens: Did it basically feel it had no choice but to acquiesce in what the Marianas representatives wanted to do?

White: Non-confrontation. I'm not sure that they could do anything about it even if they wanted to put up a fight. What were they going to do, say no? The United States would have said, as gently as it chose to at the time, well, sorry what you feel, we're going to negotiate with the Marianas anyway. So there may have been some face-saving involved there too.

Willens: One aspect of it that interests me was that you and Mr. Warnke did stake out a legal position in your letter dated April 11, 1972 to the effect that the Joint Committee more or less had exclusive responsibilities for negotiating political status on behalf of all of Micronesia, and this was a reasoned position and one that was subsequently presented in court several years later. Was there any serious thought given in 1972 to instituting a court action in an effort to enjoin separate status negotiations?

White: I was about to say there must have been, which is the reason we wrote this opinion, but I don't ever remember any discussions that ever got that far.

Willens: Well, why was the letter written?

White: We were probably asked what's the legality

Willens: Did you ever received a response to this?

White: I don't ever recall receiving one.

Willens: Did you have any contacts in the course of your work for the Joint Committee with counsel for the United States?

White: I remember dealing occasionally with Herman Marcuse, the person to whom I think you're referring. I don't remember having any direct correspondence with him over future political status issues.

- Willens: What was your assessment of his role in advising the U.S. delegation?
- White: I don't remember him being a major player. He may very well have been, but my recollection of it is that, while Ambassador Williams was getting position papers from people, Ambassador Williams was the fellow who was calling the shots. He was the only one who was speaking, if I recall correctly, at our negotiations with them, and we dealt with him and nobody else.
- Willens: Was Jim Wilson his deputy during some portion of the time that you dealt with the delegation?
- White: That's a familiar name, but I don't have any recollection of Jim.
- Willens: Do you have recollection of any of the other senior members of the U.S. delegation that were involved in these negotiations?
- White: If you ask me now, I'd have to say no. If you mention some names, then you might jog a memory.
- Willens: Well, one interesting name actually in view of recent developments is Captain Crowe, who has just now been designated to be Ambassador to the United Kingdom under the Clinton Administration. He was with the U.S. delegation, I think, for a period of perhaps two years before he went on to assignments that were more congenial to him. Do you have any recollection of him?
- White: Absolutely. I remember him in Palau in 1972.
- Willens: What was your impression?
- White: That he knew what he was doing. The fact that a military man had been appointed as head of the U.S. negotiating team reinforced in my own mind the importance of the military considerations from the United States' point of view in those negotiations. At that time, I felt that he was not as skilled a negotiator as some other people, Paul Warnke for example, but that he was a man who knew what he wanted and was going to get it.
- Willens: With respect to the U.S. military requirements in Micronesia, was it your view then that the requirements would ultimately be agreed to by the Micronesians, or was it your sense that there was a strong resistance that would ultimately require the U.S. to reshape its requirements?
- White: Given the continuation of the political conditions that existed at the time, I don't think the United States was ever going to change its position. I think history changed the U.S.'s position more than the United States deciding well, we can live without this. I think events of history caused them to change their position. I think eventually there would have been some kind of agreement. I don't think the United States could have forced anything down Micronesia's throat. But I think that sooner or later there would have been an agreement. I don't think military rights in the Northern Marianas were terribly important in the greater scheme of things or the ability to use Babelthuap, or a missile range in the Marshall Islands. I think that the idea of military involvement, once that went down the gullet, the exact scope of the United States' military rights would have just been a subject for negotiation. And I think everybody realized at the time that the only basis for this agreement was what the United States wanted in terms of military rights. Once that was accepted, there was going to be an agreement.
- Willens: The U.S. papers on the subject also emphasize the aspect of denial, that is, to have a relationship with Micronesia either as a whole or through separate entities that would at least deny this part of the Pacific to any other foreign power.

- White: That was certainly, we felt, an objective of theirs, but I don't think we ever thought that they were really going to fall back that far.
- Willens: You mean that they would always continue to insist on some specific rights and particular properties as part of the negotiations?
- White: Yes. And I think in point of fact the only time they actually agreed to denial was after the Marshalls and the Marianas were separated out and Palau was separated out and they got essentially what they wanted in terms of land requirements and use rights in those places. Then they agreed to denial with the rest of Micronesia.
- Willens: To what extent do you think the decision to conduct separate negotiations with the Marianas contributed to the fragmentation of Micronesia?
- White: I think it was a significant factor. An extremely significant factor. If the United States had taken the position "Look, we're going to negotiate with you all together or we're not going to negotiate at all," I think Micronesia would have hung together.
- Willens: One of the interesting aspects of that is reflected in the deliberations of the Joint Committee and within the Congress of Micronesia during the early 1970s suggesting that Micronesian unity, in the words of some Micronesians, was more of a dream than a reality. The suggestion was that any effort to keep Micronesia together as a whole would have produced a very weak central government and it would have been necessary to have delegated to the individual districts or states important responsibilities in the areas of finance, economic development, and so forth.
- White: I don't have a problem with that statement. That seems to be what's occurred in the Federated States of Micronesia now. But that's still unity. You're not talking about a strong central government. I don't think anybody in Micronesia was ever talking about a strong central government. The idea of Micronesian unity could co-exist with the idea of not having a strong central government. There was no inconsistency in those ideas.
- Willens: At what point did the separatist movement in the Marshalls and Palau become substantial, in your judgment?
- White: In Palau I would have to say the mid-1970's.
- Willens: And in Palau, what in particular motivated or precipitated that separatist movement?
- White: I really wasn't privy to that. I remember Lazarus fought it to the extent that he could as a Palauan. I remember Kaleb Udui and the people that he was politically allied with were among its prime proponents. I don't know why I assume as the cynic says, that the answer is enlightened self-interest. I don't know. The Marshalls was always Amata Kabua's show as far as I was concerned. Nothing had happened there that didn't have his imprint on it, and I think he felt that he was being asked to sacrifice the most for the sake of Micronesian unity, and he wasn't prepared to do that. He wanted it all for the Marshalls.
- Willens: Was it the sense in the Marshalls that because they had one of the principal properties desired by the United States that they should take advantage of that for their enlightened self-interest and negotiate a status relationship by themselves with the United States?
- White: Yes, but understand that all that happened after I ceased to be involved with the process. That's what I think happened.
- Willens: And you departed from the process in about 1976?
- White: June of 1976.

- Willens: And did you then begin in private practice?
- White: I had been in private practice part time for a year or so before that. I was transitioning over the last year.
- Willens: I see.
- White: I think everybody understood that.
- Willens: Going back to 1972, after the Palauan negotiations in April of that year, the Congress of Micronesia met in August in Ponape, I believe, and at that point provided new instructions to the Joint Committee. In particular, the Joint Committee was instructed to negotiate independence at the same time that it was exploring the free association alternative. Do you have any recollection as to what caused that Congressional decision in August of 1972?
- White: I think that was a little frustration with the lack of progress in the negotiations to some extent, and I think it was a negotiating ploy to some extent.
- Willens: Your comments would suggest it did not reflect increased political strength for the independence movement.
- White: No. I think it reflected an increased awareness of independence as an alternative possibility.
- Willens: Were there people associated with the Congress either as members or as staff who were beginning to study independence as a status alternative with more specificity than had been done previously?
- White: Not as a driving force. Not as an objective. As an alternative, yes. But only because things weren't going well in the progress toward free association.
- Willens: And was it the sense that things weren't going well because the negotiations had been very slow to reach agreement on particular subjects?
- White: Yes.
- Willens: Do you think it was a realistic assessment at the time by the Congress that the negotiations with the United States should have proceeded more expeditiously?
- White: Yes. And I'm not talking about speed so much as I am in what they expected the United States to agree to.
- Willens: Were there particular areas, whether it's money or land requirements, that you're thinking of in that connection?
- White: The thing that sticks in my mind at this point is foreign relations. Micronesia expected to have a much freer hand in conducting its relationships with third countries than the United States seemed to be willing to permit at the time. There must have been other reasons as well. It's my recollection there was [disagreement] on money for a long period of time, and that may have been part of it as well.
- Willens: From time to time names of various consultants to the Congress of Micronesia appear in the records. A Dr. Gladwin's name is mentioned. Did you have recollection of a Dr. Gladwin?
- White: Dr. Gadfly. I want to be charitable; I understand he's deceased now. He was our resident radical. I'm not sure that, as Micronesians in general and Lazarus in particular became more sophisticated, anybody took him seriously.

- Willens: Was he the Australian?
- White: I thought he was from Hawaii. He provided, I think, an effective counterpoint. He was a source of ideas, although again I'm not sure anybody took him very seriously. Micronesians have a real way of figuring out after a fairly short time who's deceiving them and who's really there to help. I think Gladwin had his own agenda, which was independence, that he was there to push. I think his ideas got filtered through the powers that be, through the Committee, and they accepted some of it and rejected most of it. But then Tom was as important as anybody else who was a consultant to the Committee in the sense that he did have some input.
- Willens: You remember Eugene Mihaly?
- White: No.
- Willens: Do you remember any other consultants?
- White: Fred Kluge.
- Willens: That's K-L-U-G-E?
- White: Yes.
- Willens: What were his responsibilities?
- White: Mostly public relations and writing things. I still see Fred and correspond with him on a regular basis. He's in Manila now. As a matter of fact, his wife Pamela Hollie is working for the Asia Foundation, which is headed by Ambassador Williams.
- Willens: He's now Chairman Emeritus, I am told. Would Kluge have been the one who would have done some of the drafting of speeches or press releases?
- White: Yes.
- Willens: After the Congress of Micronesia provided these new enlarged directions to the Joint Committee, there was a fifth round of negotiations, or was it the sixth, in Washington in late 1972.
- White: July 12 through August 1 was the fifth round.
- Willens: That's right. And then there was a sixth round in Washington later in October, wasn't it?
- White: No, the sixth round was in Barber's Point, Hawaii, in September and October of 1972.
- Willens: I guess that's the one I'm referring to. It was at that round of negotiations when the Joint Committee was asked by Ambassador Williams to explain its continued authority to speak for the Congress of Micronesia and its commitment to the status of free association in light of what the Congress of Micronesia had done in August 1972. Do you have any recollection of that particular round of negotiations?
- White: I'm sorry, was thinking about something else while you were talking. Could you state that again?
- Willens: I'm just interested in your recollections about the Hawaii negotiations in late 1972 where the U.S. delegation had to deal with the fact that the Joint Committee now had revised instructions from the Congress that directed it to investigate independence as well as free association. This led to what I would characterize as an impasse in the negotiations with the parties agreeing amicably to recess and consider each other's position in light of this new development. Do you have any personal recollections of that round of negotiations?

- White: I remember being there. I am leaving now as we speak through the proceedings of that round of negotiations, which are remarkably slim. I think there were just basically some opening speeches and as you suggested, a decision to retire and consider things.
- Willens: Before every formal statement there seem to have been private meetings between Ambassador Williams and Chairman Salii that were memorialized by the U.S. side and which I have had the opportunity to read. Were you present at any personal meetings involving Chairman Salii and Ambassador Williams?
- White: No.
- Willens: Do you know whether Paul Warnke was?
- White: I don't know; I suspect not. Those were face-to-face meetings that I think both Chairman Salii and Ambassador Williams found valuable for their own purposes, and my recollection is there was no staff there. Paul may have been there; he certainly had a larger role in the negotiating process than I did.
- Willens: Do you remember what Chairman Salii's personal views were about the new instructions from the Congress of Micronesia?
- White: What his personal views were?
- Willens: Yes.
- White: Again, my sense of it is that he didn't view independence as the first choice. He was committed to what was called free association, but I think he was prepared to discuss independence if the negotiations toward free association failed.
- Willens: Ambassador Williams, based on the records, took a very strong view that the new instructions called into question the validity of the ongoing negotiations, and that position was, it appears, taken deliberately and expressed forcefully. The record suggests that Chairman Salii and, to some extent, Paul Warnke, wanted the negotiations with respect to a draft compact to go forward.
- White: We did. Very definitely.
- Willens: How did you think that the drafting of a compact could go forward under these circumstances?
- White: I don't think we ever expected the United States to do what it did.
- Willens: How would you characterize what they did?
- White: Essentially to walk out of the meeting, say we are not going to talk with you anymore. I really thought that they would increase their efforts to negotiate a compact of free association.
- Willens: Your view was that the alternative of investigating independence was something that need not be turned to until further efforts to draft a compact proved unsuccessful. Is that your sense?
- White: That's my view of it now, yes.
- Willens: When the United States took the position that it did, what do you recall the Joint Committee deciding that it should do with respect to future negotiations?
- White: Well, in point of fact we did go back and negotiate some more. I don't think we ever gave up on the idea of negotiating. The Joint Committee on Future Status subsequently made a trip; it divided itself into two, and then half of it went to the eastern districts and half of

it went to the western districts in 1973 and tried either to ascertain the will of the people or to validate its own position that independence was a viable alternative. I think they got the mandate, they felt they got the mandate that they wanted from the people.

Willens: Which was what?

White: To negotiate free association with independence as an alternative. In point of fact, we did get back and resume negotiations in Washington in November of 1973. So there was an impasse for a year or so, but we started talking again.

Willens: In late 1972 there was an effort by Chairman Salii and Ambassador Williams to continue negotiating with respect to a draft compact, but it fell apart, as I understand the situation, for a number of reasons. One of those reasons was that the Palauan Chiefs had decided that it would be necessary to have all public lands of the United States returned to the Chiefs in Palau as a precondition for further negotiations. This position was subsequently presented by Chairman Salii to Ambassador Williams at a meeting in Hawaii in early May 1973, and it contributed to continued impasse until, as you say, the parties got together again later in that year. Do you have any recollection of the significance of the Palauan declaration so far as the negotiations were concerned?

White: No, I don't. My perception of the land question is—I approach the land question with a perspective that was so different from everybody else's that maybe I don't attach the same significance to land questions as Lazarus and other people did. I remember, now that you mention it, this demand coming from the Chiefs of Palau. As you mentioned it, I remembered thinking that no matter what happens, the land is going to go back to the people of Micronesia in one form or another, and we shouldn't have to deal with this as a precondition to future negotiations. I'm not sure how seriously Lazarus took it, because land means a lot more to a Micronesian than it does to an American in Micronesia; it's a whole different cultural approach to it. So, I don't know how seriously he took it.

Willens: One other thing that happened that contributed to the extended deferral of further negotiations was the enactment by the Congress of Micronesia in early 1973 of Senate Joint Resolution No. 38 that specified that the Joint Committee had "sole authority" to negotiate future political status for all of Micronesia. This was debated in the Senate at a time when the visiting mission from the U.N. was present, and it was enacted by relatively slim margins in both Houses of the Congress of Micronesia. Do you have any recollection as to what precipitated that resolution in early 1973?

White: Would that have been the first session after Palau?

Willens: Yes, it would have been the first session of the Congress of Micronesia after the session of Congress in Palau, yes, I think that is correct.

White: No, after the negotiations in Palau.

Willens: No, because the Congress met in Ponape in August of 1972, but relevant to what you just suggested, the first session of the Marianas negotiations had been in the previous month, in December 1972. So, the separate status negotiations had already opened formally in December 1972, and the Congress met a month later. My question goes to why it was now that the Congress decided to stake out a very definitive view in opposition to those separate status negotiations?

White: I don't remember. I really don't. I'm trying to find some justification for it in my own mind, and I just can't.

- Willens: It was timed beautifully in the sense that it was taken by the U.N. visiting mission to mean that the Congress of Micronesia now had changed its position from acquiescence in separate status negotiations to opposition, and that was relied upon by the visiting mission in its subsequent report.
- White: Well, I assume that people in the Congress felt that they could get some negotiating mileage out of that. That's really my own assumption.
- Willens: You don't remember personally having any involvement in drafting it or advocating it?
- White: I may very well have drafted it. I was drafting most of the stuff, the legislation that came out of the Congress in those years, between Kaleb Udui and myself. There were other lawyers that were involved, but I think between me and Kaleb we were, by far, drafting more than anybody else. So, I may very well have drafted that, but I don't have any recollection of it. I personally did not advocate any particular position on the issue of separate negotiations; that was not my function.
- Willens: Another thing that happened during that Congressional session was the failure of the Congress again to enact a constitutional convention bill. Chairman Salii, for at least two sessions and maybe more sessions of the Congress of Micronesia, had been urging that there be a Micronesian constitutional convention bill because it would, among other things, start the process toward increased self-government that in turn the United States would have to deal with and would move the negotiations forward.
- White: Absolutely.
- Willens: Do you have any recollections as why it was that these proposals for a constitutional convention were not enacted?
- White: I don't remember. I remember Lazarus feeling and I agreeing with him at the time that having a Micronesian government in place through a constitution, or at least having a constitution, would provide a legal power base for future negotiations.
- Willens: Why would anyone be opposed in the Congress of Micronesia to taking this step forward?
- White: I would really have to look at the debate on this and see who said what. But I think the answer to that is that members of the Congress realized that the Trust Territory was going to fragment, and they wanted to lock in their own relationship with the United States before they locked themselves into a Micronesian government.
- Willens: That's certainly possible. There was a very thoughtful speech given by Nakayama at the time suggesting that the Micronesians had an important task to educate themselves and deal with their own economic problems and, to some extent, there was implicit in that speech a suggestion that the Congress should move more slowly on the political status front and address some of these other Micronesian problems. I don't want to misstate, yet it was, as I say, in my judgment, very thoughtful. Do you have any recollection that there was some sense within the Congressional leadership that one should not move too rapidly toward a future political status?
- White: That's certainly the Micronesian way and wouldn't be inconsistent with what you read. I also remember the thinking, at that time, that the United States hadn't fulfilled its Trusteeship obligations and they weren't going to do anything to terminate that relationship until the United States did. That was sort of a self-defeating position. I think people realized that after a while.
- Willens: Why was it self-defeating?

- White: Well, the United States would have been perfectly happy to let the Trusteeship go on forever.
- Willens: Some departments in the United States government might well have taken that position; others would not. I think you're right, though. There was certainly evidence that the infrastructure hadn't been developed adequately; there was a great need for more political education; the whole economic development area had been neglected in the view of many; and these were all responsibilities of the administering authority. Is that your sense of it?
- White: Yes.
- Willens: One aspect of the constitutional convention issue in the Congressional session in early 1973 was that a compromise was presented which would have assigned to the Joint Committee the responsibility of drafting the constitution, and Chairman Saliu opposed that on the grounds that there's a time, he said, when you should do nothing, having had his proposal defeated. Do you have any recollection of how that kind of a proposal might have developed?
- White: I thought of several things as you were speaking. One was first Lazarus was always under a lot of criticism that he was not doing things the Micronesian way, and that is specifically that he was being too much of a leader. I don't want to say jamming things down people's throats, because that wasn't his way. But Lazarus was always impatient to get the job done, and he was under criticism from some quarters for going a little faster than many other Micronesians wanted to go. I think he may have viewed the proposal that the Joint Committee draft the constitution as contributing to that criticism, that is, that the real government of Micronesia was the Joint Committee. That wasn't how he wanted to be perceived. I also think that he recognized that the government of Micronesia was going to have to be by consensus and that the only way that the entity could survive was under a popularly-drafted constitution. The sentiment for a constitution which was dictated, so to speak, was based upon a recognition of the fact that it is difficult to get people together in Micronesia, both physically and culturally and get them to agree on a document that is as complicated as a constitution.
- Willens: When ultimately was there a constitutional convention, was that in 1975 or 1976?
- White: 1975, I believe.
- Willens: Did you participate in that?
- White: Only very peripherally.
- Willens: Who were the lawyers that may have played an active role in staffing that convention?
- White: I remember Fred Kluge was there. He wasn't a lawyer. The other lawyers of the Congress of Micronesia participated in it. I don't recall why. Basically, I remember holding down the fort up at the Legislative Counsel's office.
- Willens: And by the time of the constitution convention in 1975, as I recall, the Covenant had just been approved in a plebiscite in the Northern Marianas, and I believe the Northern Marianas representatives did not participate in the convention.
- White: They were there. There were Carolinians there, I remember.
- Willens: Do you remember who they were?
- White: Felix Rabauliman is the name that sticks in my mind.

- Willens: At the time of the constitutional convention in 1975, were the separatist movements in Palau and the Marshalls well established?
- White: Not to my recollection.
- Willens: And so, is it your recollection that in 1975 there was a prospect of a common document emerging from that convention that would apply to all of Micronesia except for the Marianas?
- White: Yes. I think we all had our doubts about the Marshalls at that time. It came under the category of hopeful thinking that once they saw what a good product we had, they were going to buy into it, but a recognition of the fact that they probably wouldn't. I don't think anybody expected the compact to be defeated in Palau.
- Willens: Was it a good product that the convention produced?
- White: As good as possible under the circumstances. It certainly was a constitution that any nation can live with, and I think it can even be proud of. It's a constitution that pretty much works. There are some problems with it, but there are with any constitution.
- Willens: Are any of the entities now presently operating under a version of that constitution as the Federated States?
- White: Yes.
- Willens: Is it in fact living under the constitution on the whole that emerged from that process?
- White: Yes.
- Willens: Turning to the Marianas, Mike, do you have any recollection of the negotiations that went on between the Marianas Political Status Commission and the United States delegation as those negotiations were described to you either through the press or through individual conversations?
- White: My only recollection is what I read in the newspapers. I wasn't a party to any of them.
- Willens: Did you have any personal relationships with members of the Marianas Political Status Commission?
- White: I knew them all to one degree or another. I knew Eddie very well, Eddie Pangelinan.
- Willens: How would you evaluate Eddie Pangelinan's performance both in the Joint Committee as you observed him and subsequently in public life?
- White: I think Eddie was very effective. He was an effective advocate, he was an intelligent guy, and I think he did a good job.
- Willens: How about Herman Guerrero?
- White: Herman was unpredictable. Herman had a lot of good ideas and Herman always stimulated discussion. I think Herman definitely would have contributed to the final product in a positive way.
- Willens: There came a time after an early round of negotiations between the Commission and the United States when three members of the Commission went public to object to the pace of the negotiations. The three people who went public were Joeten, Dr. Palacios and Felix Rabauliman. I'd appreciate any recollections you have about each of those individuals.
- White: Okay. All heavily involved with the Territorial Party. Dr. Palacios is half Carolinian and identified I think much more with his Carolinian side. Felix Rabauliman, of course, was Carolinian and leader of the Carolinian community on Saipan at the time probably, and

Joeten, the number one guy in the party at the time. I'm not sure how much of that was a real sentiment that things ought to go slow because this is the way we do things here in Micronesia or opposition to the Popular Party which was down the line unswervingly, unflinchingly committed to a commonwealth status, or whether it had something to do some vestigial desire to remain part of Micronesia. I can't answer your question.

Willens: Joeten withdrew from the Marianas Political Status Commission shortly after the session I am referring to in the public comments that he shared in the *Pacific Daily News*. I've not yet spoken with him and I don't know whether he will share with me his recollections as to why he decided not to participate in the work of the Commission. His assistant, Joe Screen, now deceased, was also serving as an informal consultant on a part-time basis to the Commission, and he, too, withdrew from any active participation. There was some sense at the time that they felt that the people of the Northern Marianas were not ready for a separate political status. There was also some suggestion that their economic interests would be threatened if there were a new relationship which would open up the Northern Marianas to exploitation or investment by United States mainland or Japanese interests. Do you have any sense as to whether these factors might have played any role?

White: I don't want to assign to Joeten, who is an old and dear friend, that kind of a motive, but in retrospect he may have felt that opening the door to United States investment in the Northern Marianas, which is a necessary corollary of commonwealth status and would not have been necessary in a free associated status, may have jeopardized his economic position. At that point in time, Joeten was virtually the private economy in the Northern Marianas. Herman R. Guerrero had his bakery, but he was a minor player. There was Continental Air Micronesia, and Town House may have been operating at the time, Jones & Guerrero, but that was pretty much it.

Willens: What did you say, Jones what?

White: Jones & Guerrero.

Willens: Those are two separate people?

White: No, it's a company, Jones & Guerrero, which operates what's now Payless Supermarket in that little shopping center out there. But, there was certainly no player who was as major as Joeten. He had economic interests that he needed to protect.

Willens: With the benefit of 20 years of hindsight, it appears that his concerns did not materialize. What is your sense of economic development generally in Saipan over the last 20 years and, in particular, Joeten's capacity to survive and thrive?

White: Well, he has had to compete, but he definitely is surviving and he has definitely thrived. I don't think, from an economic standpoint, anybody could say that commonwealth status has been bad for Joeten or for our economy. I think it's been a good thing.

Willens: Do his corporate entities involve investment from Japanese interests, if you know?

White: Yes. He is a partner in a number of investments with a number of Japanese and other Far Eastern firms.

Willens: Is he a partner also with some U.S. firms?

White: Yes.

Willens: So, he basically has been a local participant and beneficiary of investment coming in from those two major sources?

White: Yes.

- Willens: Are there any other foreign countries that have been actively engaged in investment here in Saipan?
- White: The major investment has been from Japan. There has been a lot of smaller investment recently from Korea. Those I think are the principal ones.
- Willens: Did the Nauru government have any interest in the Nauru building?
- White: What kind of interest?
- Willens: Economic interest.
- White: They put up the building. I think, in their own way, they thought it was going to make money and be some sort of insurance for their future. They didn't know, or didn't care about, marketing their building or taking care of it for the longest while. It just sat there empty for the longest time and had the highest rents on Saipan and may still have.
- Willens: How about the other two individuals mentioned? Dr. Palacios, of course, is no longer with us, and I remember he was a very thoughtful, active member of the Marianas Political Status Commission, and I think we enjoyed a good relationship after a time. Why do you think he might have been motivated to argue for a go slow attitude? He ultimately did agree with commonwealth, but there was no question but that in the early deliberations within the Commission he was one who was most resistant to U.S. sovereignty here and most regretful of losing the ties with the remainder of Micronesia.
- White: I think Carolinians, in general, are much more closely attuned to their kin in the rest of Micronesia than the Chamorros were. The cultural and family ties are a lot closer, and I think that was reflected in Dr. Palacios' position.
- Willens: And would you say the same thing about Felix Rabauliman?
- White: Yes.
- Willens: One sense I had was that the Carolinians seemed, putting ethnic concerns aside for the moment if that is possible, to be concerned about their own capacity to deal with a relationship with the United States that might disadvantage them in comparison with the Chamorros, either because of academic training, linguistic skills or cultural habits. Is there any sense that you have as to differences along that line?
- White: No. I never got that sense. That doesn't mean that it didn't exist. You were a lot closer to that than I was. I never heard Felix Rabauliman express anything other than a willingness to tackle the task at hand. I never heard Dr. Palacios express any feelings of inferiority.
- Willens: This is quite clearly not Dr. Palacios' view. That's interesting. So, you basically would suggest in your recollection that it was primarily the ethnic ties with other portions of Micronesia that argued within the Carolinian community for a somewhat more concerned view about this separate approach.
- White: There are not only ties of family between Carolinians and other peoples in what is now Micronesia. There are strong cultural differences in the way Carolinians approach things from the way Chamorros approach things. Carolinians, much more like the rest of the Micronesians, tended to want to sit down and think about things rather than go forward full speed ahead, and they wanted to build a consensus in their own community and be sure that there was a consensus before they committed to something. I think that in general (again I'm generalizing, which isn't a good idea) the Chamorro segment of the population, and in particular the Chamorro members of the Marianas negotiating team, wanted to proceed a lot more quickly than Carolinian members felt comfortable with

for cultural reasons. Again, you always have to remember that Carolinians are an ethnic minority here, and I think they did want to make sure that they weren't going to be placed at a disadvantage in the relationship between the U.S. and the Marianas. So I think there was a certain natural caution there too. Also you have to remember again who's in what political party and the fact that if political party A says A, political party B is almost always going to say B.

Willens: What do you think the Chamorro members of the negotiating team and more broadly the Popular Party felt they were going to gain from a commonwealth relationship with the United States?

White: Physical security and money. In terms of physical security, I think they were concerned with military considerations also, but I think that the opportunity to live and work in the United States and having a United States passport had a tremendous amount of appeal. Everybody here has some family in Guam who were U.S. citizens at the time, and Guam was economically much better off than the Northern Marianas was at the time, and I think there was a certain amount of envy. I think a lot of people had relatives in the United States, they all had what by Northern Marianas standards were great jobs, and to a lot of people their idea of happiness was to buy a house in San Diego and live there.

Willens: And a house in San Diego was going to be a part of the new relationship, they hoped.

White: That's right.

Willens: So the rhetoric about the American way of life and the Bill of Rights and freedoms you are suggesting politely was more rhetoric than real.

White: No. I think we are looking at the same thing from different perspectives. I can't disagree with what you are saying. I just may put a different emphasis on it. I think the Bill of Rights was important to people. I think being a part of the American political and economic system was at least as important.

Willens: Do you recall our encounter the morning of the signing of the Covenant on February 15, 1975?

White: When I went on that fool's errand in court to try and block it?

Willens: Could you recall for us how it came to be that you filed on February 14, 1975 a motion to enjoin the signing ceremony set for the next day?

White: All I remember was that Oscar Rasa had approached me to do it, and I did it.

Willens: And was he member of the Congress of Micronesia at the time?

White: I believe he was.

Willens: And he was a member of the Marianas Political Status Commission.

White: Yes, he was.

Willens: Did anyone else consult with you about filing such an action?

White: You mean a potential plaintiff? The reason I ask that question is that I must have asked my superiors at the Congress of Micronesia. I would have had to have done that, but I don't have any specific recollection of doing that.

Willens: Were you paid for your services?

- White: No. I was working for the Congress at that time. I was just getting my salary, not getting any extra from the plaintiff. Did anybody else approach me? I don't know. Felix may have; I don't have any recollection of it.
- Willens: Were they aware that you and Paul Warnke had nearly three years earlier developed a legal position that could be presented to oppose such a negotiation?
- White: I don't know. They wouldn't have come to me with that much sophistication. Like most clients come to a lawyer, they would have come and said, I've got a problem. Do something about it. I don't have any specific recollection of my meeting with Oscar, but that's what he would have told me: I want to stop this signing. Can you do something?
- Willens: What is your recollection of the day itself and the hearing in court?
- White: I remember the courtroom being packed. I remember being scared to death because it was really my first case of any size or importance. I remember holding my own in argument, although you certainly outclassed me there. I remember Judge Burnett ruling from the bench against me, and I remember the courtroom breaking into applause. I remember feeling humiliated.
- Willens: Well, there's no need to feel humiliated. I mean it was a substantial legal issue, and I do think the Judge as I explained it later probably felt he had no choice but to deny the request for injunction. My recollection is that there were lots of people outdoors as well. That it was a very sunny day and that the small courthouse. By the way, does it still exist?
- White: Yes. It's still being used by the Superior Court as the main courtroom.
- Willens: I remember it being packed as you do and there were many people outside and that they'd heard about this. Do you recall how people knew this was going to happen?
- White: It's a small community and everything gets around. There were newspapers back then, and I don't specifically remember how, but it would have been the biggest thing going on at the time.
- Willens: I haven't reviewed the newspaper coverage to see whether it alerted people to this, but as you suggest, the word had gotten around. My recollection is that you did not seek to enjoin the United States and that you had not named them as a defendant but directed the motion toward the Marianas side in the District Legislature and the Marianas Political Status Commission. That as a result, the United States didn't have any role in opposing your motion.
- White: No, they didn't. I'm not sure that we wanted the United States in, and I'm not sure we had jurisdiction even if we did want them in.
- Willens: I think that's right. I don't remember what the jurisdictional issue was, but I think there were some reasons why one would have wanted to keep the United States out in any event.
- White: Yes. I knew Judge Burnett was going to have a hard enough time ruling in my favor. I certainly didn't think he was going to rule against the United States, if the United States were a party. That's just the political reality; he was just a United States political appointee and could essentially be fired at any time.
- Willens: Did you suffer politically or any other way in the Community as a result of your undertaking this lawsuit?
- White: Not for long.

- Willens: Did you ever discuss it with any member of the U.S. delegation as to what you had done and why you had done it?
- White: No, not that I can remember. I may have talked about it with Ambassador Williams, but I really don't have any specific recollection of it.
- Willens: Do you remember whether Ambassador Williams had any views one way or the other about lawyers in general?
- White: [Laughter] I really don't. We've gotten, I won't say close, we've gotten I think a lot more civil to each other in the last couple of years than we ever were back then. We talk about once or twice a year now when he passes through, like old warriors, kind of like we're doing now.
- Willens: Now he continues to take a very keen interest in the place. There's no doubt about it. Turning then, just sort of in conclusion, Mike, I would appreciate any thoughts you have about the successes and problems in the Commonwealth over the past 15 years. You've mentioned in passing economic development. Do you have any comments that you feel free to make about the political structure here and the extent to which the political parties have been able to operate under the constitution?
- White: Let me make a couple of observations here. I want to say first off that I think that the chickens have come home to roost, and I don't say that with any bad feeling at all about what was negotiated. I think you've got exactly what you negotiated. I think on the part of the Marianas political status negotiators they got what they wanted, but what they wanted was a relationship that would to a certain extent define itself as it went along, and I think that they wound up putting a lot more trust in the United States government than in hindsight should have been placed in the United States government. In the last couple of years I think the United States has attempted to treat the Northern Marianas as if it were a territory instead of what I think the Northern Marianas expected that relationship to be. But that's permissible under the Covenant.
- Willens: Which specific actions are you referring to?
- White: Well the fact that we've had to report to the Department of Interior for everything. The business with the Inspector General and the fact that the United States District Court can still make decisions which affect our future. I'm not saying these are bad things. These are what was negotiated, but I don't think anybody realized at the time that given today's sensitivities some of these things weren't going to be politically acceptable. The other thing that I want to mention is something that I think was the key to the status negotiations for Rota and Tinian, and that is the extent to which they got a stranglehold on this government. I think as much as anything else that's holding us back. Nothing happens if it doesn't go through the Senate, and Rota and Tinian own the Senate.
- Willens: Is there any way in your judgment to deal with this?
- White: Well, you'd actually need to amend the Covenant, wouldn't you? Because the Covenant does require the representation that they have in the Senate.
- Willens: The hope was, of course, that recognizing the power that they had that over time there would be a sense of accommodation and the two Houses of the Legislature would make an effort to act in the interest of the overall community. I realize that's easier said than done in any political setting.

- White: It hasn't gotten better. I think when it's us against them, when it's the Northern Marianas against the outsiders so to speak, all the political forces here pretty much unite. When it's fighting over the spoils, locally, nothing gets done.
- Willens: Do you think that some of the actions taken by the United States Government in recent years have been precipitated by perceived shortcomings in the Commonwealth government?
- White: Very definitely. I think that's what Congressman Miller's crusade is all about. I think it's a very defensible proposition that nonresident workers, the labor situation; has gotten out of hand both in terms of numbers and in terms of the way they're treated.
- Willens: Do you personally have any involvement in the garment factory situation?
- White: None at all.
- Willens: Have you personally observed the conditions under which some of the workers live?
- White: Very occasionally. I wouldn't purport to say that I've seen a fair sample.
- Willens: But as a more general proposition, the influx of alien laborers here and the way in which the government treats them, I would say have far exceeded the projections that were made 15 or 20 years ago.
- White: Yes, no question about that.
- Willens: And is it your judgment that on balance this has been a negative development for the Commonwealth?
- White: I don't think that the development per se has been negative. I think that the influx of foreign labor has been so poorly managed that it's been allowed to become a drain on our infrastructure.
- Willens: How about infrastructure generally? Have there been major accomplishments or deficiencies?
- White: I think our development situation has gotten a lot better. I don't think the water situation has gotten much better, if at all. Some roads have been paved in the last year. In terms of infrastructure, it's still pretty much Third World. It's very disappointing.
- Willens: How about the social services, including education and health?
- White: I don't think education is any worse than what you would find, say, in a city school system, a big city school system. This is not to say it's very good.
- Willens: Are there opportunities for students to go to the United States on scholarship?
- White: Yes.
- Willens: Can any student who wants to go to the United States and is qualified get a government-supported scholarship?
- White: Yes. That's my understanding.
- Willens: Is this taken advantage of?
- White: Yes, I think so. I think the opportunities are there. I don't think anybody is denied an education because of lack of opportunity. I think that the problems are really more fundamental. The lack of use of English in the home, the lack of the reading tradition, the lack of knowledge as an objective in and of itself such as one finds in some Oriental cultures, for example, I think holds back a lot of people.

- Willens: Is there no tradition of reading in the local community that facilitates study habits?
- White: Anybody who has ever opened a bookstore here has failed. There is no bookstore, which is incredible for a community of 40-45,000 people. People don't read. Our library just opened, a year or two ago, for the first time. Hopefully that'll become a galvanizing force in changing some educational habits around here. But even that limited resource wasn't available until very recently.
- Willens: How about health services?
- White: Adequate if you're not seriously ill. I think they're better than they were 20 years ago. I don't think they're where they ought to be today, given the size of this community and the fact that the American flag flies here.
- Willens: There were some developments in the late 1970s or early 1980s under the first administration or two here where the management of federal monies out here aroused some concern back in Washington, and the Commonwealth government agreed to certain limitations and, in the view of some, compromised the measure of self-government that they had in order to ensure continued access to federal funding. Do you have any sense as to how in the very early years the Commonwealth government dealt with its new responsibilities?
- White: Let me answer that by saying I think the way our government spends money is extremely wasteful and inefficient in many cases. I think that our legislature is bloated far beyond where it ought to be.
- Willens: There was an effort in the Second Constitutional Convention to restrain that tendency as I recall.
- White: That was quickly gutted.
- Willens: What happened?
- White: Well, they passed an absolute ceiling on what the legislature could spend and then the legislature got through an amendment fairly shortly thereafter to say that the limitation didn't include legislative salaries, which have just been raised to the point where they're like the second or third highest in the country or something like that. I don't think anybody's ever attempted to enforce what the Constitution, I don't know if they're violating it or not, what the Constitution says in terms of a cap on legislative spending. I do know that for a government of this size, a budget of the size that the legislature has is unreasonable in my opinion. There are a lot of things that I think could be done differently to save a lot more money. Not only in the legislature, but in other branches of government as well.
- Willens: Who would you regard as being the most thoughtful and knowledgeable participants in the political process over the last 15 years that I might talk to?
- White: The guy I probably have more respect for than anybody is Pete Tenorio, our last governor, not the current governor. He's around. I like him a lot and have a lot of respect for him. I would not fail to talk to Benjamin Manglona, whom you know very well, who's to me one of the rocks on which this Commonwealth is founded. I think he's been a tremendous force. In the current legislature, I've got a lot of respect for Pete Reyes, who's in the House of Representatives.
- Willens: That's a very long-standing Saipan family name, isn't it?
- White: Yes.

- Willens: I don't believe I ever met anyone from that family group. How about the early administration, Carlos Camacho and others?
- White: Carlos was a thoughtful guy who wanted to do a good job, I think, but who surrounded himself with people who believed in the politics of confrontation more than they should have. I'm talking about Herman Q. Guerrero and Mitch Pangelinan. They were confrontationalists, and that wasn't the way the government needed to be run.
- Willens: They were stimulating confrontations within the Commonwealth or between the Commonwealth and the United States?
- White: In the Commonwealth. It was always us against them.
- Willens: On a political party basis.
- White: Well, yes, and Saipan against Rota and Tinian. It got to the point where we were reminded of the Nixon White House and the final days in terms of how they grouped together like oxen in a circle, you know, their backs to each other.
- Willens: That Administration lasted only a single term.
- White: And he was defeated in his attempt for reelection.
- Willens: Do you think that style was changed under the next Administration?
- White: Definitely. Pete was a negotiator and a compromiser. He could get things done and he did.
- Willens: What role did his lieutenant governor play? That's Pete A. Tenorio.
- White: I think he was, I think Pete A. was more of a nuts and bolts guy, a detail man. Pete A. wasn't a good negotiator.
- Willens: Was not?
- White: No. Pete had very definite objectives and went at them frontally. If you're a bureaucrat, that's fine; if you're a politician, that's not always fine.
- Willens: What's your recollection now as to when issues with respect to the Covenant and local self-government first began to develop?
- White: I think it's within this Administration. Maybe my memory is fairly short, but I think it's within the last three or four years.
- Willens: And do you think it's related to some of the economic and other developments here?
- White: I think that some people are trying to expand the envelope, if you will, of what the Covenant permits—to test the limits.
- Willens: Well, there was reportedly an effort by one distinguished businessman on the island to do that. Mr. Hillblom was certainly foremost among the advocates of that position and I gather encouraged several elected representatives to join that view.
- White: More than encouraged.
- Willens: What is your sense if you have any view about the land alienation problem here on the island?
- White: I think Article XII is great. I think the Supreme Court was dead wrong. Does that answer your question?
- Willens: Dead wrong with respect to the resulting trust doctrine?

- White: Yes.
- Willens: Well, accepting that for the moment, what is your sense as to a reasonable accommodation of the interest reflected in Article XII on the one hand and the right of an individual Chamorro land owner or Carolinian to make lease arrangements with nonqualified purchasers?
- White: I'm still not sure I understand your question. I don't have any problem with Article XII and I never did. I could always live with Article XII as we thought it was going to be interpreted.
- Willens: Is it your view that a qualified purchaser should be able to use funds that have been provided by a potential lessee in order to purchase the property and hold fee simple title to it and be committed to lease to the fullest extent of the Constitution to the lessee who provided the funds?
- White: The proper answer to your question is yes, and I think that the real answer to your question is, as the 9th Circuit said, you've really got to look at the relationship in its totality to see whether this is a legitimate arrangement or whether there's an attempt to exercise, or the exercise of, some impermissible control. If it's an arms-length transaction and there really isn't control of the nominal transferee, then I don't see any problem with where the transferee got the money.
- Willens: What kind of control should be considered impermissible under that reasoned approach to the problem?
- White: I probably have problems with a provision that commands the transferee to transfer title to another person on the request of the lessee. That's one good example.
- Willens: I gather some of these leases now provide that at the conclusion of the lease term the owner of the land has to purchase the improvements back from the lessee if the lease is not extended. Is that your understanding?
- White: Some of them do. I've got my doubts about that one too.
- Willens: That I guess at some point will may be litigated, I don't really know, maybe it is.
- White: The first of the 40-year leases are going to expire in, what, 2015 or something, and we'll get to those issues then.
- Willens: In watching some of the advocacy on the subject, particularly a television program recently, the Chamorro land owners whose land was the subject of litigation were articulating their objectives of having interest in land for their children.
- White: Absolutely.
- Willens: And yet under the arrangements that they had entered into, the only interest that their children would really retain would be the interest of receiving rent payments during the remainder of the lease agreements in place with a very slim hope of being able to recapture the right to develop the land.
- White: Well, I haven't seen every agreement that exists, but in an agreement which certainly ought to pass constitutional muster, if the lessee, the foreign investor, or whatever you want to call it, really has no interest after the lease expires, then there is a benefit to the lessor's descendants, and I think that's an important consideration for a lot of people.
- Willens: Your statement indicates that what would be important would be the right that the descendants would have to make their own judgments about extending the lease to that

foreign investor or somebody else or developing the land themselves if they wish to do that.

White: Yes.

Willens: Most certainly no one could disagree with that, but in your sense of the constitutional issues and the policy questions involved, you'd want to try to preserve that measure of control to the descendants of the present land owner. Is that correct?

White: Yes.

Willens: And that certainly was as I recall the overall objective underlying the article, and it's gotten wrapped up in this rather complicated and politically heated litigation here. Are there any other observations, Mike, about developments over the last 15 years that you think are of particular importance? If one tries to step back from the negotiations and tries to evaluate this experiment with the perspective of 15 years, what else would you think is important enough to comment on?

White: If I had to summarize it, again I'd say that people in the Northern Marianas got what they wanted. I think their negotiators did by and large a good job for them, and I think by and large people are happy with the relationship that exists with the United States. There are individual politicians—you mentioned one person's name—who I think would like the relationship to be different than it is. But I think that the average person on the street is very happy with the way things are.

Willens: Even with the current disputes with the federal government, and the impasses in the legislature?

White: In terms of disputes with the United States, I think only the politicians care about that. I don't think that matters a hoot to the person on the street.

Willens: All right. I want to thank you very much for participating in this effort.

White: Well, thanks a lot, Howard, and I look forward to seeing your finished product.

Willens: All right, thank you.