

INTERVIEW OF THOMAS L. WHITTINGTON

by Howard P. Willens

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- Willens: Thomas L. Whittington served with the Interior Department for several years in the late 1960s and the early 1970s. He has graciously agreed to be available for this interview. Tom, thank you very much for being available for this project. I would like to begin by asking you to provide for the record a brief statement regarding your personal and educational history.
- Whittington: Well, I was born in 1943, so that makes me 53 now I guess. My father was in the foreign service, so I had some background in Asia and particularly Southeast Asia where he had been stationed. I went to school in Bangkok for several years. We came back to the States, I finished up high school, and went to the College of Wooster in Wooster, Ohio where I majored in economics. Then I went to the University of Michigan Law School, and graduated there in 1967. At that point I was looking at various alternate ways of doing something other than studying, which had run its course for me, at least serious non-stop academic type study. I interviewed with the CIA and Peace Corps, sort of a contradiction in terms perhaps, as well as various other things. I ended up getting an offer from the Peace Corps to go as a Peace Corps volunteer lawyer to Micronesia. We started the staging sessions in San Francisco in about August of 1967. Then we did our Peace Corps training in Truk. I was initially supposed to go to the Marianas and so I trained primarily with the Marianas people and learned some Chamorro language. Then I was switched to Ponape.
- Willens: How was it decided which Peace Corps volunteers would go to which district?
- Whittington: I think it was based on need and numbers. This was during the massive buildup of Peace Corps volunteers in Micronesia. There were, as I recall, six different groups of Peace Corps volunteers for Micronesia during the 1966-67 period. I think I was in group six, the last of the big build up and during that period there were some 700 or so volunteers spread across Micronesia. As far as the lawyers were concerned, we were sort of a special breed. Most of the volunteers were teachers, health aides and so forth. There were quite a few community or co-op specialists and that's initially what I was offered.
- Willens: What is a co-op specialist?
- Whittington: It is someone to work with the local cooperative association, which on many of the islands was the only import-export facility. In essence, a wholesaler for the village co-ops and village stores. Some of the cooperatives were well run, others could use some help and that's why they were assigning co-op specialists. Not that I had any great knowledge, other than some accounting, but as soon as I got to staging and training they switched me to the Peace Corps lawyer program and so from that time on I was doing nothing but looking at or working in the lawyer program.
- Willens: During the training session, do you recall any discussion as to the role of the Peace Corps in Micronesia in light of the fact that the United States was the trustee and was assigned the duty of administering the TTPI?
- Whittington: It was a long time ago, of course, and that problem of time will pervade my memory throughout this. But, as I recall, it was portrayed to us generally that, during the Kennedy and Johnson years, the U.S. had essentially awakened to realize that it had serious responsibilities in Micronesia. Perhaps it was geared toward a long term political

association but it was also viewed in terms of the U.S. seeking to meet its responsibilities. Of course, the volunteers were a pretty smart group of people and so they connected the two—the future political association and the influx of volunteers—as did many other people. It wasn't necessarily from cynicism, but just making the connection that, if we were going to have a political association, then we had to do a pretty good job to justify that and that it would make sense to increase our efforts in Micronesia to improve upon the sort of backwater treatment that it had had for many years.

Willens: What were your duties in Ponape?

Whittington: They varied. We reported loosely to the judiciary in the district. In Ponape we had a sitting associate justice, who during most of the period I was there was Harold Burnett, who later, I believe, went to . . .

Willens: I think he did become Chief Justice of the High Court, but he was a member of the High Court at the time you served in Ponape.

Whittington: That's correct. He came there while I was there as an associate justice of the High Court. So we worked generally under his supervision, but very loosely. I remember that we got there by field trip vessel in November of 1967. It was an incredible trip from Truk, just yawing at 30 degrees, 30 degrees in every direction, and I was one of the few people that had the ability to keep any sort of lunch down. It was just miserable. In any case, I got there with two other lawyers, Don Bliss and Sharon Ruzumna. Don was a Peace Corps volunteer lawyer. Sharon was a lawyer who was married to the Peace Corps doctor assigned to Ponape and the two of them had undertaken a project to assemble the first volumes of the Trust Territory reports under the supervision of Chief Justice Edward Furber. And so for months they had been taking basically mimeographed copies of the old Trust Territory cases, that is, High Court cases that had been decided over the years. They had been trying to assemble them and do some sort of a keynote system such as is used in U.S. reporter systems. I got there during the project. Don faded out soon after and went to Saipan, so Sharon and I finished it up.

Willens: Did you do any work with the District Legislature or Municipal Council during your assignment in Ponape?

Whittington: After we finished the TT reports project, I got very involved with the District Legislature and was their counsel for several years. That meant primarily drafting service during the legislative sessions which were, as I recall, maybe two to three weeks twice a year. I think there were spring and fall sessions.

Willens: Do you recall any of the principal subjects that were of concern to the local legislature at the time?

Whittington: Ponape was going through an effort to develop. Spurred on by partly Peace Corps volunteers, partly local people that just wanted to get things done and had some physical capability of doing it. It's a long lead in. They were trying to build a road around the island. There was basically a path and the transportation around the island was critical to any sort of commerce, but the island was a rocky island with a whole lot of mud. Building a road was just a terrible process.

Willens: Were there funds available for this purpose?

Whittington: Well there were some and that was sort of where I came in. They had put together, tentatively, an entity called the Ponape Transportation Board which was a combination of some public works, some Peace Corps volunteers who knew how to use equipment. They needed funding. So first we established the Ponape Transportation Board through

the District Legislature and then the District Legislature, in order to help fund it, passed some excise taxes which were quite unusual in Ponape at that time. I don't recall the specifics, but I recall that we had some problems with running into conflicts with the territorial government and its right to tax. In any case, I recall that there was a tax put on—it sounds strikingly modern—cigarettes and beer. A nickel a pack or something of that sort on cigarettes, a nickel a can on beer, something of that sort. Hell, it wasn't called a sin tax then, but it was recognized as essentially that, and if people had money for those sorts of items then maybe they could help build a road around the island. So the Ponape Transportation Board was a major undertaking by the District Legislature, getting it away from not a rubber stamp but the sort of minor activities that it had been involved in over the years, into something that was very, very constructive.

Willens: What was your sense at the time of the relationship between the District Legislature in Ponape and the Congress of Micronesia? Let me elaborate just a bit. In some of the materials there is a suggestion that the District Legislatures felt that too much power had been assigned to the Congress of Micronesia and that they were left with less funds than they had before the Congress was created, and as a result were able to do less for their constituents than had previously been the case. Do you have any reflections as to the interaction between the entities?

Whittington: I think it certainly varied substantially from district to district. In Ponape there was a great deal of support between the two entities, at least between the Ponape delegation to the Congress of Micronesia and the District Legislature.

Willens: Who were the key Ponapean leaders at the time?

Whittington: Well, Bailey Olter, who was heavily involved in the Ponape Transportation Board as a matter of fact.

Willens: He was a member of the Congress of Micronesia at the time, was he not?

Whittington: At the time he was. He was a Senator, one of the two Senators from Ponape. The other Senator was Joab Sigrah, who was from Kusaie as I recall. He was from Kusaie so I didn't see much of him. The Congressmen from Ponape were Bethwel Henry who was the Speaker of the House, and Ambilos Iehsi.

Willens: What an incredible memory you have.

Whittington: Ambilos was a wonderful man. And so was Bethwel. I saw stamps for Micronesia not long ago that were memorializing Ambilos because he had apparently died some time in the last few years. Wonderful man.

Willens: But it is your recollection then that the Congress of Micronesia representatives from Ponape occupied positions of influence in the Congress and were supportive of the District Legislature.

Whittington: They were very supportive of the District Legislature, they were highly respected in Ponape. They worked through the Congress of Micronesia to provide funds for the Ponape Transportation Board. They might be called pork barrel funds elsewhere, but each district was working through its members at the Congress of Micronesia to provide funds for what it considered the critical needs of its district. The most highly sought after funds for Ponape were funds for road development and most of those funds were expended through the Ponape Transportation Board, so it was a very close working relationship.

Willens: Based on your experience in Ponape for this period of time, did you form any opinion with respect to the effectiveness of the Congress of Micronesia?

Whittington: It's hard to separate that from my direct experiences with the Congress of Micronesia, because I worked with the Congress for all of its sessions beginning probably with a summer session probably in 1968. I worked with Bethwel Henry and he asked me to come to Saipan in the summer of 1968.

Willens: And then later?

Whittington: And then the summer of 1970.

Willens: 1969?

Whittington: I don't know why I have 1970 on my mind. The summer of 1968, the summer of 1969.

Willens: Because you left the Peace Corps sometime in 1969, did you not?

Whittington: I left the Peace Corps after the Congress of Micronesia session in 1969.

Willens: And that would have been approximately when?

Whittington: Late August. It seems to me that there was at least one other special session between the summer of 1968 and the summer of 1969, so I think I was in Saipan for probably at least three regular or special sessions of the Congress.

Willens: I see. I did not know that. Was that because Speaker Henry valued your advice and thought you could be of assistance to him?

Whittington: He asked me to come and I served as I guess counsel to the House of Representatives during those sessions.

Willens: Who were the other lawyers at the time working for the Congress of Micronesia? Was this before Mike White appeared on the scene?

Whittington: Yes.

Willens: There was Kaleb Udui.

Whittington: Kaleb Udui. We essentially worked for him. In some cases we got our drafting assignments from him and in other cases we got our drafting assignments from individual members.

Willens: Were there any other Peace Corps lawyers that you remember?

Whittington: Yes there were. There were a number of them. Don Bliss was there, I believe, in the summer of 1968. A fellow by the name of Bob Beckman was there. He came up from Palau as I recall and was involved, I'm not sure if he was there in the summer of 1968 or later. Mike White was there.

Willens: Was he there at the time that you were there or did he come after that?

Whittington: We overlapped and I'm not sure if he was there in 1968. I believe he was not, but he may have been.

Willens: Well then based on your working experience with the Congress of Micronesia over these years, what was your assessment of it as a representative legislature?

Whittington: I thought it was very representative. It was as I suppose any legislative group gets to be after a while, it was something of a club and of people who had been educated in a certain way and who had earned a level of competency in a certain arena. Most of the leaders of the Congress of Micronesia at that time had gone to one school. I think it was PICS.

Willens: Yes, it was well-regarded among the young Micronesians and was an important institution at the time.

Whittington: I think many of them had gone to PICS and got to know each other there, even though they are from different districts. Many of them had gone to the University of Hawaii and had studied together or got to know each other there even better. So it was a group of people unlike American politicians coming together in Congress who have had no previous experience with each other. In this case, there were people from different districts coming together who had known each other since perhaps their teens and many of them had discussed their political feelings over the years. So when I say it was something of a club, that's not putting it down in any way or trying to say that it was a clique, but rather it was a group of people with common goals that had been developed over many years. They had different views of the world and their views of the world were probably quite different from traditional chiefs and from maybe the man on the street in Ponape or Palau or Yap. But from an intellectual standpoint there is no doubt in my mind that they represented the people of Micronesia as they saw it based upon their educational experience and work experience.

Willens: Based on your experience there and in Ponape, was it your general sense that the people in the various districts would typically go along with the recommendations of their leaders?

Whittington: Absolutely. The leaders were effective politicians. They didn't come to their views without consulting the local leadership, the traditional leadership and the perhaps less westernized leadership—the leaders who may have had great sway in the District Legislature or on the street but who did not speak English and were not educated.

Willens: Some of the commentary about the Congress of Micronesia emphasizes the point that its cohesiveness arose out of the fact that its actions were directed primarily at the TTPI and tried to bring about change in the policies or programs of the TTPI Administration. What is your reaction to that characterization of the Congress?

Whittington: Well, I think there is a lot of truth to that. In putting together any team, even if it is by election, a team comes together and becomes effective as it develops common goals. The common goal of most members of the Congress of Micronesia was to become self-governing, to have an effective government for the people of Micronesia, to recognize cultural differences and still have an effective governing body. For many of them, the TTPI did not meet those needs and, in any event, it was not seen as a way of meeting those needs for the long term future.

Willens: Did you see or experience any frustration among the Congress of Micronesian members because of their limited authority over such matters as budget and the ability to override a veto by the High Commissioner?

Whittington: I'm sure that there was some frustration. I don't recall any incidence of that, but I'm sure there was frustration just as we would have frustration in this country over a Presidential veto. I'm not sure that it was any more than that.

Willens: Other commentary about the Congress of Micronesia suggests that it also increasingly became a body within which the different views of the districts with respect to such matters as economic development or political status became known. Did you have any sense as you worked with the Congress that it was an area where the differences among the districts were becoming more explicit?

Whittington: Yes. I think that necessarily came as people became more experienced in expressing themselves. Certainly there were some very articulate people in the Congress of Micronesia. Just as Ponape expressed its desire to build a road, other districts expressed their desires in other ways that were important to them. For example, the Marshall

Islands leadership, I'm thinking of Amata Kabua and some of the others, were somewhat preoccupied and perhaps justifiably so by Ebeye and Kwajalein questions. So just local transportation issues were important in Ponape, military use of land was important in the Marshall Islands. In Yap, the Yapese were concerned about retaining their traditional values. In Palau, the Palauans were (and I know relatively little about Palau except that I remember individuals such as Lazarus Salii and Roman Tmetuchl) very concerned about being able to trade with the Japanese, maintaining their independence, not having a U.S. base forced upon them, and issues such as that.

Willens: What do you remember about the priorities of the Mariana Islands?

Whittington: Well, I probably spent three or four months in the Marianas over the several years I was in the Peace Corps. My time was spent with both Congress of Micronesia people and to some degree with people from the TTPI government. There is no doubt that, in my mind, that their focus was on economic development. I think that was the critical issue and obtaining some sort of permanent fix to the political status issue that would align them more closely with the United States.

Willens: What is your recollection of the political status issue within the Congress of Micronesia at the time you were assisting it as a Peace Corps volunteer?

Whittington: I remember in 1968, I think it was 1968, the initial resolution was passed authorizing the joint political status committee and so during the next 18 months or so the, as I recall, the Congress was or the joint political status committee was meeting with various experts from all over the Pacific and the United States, as well as meeting with the people in the districts to try and get some ideas where they would go, as to where they would go. I'm not sure if that answered the question.

Willens: It certainly is responsive. The Congress of Micronesia in 1966 asked the President of the United States to appoint a presidential commission that would consider with the Micronesians their future political status. The efforts in the United States to enact legislation to create such a commission were unsuccessful in 1967 and 1968. The Congress of Micronesia in 1967 created its Future Status Commission. It issued a preliminary report in 1968 that was an analysis of the political status alternatives in Puerto Rico, American Samoa and elsewhere. The Commission asked for another year, which it got from the Congress of Micronesia, and it produced its final report in or about June of 1969. Did you personally have any assignments in connection with the work of that Commission?

Whittington: No, I didn't.

Willens: The membership of that Commission included, as I recall, Dr. Palacios of the Marianas and Benjamin Manglona. Did you have any opportunity to get to know either of those gentlemen?

Whittington: In fact, I knew both of them.

Willens: What was your assessment then of, to take him first, Dr. Palacios?

Whittington: As I recall he was a dentist and this is going back a long time. He was a dentist. He was, if I'm not mistaken, one of the people who was steady on course in seeking a continuation or a tightening of the relationship between the U.S. and Mariana Islands.

Willens: Do you have any recollection of Benjamin Manglona?

Whittington: I can visualize him.

Willens: But you don't associate him with any particular characteristics or positions?

Whittington: I don't. I don't. He was a rather quiet man.

Willens: In early 1969 before the final report came out, it was widely known that the Commission was going to recommend free association status as its preferred alternative with independence as a fall back in the event that an appropriate relationship of free association could not be negotiated. Do you recall any discussions in which you participated or knew of as to what exactly this free association status meant?

Whittington: Not really. It was a term, but exactly what it meant (you know) was something to be defined just as I've read through these documents. The free association status could mean all sorts of things, just as other statuses, which have a title, could mean different things. The Political Status Commission had several advisors who helped formulate their views. I remember one, I believe his name was Davidson from Australia or New Zealand, who I believe had been involved in the Papua New Guinea negotiations.

Willens: There is some reference to him in the documents that I have shared with you and the suggestion was that he was someone who was experienced with free association status and was responsible in part for at least educating the members of the commission as to what it meant.

Whittington: I think that's at least one of the sources where that term came from.

Willens: Do you remember any of the other consultants and what influence they might have had at the work at the Commission?

Whittington: I don't remember them in any particular time frame. In reviewing the materials, I saw the reference to Harold Freeman who was seen as being very liberal. As I recall he was seen as an independence advocate for Micronesia and was supporting some of the more activist people, mainly young people who were seeking independence. I don't know that he had much impact upon the committee but that's a vague recollection.

Willens: Did you encounter any of these activist groups who were urging independence within the Trust Territory at the time?

Whittington: No. The only time that I had any dealing with that was when I came back in perhaps the summer of 1971 working for the Interior Department. The inter-agency group sent me over for several weeks to report on the final portion of the Congress of Micronesia session in I believe 1970 or 1971. At that time, for the first time, there were local newspapers and (how do you characterize them) sort of newsletters put out by fringe organizations. I guess one was the Friends of Micronesia and I recall being portrayed in there as a CIA plant in the Peace Corps, which I took great offense at. In fact, I had done what I thought was quite a good job for the Peace Corps and for the Congress of Micronesia during my two years there and the fact that I went to work for the Interior Department afterward did not diminish, I thought, my efforts on behalf of the people of Micronesia. That was the only reference and the only period during which I saw a lot of fringe activity that was very aggressive. That was mainly from, I believe, young Palauans or young Carolinians and perhaps young Carolinians in Saipan.

Willens: I have seen some reference to the fact that the independence effort also had a substantial base in Truk. In that connection, I have seen some reference to the Jesuit school there as a force for stimulating discussion about independence. Do you have any recollection of an independence effort based on Truk?

Whittington: Well, the strongest, two of the strongest advocates for independence were Andon Amaraich and Toshiwo Nakayama. I never quite understood their position. It was an intellectual position, but not one that they talked about. Toshi was a very engaging man and a very,

very smart man who spoke of independence, but I never understood his motivation for independence.

Willens: Do you think that either of them believed that in fact Micronesia as a political entity could survive as an independent nation?

Whittington: I don't know.

Willens: Is it possible that independence was talked about primarily as a bargaining chip to extract more concessions from the United States?

Whittington: There's no question about it, that that's certainly a possibility. It's also possible that, from an intellectual standpoint, they felt strongly about independence and wanting to determine their own course, but coming back to reality they also realized that maybe it wouldn't work or that there would be fallout among other districts in the process.

Willens: In the summer of 1969, the Congress of Micronesia did hold a session at which it had before it the report of the Micronesian Status Commission. My recollection is that they essentially endorsed the recommendations of the commission. Do you have any recollection of discussions within the Congress as to the work of its Commission regarding political status?

Whittington: I really don't.

Willens: With respect to the Peace Corps experience, generally, as you know there has been some appraisal in subsequent years which has been critical of many Peace Corps volunteers, especially the lawyers, for agitating among the Micronesians and facilitating their criticism of the Trust Territory and the United States. What is your assessment now of the Peace Corps experience and impact on Micronesia?

Whittington: I haven't been to Micronesia since 1973 so I can only speak about the time during which I was there. I thought that the Peace Corps was doing, for the most part, an exceptional job in providing people who were dedicated to the development of Micronesia and who were doing it without any particular goal in mind. In any group of 700 people, you're going to have some agitators, you're going to have some extremely placid people. That's the nature of the human experience. But for the most part, I thought that they were dedicated people who went out to do a job, did it, generally left and felt good about it, and hope that they left a good feeling among the people for whom they worked.

Willens: Did Peace Corps policy provide any direction to the volunteers as to what they could do or should not do with respect to future political status?

Whittington: I don't recall specifically, but I think there was an effort by the Peace Corps leadership in Ponape to suggest that we be non-political, which was fine. My work with the Congress of Micronesia was all politics, but it was politics at a different level. It was politics in working to get support for a certain type of legislation, not necessarily to determine the future political status. I know that there was, as I recall, one Peace Corps volunteer, Bob Beckman, who worked quite closely with Lazarus Salii, and may have been involved in future political status to some degree. But for the most part the volunteers were not in the vanguard of what was happening. If they were consulted by the Congressional leadership, it was an exception, because the Congressional leadership didn't need Peace Corps volunteer lawyers to advise them on what their people wanted. There may have been some assistance provided in phrasing it or in explaining it. But, for the most part, the leadership kept quite a close hand in my view. They kept their cards pretty close to their chest as to what they were doing with future political status.

Willens: By the time you left the Peace Corps in 1969, the United States had increased its funding for the Trust Territory in a very substantial fashion over the preceding six years or so. What was your assessment at the time as to how effectively these funds were being spent within the Trust Territory?

Whittington: Well, I thought that there was a dramatic difference in the effectiveness of the Trust Territory Administration and its general program from the time that I went there until the time that I left. I flew into Ponape on what was called an SA16, a float plane, into an old Japanese float plane station on an outer island outside Colonia. Then we'd take an LST or LSU wherever landing craft into Colonia. That is the way that we got in and out and that is the way that it was for the first year. Later an airport was built and jets could come through Colonia and we could get mail more than once a week. You know, there were dramatic changes. I started my work in a World War II Quonset hut and later a court house was built. That was indicative and an example of the sort of changes that were taking place throughout Micronesia as a result of the capital expenditures. It's always difficult to know, in any budget, whether you put your money in education or you put your money into capital development or how you spend any budget. But there's no question in my mind that the Trust Territory Administration was making a sincere effort to make things better for people. One interesting book that I read many years ago by Eric Hoffer, a San Francisco longshoreman (I'm trying to remember the book), but his observation was that people don't get agitated when things are at an all time low. They become agitated and more militant as life improves.

Willens: During the 1960s there was considerable discussion within the Executive Branch in Washington as to the level of political awareness in Micronesia and whether the Micronesians were prepared to make a political status judgment for themselves. What was your sense in the late 1960s as to the readiness of the Micronesians to make decisions with respect to their future political status?

Whittington: It's like any group of people, I suppose, including an elite (maybe five percent) who were educated and who could understand all of the issues and all of the consequences. And then maybe another 20 percent who considered themselves fairly aware, and then maybe another 50 percent, a normal bell curve of awareness. For the most part, where I think the bell curve was, the people in the middle were very unaware of the future political status alternatives but they were also very reliant upon their leadership.

Willens: How did it happen that you became employed by the Department of the Interior?

Whittington: That was a strange situation. Well, in Saipan toward the end of the 1969 session, there were a number of people who were involved in various ways with the Congress of Micronesia's political status negotiations. I'm not sure exactly where some of them came from, but there were a lot of lawyers and law firms interested in working on the political status issue, primarily for the Micronesians I guess.

Willens: Were these U.S. based lawyers or lawyers out in Saipan or elsewhere in the Trust Territory?

Whittington: Well, the one that I was contacted by was a man named Charlie Kirkwood, who was an attorney in Bangkok with whom my dad had contacts. My dad had been in Bangkok and maybe was at that time working for Gulf Oil. He had retired from the Foreign Service and he knew Charlie Kirkwood and somehow Charlie Kirkwood ended up in Saipan. I still don't know how. Charlie Kirkwood had a law firm in Washington as well, or some association with a law firm in Washington, and so at some point while he was in Saipan he suggested that I go down to Washington to talk about a job. I was leaving the Peace Corps,

I was admitted, I had passed the Michigan bar exam and my intention was to go back to Michigan and practice law. Well actually, let me back up. My original arrangement had been to go to Tokyo and practice law with a firm in Tokyo, with a Japanese law firm that had wanted an American attorney. After I left Saipan in August of 1969, I went to Tokyo, and found that they had done nothing to expedite a foreign work permit. I considered this sort of a diplomatic letdown, a decision that they didn't really want me there, because I'd have to go back to the States and make the application over about a six month period to get back into Japan. So, I figured well, if they hadn't done anything, they didn't want me. So I went back to Michigan. I was admitted there formally although I had passed the bar exam before. I started to look for a job. I was staying at my aunt's house. So I drove down to D.C. to talk to Charlie Kirkwood's partner and while there I stopped at the Interior Department, because the status people were in town. I was looking for a legal job that would be of interest but I wasn't particularly looking for anything to do with status. While I was there, talking to some of the Micronesians in an office at the Interior Department, a man by the name of Brewster Chapman walked in. He was an assistant solicitor and Brewster said, "Oh you should go talk to Loesch. Let me take you to see Harrison Loesch." So I met Harrison Loesch and they apparently had been on the verge of hiring another ex-Peace Corps lawyer to work on Loesch's staff on the status negotiations. I guess for some reason I was preferable. I think that Harrison Loesch asked the Micronesian status delegation and apparently they expressed a preference for me. So, he hired me as a staff assistant for Territorial Affairs and that's how I was hired.

Willens: Let me go back, Tom, to something I neglected, and that is the visit by Secretary Hickel to the Trust Territory in early May in 1969. Did you happen to be in Saipan when Secretary Hickel visited and announced a major policy position of the United States at that time?

Whittington: I don't think that I was. I don't have any recollection of that.

Willens: Did you hear anything within the Trust Territory as to Hickel's visit and this invitation to come to Washington to discuss affiliation with the United States?

Whittington: As I recall, I was in Ponape during that period and the big impact of Hickel's visit was not on status but in two other ways. Number one was the Seabees, the civil action teams which were being proposed. That was met in Ponape anyway with excitement as to the potential benefits, but also some anxiety as to military nature of the teams. The other immediate impact was that of them moving Micronesians into the key policy roles.

Willens: These were two subjects that were mentioned by Secretary Hickel as part of the action program that he was announcing at the time?

Whittington: Yes. As I read through these materials, he listed half a dozen actions and those two were of the most immediate impact in the districts.

Willens: That's interesting. I heard recently that he said something with respect to the condemnation of land, which was apparently a subject of considerable sensitivity at the time. It has been suggested to me that he may have said something to the effect that the United States would be willing to forego condemnation authority with respect to the use of Micronesian land. Did you hear anything on that subject?

Whittington: I don't have any recollection.

Willens: At the time you became employed by the Interior Department, Assistant Secretary Loesch was in the process of having the initial discussions with the Micronesian delegation as to future political status?

Whittington: That's correct.

- Willens: Did you come on board so immediately that you did in fact participate in any of those discussions in October of 1969?
- Whittington: I can't recall if I sat in on any. I don't think that I sat in on any sessions, but I was around the area at that time and participated in some social events or that sort of thing. But I don't think I participated in any negotiating sessions per se.
- Willens: How did you become informed as to what the United States position was in those discussions?
- Whittington: Well, from briefing papers I'm sure. I think that I needed a clearance and so that may have been held up for a little while while I got a security clearance. I'm sure that I would not have been able to see any critical documents without being cleared, and yet I do recall having some interaction during that period but I can't recall what it was.
- Willens: I have provided you with some documents that lay out the deliberations within the Executive Branch in advance of those negotiations. The United States ended up proposing essentially an organic act for the TTPI. Did there come a time when you were informed as to how the Micronesians had responded to this United States position?
- Whittington: Yes, and I don't recall how or where I learned of that response. My recollection now just as it would have been then, I'm sure, is that it's just too little too late. It sort of missed the boat.
- Willens: What did?
- Whittington: The organic act type of concept.
- Willens: There is some difference of opinion as to whether the Micronesian delegation came to that first round with a clear cut objective as to what it wanted to achieve. They did produce some written proposals on 11 different subjects that may well have been drafted by Mr. Kirkwood. I never did understand where Mr. Kirkwood came from until today, although there is reference in the material that he was provided to the Micronesians by the Department of the Interior. Did you ever come to understand that the Interior Department had, in fact, retained Mr. Kirkwood to assist the Micronesians?
- Whittington: Well, I saw that in the materials. My recollection was that he was essentially suggested to the Micronesians by Interior. I have no knowledge, I never knew where he came from. The Bangkok connection made no sense whatsoever to me. I did meet one of his partners in Washington though. I remember going to a party at his house which was a reception for the Micronesian delegation. The Micronesians never, never hired them, I don't think.
- Willens: I see. Did you learn after the session had concluded of the effort that Secretary Hickel made to compromise the differences between the parties by offering to make a major concession on the land issue if the Micronesians in return would agree to some form of permanent affiliation with the United States?
- Whittington: I read that with great interest. I have some vague recollection of that but no independent memory of it. I worked on this process for about four years and until I saw these papers again, it had sort of a blob effect, I guess.
- Willens: I can certainly understand that. What degree of involvement did Secretary Hickel have with respect to these negotiations?
- Whittington: I think his greatest involvement was probably during the first set of negotiations. I'm not quite sure. The papers made clear that he was sort of taking it upon himself to make a separate proposal to the Micronesians. So I think he was very involved. Secretary Hickel

was obviously a very dynamic man, a man who wanted to cut through all of the chase and get to the heart of the matter. Some sort of mixed metaphor like that. In any case, he wanted to get things done and he wanted to avoid all the legal folderol in doing that and get on with the program.

Willens: What kind of relationship did he have with Assistant Secretary Loesch?

Whittington: I think very good.

Willens: Did he end up delegating substantially to Harrison Loesch the responsibility for these negotiations?

Whittington: I believe so. I think after the first session, in October 1969, Secretary Hickel's involvement was much less. But that's in part because Assistant Secretary Loesch as head of the interagency group was the chief negotiator for the next year. Secretary Hickel was okaying everything obviously and was being kept informed, but I don't think there was any question that, from reading the materials, it's quite clear that the other agencies would have had a very difficult time with Secretary Hickel in the driver's seat after that first session.

Willens: There is some indication in the materials and confirmed by Mr. Loesch that he ended up conducting a good deal of business through informal meetings with the Micronesians. Did you have any experience either then or later as to his effectiveness in dealing with the Micronesians on a personal level?

Whittington: I think he was extraordinarily effective on a personal level. He's an old time trial lawyer. He was at that time probably about the same age that I am now, 53, 54 from the western slope of Colorado and just very easy to deal with. He would rather sit down over a scotch with Lazarus Salii for ten minutes than to spend days and days in negotiating sessions. The thing that was interesting was that just as I responded to him as being a very effective leader, so did the Micronesians. They may have disagreed with him, but they respected him personally, greatly.

Willens: There is some uncertainty in the materials as to what the participants in this first round of negotiations thought they had accomplished or failed to accomplish. You commented earlier that you think that the U.S. offer of an organic act was, to be blunt perhaps, a question of too little, too late, in terms of responding to the Micronesian objectives. How do you think the United States team evaluated the first round?

Whittington: Well I think there are two levels of evaluation. One is on how the U.S. itself internally handled things. And the second would be as to how to deal with the Micronesians. After that initial session, I became involved and it became very structured as to the means by which the agencies dealt with each other.

Willens: Let me stay with that a minute because, in fact, one of the people I have interviewed from the State Department, who served both in the last years of the Johnson Administration, and the first year of the Nixon Administration thought that the U.S. agencies were really not particularly well-prepared going into the first round of negotiations. The materials, on the other hand, suggest a whole series of interagency meetings and internal debate leading to the ultimate decision to make the proposal that they did make. Are you suggesting that after the first round there were some changes in the organizational mechanisms for deciding what the U.S. position should be?

Whittington: Well, I wasn't there before the first session, so I don't know exactly how it went on, but it looked like Claude Ruser in the NSC's Under Secretaries Committee was doing this at a very high level. After the first meeting with the Micronesians, it came down more to a staff

- level. Harrison Loesch brought me on staff to work primarily on this issue and I worked with, for example, Sam Peale and Norm Frisbee from State and Al Kuhn . . .
- Willens: Does the name Stockton come to mind?
- Whittington: Stockton and Smith.
- Willens: Were they all from the Defense Department?
- Whittington: Yes. Some worked for the Joint Chiefs, some worked for East Asia. Al Kuhn was from East Asia.
- Willens: Did you feel that bringing the matter down to the staff level was advantageous?
- Whittington: Well, it was advantageous from this standpoint. It meant that there was a lot more attention given to it. A lot more time given to it. It was very easy, and maybe presumptuous in retrospect, to draft an organic act and assume that the Micronesians were going to accept it. It was what the interagency group, or the Under Secretaries group had thought was politically acceptable on the Hill. They were hoping it was politically acceptable to the Micronesians and it sort of went along the same lines as Guam and American Samoa. But they had really failed to look at what the Micronesians were talking about. The Micronesians were talking about a different type of relationship.
- Willens: What were they talking about at the first round as you and your colleagues from the various agencies saw it at the time? Were they, for example, pressing for free association as the Commission report indicated was their first preference? There is very little evidence of that in the limited documentation I have.
- Whittington: I don't know. I think that they were pressing for free association but I also think that there was an intellectual gap between the American thinking and the Micronesian thinking. The Micronesians were thinking as people looking toward their future. They weren't looking at names and titles so much as they were looking at protecting their options for the future. That becomes clear in the four points that were put out in 1970, I believe, by the Micronesians. They were protecting their options. These people were very nervous about committing their people and their country to something on a long term basis and so they were doing it from an intellectual standpoint. Saying, we should be independent, we should have free association, we should protect our options. And it was very difficult to bridge to the American position which was an organic act. There's nothing dryer than an organic act. It was a detailed proposal. It was ready to put into action. That's quite different from the intellectual approach taken by the Micronesians and it was very hard to get them away from the intellectual approach. Even looking at the 1970 and 1971 statements by the Micronesians, they were still talking generally, although occasionally they would come down to specifics. They were still talking in terms of the four points. They were talking in terms of free association, they were talking in terms of things that were very difficult to contemplate or to construct along American models.
- Willens: The United States agencies emphasized during the first round, or in evaluating the first round, that the Micronesian desire to have control over their own land was inconsistent with the strategic and defense needs of the United States. There seems to have been very little discussion within the Executive Branch as to whether those strategic and defense needs could be met by means other than the traditional method of condemnation or eminent domain. Do you recall any discussion in late 1969 or early 1970 as to whether defense and strategic land needs could be met by means other than traditional eminent domain?

Whittington: I don't recall specifically, but again, looking at the papers and taking them as a whole, I can see an intellectual shift by the U.S. group from something along the structural lines of a territory to something completely different. More in the nature of a treaty or compact. And as you move from one point to the other, along a line, you start to realize that okay, in a treaty or a compact we can have land acquisition mechanisms. So the Micronesians, by use of the free association sort of vague standard, helped to move the United States away from its traditional model into something a little more customized to the Micronesian experience or what they wanted.

Willens: There was considerable discussion within the Executive Branch as to whether the United States should offer a constitutional convention as part of the initial package to the Micronesians. This was rejected by the agencies and maintained as a fall back position. Following the first round, the interagency group seemed to come up with a recommendation that there be a constitutional convention proposal made to the Micronesians. What is your recollection today of the importance of the constitutional convention issue in these early stages?

Whittington: I don't have any specific recollection of that issue. But I can reconstruct, and the obvious concern from the U.S. standpoint was that it would be a runaway type situation. The obvious appeal of the constitutional convention is that it establishes a framework for self-government. So the U.S. had to approach an avoidance conflict and didn't want anything that would run away. But it had become essentially an independence determination as part of the constitutional convention and yet the U.S. wanted to provide a framework for Micronesians seeking their own structure.

Willens: Did you ever have any conversation with Congressman Meeds or his staff as to his proposal for legislation that would deal both with the Micronesian desire for a constitutional convention and at the same time enact an organic act for the Micronesians?

Whittington: Steve Sander, who was one of Meeds' legislative assistants I believe at the time, and I had been in Peace Corps training together and had stayed in touch. I recall having lunch with Steve and Congressman Meeds sometime, I assume during 1970 perhaps, to discuss the Micronesian situation. I don't recall the nature of that discussion but it was pretty clear from the materials that Congressman Meeds was pushing for a constitutional convention and I suspect that Steve was one of the people who was suggesting that. Congressman Meeds had been on the Interior Committee and had come out to Micronesia in 1968, I believe, along with a Congressional committee that I remember meeting in Ponape.

Willens: Do you recall any discussion with any particular member of Congress?

Whittington: I remember sitting with Don Bliss and Congressman Foley. He was the Speaker of the House from Washington.

Willens: Tom Foley.

Whittington: Tom Foley, sitting in our Quonset hut office one night with a bottle of scotch and talking about Micronesia for hours.

Willens: Was Mr. Foley sympathetic to the Micronesians that he encountered?

Whittington: He was. He was a very nice, a very fine man to deal with. He didn't stay on the Interior Committee for a terribly long time as I recall. Or he was not one of the more interested people in Micronesia. Those people were primarily on Congresswoman Mink from Hawaii, Congressman Meeds was always interested in Micronesia, and Congressman Foley to some extent.

- Willens: And then later Congressman Burton.
- Whittington: Of course.
- Willens: One Congressman that you did not mention is Congressman Aspinall whose influence as Chairman of the full Interior Committee was much commented upon at the time and is reflected in the materials. Do you have any judgment now as to the extent to which the U.S. position favoring an organic act approach was structured in order to accommodate Congressman Aspinall's preferences on the subject?
- Whittington: I have no recollection, but from the paperwork there is no question that Congressman Aspinall was a power to be dealt with.
- Willens: Did you personally have any dealings with Congressman Aspinall on status issues during your tenure?
- Whittington: No.
- Willens: What relationship did Secretary Hickel and Assistant Secretary Loesch have with Congressman Aspinall?
- Whittington: I think Assistant Secretary Loesch had considerable dealings with Congressman Aspinall. They were both from Colorado. And I think that there had been, I'm not sure if Congressman Aspinall had had any involvement in Secretary Loesch's appointment, but it would not surprise me at all. They were certainly on a first name basis and went back a long way. I don't know about the relationship with Secretary Hickel, but I assume that he got along well with him.
- Willens: Congressman Aspinall repeatedly told representatives of the Executive Branch that he would consider this issue once he was convinced that the agencies of the Executive Branch had agreed on a common policy for Micronesia. Did you ever hear any discussion of Congressman Aspinall making that point and how the Executive Branch representatives would respond to it?
- Whittington: I don't have any recollection of that.
- Willens: As you can see from some of the materials, the interagency group did recommend a revision in the U.S. position after the first round that would embrace the concept of a constitutional convention. This resulted in a meeting involving Secretary Hickel, Secretary Rogers, Assistant Secretary Nutter of Defense with Dr. Kissinger in December of 1969. I have shared with you the redacted memorandum prepared by the State Department reflecting that session. Do you recall hearing about that session from Secretary Hickel, either directly or indirectly through Mr. Loesch after the meeting with Dr. Kissinger took place?
- Whittington: Well, I think I need to put that in context of what I do remember. It was interesting, the memorandum from Sam Peale for the files (number 22) where he discusses a conversation with me in which I didn't know what draft we were getting ready to propose. And that may have been for a number of reasons. Secretary Loesch and I left D.C. on December 30, 1969 for a trip through the Territory. I remember that because it was very interesting. We left on December 30.
- Willens: You had two New Years' Eves, I think I heard.
- Whittington: That's right. You heard this story about New Years' Eves. Very interesting.
- Willens: There probably wasn't much done after that.

Whittington: It was very difficult. A very difficult period. So, in any case, we went through the Territory very quickly. We met New Year's morning with the Marshallese and then went to Kwajalein, met with the generals there, went to Truk, or to Ponape and then I guess to Truk, and met the people there. I can't recall if we got to Ponape or not. I guess we did. We went over to Yap and Palau and then up to Saipan.

Willens: You had a specific mission at that point to implement the direction that Dr. Kissinger provided to the interagency committee?

Whittington: Correct. And we were trying to get the draft through and approved by the Under Secretaries Committee so that we knew what our marching orders were for the trip.

Willens: What did Hickel and Assistant Secretary Loesch think of being overruled or having the interagency group overruled by Dr. Kissinger?

Whittington: I don't recall. I'm sure that it was not a happy period, because I guess it's a difference in style. Secretary Hickel had been very successful as a businessman and as a governor in Alaska. He had extremely good people skills. Extremely good political sense. Secretary Loesch had much of the same skill. He hadn't been governor but he certainly had the same people skills, the same intuition that Governor Hickel or Secretary Hickel had had. By the same token, they were dealing with career government officials. Or at least that's the way they portrayed them. Career military, career government officials at State and Defense, and I think they're coming from completely different ways of doing things.

Willens: But Dr. Kissinger doesn't fall readily into either of those two categories, does he?

Whittington: No. But he is certainly a careful person, obviously willing to take chances, based upon the China initiative, but also in that circumstance the Defense Department had a major role to play.

Willens: The Defense Department seemed to go along with the other members of the interagency group in suggesting that there be some revision in the U.S. position based on the results of the first round of negotiations. What is interesting about the decision made by Dr. Kissinger is that essentially it sent Assistant Secretary Loesch and you off to Micronesia with a position that was not basically changed from what had been rejected by the Micronesians at the first round. Is that a fair summary?

Whittington: With the exception of the constitutional convention provision, I think that's true.

Willens: As I understand the situation, based on these materials, and including the conversation that you had with Mr. Peale reflected in his memorandum dated December 29, 1969, Dr. Kissinger rejected including the constitutional convention approach in the bill, saying that the negotiations should proceed in a more dignified and slower pace. It's in part because of the decision by Dr. Kissinger that you and others had the chore of revisiting the legislation and incorporating the land compromise, such as it was from the first round, and otherwise putting together the overall position in the context of a slightly revised organic act, which I think was given the name of Political Status Act or something of that sort at the time.

Whittington: Okay.

Willens: Have I misstated the facts or is that the way you recall it?

Whittington: No, I got confused in trying to deal with all of this. That's correct.

Willens: Did Assistant Secretary Loesch and you have any sense that you could accomplish

anything on this visit to Micronesia when you were carrying a position that was essentially not too different from what had been previously rejected?

Whittington: As I look back on this, it brings it back to some degree and my memory is refreshed but not clear. Assistant Secretary Loesch believed that even, well from the State Department memo, he felt that he had an obligation to inform the Micronesians of the Hickel position certainly and of its rejection. So that was number one. And number two is to keep the communication open and not let too much time pass and to renew the relationships that had been started so that he could talk to people.

Willens: So, the second objective was one that could be met just simply by undertaking the effort to go out and visit with people personally?

Whittington: Exactly. He had not been to the Trust Territory before and had good relations, although over a short period of time, with the Micronesians on the political status team and so wanted to renew those and to keep the doors open for future discussions.

Willens: What was the net result of the trip that you and he made? There is summary of it at a document under Tab 23 where Assistant Secretary Loesch apparently provided a brief report to the interagency group some time in probably mid-January 1970.

Whittington: I don't recall specifically the response by the Micronesians but obviously they weren't very happy with the situation. It was probably not unexpected at all and I don't think that they expressed much of anything at the point.

Willens: That certainly is reflected in this memorandum regarding his report. They apparently did anticipate that the compromise effort might not be successful. But he also seemed to report (on page two) that they expressed the view that they were determined to have some form of constitutional convention and also made some reference to the fact that the next meeting with the United States would be the "last" meeting. Do you have any recollection as to the significance of those points?

Whittington: I don't have any recollection trying to analyze it. I suspect that they were looking at their mandate being up in 1969 and that would be one way to try and move things along.

Willens: Assistant Secretary Loesch recalls that he was of the view that, given the emphasis on a constitutional convention, the interagency group ought to go back to their principals and revisit the issue as to whether a constitutional convention approach should be included in the U.S. proposal. Do you have any recollection as to what happened at the interagency group level in terms of developing a position to present to the Micronesians in advance of what would be the second round of negotiations?

Whittington: Well, again reading this and this is refreshing a memory that otherwise would have no particular recollection of this. We developed first the Commonwealth name which was perhaps cosmetic, perhaps not.

Willens: Were there any substantive changes that you can recall in the legislation as it changed from a political status act to a Commonwealth act?

Whittington: I don't recall. It was framed in the form of a Commonwealth to avoid the territorial concept which was, I think, anathema to the Micronesians. And then second, I believe that there was the constitutional convention in that draft. Am I correct in that?

Willens: I think so. Under Tab 25 there is a memorandum to the members of the Under Secretaries Committee signed by Mr. Richardson as Chairman that includes a memo setting forth the position that the United States will advance to the Micronesians at the next round of negotiations, which was then scheduled for May of 1970. As you will see from page

one of that memorandum, it indicated that the U.S. delegation will state the willingness of the administration to recommend to the Congress legislation for a constitutional convention under certain circumstances and it was agreed that there would be a statement of principles and a draft constitutional convention bill submitted across the table to the Micronesians. And then on page two of that memorandum, it stated that in the event that these proposals were received unfavorably by the Micronesians, the U.S. delegation would make clear what the ultimate limits of the U.S. position were, suggesting that the trusteeship might not be terminated.

Whittington: Correct.

Willens: If the Micronesians did not wish to enter into a permanent association with the United States. Do you recall any discussions with Secretary Hickel or Assistant Secretary Loesch as to whether this position stood any chance of success with the Micronesians?

Whittington: With Secretary Loesch, I don't recall any discussions with Secretary Hickel. Secretary Hickel left at some point and I can't recall.

Willens: I don't have it tied down either, I think it was sometime in maybe the summer of 1970.

Whittington: He wasn't at Interior for a very long time.

Willens: That's correct.

Whittington: And then Secretary Morton came in. I don't think Secretary Loesch thought that the addition of a constitutional convention would change things and I certainly didn't either. I didn't think that it would stem the tide. As I look at this series of documents, I recall some of my frustration. The U.S. was moving along at one pace and the Micronesians were moving along at another pace towards self-determination and they were always two steps beyond where we were at any one point. So that by the time we got authorization to meet their last position, they had gone onto something, not necessarily more extreme, but with further sovereignty on their part or with less control on the U.S. part.

Willens: Now that's a very interesting and I think perceptive assessment of what was transpiring. I am interested in the fact that this proposed position still refers to the Micronesians entering into a permanent association with the United States. There is in the documents generated by Executive Branch officials, from time to time, the assumption that the Micronesians wanted to enter into a permanent affiliation with the United States. My question to you is, was there ever in your experience any basis for assuming that the Micronesians, as a group, wanted to enter into a permanent association with the United States?

Whittington: No, I really don't know. Micronesians and Americans personally have always gotten along pretty well and we've had a long history with the Micronesians, 20 to 30 years. And they certainly respected American principles of democracy and some of our principles of government. And yet, their history had been such that they had been tossed around from the Germans to the Japanese, had been used by the Japanese, had come to the United States. Some of them undoubtedly felt used by the United States for military or strategic purposes and, despite personal contacts between individuals, I think that there was probably a collective desire on the part of Micronesians to have more control over which superpower they ended up with next. I think that it was an assumption of the United States that they would want to align themselves with us, based upon personal contacts and so forth, but not necessarily based upon a serious analysis of the Micronesian psyche. I don't know if that makes any sense.

Willens: I think I understand that. Certainly there's no indication in the materials that the Micronesians were considering seriously affiliating with any superpower other than the

United States. The question, I guess, is whether so far as the United States was concerned, whether they thought that the only kind of affiliation with the United States that would be acceptable would be what they term a permanent association with the United States. And perhaps to be fair, maybe it is true that the Micronesians might have been able to achieve some of their objectives in a permanent association with the United States. That's really the question I'm trying to explore.

Whittington: Well, the other part goes to the make-up of the Commission. I think that the Micronesians on the Future Political Status Commission took their job exceedingly seriously and were exceedingly, not necessarily exceedingly, but were extremely nervous about their role as founding fathers of Micronesia. Whatever organization it might take, and I never knew Lazarus Salii very well, but I know that he stewed and stewed and stewed over the political status situation and was very, very anxious about how it was done and how it came out. That was to be his mark on Micronesia and he was very, very nervous about it. I think that those sort of anxieties had a large part to play in the unwillingness of certain people to go into close permanent association with the United States. Lazarus Salii, in particular, saw that they had essentially one chance to make it. That they had to make it good and other people realized that as well. They were getting assaulted from all different sources as to how they should do things. For a thoughtful man, for a man who sees shades of gray, that's very difficult. I think Lazarus was classic in that regard. If on the other hand, someone like Bailey Olter had been chairman of the political status negotiating committee, it would have been much more in black and white. Bailey was, or Bailey is, is he President of Micronesia at this point?

Willens: I think so.

Whittington: Bailey is a strong politician, with strong views, and he's very effective at bringing about power groups and this sort of thing. He would have handled negotiations quite differently, I suspect, and would not have quite the same anxieties. So the leadership of the Commission had, I think, something to do with it.

Willens: Do you think that Mr. Olter would have been more positively inclined toward a closer relationship with the United States?

Whittington: I don't know.

Willens: Are you suggesting just that the difference in style and personality might have produced a different negotiating entity on behalf of the Micronesians?

Whittington: Yes.

Willens: Who were the other members of the Micronesian joint committee that you thought were important members of that group? You had mentioned Tosiwo Nakayama and Andon Amaraich.

Whittington: Both were very, very influential, but both were very quiet and their influence was very hard for an American to judge.

Willens: How about the Deputy Chairman, Representative Silk?

Whittington: Ekpap Silk was a very nice man and was very intelligent, but I don't think that he was the spokesman for the Marshall Islands. Rather, the power, he was as I look back on it and maybe I am totally wrong, I believe that he was acting essentially for . . .

Willens: Amata Kabua?

Whittington: Amata Kabua, who had a very strong position in the Marshall Islands. Ekpap would listen to him. Ekpap, in all of the negotiations, was very cordial and spoke very little.

Willens: Do you think Chairman Salii was effective in sort of managing this group of fairly diverse and independent members?

Whittington: I think he was. I don't have any criticism of him in that regard. He was trying to do the best that he could and keep it under control, because he knew that individuals could go off in any sort of different direction.

Willens: In one of these meetings there are several names of other Department of Interior people referenced and they seem not to have much of a role. For example, did Mrs. Farrington and her staff play any role in the status negotiations?

Whittington: I think that they did during the first session in October 1969. But after that, they played a relatively minor role.

Willens: Was Mr. Heller from that office?

Whittington: Yes. He was the chief, I guess he was the chief staff man, Sam Heller, and a very fine individual.

Willens: What was Mr. Radewagen's role?

Whittington: Fred Radewagen was an interesting character. I don't know if you have talked to him.

Willens: No I haven't. I do have his address and telephone number, however.

Whittington: He's an interesting character. During this period, he married the daughter of Peter Coleman who had been Deputy High Commissioner of the Trust Territory and was an American Samoan by background. Fred had been on the Republican National Committee as some sort of a staffer during the 1968 elections and was a political appointee to Interior. Basically, he started out helping to arrange the talks at Interior. He was a good administrative person, and developed into an assistant to Stan Carpenter later, basically liaising with the High Commissioner and with others, and handling the administrative aspects of contacts both on status and on other things.

Willens: Did Assistant Secretary Loesch more or less make the decision to coordinate these efforts by his own staff, including you, rather than delegate any meaningful role to Mrs. Farrington and her office?

Whittington: Well, I think so. Regarding the status negotiations, he didn't want a huge group for the interagency group.

Willens: Who would typically go to those meetings then?

Whittington: Inter-agency group was typically myself, Al Kuhn, Sam Peale.

Willens: But you would be the only one from Interior other than Assistant Secretary Loesch?

Whittington: Yes, if we were in a staff working group then it would be me. If it were on a higher level, then it would typically be John Armitage from State. Still Al Kuhn, I suppose from Defense. Somebody from JCS.

Willens: What was your overall assessment of the Under Secretaries Committee as a useful mechanism to coordinate and direct this policy?

Whittington: I wasn't really in a position to tell. I attended one meeting. I guess I saw my name on that. That was very interesting to me but . . .

Willens: Did the Under Secretaries Committee typically accept the recommendations of the interagency committee?

Whittington: Yes. Because we were each following our departmental guidelines in effect or our department's interest in developing the positions. So that the positions, unless one department had an off-the-wall position, that were presented by the interagency group were an effort to compromise and recognize the different positions and come up with some meaningful alternatives based around those considerations.

Willens: So in that sense, the Under Secretaries Committee played more or less a formal role to give direction and to approve the recommendations, with some exceptions as to divisions that had to go to that Committee for resolution or perhaps be forwarded to Dr. Kissinger.

Whittington: Exactly.

Willens: Let's look at the second round of negotiations then in May of 1970 that took place in Saipan. It does look as though this is the occasion on which the Micronesian delegates set forth their four "non-negotiable principles and legal rights" that they regarded as essential to any future relationship with the United States. Did you participate personally in this round of negotiations?

Whittington: Yes.

Willens: So you were present at the various meetings that took place?

Whittington: Yes I was.

Willens: Do you have any recollection now as to what the reaction was at the U.S. delegation to this enunciation of the Four Principles?

Whittington: I think generally it's a little bit of what I referred to before. We had made a serious effort to get some additional authority and by the time we came up with the authority, they had gone on to the next step west, if you will. Also, by listing these Four Principles, it again kept it on a very intellectual basis rather than on a practical basis of how do we get there from here. That is, in order to make any sense of this in the practical sense, there had to be substantial, sudden negotiations of all of the details of what each principle meant in fact.

Willens: I understand that. It's hard to look at the Four Principles and not see it as something that's wholly inconsistent with a permanent territorial relationship under United States sovereignty. Is that fair?

Whittington: Yes.

Willens: One interesting question is whether the Four Principles did impress you and others as a significant, if not radical, departure from the previously articulated positions of the Micronesians or was this simply a more formal way of stating what they had been striving for in the earlier round of negotiations. It sounds to me as though you and your colleagues thought this reflected a move in their position from where they had been previously.

Whittington: I believe so.

Willens: That is your reaction?

Whittington: It's my reaction now and I think it was my reaction then.

Willens: So when you saw a reference to sovereignty regarding the people of Micronesia and their government, that was a point that you thought might have been negotiated based on earlier positions with a view toward perhaps ending up under the sovereignty of the United States.

Whittington: Correct.

Willens: Is that correct?

Whittington: Yes and by calling these non-negotiable principles and legal rights, it sets them up as a standard against which they will judge every issue, rather than taking issues on an ad hoc basis and working through them. If nothing else, I saw it as making negotiations extremely difficult for the foreseeable future because we were once again talking in terms of intellectual concepts rather than practical considerations. But here, all of the practical considerations would be judged against these intellectual concepts.

Willens: Was there any regrouping within the U.S. delegation after these Four Principles had been articulated to decide how best to respond to them?

Whittington: I don't have any particular recollection of that.

Willens: It does look from the summary as though there was an exchange back and forth between the two parties. The United States felt that it had no authority beyond what it been authorized to present, and the Micronesians were taking the view that what you are authorized to present doesn't comply with our Four Principles. It looks as though there's an impasse as a result.

Whittington: Indeed, it's sort of what do we do now that we're here? You've gone beyond any authority that we have so, how can we talk for very long under these circumstances?

Willens: At the bottom of page two of this summary of the negotiations, there is a reference to the fact that the Micronesians asked for a United States position on termination of the trusteeship agreement through independence for Micronesia. This seems to be the first occasion on which independence is offered or proposed by the Micronesians as a possible alternative. Do you have any recollection as to how the U.S. delegation responded to that?

Whittington: I don't have any independent recollection but I am sure that it was not looked at favorably. That we were holding a tiger by the tail, in effect, not knowing which way it was going but that anything that we had to say would be inadequate to deal with this particular situation.

Willens: There's a suggestion in the concluding paragraphs on page three reflecting an effort I think to put the best possible face on these discussions, by suggesting they were useful to both sides in presenting the areas of agreement as well as the areas of major disagreement. There is a suggestion in the penultimate paragraph that the U.S. delegation saw some differences within the Micronesian delegation between those advocating quasi-independence and those preferring a closer association with the United States. Does that refer to positions expressed by the Marianas representatives?

Whittington: You know, I don't have any recollection as to whether the Marianas representatives were saying anything at that point. Certainly for the first few sessions, they were going along with the Micronesians to see what happened. I don't know if this statement is based upon any separate discussions or separate comments that might have been made. I think that the Marianas people were playing it pretty close to the vest at that point. They were not going to disrupt, they were not going to do anything to change the dynamics. That's my sense.

Willens: The next round of negotiations didn't take place for almost about sixteen months. They took place in October of 1971 and much happened during the period between May of 1970 and October of 1971. Let me refer your attention to the letter dated June 26, 1970

from Chairman Salii to Assistant Secretary Loesch, it's under Tab 28. It makes reference to you in the first sentence and it suggests that after the conclusion of the second round there was some informal discussion between the Assistant Secretary and Chairman Salii as to what to do next. What is your recollection of what you and Assistant Secretary Loesch thought might be done usefully to follow up on the second session?

Whittington: I don't have any recollection. I really don't. I know that I went through, went down to Ponape. I remember meeting with Bailey, I remember perhaps meeting with Bethwel but I don't have any independent recollection of that except that I went back through Ponape.

Willens: Did you have some particular mission in mind when you made those particular trips after the second round?

Whittington: I don't have a recollection. I think it was more to test the winds and see if anything different was really going on. To see if these were universally held beliefs or whether there is give, whether they were fractional interests, to see really what was going on. Throughout the status negotiations we were given one negotiating position by the Joint Committee on Future Political Status and yet we recognized that, even if we agreed with them, the rest of Micronesia would have to follow. When they took a position that was difficult to deal with, we wanted to know whether the rest of Micronesia was actually following or not. Obviously, we couldn't find out about the rest of Micronesia but we could ask individuals.

Willens: That goes to the point that we discussed earlier as to whether the members of the Joint Committee were taking positions that they believed had the support of the leaders in the Congress of Micronesia or the tribal leaders back in their districts. But as I hear you, you felt that the United States ought to explore, to the extent they could, to see whether these newly taken positions were generally shared by the influential leaders in the Trust Territory.

Whittington: Well I think I was asked to do that. It wasn't setting policy at that time or ever, but I think I was asked to do that.

Willens: There is also reference here to the fact that apparently there must have been some discussion by the Assistant Secretary as to whether the Congress of Micronesia would permit him to come to the Congressional session in the summer of 1970 to review the U.S. position and respond to questions. Do you have any recollection of that occurring?

Whittington: No, I don't. In reading back through the memos, it was apparent that Secretary Loesch was snubbed by the Congress. Maybe "snubbed" is not the right word, but he was not invited to speak to the Congress after he had come out to Saipan.

Willens: I heard very recently that he had a pleasant evening sharing a bottle of scotch with one of the leading Micronesian political leaders the night before he was scheduled to appear, but that in fact he was not invited to speak.

Whittington: It's the same situation as before. He got along very well with these people, with the Micronesian leaders because he was a very genuine, sincere individual who was a lot of fun, very bright, and able to discuss things very well with them. But by the same token, he represented the United States government in trying to establish a position. In some ways, it was sort of like a no-offense-personally situation but this is one we have to do.

Willens: The documents generated at this time by the Executive Branch agencies suggest some uncertainty as to whether the positions taken at the last session were taken for bargaining purposes only or did, in fact, portray the confirmed and firm position of the Micronesians. What do you recall happening after the Congress of Micronesia met in the summer of

1970 and essentially ratified the positions that had been taken by the Micronesian delegation?

Whittington: Well, the Inter-Agency Group wanted to know what the position of the Micronesians would be as they voted on this, and I was sent out to Saipan during the session for the purpose of reporting back to Washington what the positions were.

Willens: This was the same session at which Assistant Loesch was scheduled to appear?

Whittington: Yes.

Willens: I see. What did you see and report?

Whittington: It was a closed world.

Willens: What do you mean?

Whittington: Maybe that's a wrong term, but it was very difficult to discuss substance with the members of the Political Status Commission. They were very, very much within themselves and within their political groups as to their discussion.

Willens: Did you feel that the situation was becoming, to use a lawyer's term, more adversarial based on your encounter?

Whittington: I think so.

Willens: And to what do you attribute that?

Whittington: I think the feeling on their part that things weren't going fast enough. I think it was a sign of the times. In Saipan, over those several years among members of the Congress of Micronesia there was a recognition that we had a war in Vietnam going on, that that was creating perhaps dramatic needs for land for military use, for a military presence. We were in the middle of a civil rights movement in this country. I remember a very emotional speech, I'm not sure what year it took place but it may have been 1970, by one of the Marshallese Congressman—essentially a restatement of Martin Luther King's "I have a dream" speech. And that had a big impact. There was a lot of flexing of muscles—intellectual not physical—a lot of stretching their minds to see what this political status could mean.

Willens: I have provided you with a copy of a memorandum dated July 16, 1970 under Tab 29. This is a report on an executive session of the House Interior Committee that took place after this round of negotiations. Were you present at this executive session?

Whittington: I don't have any recollection of it.

Willens: Do you have any recollection of ever being at a session where Congressman Aspinall was present with respect to the Trust Territory?

Whittington: Not with respect to political status. I may have been in on substantive, just normal governmental, matters but I don't recall anything with respect to political status. And I don't recall anything with respect to any executive session of Congressional leaders.

Willens: The memorandum indicates that Congressman Aspinall had recently been to Micronesia and apparently had told them that there would be no action from the United States Congress during this session. Do you have any recollection as to what the Congressional input was to the negotiations at this point?

Whittington: No I don't.

- Willens: Do you recall any discussion with Assistant Secretary Loesch as to what the Interior Department could expect from Chairman Aspinall on political status issues?
- Whittington: Nothing, other than what is here I think. This makes clear that Congressman Aspinall took a pretty conservative position as to self-determination, self-government.
- Willens: Turning over to page three of the memorandum, there is a summary of some positions or questions advanced by Congresswoman Mink of Hawaii. There is reference there to Secretary Loesch stating that he and others were not certain that the Micronesian delegation really spoke for the Congress of Micronesia or the people. That refers to the kind of mission that you had undertaken earlier to explore whether the Micronesian negotiators were in fact representative.
- Whittington: I think that's a broad statement perhaps going beyond what I really viewed as my mission. My mission was primarily to report back on my discussions with the Congressional leaders and it wasn't nearly as broad as you just stated it. I don't know. The problem is that the Micronesians were not one cohesive people, so finding out what they wanted at any one particular time depended on whom you talked to. I think that was a confusing problem from the standpoint of the United States throughout. Each district, each group had their own priorities. So I'm not sure if he is stating anything different there. But it may well have been that some people thought that the Political Status Commission was going beyond the public's views.
- Willens: At this executive session Congressman Meeds apparently asked for the State Department's view as to whether the different districts of Micronesia might be given different status alternatives. Were you aware by the summer of 1970 that some of the Marianas political leaders had spoken favorably about the Commonwealth Proposal that had been advanced by the United States and indicated that they thought it might be the basis for a future status relationship for the Northern Mariana Islands?
- Whittington: I don't have any specific recollection.
- Willens: Do you have a recollection of the point at which you did become aware of the Marianas desire for a different status alternative that was separate from the rest of Micronesia?
- Whittington: Well it may have been at that point, but it could have been at any point during this whole process. I think we always considered that the Marianas had a position that was potentially different from the rest of Micronesia and that only if a close association were involved would the Marianas be excited about it. So that that the farther we got toward free association, the more likely was the Marianas reaction against it.
- Willens: Do you recall any suggestions coming from the Defense Department or elsewhere that it might be advantageous to start talking to the Marianas representatives about a closer relationship?
- Whittington: No, but that was always a possibility. We recognized that as a possibility throughout this period, but we had no desire to act upon it during the early rounds. I think the U.S. Government wanted to keep Micronesia together if it was at all possible.
- Willens: Do you think that position was based on a legal position that you couldn't provide different status alternatives or because of the United Nations concerns?
- Whittington: I think that that was certainly one factor. That's one of the State Department considerations. But it was also very much based upon the practicalities. It would be preferable to have one solution rather than five solutions or six solutions or two solutions. The legal and practical implications of dividing Micronesia or allowing it to be divided were very, very complex.

- Willens: Many people who worked out in Micronesia at about this time were impressed by the cultural, language and other differences among the districts and thought that it was going to be very difficult to develop a strong, central government of any kind that would embrace these different cultures and traditions. What was your sense as to the significance of those differences and whether they could be all embraced by a unitary structure of some kind?
- Whittington: I think I'd agree with that. Not from wanting to, but from a realization that the looser the association, the more the district differences would show themselves.
- Willens: By looser you mean a loose internal organization within Micronesia?
- Whittington: Yes. And the more it went toward independence and away from territorial status, using that as our range, the territorial status would give a lot of internal structure which would not allow for the same level of internal disintegration perhaps over regional issues.
- Willens: There apparently were a series of reports to the President and meetings of the interagency group throughout the fall of 1970 trying to decide on what U.S. position should be taken to pursue these negotiations. Do you recall, under Tab 31 for example, a statement made by Assistant Secretary Loesch to the Under Secretaries Committee, I think in December of 1970? There appears now to have been several new options that were open for consideration, including modifications to a commonwealth proposal with concessions on such matters as eminent domain, unilateral termination and so forth. There also was an option that would assure permanent association of the Mariana Islands with the United States. Do you recall participating in the work of the interagency committee during this period that was discussing how next to proceed?
- Whittington: I don't recall specifically. I recall many, many, many afternoons in developing the type of options which were laid out for the Under Secretaries Committee.
- Willens: Did you and Assistant Secretary Loesch have any particular preference among these alternatives that you thought made the most sense in terms of responding to the Micronesian statements?
- Whittington: I don't recall.
- Willens: There is also in the documents a memorandum that came in from John Dorrance in the Trust Territory setting forth his views with respect to what the next steps in the negotiation should be. Did you have the occasion in your work at Interior to review Mr. Dorrance's reports from time to time?
- Whittington: Yes, on a regular basis.
- Willens: What was your assessment of the general accuracy and utility of these reports?
- Whittington: I thought they were very helpful.
- Willens: Did you have a personal relationship with Mr. Dorrance?
- Whittington: Yes.
- Willens: How would you characterize his general views as to how best to negotiate with the Micronesians? Just as a general matter. In this memo, for example, he suggests that there not be any separate treatment of the Marianas at least at this stage of the negotiations. But did you feel that he came to it with some overall perspective that you thought was either different or valuable?

Whittington: Yes. Well, I mentioned that I had gone out to Saipan in July of 1970 during the Congressional session. I don't think I was particularly effective there as a reporter, which was my primary function. The interagency group was trying to get some effective political reporting from the ground in Micronesia. It did not want to use the High Commissioner, who was an excellent administrator but his function was not to negotiate political status. There was concern that, if he was negotiating political status, it would undermine his effectiveness as administrator. So there was a desire to separate the two. John Dorrance came highly recommended, and State and Defense wanted to put someone on the ground in Saipan so that there would be continual discussions without having the kind of confrontation that came up on a regular basis. There would be some way to pass information back and forth, not necessarily secret messages or anything but just information so that there would not be the apparent impasse or not knowing where each side was headed for the negotiating session. So Dorrance went to Saipan and sent back telegrams on a regular basis. His information was based upon his discussions and he was known to be there for that purpose. He became an effective guy, and effective conduit for information from Micronesia.

Willens: Do you think that the Micronesian leaders with whom he met generally trusted him and spoke candidly to him?

Whittington: I suspect so, but I never had any reason to test that but I would think so.

Willens: This particular report is interesting in that he does report on conversations with Chairman Salii as well as with legislative counsel Udui and advocating informal conversations as a way of making progress and also suggesting that some recognition of these four non-negotiable principles would go a long way in accomplishing Micronesian objectives. Do you recall hearing that from him or elsewhere? That some recognition of the Four Principles was sort of very necessary to make progress here?

Whittington: That was apparent from the last session. I don't have any independent recollection but this telex appears to be representative of the sort of information that we were getting from Dorrance and very informative. He's trying to ease the way into the next negotiations without it being a disaster from both sides.

Willens: The memorandum does suggest more readiness to give on the Micronesian side.

Whittington: Certainly we'll discuss practical solutions so long as they can believe that their four principles are being recognized in the process somewhere. This raises the problem though of how the United States can negotiate on an ad hoc basis given the decision-making procedure that it had to go through. It was very difficult to generate an approval process through the Under Secretaries Committee and the President that took months literally. And typically the decision that was made was made in terms of a structured direction. Sometimes it would fit in, you can see that given the documents, sometimes the decisions would fit in with the sort of informal negotiations that John Dorrance and apparently Kaleb Udui and Lazarus Salii were suggesting. And in other cases, there was just not that flexibility until the Under Secretaries Committee and the President had made decisions and even then there might not be the flexibility.

Willens: There is some reference here that Mr. Udui picked up rumors from so-called Washington sources that the United States did not plan to do anything with respect to status for some period of time and Dorrance reports that he responded by saying that clearly the United States could not do anything until the Micronesians side advised it was ready. Did you have the sense in the summer of 1970 that there was any deliberate effort at delay by the U.S. delegation in developing a position or was the lapse of time caused, among other

things, by the procedures that had to be followed in order to develop a U.S. approved position?

Whittington: Well, the procedures were certainly critical. If I am correct in my review of these documents, we had reached the end of our negotiating authority and couldn't go any further without some guidance.

Willens: There are a series of memoranda suggesting the clarification of the several alternatives through the Under Secretaries Committee and eventually a memorandum to the President dated March 31, 1971. I think that was a draft setting forth the negotiating positions. But meanwhile, by a memo dated December 24, 1970, Dr. Kissinger recommended to the President that there be a special negotiator with the level of Ambassador appointed to coordinate and direct these negotiations under instructions from the Under Secretaries Committee and his office. When did you first hear that there was a proposal to appoint such a special representative for this purpose?

Whittington: I don't know. I think it had been around for a while before it actually happened.

Willens: What had been around, the rumor?

Whittington: No, the concept.

Willens: But the concept, in fact, had been around for about seven or eight years. It was repeatedly advanced by the State Department and rejected by the Interior Department, and Secretary Hickel had weighed in strongly in 1969 opposing such an appointment. I guess my question is, do you have any idea as to what prompted Dr. Kissinger's embracing of this alternative and making this recommendation to the President?

Whittington: I don't know. I think it's the State Department [weighing in] heavily though. That's my guess, they wanted a negotiator and perhaps were seeing that it was a more full time undertaking than any of the departments was prepared to allow for. That was one thing, it took a lot of time to develop positions. Having a focal point for the process would be helpful. Second was the status of the negotiator. I think there was some feeling that the Micronesians might respond better to someone who had that task alone rather than someone who had other responsibilities at Interior or State or wherever.

Willens: Assistant Secretary Loesch did have a wide range of other responsibilities, isn't that correct?

Whittington: He was responsible for four bureaus within the Department—the Bureau of Indian Affairs, Bureau of Land Management, Office of Territories and Bureau of Outdoor Recreation.

Willens: By this point in 1970, Secretary Hickel had left, can you refresh my recollection as to the reasons that he left the Nixon Administration? As I recall, he has said I think that he was fired by Nixon but I have not gone back to try to find out.

Whittington: I simply can't recall. Perhaps his book deals with that.

Willens: At the bottom of this first page of the memorandum by Dr. Kissinger to the President there is a suggestion that State would welcome the appointment of such a negotiator and that Secretary-Designate Morton has been consulted and asked that you, the President, be told that he concurred "enthusiastically." Did Assistant Secretary Loesch have any conversations with Secretary Morton after he assumed office about the status negotiations?

Whittington: I'm sure that he did. I'm sure we prepared a notebook on the status negotiations and briefing papers for Secretary Morton just as I'm sure every agency, every bureau in the

department did as to what's going on, what decisions would have to be made. I think Secretary Loesch had known Secretary Morton; I think Secretary Morton had been on the Interior Committee so there had been some contact at least.

Willens: Do you know whether Assistant Secretary Loesch supported this appointment of a negotiator?

Whittington: I don't recall. I was trying to think of that when I read these and I don't recall. He enjoyed working with the Micronesians and enjoyed the negotiations, but he also recognized the time limitations and I can't recall whether he favored it or not.

Willens: There is a memorandum here dated in February of 1971 reporting on an Under Secretaries Committee meeting that took place on February 3, 1971, at which you are listed as an attendee. Do you recall attending this particular meeting?

Whittington: Yes, I do. I was impressed by all of the big names there.

Willens: Did you speak up aggressively?

Whittington: Didn't say a word. I was a mouse in the corner.

Willens: This was the meeting at which Under Secretary Russell was advancing a proposal, which apparently had originated with him, of maintaining the trusteeship agreement in place and providing important elements of self-government to the Micronesians at the same time. I may not have summarized the proposal accurately. Do you have any recollection as to where this proposal came from?

Whittington: As I recall, it came from Under Secretary Russell.

Willens: Was there any staff input to that proposal?

Whittington: Well, this was during the period until Secretary Morton was appointed or was confirmed, I believe. So Under Secretary Russell was, if I remember correctly, effectively running the department. He was an interesting man with strong views, and Secretary Loesch discussed with him the alternatives and I believe that we had put together the options paper by that time. I had forgotten all about this until I saw these several documents. I think that Under Secretary Russell just went in a different direction based upon his experience and thinking.

Willens: What was his experience before he came into the department, if you remember?

Whittington: I really don't. He may have been in business.

Willens: Was he designated by Secretary Hickel to replace Under Secretary Train?

Whittington: He replaced Under Secretary Train, I believe, but I don't recall how he came to be appointed.

Willens: What was your impression of the discussion that took place at this meeting regarding the various options being considered?

Whittington: Well, I knew in advance that State and Defense favored the other options and I don't recall the discussion of the meetings. This brings it all back to me but only in generality.

Willens: How did you know what the State and Defense positions were going to be?

Whittington: From our interagency work. The interagency work was then presented to the various Under Secretaries for their review and Under Secretary Russell took a different position and asked that it be documented and supported for this Under Secretaries meeting. Interesting position.

Willens: Yes. The options themselves are set forth in a few of these documents. Under Tab 35 is a draft memorandum for the President dated March 31, 1971. I don't think a memorandum, in fact, went forward to the President until a later date in June, I think under cover of a memo from Dr. Kissinger dated June 23, 1971. But if I could ask you to react to some of these alternatives and explain to me a little bit what was in mind here. I understand, of course, what Under Secretary Russell's view was, which is set forth on page five and I understand that was rejected. But I'm interested in getting your recollections as to the alternatives of presenting sort of a modified commonwealth approach. It is suggested in this memorandum on page six that the United States is now willing to forego the exercise of eminent domain so long as negotiation in advance of any status accomplishes the land needs that the Defense Department had. Is that a fair statement of that? That's what they were doing?

Whittington: It certainly is.

Willens: What I don't understand is that under modified Commonwealth it adds unilateral termination on the next page. Maybe this shows a certain rigidity in my own thinking. I have some difficulty in conceiving a commonwealth relationship that permits the insular area to unilaterally terminate the relationship. And then subsequently there is an alternative of free association that could be terminated only by mutual consent as things eventually unfolded. This struck me as sort of inconsistent with what these terms mean. Do you recall having any discussion with your colleagues at the working level as to whether you could have a commonwealth relationship with unilateral termination?

Whittington: I recall afternoons, and afternoons and afternoons with hashing out this sort of question and obviously we were trying to define things as best we could. Trying to find on this continuum between territory and independence, and within a U.S. structure, something that would meet the Micronesians' needs and also our needs. And it sort of goes along with the Dorrance type of approach. If you negotiate things one by one, perhaps you can get around to principles and then the principles become less important, because you have the things that you need and have the things that they need.

Willens: As I understand the proposal, it does use the term commonwealth as a status that would be under U.S. sovereignty.

Whittington: Correct.

Willens: Then the modification to provide unilateral termination would permit the Micronesians, at some point, to opt out of that relationship. So, although it does not provide sovereignty at the outset to the Micronesians, it provides a vehicle for them unilaterally to accomplish sovereignty at some point if they were dissatisfied with the commonwealth relationship under U.S. sovereignty. Is that a fair statement of what was intended?

Whittington: That's a fair statement. It was the way to deal with the sovereignty principle.

Willens: It seems to reflect a U.S. position that has a certain element of abstraction as well. Namely, we want to preserve U.S. sovereignty even if the other party, at its own initiative, can opt out at some point in the future.

Whittington: In step B, it provides for U.S. sovereignty in eminent domain and federal supremacy but states a willingness to restrict exercise. What is one without the other? In retrospect, it's an effort to draw a very fine line.

Willens: So the Micronesians were not the only ones who were given to adherence to certain abstract principles?

Whittington: Well, maybe not. But as I look back and read these documents, it's an effort again to structure it within something that our Government, our Congress, could comprehend while giving a large measure of the free association or maybe treaty-type elements to the Micronesians. It almost becomes a treaty at some point, doesn't it?

Willens: Indeed it does; and I guess the modified commonwealth proposal including a concession on unilateral termination was also conditioned on some explicit agreement that pre-negotiated strategic arrangements would survive a possible termination. So that was an element here that, of course, saw its fruition several years later in the various compacts of free association. There is then, for the first time, in an official document the concept of multiple solutions and in particular, with reference to the Marianas, providing an option to the Marianas of a relationship with the United States. Do you recall any particular discussion as to the timeliness or the desirability of this possible offer to the Marianas?

Whittington: No I don't. The documents that followed explained it much better than my memory does. There was certainly a great hesitation, however, to pursue that.

Willens: Why?

Whittington: Same reasons as before. A desire to keep the territory together, a desire to maintain it as a unified group. The practical reasons.

Willens: Yes. Offering the Marianas a relationship that the Marianas would be satisfied with sort of would be acknowledging that the other districts wanted something significantly different, and therefore, more troubling for the United States. That's sort of just a speculation. But your recollection is that, although that alternative was here, it was one that was fairly far down the line of the preferred outcomes.

Whittington: Yes.

Willens: There were inquiries made at the State Department about the ability of the Marianas to secede from the Trust Territory. Do you recall that some Congress of Micronesia buildings were burned down by an arsonist in February of 1971?

Whittington: No I don't.

Willens: You have no recollection of the arson of Congress of Micronesian buildings in the Marianas and a declaration that the Marianas will secede by force of arms, if necessary?

Whittington: No.

Willens: They seem overly dramatic statements today but these were all statements made by . . .

Whittington: I'm sure I heard them at the time but I don't have any recollection of that.

Willens: The process went forward from here. Ambassador Williams had been designated by the President in March of 1971. I don't have in the book any of the press releases or other announcements that took place. I don't have any documentation regarding the establishment of the Office of Micronesian Status Negotiations. What is your recollection as to how that office was created and staffed?

Whittington: It was apparently created by the President but I don't know exactly how that came about now. I don't recall whether it was funded through Interior.

Willens: It seems not to have been. That's what I have seen and, as I said, I don't have the documents that I think must exist on that subject. But I've seen that it was to be housed at Interior but to be funded largely by State and Defense. And, in fact, I've heard it suggested there

was some statutory limitation on the use of Interior funds for this purpose, but I have not checked to see whether that's in fact the case.

Whittington: I don't recall anything of that, but I don't recall it being funded by Interior. It was housed at Interior at first, was it in the Office of Territories?

Willens: It could well have been.

Whittington: It may have been. Then it was separated out and had a separate suite also within Interior.

Willens: Did you play any role in drafting the terms of reference for Ambassador Williams? There is some suggestion here that Assistant Secretary Loesch did play a role in drafting the initial terms of reference which are not included in this book. I guess there's a reference under Tab 39. This is the memo from Dr. Kissinger to the President dated June 23, 1971 and this sets forth the negotiating scenario and makes reference that Dr. Williams, in cooperation with Secretary Morton, drafted his terms of reference and these have now been accepted by the various agencies. You do not have any recollection then I gather of the preparation of the terms of reference?

Whittington: No I don't.

Willens: Do you remember any debate within the Interior Department as to what Interior's continued responsibilities would be for the negotiations in light of Ambassador Williams's appointment?

Whittington: I don't remember any debate. Obviously, our role was going to be modified and Secretary Loesch's role was going to be modified so that we would be more involved in the development of Interior's position and less in the development of the Administration position on status. But, having said that, I don't have any specific recollection.

Willens: This memorandum to the President was apparently approved by the President, as reflected by initials that purport to be his on page five of the memorandum. And the alternatives set forth in the memorandum do reflect the rejection of Under Secretary Russell's proposal and adoption of the proposal favored by the other agencies. There seems not to be any change of substance as I recall between this recommendation to the President and the recommendation from the Under Secretaries Committee. But you will notice that position number IV on page four of the memorandum, does, as a last resort, offer the relationship of free association which would include negotiation of a compact terminable only by the consent of the United States and Micronesia. Did you have any sense at the time as to whether that concept of free association was responsive to what the Micronesians were seeking by way of free association?

Whittington: I think that was an effort to meet their goals. I'm not sure that it was right on target with where they were at that time, but it was a use of the same term which was something that had not been used before as an alternative in any of the key documents, from my review anyway.

Willens: Like some of the things we've just discussed then, it is an effort to embrace their concept of free association, even though simultaneously it rejects the unilateral termination approach, as a way to explore whether or not that melding of objectives might be acceptable to the Micronesians. Is that a fair summary?

Whittington: That is.

Willens: What was your role from this point forward with respect to the negotiations now that Dr. Williams was appointed and had terms of reference and the Office of Micronesian Status Negotiations had been created?

Whittington: Well, after that, beginning with his appointment and the development of the staff, I was still sort of adjunct. I could be called in to help with any programs and I worked as Interior's representative on any joint interagency groups. But from that point on, even though it didn't look very different from the outside, the key coordinating and drafting of projects was done within his office. They had some very, very fine people involved with him.

Willens: Who are you thinking of?

Whittington: Admiral Crowe, well Captain Crowe at the time and Ambassador Hummel were just two of the finest people I've ever met. I put those two gentlemen and Harrison Loesch as three of the sterling people that I have ever known. Ambassador Hummel was a very quiet man but of great substance. And Bill Crowe was just, I don't know if you have had dealings with him elsewhere, as straight as anyone ever was in a political negotiation of this sort and as intelligent. He was just a very, very bright man, he understood how the Pentagon worked, he understood how the Joint Chiefs worked. He obviously got to know it better later, but he understood how to put things together and he took other than a very structured Defense Department standpoint on things. He had gone into a political science program at Princeton. I don't know, maybe you've talked to him.

Willens: No, not yet. He had a Ph.D. from Princeton. Actually he told me he had thought of going to the law school I went to at one point, but he rejected that for Princeton.

Whittington: In any case, a very, very intelligent man, very well spoken and highly respected by everyone around him. They were the permanent staff for Ambassador Williams.

Willens: At the outset of that office, did some people go in there from Interior?

Whittington: May have been, I don't recall.

Willens: You remember continuing to be involved in interagency discussions whereas, I'm assuming, that Assistant Secretary Loesch really withdrew to some extent, and I think he left sometime during 1971.

Whittington: When did he go? I don't know if he left during 1971 or around the time of the elections in 1972.

Willens: He recalls being terminated by the Nixon Administration because of certain decisions he either had made or was going to make about removing Indian objectors or activists from the Bureau building.

Whittington: Yes, the Bureau of Indian Affairs building is kitty corner across the street from Interior and at some point, it seems to me it was around Thanksgiving and I would have guessed maybe it was 1971, Indian activists took over the building physically and trashed it, among other things. I think he had a difference of opinion with others in the White Office and the Executive Office Building as to how to deal with that. And I think his days were numbered after that, although I don't recall when he left.

Willens: Do you recall when Jim Berg became involved?

Whittington: No. I guess I don't recall. I remember him.

Willens: You remained with Interior until when?

Whittington: I stayed with Interior until about May of 1974 but beginning sometime in 1973, I switched functions within Interior. I worked for a different Assistant Secretary on Alaska native claims matters.

Willens: Did you attend the third round of negotiations that took place in Hana, Hawaii in the fall of 1971?

Whittington: Yes.

Willens: Did you participate in the various sessions that took place?

Whittington: Yes.

Willens: There is in the book sort of a summary statement about these negotiations under Tab 41 made by Ambassador Williams to the Territorial and Insular Affairs Subcommittee of the House of Representatives on November 15, 1971. What do you recall really happening at the third round? Did the United States, in fact, present the various options that had been outlined in the various memoranda that we've just discussed?

Whittington: I think we followed the approved course, which was commonwealth then being modified in some fashion to acknowledge the concerns of the Micronesians.

Willens: There is some reference in this summary that the Micronesians opened the talks by stating that they had come to talk about independence.

Whittington: I read that.

Willens: Does that strike a bell so far as your recollection is concerned?

Whittington: No, but putting myself in that position again I could sense a feeling that once again we were driving a slower horse than they were. That their position had shifted somewhat, certainly in nuance if not more, and that it's very frustrating trying to negotiate in that sort of an atmosphere.

Willens: It looks as though the United States advanced in this session sort of a proposal for a compact of free association or compact of association (I guess it was called) which seems to have been advanced in response to the Micronesian desire to have sovereignty, which meant full Micronesian control over internal and external affairs. I didn't see any reference in the materials to advancing the commonwealth proposal with the various concessions or possible concessions that had been authorized. What is your recollection on that subject?

Whittington: I don't know. I don't have any recollection but, as I read this, I suspect that we avoided discussion of the vehicle in which the arrangements were made and tried to deal with the arrangements themselves.

Willens: This apparently was the first occasion on which the United States laid out its specific land needs for military purposes and Ambassador Williams reports that, on the whole, the Micronesians were relieved by the relatively limited extent of these requests. What is your recollection on that point?

Whittington: I don't have any recollection other than what is in the documents.

Willens: Do you recall any discussions with the Micronesians during this session about the military land needs?

Whittington: No. I do know that we had an official from the Joint Chiefs who was there for that purpose. A man named Dave Crockett or Davey Crockett. I believe his name was Crockett.

Willens: Do you have any other recollections of this particular round of negotiations?

Whittington: Not really.

Willens: Actually, there was some indication in the materials that Ambassador Williams did press

- for a relationship based on mutual consent and that he had the sense, at the time, that there were some members of the Micronesian delegation who would accept that.
- Whittington: Mutual consent for termination?
- Willens: For termination. Do you have any recollection of differences among the Micronesians on critical issues such as that?
- Whittington: No, I don't.
- Willens: Were you aware that during this round of negotiations arrangements were made to meet the Marianas representatives of the Joint Committee at a secluded location in order to discuss the Marianas desire for separate negotiations?
- Whittington: I don't have any independent recollection. I don't recall if that was in this round.
- Willens: There are some talking points prepared in this paper, but you are not aware then, I gather, that Ambassador Hummel did meet with Ed Pangelinan and Herman Q. Guerrero?
- Whittington: I don't have any independent recollection of that, but it is certainly possible.
- Willens: Taking a look, for example, at the paper under Tab 42 which was prepared by Mr. Armitage dated November 22, 1971, entitled "Marianas Separatism Talking Points." Would you have received such a document in the course of your work on status at this time or were these circulated only within the Office of Micronesian Status Negotiations?
- Whittington: I don't think I would have received this. It's possible, but there's no indication that it was sent to Interior. My guess is based on the way the Office was managed and that was that they were in charge of status negotiations and that when they needed assistance from the various agencies, State in this case, or Interior in others, they'd ask for it and we'd try to respond as quickly as possible.
- Willens: Do you recall the Micronesians during this third round of negotiations mentioning the figure of \$100 million?
- Whittington: I don't recall that. I see it in the papers.
- Willens: Was it your sense at the time, if you recall, that the Micronesians' concept of free association would delegate or leave with the United States responsibility for both foreign affairs and defense?
- Whittington: Yes, but it was clear that they wanted to have a major say in how those areas were managed and that became, in itself, a separate area for negotiation. I don't think there was, reading this, acceptance of our unilateral control in those areas by the Micronesians. There was an attempt to overcome the conflicting positions by promises of consultations and such, but I don't have any recollection beyond that. That was one of those areas that, once you get past the big areas, was certainly going to become a major area for discussion.
- Willens: At what point did you become aware that the United States was prepared to open up separate negotiations with the Marianas?
- Whittington: I'm sure that Ambassador Williams discussed that. I'm sure that there was some talk about it after the Hana session and I don't recall exactly how that came about. Reviewing the documents, I see that there was a desire to, in essence, have some authority for doing so from the Micronesian political status negotiations so that we would not be, in essence, going behind their back to have such negotiations. That's certainly consistent with everything I remember, but I don't remember the dates.

- Willens: Do you recall any publicity that followed this third round of negotiations, where Chairman Salii was apparently quoted as saying that the United States had rejected the Micronesian position and generally reflected adversely on what had been accomplished?
- Whittington: I don't have a recollection of that.
- Willens: Do you have any recollection of meeting Paul Warnke for the first time in late 1971 when he was retained by the Joint Committee to represent them?
- Whittington: I remember Paul Warnke but I don't recall when that came about.
- Willens: What was your awareness of Mr. Mihaly's role as an advisor?
- Whittington: I think it's Mihaly. Was he from Berkeley?
- Willens: Yes, that's correct.
- Whittington: We never quite knew, from the American side, who had sway with the Micronesians at any particular time or what their role was. I liked Mihaly. He was a very pleasant man, and I can visualize him but I don't have any sense as to what he was doing.
- Willens: Do you have any recollection of this meeting at the State Department that you attended where Chairman Salii, Paul Warnke and Mr. Mihaly were present and the discussion went off into, among other things, foreign affairs. It looks from page three as though Chairman Salii did indicate that the Micronesians might want something more than consultation with respect to foreign affairs. Do you have any recollection of this discussion.
- Whittington: No I don't. I remember the subject of the territorial water limits.
- Willens: What was Mr. Armitage's role in these negotiations as you observed? I see he was from the International Organization Bureau at State. Was he there primarily to sort of articulate the Department of State's views as to what was required under the Trusteeship Agreement?
- Whittington: That's where most of their people came from. He was head of that office.
- Willens: Was he the head of it at the time?
- Whittington: I believe so and that was the same office that Sam Peale had been in before, Norm Frisbee had been in before, but Mr. Armitage was the head of that office. I guess Howard E. Feldman came into it later.
- Willens: I was asking you about some of the participants in this meeting at the State Department on December 20, 1971 and, in particular, Mr. Armitage.
- Whittington: Mr. Armitage was the principal spokesman for State for a number of years. I think I remember him in 1969, 1970, it could have been three or four years, and he was the person that was most concerned about the relationship to the U.N. in the international organization area.
- Willens: There was then preparation for the next round of negotiations, which was the fourth round that occurred in April of 1972 at Palau. Were you aware in advance of the fourth round that the United States had decided to agree to separate negotiations?
- Whittington: I assume so, but I don't know.
- Willens: There is in the materials a letter signed by Paul Warnke and Michael White dated April 11, 1972 addressed to Chairman Salii taking the position that Chairman Salii could not speak on behalf of any single district but that the representatives of the Marianas are free to present their views regarding status alternatives for their district if they wish to do that.

Do you remember any legal issues that developed at about this time as to whether the United States could lawfully negotiate separately with the Northern Marianas?

Whittington: No, I don't.

Willens: Do you recall having any reaction one way or the other to this decision?

Whittington: No, not really, no.

Willens: Was there any reason why you would take issue with it and think it was a represented bad policy?

Whittington: No. As to whether it represented bad policy, I don't know. The continuing problem was that the further toward independence or free association that we got, the more we were losing the Marianas in the process. Not that we were losing the Marianas, but the more the Marianas were becoming nervous about the process. For example, unilateral termination of a free association status was not something that in retrospect (as I think of it now at this point) would have been attractive to the Marianas because they wanted a permanent association with the United States. They could be cut loose by the United States at some future time that would eliminate some of the security that they were seeking in a relationship, so it seems to make sense from an intellectual standpoint now but I don't have any particular clear recollection. There is a memorandum later on, I guess at Tab 51, from Stan Carpenter to Ambassador Williams discussing in some depth Interior's view about separate negotiations and the options for the Marianas. I'm sure that I had considerable input into that. I may have written it.

Willens: Did Stanley Carpenter come into a newly created position?

Whittington: Yes. In effect the Office of Territories was revised in some way and made into a Deputy Assistant Secretary for Territorial Affairs. Stan Carpenter came over from State on a loan basis to act as Deputy Assistant Secretary. And also, at some point, when that was created, I moved down into his office from Loesch's office.

Willens: Did he report to Assistant Secretary Loesch?

Whittington: Yes.

Willens: Or Assistant Secretary Loesch may have left by then, we haven't quite tied that down, have we?

Whittington: Yes, I'm not sure about the time, about the overlap.

Willens: As a result of the Palau round of negotiations, there were several rounds of negotiations that followed in quick order. There was a fifth round in the summer of 1972 and then there was a sixth round I think sometime in the fall of 1972. During the summer a lot of drafting effort went into working out the terms of a compact. Do you recall being involved in a joint drafting group that included participants that are reflected on one of the memoranda that I'm now showing you?

Whittington: Joint, with Micronesians.

Willens: Apparently during the summer meeting, the lawyers from both sides, including some of their principals, gathered to talk through various aspects of drafting provisions of a document that would incorporate the agreements that had been tentatively agreed to at the fourth round of negotiations in Palau.

Whittington: Where was this session held?

Willens: That was in Washington, D.C. All of these meetings took place in Washington. I don't want to burden you with all this detail, it gets into a great amount of detail about individual provisions. I just wonder whether you have any general recollection of the drafting effort that followed the Palau round.

Whittington: No I don't. I look at that and it says that I was involved, and I couldn't tell you different, but I don't have any independent recollection of it.

Willens: Was it your sense after the Palau round that, in fact, preliminary agreements of a substantive nature had been agreed upon and were now ready to be incorporated into some form of draft legal document?

Whittington: I don't know. I don't have any recollection at this time.

Willens: Just stepping back for a minute, you stayed with the negotiations into early spring of 1973 and you assumed other duties. Just focusing on the Micronesian negotiations for the moment, rather than the Marianas negotiations, what was your assessment in the 1972-73 time frame? Did you think it was going to be possible to draft a compact of free association that would be acceptable to both parties?

Whittington: Well, I assume from the fact that we were drafting that I thought that it would be possible, but I also thought that it would be a long, long process. And that it would be a process of many years to get it. Something that's acceptable to U.S. executive agencies, to the Micronesians, to the U.S. Congress, and at some point I was, just from a personal standpoint, thinking about doing something else. I'd been on the status negotiations for three very intense years. It was a domestic crisis every time I traveled. Ambassador Williams had taken over the negotiations and was obviously moving things along fine. With that, Interior's role was much diminished, certainly on the Assistant Secretary level, and so the excitement of going on into future negotiations was paling a bit. As to my overall assessment of it from the fact that there was drafting going on of a compact, I assume that somewhere along the line (I don't have any independent recollection) the concept of free association was tabled by the United States. My recollection of that period is very poor because I was involved on an ad hoc basis rather than on an intensive everyday basis.

Willens: That's fair enough. I guess the most dramatic thing that happened during this last year that you were involved was the declaration by the Micronesian representatives at the sixth round of negotiations in October of 1972 that they now had been instructed by the Congress of Micronesia to discuss independence with the United States. This came as somewhat of a surprise to the U.S. representatives. Do you have any recollection of that negotiating option being put on the table by the Micronesians and what the U.S. reaction was?

Whittington: No I don't.

Willens: In preparing for the separate negotiations with the Marianas, what do you recall being the principal issues that were of concern to the United States?

Whittington: I don't know if you are referring to long term strategic goals or to just from a negotiating standpoint.

Willens: Just from a negotiating standpoint, I mean certainly getting agreement to military land requirements was one of the principal objectives.

Whittington: Well again, I don't have any independent recollections. But my biggest concern was, just from a personal standpoint, seeing the Trust Territory go into two different directions,

and so from a negotiating standpoint the administrative problems related to that were enormous. I saw one of the documents in here about that time table for implementing Marianas status, the moving of a capital and that sort of minor problem, which obviously was almost overwhelming from the standpoint of the Administration.

Willens: There is in the options paper dated October 27, 1972, considerable discussion of whether the reintegration of the Northern Marianas with Guam was an attainable objective. Was there at this time support within the Executive Branch for trying to press forward with this concept of reintegration?

Whittington: I think it's a recognition that this has been a traditional matter of discussion between Guamanians and the Marianas people, rather than anything that was immediately desirable from the American standpoint. As the options paper points out, there are all sorts of problems with it, practical and philosophical. Very serious political problems from any number of standpoints. It recognizes that this perhaps was a long term option that might come about through desire of the Marianas and Guamanians, but for us to try to push anything along those lines independently would be creating potential chaos in both the Marianas and Guam.

Willens: This Interior Department options paper concludes with a recommendation that the Marianas be offered a separate commonwealth status proposal similar to that made to the Congress of Micronesia in May of 1970. Was there any difference of view among the Executive Branch agencies with respect to this recommendation by Interior?

Whittington: I don't recall.

Willens: The records I have indicate that you did not attend the first, more or less, ceremonial first round of negotiations in December of 1972 in Saipan.

Whittington: You know, I would have sworn that I did, but I was surprised when my name wasn't listed.

Willens: I think that in this case, rather than rely on the document, we ought to rely on your recollection.

Whittington: I don't have any particular recollection. That's now session number seven and they were melding together in my mind even then as they certainly do now.

Willens: I can understand that. To me it was session number one. Following the session, where there were some interesting developments but nothing too critical, there was a status paper prepared, I guess by the Office of Micronesian Status Negotiations. Do you recall participating in the preparation of the status paper under Tab 54 that's dated March 1973?

Whittington: No I don't. It's possible that I may have commented on it or may have seen it but I'm not sure that I did.

Willens: One of the sort of diversionary legal issues that came up is reflected under the letter under Tab 55 dated March 29, 1973 to the Acting Staff Director of the Under Secretaries Committee from the Deputy Attorney General. The legal issue raised by the Department of Justice is to emphasize that it may be advisable to change Ambassador Williams's negotiating authority. This is set forth on page two in the first full paragraph. It says "according to the draft instructions Ambassador Williams's present negotiating power does not extend to a status other than a "territorial status." The study, however, does not define territorial status and it goes on to suggest that really it might be better to instruct him to interpret his authority as limited to a relationship that preserved U.S. sovereignty,

on the grounds that to talk in terms of "territorial status" may be too limiting and not necessary in order to achieve the U.S. objectives involved. Do you recall any discussion among the lawyers as to what it meant to negotiate a territorial status and what could be done under U.S. sovereignty in developing a status for the Northern Marianas.

Whittington: No. The idea of commonwealth though was, and I'm not sure if that's a distinction that's being drawn here. I'm having a hard time reading this paper. But the concept of commonwealth was used fairly early in negotiations with the Marianas as a way of indicating a high degree of internal self-government within a system, rather than the concept of territory which implies that they have no say at all and are an owned area, in effect.

Willens: Another issue that was debated within the Executive Branch before the second round of Marianas negotiations in May of 1973 related to what kind of position to adopt with respect to Tinian. The Under Secretaries Committee over some dissent recommended that the maximum land proposal be adopted, namely, to try to achieve taking possession of the entire island of Tinian. Do you remember any discussion within the Executive Branch as to what position to take with respect to Tinian and what the reactions would be among the Marianas citizens?

Whittington: I have no recollection of that at all.

Willens: Do you recall being at the second round of negotiations with the Marianas and being faced one morning with the *Pacific Daily News* headline saying something to the effect that Navy seeks all of Tinian headlined with letters of about five inches in size? Do you have any recollection of the premature leak of this U.S. position?

Whittington: No. It must have been exciting though.

Willens: Yes, it was exciting. It caused a good deal of consternation on both sides of the negotiating table. What is your overall recollection of the second round of negotiations (but the first substantive round) and what emerged from it in terms of tentative agreements with respect to political status?

Whittington: I have virtually no recollection at all. I see that I was involved in some of the discussions from the papers that you have but I have no independent recollection at all.

Willens: The papers I gave you on these lawyer meetings were sort of interesting because they reflected, to some extent, the failure on our part as counsel to the Marianas Political Status Commission to really think through sufficiently in advance of this round how one could achieve maximum self-government at the same time that U.S. authority under Article IV(3)(2) was plenary.

Whittington: I saw that.

Willens: So that issue sort of developed during the second round and the Commission, following our advice, suggested that we had to proceed slowly until we understood whether there was some way of accommodating these somewhat different objectives. These meetings among the lawyers took place and then subsequently with the lawyers and their principals. Ambassador Williams was initially quite concerned about this apparent reluctance on the part of the Marianas to embrace Article IV(3)(2), namely, the Territorial Clause. Do you recall any discussions within the U.S. delegation as to this issue?

Whittington: No.

Willens: What was your general assessment of Ambassador Williams as a negotiator?

- Whittington: Very careful. He was very careful. I thought he was a fine individual. I know that he wrung his hands, just as Lazarus Salii did, about the impact of every step. They may have talked about that at some point, but they were each very anxious about how they did the job that was before them.
- Willens: Do you feel that he got along with the Micronesians as well as, for example, Assistant Secretary Loesch did?
- Whittington: On a personal level, probably not. He's more reserved and comes across as more a diplomat than a trial lawyer, and that's his background. He was not a politician in the same sense as Governor Hickel. So he was always a careful man. Very nice, very personable but reserved as well.
- Willens: He did have very good staff and he would be the first to give them credit for what was accomplished. Did you have any personal relationships with some of the younger members of his staff?
- Whittington: Not much. Adrian de Graffenreid I know came in at some point and I think he had been a Peace Corps lawyer. Thinking back, I think he'd been a Peace Corps lawyer in Micronesia and I had known him. I had been acquainted with him before and we kept up that acquaintance at Interior, but we were never close.
- Willens: He came in assigned to the Office of Micronesian Status Negotiations, is that correct?
- Whittington: Correct. He was hired by them at some point so we probably overlapped by a year or year and a half, something like that. Jim Berg I remember, but I don't remember how he came into the picture.
- Willens: I don't either. Well, in conclusion Tom, of course I am very appreciative for the time you have given me, do you have any other thoughts or reflections with the benefit of hindsight or, as my agenda indicated, for wise words to offer as to this experience, and what ultimately emerged, namely four different status relationships that are now out there in Micronesia.
- Whittington: I don't have any wise words because I did not follow it carefully after I left Interior. So I can't fault anything that was done subsequent to my leaving. I think that what was done during the period that I was there and involved was the best that we could do under the circumstances. At one point, Fred Radewagen, who had a very good sense of humor, did a flow chart on the Micronesian status negotiations. It may have been broader than that, but on the checks and contacts that had to be made and the approval process to do anything, and it was an awesome piece of work because there were so many lines connecting so many offices, even at that point when it was fairly simple before all of the other departments had gotten involved with their different programs and different concerns. I guess it showed me the complexity of trying to do something in a large governmental bureaucracy. But at the same time it showed me the effectiveness of that bureaucracy in coming around to deal with a very difficult problem. It isn't a fast process, by any means, but with any luck it's a well thought out process and we certainly tried to do that. I think there was a genuine desire to meet the desires of the Micronesians in the process. Whether it ultimately did that, I don't know, I'm not in any position to judge that. As a former Peace Corps volunteer, it was interesting because I had been working with the Micronesians for several years through the Congress and elsewhere and in the Peace Corps and then went to work at Interior, where I was dealing with representatives of other departments who had their own concerns. You know, I had to look at myself in the mirror every day to see if I had given up some of the Peace Corps philosophical goals that

I had accepted when I joined. And I hope I didn't. I certainly tried to keep a little bit of that idealism through the process. It wasn't always easy because different things were going on and it was a strange period both for the country and in Micronesia. If nothing else, throughout the process I wanted to make sure that even though I was not a Micronesian, not representing the Micronesians, that I would try to have some impact in relating to the people of the other departments, who hadn't had the experiences that I had, some of the concerns that the Micronesians had or that I thought they had so that we wouldn't make stupid mistakes by being insensitive. I'm sure that there were plenty of mistakes made, no matter what, because in any undertaking in that size there would be problems. But I think that we tried to handle it on a considerate and sensitive basis throughout, even though the negotiators whoever they were, Secretary Loesch or Ambassador Williams, did not always have the authority that the Micronesians wanted.

Willens: All right sir. Thank you very much.

Whittington: You're welcome.