



HIGH COMMISSIONER  
Trust Territory of the Pacific Islands  
Saipan, Mariana Islands 96950

December 12, 1964

Personal

Mrs. Ruth G. Van Cleve  
Director, Office of Territories  
Department of the Interior  
Washington, D.C. 20240

Dear Ruth:

This is in response to your personal letter of November 25 relative to the appointive status of the High Commissioner position.

First, I agree that it would not be timely to effectuate the change provided for in Secretarial Order No. 2876 at this time, apart from any action which might come on the formal resignation that I am addressing to the President which will go forward in this mail. Copies to you and to the Secretary will be transmitted officially.

Do not be in the least concerned about the "paper" loss of annual, sick and home leave and travel benefits. Although they would be considerable, translated into dollars at my present salary scale, I did not expect or take them into consideration in accepting this position in the first place.

Putting aside the question of personal benefits under a Secretarial appointment, I believe, very strongly, that the action taken to make the appointment Secretarial rather than Presidential was a mistake. Admittedly, it is a matter that is somewhat intangible, affecting, as it does, the over-all prestige of the position. Nevertheless the prestige factor is a significant one in dealing with other agencies and perhaps more so in relationships with other governments - not to mention with the people of the Territory. I consider the recommendation of the Solomon Report on this point to be ill-advised. Certainly the change in appointive authority does not increase effective control and responsibility of the Secretary one whit. If it did it might be better founded. Ambassadors, high military officers, many bureau chiefs - not to mention the major territorial governorships - are and have been presidential appointees without reducing control by or responsibility of their departmental or service superiors. We all know, of course, that as the stature of appointees to public office increases, whether based on reputation, prior experience or strength of character, they are less and less likely to function as faceless errand-boys irrespective of appointing authority. (We know, too, that this can be either good or bad depending on the

circumstances, and is always related to the exercise of common sense and good judgment.) This is why Harry Truman was so eminently right in his firing of Douglas MacArthur. The factotum who gets "too bit for his britches" is a continuing problem wherever placed - or however highly placed. I am not making any argument for autonomy or reduction of appropriate administrative or policy guidance in a post such as this - or any other.

Further, it is my opinion that the Secretarial order went beyond the language of intent of President Kennedy's letter of November 4, 1963, to Secretary Udall stating his opinion that the Secretary's authority "should extend without question over the U.S. High Commissioner of the Trust Territory." To my knowledge no one in my time or that of my immediate predecessors ever questioned this. The Solomon Report was, in reality, shadow-boxing in developing its recommendation. Note the language in the last paragraph of the letter, "Therefore, in the future I will expect the Secretary of the Interior to exercise full control over the appointment, direction and removal of such High Commissioners." This notably falls short of delegating authority to appoint. It is an instruction which might have been (and probably has been) given to the Secretary of State from time to time either orally or in writing with respect to ambassadors. We know that it had been the basic understanding with respect to High Commissioners and Governors for a considerable period of time. He said, in effect, that I don't want to be bothered personally and immediately in routine situations. In so saying the President in no way lessened his right to step into any situation that might arise. Again we know of many situations in which the President personally, or for that matter the semi-anonymous institution labeled "The White House" has stepped into appointive situations where the "appointing authority" is well down the line. I am emphasizing this only to highlight the fact that the letter is essentially informal and that it rather notably fell short of being a formal delegation of authority to appoint the High Commissioner. Although the delegation of administrative responsibility to the Secretary is full and complete under Executive Order 11021 (and was in no way expanded by the letter of November 4, 1963), the practice, based on long and unvarying precedents is that "high commissioners" are Presidential appointees. This is true not only with respect to the Trust Territory but in all other situations of which I have any knowledge.

The Secretarial Order therefore appears to me to be inadequately based. I do not press the point. The President obviously wanted the Secretary to be, in fact, fully responsible for the designation, control and removal of the High Commissioner - for the time being. I am not in any respect challenging the de facto situation or for that matter the wisdom of such an arrangement. Obviously the President can not and should not be expected to be personally involved in the initial screening and selection of all appointees at this level throughout the executive establishment. That is the proper role of the Cabinet officers. I am reminded of a rather short remark of President Truman's when the idea was advanced that all Territorial functions be placed in the Executive Office of the

President. Something to the effect that "I have enough of a job keeping White House staff out of the operations of the Government - I believe in making the departments responsible and holding them to doing their jobs."

I believe that the prestige and symbolism of the High Commissioner position is important and worth preserving. True we have, to my knowledge, only two U. S. High Commissionerships -- here and in the Ryukyus. We have had very few at any time. In our system it is less understood or used than in the British areas. We had a high commissioner in the Philippines prior to independence and in Western Germany after the war. Apparently it has a connotation that the situation is inappropriate to a "governorship." The British use it in the context implying that either a "governorship" or "ambassadorship" is not quite appropriate. Their application is increasingly in the diplomatic area within the Commonwealth so that the diplomatic representative from Australia to India is a high commissioner rather than an ambassador. The representative of New Zealand in Western Samoa is a high commissioner, etc.

This is not intended to be a treatise. I would make the point only that with respect to the Trust Territory area, the chief executive could have any of a variety of titles -- if the position and the role is essentially administrative it might just as well be labeled "administrator." I submit that this is not the complete picture.

There are international involvements both with other countries and territories in the Pacific and the Far East. We well know the United Nations involvement and the problem of representation before the Trusteeship Council. It is significant that in the U.S. Mission a full-fledged Ambassador spends a significant proportion of her time on this area. The position and title of High Commissioner, in effect, recognizes these aspects.

These observations may appear to be somewhat trivial. Personally, I have no real stake in the resolution of this question. Nevertheless, when the time arrives to appoint a successor, this may be a matter of vital significance. Presumably the appointive process will be of lesser concern to a thorough-going career person like myself than it might be to many well qualified persons outside the regular Government service. In fact it could be a decisive factor with many persons of competence and status.

As to my personal situation, I am presently somewhat detached in outlook. Given my choice, I would like to continue on for another year and a half to conclude five full years. However, I will certainly not be upset if a change is made sooner. Naturally, I have my future to consider, but feel that I can put aside any great concern until the day comes. At times I feel almost "burnt out" and I cannot presently conceive of wanting to remain here eight years or even six. One consideration which is essentially selfish and personal is that, as I understand it, a Presidential appointee's resignation is treated as "involuntary" for purposes

of early retirement under the Civil Service retirement system. In other words, with 20 or more years service (I have 26 years) at age 50 a person "involuntarily separated" qualifies for immediate retirement (at a reduced rate depending on actual age). I did not know this a year ago. My further understanding is that this would not apply upon voluntary resignation from a position not under Presidential appointment. Nevertheless, depending somewhat on how things shape up after January 20, I might consider the more immediate personal advantages of being under Secretarial appointment. This will depend largely on whether action will be considered to restore the position as one to be filled by Presidential appointment. If it is not to be, I may then consider that there is little to be gained in maintaining that status insofar as I am personally concerned - and that I cannot personally forego the personal benefits of sick, annual and home leave and of family transportation on leave. Actually, however, I cannot conceive of a person in this position being able to take full advantage of the leave entitlements except as a means of building up a substantial monetary accrual upon separation. As a family, we do not plan another vacation home in the period that I expect to remain here.

I am planning to take some time off for a trip over the Christmas holidays - leaving here the 17th and returning just after the first of the year. The longest real break I have had in over 3½ years has involved four days from the job. The South Pacific Commission meeting was a change and very interesting but hardly a vacation. We are planning a circle trip through Manila to Saigon, Singapore, Bangkok and Hong Kong. Just hope no crisis develops in the next week to prevent us from going!

I look forward to discussing this matter in late January or early February when we may have a bit more to go on as far as the future is concerned.

Sincerely yours,



M. W. Goding  
High Commissioner