

Personal and Confidential

77 Arthur Circle, Forrest,  
A.C.T. 2603, Australia,  
29th January, 1975.

Dear Paddy,

'Goodness gracious', as my grandmother used to say: no sooner than I thought I had got rid of your effusions than I find another lying under the pile on my table which accumulated while I was getting on with Cargill's Diaries and Correspondence, due for early publication as Vol.VIII of the Pacific History Series.

I'll answer it someday in so far as I know the answers - it seems to concern mostly recently colonization ventures on Christmas, concerning which I am unlikely to be an authority as my research on the G & E ends at 1892 (bar the bibliographical project).

But the last two paragraphs of your letter deal with the Banaban case and I feel that as my oldest and most trusted friend, and the only person I know who barracks for the Banabans, I should in all honesty explain why I cannot go to the U.K., as I see it.

Some two years ago I saw Sir Elwyn Jones (representing the Banabans), Mr Macdonald (then his No.2), and Mr Brown (their solicitor, a very decent soul). After a day or two of discussion on the Banaban case, at which Tebuke and an ex-employee of the B.P.C. (once engaged on some replanting stunt on Ocean Island) were usually present, Sir Elwyn asked me if I was prepared to give evidence in London during the hearing of the case.

Half-expecting this and having thought it over pretty carefully in advance I replied 'no, definitely not'. Mr Macdonald then enquired why and I answered: 'Because the British Government would infallibly break me, as they broke Eliot and Quayle Dickson and would have broken Grimble had he not reneged'.

There ensued some whispering between Sir E. and Macdonald, in which I caught the latter enquiring 'could they do it' and the former stating something about the Official Secrets Act. Sir Elwyn then asked me what I thought the B.G. would do and I replied that I had little idea at this stage but would expect them to start with cancelling my pension, then my wife's widow's pension, then bring pressure to bear on the Australian Government to prevent her getting an Australian old age pension, and that then they would get to work seriously on what was left.

Someone asked if I was suggesting that the B.G. would act illegally and I replied that I had never suggested it: there were sufficient loopholes in the legislation to enable everything to be done in the gentlemanly manner in which they had treated other R.Cs who had possessed the temerity to offend the B.P.C. Tebuke at some stage agreed that I was not exaggerating and that other European officers had suffered for helping the Banabans and that he would never press me to give evidence himself.

Sir Elynn said that he could get a letter guaranteeing me immunity from the Attorney-General and I asked him if he seriously thought that the A.-G. did the hatchet work for the B.G. All necessary action would be taken at a far lower level (in more senses than one) so that the A.-G. could keep his nose beautifully clean.

I heard the Macdonald of the Isles whispering something about issuing subpoenas and the question was dropped; until last year when he turned up quite unexpectedly at my home and produced a typed letter signed (I think) by some Treasury official saying that in the event of my giving evidence no action would be taken against me by H.M.G. I said that I doubted if it was worth anything; and since then my solicitor has doubted if it could be used as an estoppel against any legal action.

Mr Macdonald thereupon came out with a statement that the Banaban Council would pay my pension and my wife's widow's pension in the event of it being curtailed or cancelled. Tebuke might for a year or so, for he is a generous soul, but as my solicitor pointed out how does one sue the Banabans and what is it going to cost each time? And nothing is surer than the fact that when the Banabans lose, as they will, Tebuke, who has spent hundreds of thousands on the case, is going to be toppled and anything he promised repudiated.

The next Macdonald gambit was that he would take out an insurance policy to operate on the same eventualities occurring. My solicitor tried to arrange this in Australia but not even Lloyd's agents would touch it with a barge pole. Mr Brown then tried in England with, I believe, the same result. In any case Mr Macdonald was candid enough to admit that any insurance would have to be taken out abroad or the B.G. would simply have it cancelled.

Incidentally, I must admit that Mr Macdonald was very honest in all he said. He admitted that when I spoke to Sir Elwyn in Sydney he thought I was exaggerating, but that subsequent mishaps which had befallen him, resulting I gathered in Sir Elwyn having to tackle high-ups in the B.G. (Sir Elwyn is now the Labour Solicitor-General) to save his professional standing, had made him change his mind (at least to a degree).

As a result of a few harmless remarks on television, so ambiguous that one could not possibly say that I was on one side or another, I was summonsed to a party given by the Assistant High Commissioner here, ostensibly to meet the Assistant S.O.S. (who, not to my surprise, turned out not to be in Australia at all). Here I was treated like royalty until after dinner, when I was asked more than once to give my views on the Banaban question (which they were well briefed on). I politely declined and was pointedly ignored from then on. I never hope to go through such an ordeal again, but it put me wise as to what was in store for me if I did not toe the party line.

Again, Sir Elwyn asked if I could arrange for a search to be made of the B.P.C. archives in the Australian Commonwealth Archives in Melbourne. So I duly fixed with Ilma O'Brien, a reliable searcher, to start on this chore when a colleague from the University of New England at Armidale, who was working for his Ph.D. there on the old Pacific Phosphate Company, was suddenly told that all records were closed. He continued to work there on some non-B.P.C. records and found himself next to a Mrs Garaty (I've got the name somewhere) who, with archival assistance, was culling the B.P.C. records for anything conceivably bearing on the case and putting it into a suitcase which was taken in a special car to Commission h'q every evening.

I realized then that no holds were going to be barred, and that British pressure was sufficient even to close Australian Commonwealth Archives so that correspondence could be abstracted (breaking all archival integrity). Does one need to be cynical to conjecture that all correspondence Helping the Commission could be produced as evidence and anything helping the Banabans not produced?

I need not enlarge on the fact that the very rumour that I may give evidence for the Banabans has seemingly alienated me from people whom I had regarded as friends, both here and in the Gilberts. You will have read the remarks of the Chief Minister in the Gilberts about people paid to give evidence by the Banabans. Presumably the B.G. must have done a good job in persuading the Gilbertese that the Banabans are aiming to cheat them out of the funds which would otherwise be spent on their own development.

It has been put to me that (a) the fact that I am not actually employed by the B.G. at the moment does not mean that I can give evidence which would militate against their interests so long as I enjoy a pension (which is in any case given by grace and not to the graceless); and that (b) apart from anything else decent people do not bite the hand that feeds them, or let down the side for which they signed on voluntarily to bat for.

What finally clinched matters was the material apparently being collected from Kennedy, and no doubt from other sources (for I had gathered as much from the Gilberts before you wrote). Presumably the B.G. is collecting all this not for fun, but for use.

As I see it, then, should I go to England I can be subpoenaed (I can't be here, as Mr Macdonald has found out). Then if I stay mute I can be gaoled for contempt of Court; and if I speak I can be gaoled for breach of the Official Secrets Act. If I survived, the British Attorney-General will marshall every scrap by Kennedy or anyone else who could be found to destroy the credibility of my evidence by destroying my character. And once the show is over the Banabans may be left with three millions (or whatever the sum which they claim may be) and I am left without a pension and on my death my wife is left without any financial support.

I spoke to a very decent Foreign Affairs man here who is handling the Australian Government end of this multinational show, and he advised me to become an Australian citizen before leaving the country. This we are doing as a precautionary measure though I hate being forced at the age of 70 to renounce my British citizenship. And in any case it only helps as long as the Labour Government is in here, for ~~the~~ the Country Party somewhat naturally would have no time for anyone who resulted in an increase in the price of super to the Australian farmer.

I have written all this to you in confidence, Paddy, for I have no one to talk things over to and sometimes I feel that I am getting paranoid with the worry. It has affected my health quite markedly of late and if I live to give evidence I know I should not live much longer once the B.G. got going (first in Court and then after).

As for the Spring in England which you mention I don't see much prospect of seeing it in the Supreme Court. I have, as you possibly know, a tricky pylorus condition in which my pylorus closes at times of stress, when I am laid prostrate in agony. Mr Brown has accordingly laid on a nursing home and doctor for me in the event of my going. I should have to be under sedation, with drugs to alleviate the pylorus pain (I've never found anything that did any good bar a pint of Guinness), and I should be far too worried to notice whether it was mid-winter or mid-summer.

I must say that it seems to me hard that in the very last years of my life, when I am old, tired, and ill, I should be dragged out, expected to travel across the world, subjected to what Mr Macdonald termed 'the most rigorous cross-examination' by England's Attorney-General and leading Queen's Counsel, only to have my character ruined, myself made penniless and friendless, and Honor left with out any support after my death (which would come very soon).

Mr Macdonald argued that if you were willing to give evidence I should be, and it took me in at the time. But since then I gather that, apart from the material consideration that your private income makes your pension merely incidental pocket money, your evidence is likely to be of a purely formal character whereas mine is supposed to be crucial (though how I cannot conjecture, for I know nothing about whether or not the B.P.C. fulfilled their contractual obligations in attempting to plant coconuts).

Anyway I've got it all off my chest now and feel better. Honor, by the way, has always flatly refused to go; and indeed she could not conceivably travel to England, on health grounds. Being on permanent cortisone, and adversely affected by any change in temperature, she could never stand the journey, or the worry. Even twelve years ago she only made it as far as Honolulu, where she was in hospital for weeks.

Yours ever,

*Sam.*

G.P.O. Box 1404,  
Suva,  
Fiji.

Personal and  
Confidential.

16th February, 1975.

*My dear Helen.*

Woe is me! You speak of a spate of letters from Suva reaching your professorial desk, but I must say that you seem more than able to hold your own - though you have not yet replied to that in which I had to reprove you for producing such a slipshod and inaccurate list of British warships visiting Christmas Island. (I wonder who the cynic was in the Admiralty who arranged with Their Lords of the Admiralty to send HMS "Reindeer" there !)

2. Enough - I always welcome and enjoy your letters, but your Personal and Confidential one of the 29th January was of a rather different hue. You may - I do not know - have been expecting a swift reply from me and, if that is so, I am sorry if you have been disappointed. But I was almost numbed with shock - and outrage - when I read your letter and, as I always do with such unpleasant, rude or outrageous letters, stuck it in my desk for a week and tried to forget about it, and then see whether, after the lapse of a week or two, my views were still the same as when I first perused it.

3. Having now re-read your letter, I still feel the same as when I first read it, and my advice to you is short and simple - DONT GO TO LONDON. Being of a possibly less phlegmatic character than I am, your letter at times verged on the hysterical. That is no criticism; if I were built the way you are, I should probably have written in the same vein. And, what with one thing and another, you seem to have experienced enough to neutralize the nerve of an old buffalo. But I still think the answer is short and simple - DONT GO TO LONDON. You will feel that such action will result in criticism (say, from the Banabans, though I note that you state that Tebuke would never himself press you to give evidence); but if one's health, indeed, one's whole future is at stake, one is entitled to take the answer which will safeguard both, quite apart from reassuring honor.

4. This is the more so since apparently the issues on which your evidence is likely to be sought (coconut-planting, and use of too great a proportion of royalties by the GEIC Government) are matters wholly or largely beyond your ken. If you did indeed possess vital information on such matters, you would really be faced with a dilemma; but you are not. If your "friends" feel that, by not giving evidence, you are letting the Banaban side down, then so be it - they do not deserve to be called your friends any longer. But I guess that that is something that you will simply have to live with for it is impossible to explain to them alas all the facets of the problem which you have recorded in your letter to me.

5. I am not going to answer your letter in detail (as I was trained to do 42 years ago in the office at Ocean Island by one HEM), but I have one or two comments to make:-

- \* hint the worse*
- (a) in paragraph 3 of your letter (why don't you number your paragraphs!) you explain why you cannot go to the UK as you see it, and then in later paragraphs (e.g. paragraph 20 about taking out Australian citizenship before leaving the country, paragraphs 21 and 22); I cannot quite make out whether you have crossed the Rubicon or not;
  - (b) paragraph 10 - you think the Banabans will lose; I am not so sure; I certainly do not think that they will gain what they are seeking, but they might be awarded some compensation I think; but that's merely a personal view;
  - (c) paragraph 12 - what happened to Macdonald is alarming to say the least. (Elwyn Jones is now, of course, Lord Chancellor in the present Government);
  - (d) paragraphs 14 and 15 - and this is really hush-hush please - I happen to know that both the British Government and the BPC have both had hundreds of photocopies made of all relevant correspondence in these Archives. I know this of the British Government as the docs were there early last year when I started to act as Archivist but the point about the BPC was told me conversationally by Bruce Burne recently. I wonder if that is generally known. He added that the Banabans were absolutely forbidden access to documents in the closed period;
  - (e) paragraph 16 - I had not read the remarks of the Chief Minister about folks who give evidence for the Banabans. Did you see his letter to the London Times recently? I can let you have a copy if you wish. Quite a good letter but spoilt by certain totally untrue assertions;
  - (f) paragraph 24 - as to my giving evidence, see later in this letter. But your second sentence about my private income is absolute nonsense. True, I am fortunate enough to have a modest private income, but I certainly could not live on it quite apart from the generous allowance I make to Delia (More of this when we meet; its not a suitable subject to write about). My income comprises about a third of my total income (i.e. pensions), but far less when Delia's allowance is subtracted. No, my pensions from no less than eight different territories are essential to me;

\* private

6. No, I think the arguments in your case are absolutely compelling - your health; Honor's health; your lack of specific knowledge about the crucial subjects for discussion; and the possible serious disastrous consequences if you do give evidence. I have said DONT GO TO LONDON, and surely you can procure a medical certificate of some description stating that, in your present state of health, it would be inadvisable for you to travel. But, whether you can or not, I still say DONT GO TO LONDON.

7. But, having said all that, after reading your letter, I have willy-nilly been compelled to reconsider my own position. When I told you that I was going to London to give evidence in the case for the Banabans, and urged you to go too, I had no idea of the vast number of considerations mentioned in your letter. When Macdonald first sounded me out I refused, on the ground that I could not see that I could give any useful evidence on any point. When he approached me for the second time, he pointed out that I could give some evidence on the, for example, legislation passed in Fiji after the Banabans settled here. That made some sense, though I could not see how germane it was to the case; but he assured me that it would be. I got the impression - though I may be wrong - that he felt that if he could trot out as heavyweight witnesses Messrs. Maude and Macdonald, it would do the Banaban case a lot of good, even if their evidence was not in itself very germane to the issues in the case.

8. However, I was still a bit reluctant, which was why I would have felt better if you were along too! But I still refuse to believe that my evidence would be anything like crucial in the case.

9. And here, in view of your remarks about your taking out Australian nationality, I should tell you that I took out Fijian citizenship in 1971. Unless I had done so I should not have been allowed to work here, the argument being that such work as I do can be done by anyone! But one day I may well try to take out UK citizenship again and I gather that there is no insuperable obstacle to this. For example, if I grew pretty old out here, it would be difficult to live on one's own and there is really nowhere to go, as there is in the UK.

10. Anyway, I had never envisaged, until the receipt of your letter, that HMG could possibly stoop to such action as you cite. Now I am horrified, not only for you, but also for myself. I refuse to risk being reduced to a poverty-stricken ex Colonial Civil Servant who has sweated it out for the best part of 40 years in the service of HMG.

11. So, for the reasons given in your letter and in the preceding paragraphs, I too propose now to decline to give evidence. As I say - as in your case too - if my evidence was crucial, it would be a real dilemma; it is obviously not, in which case I do not see why I should run such a risk. (I also doubt whether Macdonald - in the UK - carries heavy enough guns if things became difficult). I shall probably wait until early April and then cable home some excuse which cannot be gainsaid. (I was wanted home about the end of April). But, you will of course keep this to yourself.

12. Meanwhile, be of good cheer, and take Abraham Lincoln's advice to 'stop still and saw wood'. Once you have taken the decision, you will feel better, but of course the timing must be your's in your case.

My love to Honor; I will answer your other letters soon,

*S + O.F.*

*Gu Feeding*

*He never told me of his & Alvin's talks with you. Why, I wonder?*

77 Arthur Circle, Forrest,  
A.C.T. 2603, Australia,  
27th February, 1975.

My dear old P.D.M.,

No, I was not expecting a swift reply to my letter re the London jaunt; and indeed I had half thought that I would not get one at all. As you rightly say my letter verged on hysteria, the reason being that I had just received yet another of a series of importunities from London and was at my wit's end to know what to do for the best.

2. Anyway writing to you acted as a catharsis and then a friend dropped in and was able to give me some sage and calm advice which, by a singular coincidence, happened to coincide with that in your own letter.

3. So I sat me down and wrote the enclosed letter to Mr R.M.L. Brown to which, not surprisingly, I have received no reply. I owe you an apology for one sentence in it, that reading 'I am not aware that any other expatriate has done so much for them, or has a tithe of my knowledge and interest in their affairs and future', because of course you have probably as much knowledge of, and interest in, them as I have. But at the time I was thinking of the British Government's 'experts' and, in particular, the Catholic Bishop whom they allegedly flew from Tarawa to London as their leading authority on the Banabans and their customs. I am told that he had only recently taken over office and had conceivably never met a Banaban.

4. What had puzzled me most was why Mr John Macdonald wanted me to give evidence at all. His letter is with my solicitor but I remember that he said that he proposed to ask me four questions: all so trivial and remote from the issues involved that they could not have possibly justified the expense of my journey. Hence I feared that there was some hanky-panky which I did not understand.

5. But your letter has made it all clear. They wanted us, not for the intrinsic value of any evidence which we could give (which was virtually nil) but in order to be able to parade two senior Governments servants in front of the Court as being, by virtue of their very voluntary presence as witnesses for the Banabans and therefore hostile to the Crown's case, convinced that the Government which they had been serving at the time was guilty of wrongful conduct.

6. I'm not so sure that the Government was wrong in the context of the time, though it would certainly be morally wrong if it attempted the same sort of behaviour today. Times change and so do we. But the present Government seems to have a most infernally guilty conscience, or why the closing of archives and refusal to disclose information? You will have heard in the news that the case has already begun in the High Court: 'with the islanders demanding production of Crown documents, and the Crown claiming Crown privilege on them'. Evidently no holds are to be barred, and it could be unwise to become part of the meat in the sandwich.



7. Re Australian citizenship, there is really no problem as the Australian Government have assured us that we can continue to be U.K. citizens as well, and indeed have advised us to carry two passports: a U.K. to get into England and an Australian to get out and back here again. Sounds sensible enough.

8. I never saw the Chief Minister's letter to The Times, but Australia House in the Strand sent me Tebuke's reply. I'll swap if you havn't got the second.

9. As for your own going it was always a calculated risk, but I never considered that it was much of a risk. I doubt if the British Government would do anything in your case; and quite possibly nothing in mine, other than to write me off as an outlaw who had let down the side. Also you wanted to go to England for other reasons, whereas neither of us ever did; if only because we cannot afford the waste of time.

10. I see that I have also to thank you for two other letters and take this opportunity of doing so. Be your favour of the 31st you evidently have a nose for old warships which I lack, but I have filed the information and indexed it under 'Christmas Island: alleged visits of warships kindly supplied by P.D.M. (to be regarded with caution unless supported by more reliable evidence)'.  
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11. As regards your of the 23rd, please see my comments below:-

- (1) Para. 5. I'm sure I replied to your para. 8, but if not I should have thanked you for your offer but said no need to send a copy of this invaluable report because I almost certainly have it filed somewhere and in any case shall never write anything on Christmas again, especially since Gaynor is producing the book of books on that island.
- (2) Para. 6. I don't think the Republic of Tugaru (or whatever the GSEIC is to be called) has the slightest intention of relinquishing Christmas. Mr Patrick Reardon, the Financial Secretary, was here to tea on Sunday and full of plans for developing the island. Apparently the salt pans alone are worth big money and a commercial company is to commence exploiting them. And settlement plans are well under way. He regarded Christmas as one of the brightest jewels in the Gilbertese crown.
- (3) Para. 7. Yes, it is sad because there is nothing in either Report which could afford comfort to the enemy or affect the sovereignty question today. I have never regarded the existence of the Reports, however, as secret, nor their titles. Only their contents in so far as they concern sovereignty. Nine-tenths of the material is taken from unrestricted documentation.
- (4) Para. 8. I am glad you impressed Bruce, though not apparently to the extent that he mentioned my consummate expertise in a letter which he sent me last week about the training of an archivist cum librarian for the Gilberts.

12. The rest of your elegant prose I have duly noted and particularly the fact that you will duly do some work on those GSRIC serials sometime and that you are now a Fijian (as I had been told) but are not as yet a millionaire (cōntrary to popular opinion). I hear that Ron and Marjorie Crocombe may be running into trouble through not having taken the same simple precaution re citizenship.

13. Which reminds me that young Powles was in here the other day wanting the help of a professional archival searcher in Fiji when he takes up temporary residence there soon. So I took the liberty of saying that you might be open to persuasion if not otherwise engaged - I think that you know him already.

14. Which reminds me that in para. 5 (d) of your letter of the 16th (sorry, but I shall never develop your tidy mind - mine darts about like a grasshopper) I fancy that Barrie Macdonald must have been there when you parried a barrage of impertinent questions re the Banabans from a British Government lackey with consummate ease and tact, giving away nothing. You may not think much of Barrie, but he thinks the world of your diplomatic finesse; and actually he's got a first-class brain.

15. Please note that I have numbered my paragraphs, with considerable difficulty and only out of deference to you; and that there is no para. 12 (a).

All the best from us both,

Yours,

*John*