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Central Office

December 20, 1978

Hon. Peter R. Rosenblatt
Personal Representative of the President
Office for Micronesian Status Negotiations
Room 3356
Department of the Interior
Washington, D.C. 20240

Dear Ambassador Rosenblatt:

It was helpful to talk with you by telephone after the October 12 inter-agency meeting at the Department of the Interior. I have subsequently suggested to Under Secretary James A. Joseph that he should undertake to call upon the Department of Energy to develop a plan for long range radiological monitoring of Enewetak Atoll and its People, a program of vital importance to them and to all those in the Marshall Islands who were exposed to radiation or otherwise affected by the nuclear testing activity carried on by the United States at Bikini and Enewetak.

I am prompted by recent news accounts appearing here, copies of which are enclosed, to take up with you some of the same questions we discussed in our October telephone conversation, and others, arising out of our representation of other clients in the Marshall Islands.

In addition to serving as Counsel for the People of Enewetak, we represent the People of Rongelap and



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Utirik Atolls, in connection with losses they suffered and continue to suffer as a result of radioactive fallout from the March 1, 1954 thermonuclear explosion at Bikini.

The People at Enewetak suffered the loss of several entire islands which were eradicated by thermonuclear test explosions and, depending upon the degree of success of the cleanup program currently under way, parts or all of other islands will remain of little or no use to them because of radioactive contamination. They were summarily removed from their atoll December 21, 1947 and have lived a very difficult thirty years in exile. The cleanup and rehabilitation program scheduled for completion in April 1980 will contribute in a significant way to reestablishing the people in their homeland, but there is still much that will be needed to achieve the ultimate objective of the program: to reestablish them on their atoll in a state of social and economic well-being. In addition, because of the long term effects of ionizing radiation, there is need for a program which will continually reassess radiological conditions in the environment, monitor the radiological health of the people and provide treatment of any radiation related illnesses which might occur.

The People of Rongelap and the People Utirik have similar claims and needs. Each is a separate group and each is a separate client of ours, but I will speak generally about both in this context. At Rongelap eighty-six people were exposed to an estimated radiation dose of 175 rads. Other members of the People of Rongelap who were at Ailingnae were exposed to 78 rads and at Utirik the estimated exposure was 14 rads. All of the exposure came from radioactive fallout of the thermonuclear explosion, fallout which was carried "up-wind" from the Bikini test site. The fallout was so heavy it resembled snow and because the people were unfamiliar with such things, they did not know to take any precautions: children played in it as though it were harmless. It was two to three days before the people were evacuated by United States authorities. The People of Rongelap were not permitted to return to their atoll for a period of three years, and some of their islands are still subject to restricted use.

You know of the program of medical examination and treatment for the People of Rongelap and Utirik, carried on under the auspices of Doctor Robert A. Conard of Brookhaven National Laboratory. There are also two programs of compensation, one which was completed in 1965 and another which is currently under way. Doctor Conard's work and these other programs have made a significant contribution to the well being of the People of Rongelap and the People of Utirik, but as in the case of Enewetak, full satisfaction of all individual claims and firm commitments to meet the long term needs of the people have yet to be made.

I do not by any means intend to minimize what has been done in the past, but my principle purpose here is to highlight the legal responsibility of the United States to fully satisfy the claims, both individual and collective, of all of these people and to make firm and binding commitments for the vital radiological programs which only the United States has the wherewithal to provide.

In our view, these are very special kinds of responsibilities which are not properly comprehended within whatever financial obligation is undertaken by the United States for the general support of the future government of the Marshall Islands. The People of Enewetak, the People of Rongelap, the People of Utirik, ought not to have to compete with other legitimate needs of the Marshall Islands for whatever total financial support is negotiated between you and the Marshall Island Political Status Commission. Likewise, we do not think the Marshall Island Political Status Commission should be required to, in effect, finance radiological health and environmental programs for the people of these three atolls out of whatever limited funds are ultimately agreed upon between you and them. We think the responsibility runs directly from the United States to each of these clients and they alone have the legal capacity to settle these claims and to agree to a definition, once and for all, of the future responsibility of the United States with regard to radiation related personal injuries, losses of property and environmental hazards.

I realize that the exact means for meeting the needs of our clients, which I have outlined here only in the most general terms, can vary considerably de-

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pending upon the exact nature of the relationship worked out between you and the Marshall Islands in the current negotiations. I also appreciate that you do not represent the United States on all matters concerning Micronesia and, indeed, as you know from our previous conversation, my view of the matter is that all of these claims and needs arise out of use, or misuse if you will, by the trustee, of the property and beneficiaries of the trust. Nonetheless, because of the potential deleterious effect of your current approach to negotiations with the Marshall Island Political Status Commission upon the vital interests of our clients, we would be happy to make ourselves available to you or a member of your staff while you are on Saipan next month to discuss these matters.

Sincerely, S

Theodore R. Mitchell

TRM/dl

xc: James A. Joseph, Under Secretary, DOI
Adrian Winkel, High Commissioner, TTPI
Ruth Van Cleve, DOTA, DOI
Matthew Nimetz, DOS
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