

MEMO ROUTE SLIP SEC-93 (Rev. May 14, 1947) AECM 0240		See me about this. Note and return.	For concurrence. For signature.	For action. For information.
TO (Name and unit) <i>Dr. W. Weygen</i> <i>BER</i> <i>E-224</i>		INITIALS	REMARKS <i>Per our telegram</i>	
		DATE		
TO (Name and unit)		INITIALS	REMARKS	
		DATE		
TO (Name and unit)		INITIALS	REMARKS	
		DATE		
FROM (Name and unit) <i>W. H. Brown</i> <i>OGC</i> <i>A-250</i>		REMARKS		
PHONE NO. <i>3-4064</i>	DATE <i>5/25</i>	<i>5011276</i>		

Ronald G. Bakal, Esq.  
Bakal & Bakal  
5408 Sepulveda Boulevard  
Culver City, California 90230


Dear Mr. Bakal:

This is in reply to your letter of November 15, 1976, to Dr. Robert Seamans concerning compensation for the people of Utirik Atoll for certain specifically stated effects caused by the test detonation of a nuclear device on March 1, 1954.

The delay in responding to your letter has been due in part to our awaiting the submission of a bill sponsored by the Department of the Interior authorizing ex-gratia compensation to the people of Utirik. The Interior sponsored bill, with minor modifications, was combined with an omnibus bill (H.R. 6110, now H.R. 6550) and was recently introduced into the House of Representatives by Representative Phillip Burton. A copy is enclosed. Such legislation would be in keeping with a past Government authorization (P.L. 94-34) of ex-gratia payments to the people of Bikini Atoll which you referred to in your letter.

The Energy Research and Development Administration (ERDA) and its predecessor agency, the Atomic Energy Commission (AEC), have been intimately familiar with the experience of the peoples of the Marshall Islands during the past 30 years. In conjunction with the Trust Territory Government and the Departments of the Interior and Defense, we have continuously assisted in pursuing the Government's efforts to identify and correct problems resulting from the testing programs of the 1940's and 1950's. We have also sought to keep the Marshallese people maximally informed about the multitude of U.S. and Trust Territory efforts in the area, so as to avoid undue concern. Obviously, this is especially important with respect to complex

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technical programs and discussions of the latent effects of radiation.

Apart from purely medical explanations, we have attempted to convey an understanding of the limitations upon the AEC's (now ERDA's) activities. For example, ERDA has neither authority, jurisdiction, nor resources to deal with the general social welfare needs of Trust Territory populations. ERDA's medical resources in the Marshall Islands have been provided for the limited purposes set forth in this letter. Although it has been possible during their periodic visits for ERDA's medical teams to volunteer limited diagnosis and treatment of many of the Islands' residents, general medical care remains a responsibility of the Trust Territory government.

In this connection, we assure you that none of our Utirik medical programs have been, nor have we intended them to be, "experimentation" programs"; nor have we ever viewed the Utirik people as "human guinea pigs," as suggested in your letter. We have frankly recognized that it would be irresponsible for us to fail to keep the affected populations under medical surveillance and to investigate and treat any long term effects of the 1954 detonation. Accordingly, we have, through the Brookhaven National Laboratory, utilized the best medical and scientific resources available in the United States in service to the people of Rongelap and Utirik who were exposed to radiation from the 1954 test. This has included medical examinations, treatment, medication and, where necessary, travel to hospitals in the United States for special medical and surgical procedures. While these efforts are entirely motivated by concern for the welfare of the people, it was recognized that cooperating with the periodic medical visits might constitute an inconvenience to individual persons; accordingly, in 1974 the AEC paid the Utirik people \$18,000 as

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an inconvenience payment.


Your letter reflects an apparent misapprehension concerning the reason for cancelling the scheduled December 1976 visit to Utirik Atoll of the Brookhaven National Laboratory medical team. In actuality, the December visit was cancelled solely as a result of the expressed preference of the Utirik population. During the September 1976 visit of the ERDA medical team to Utirik, the team leader, Dr. Knudsen, was informed that it was the desire of the Utirik people that he see only the essential patients and then depart. Dr. Knudsen discussed the purpose of the visits and ended his conversation by saying that he had come to Utirik prepared to work with the people. He stated that if he was not welcome, then he could not return. When Dr. Knudsen departed he informed the Magistrate that he would not be able to return to the Islands until the people indicated their desire that he do so. Thus, in the absence of any positive sign of acceptance by the people, the next survey bypassed Utirik.

*Walt,  
I don't like this! Any ideas?*

I hope these comments assist you in your efforts on behalf of the Utirik people and help to place ERDA's Trust Territory role in the proper perspective. As you can perhaps appreciate, our own long time relationship with the Utirik people has developed in us a deep concern for their welfare and has evoked strong support from us for the bill sponsored by the Department of the Interior.

Sincerely,

James L. Liverman  
Assistant Administrator  
for Environment and Safety

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