

LAW OFFICES
GINSBURG, FELDMAN, WEIL AND BRESS
1700 PENNSYLVANIA AVENUE, N. W.
WASHINGTON, D. C. 20006

DAVID GINSBURG
MYER FELDMAN
J. W. ROSENTHAL
FRANK A. WEIL
E. WILLIAM HENRY
LEE R. MARKS
JOHN H. ZENTAY
MARTIN JACOBS
JAMES E. WEGNER
FRED W. DROGULA
MICHAEL I. SANDERS
JOEL S. BURTON
JAMES HAMILTON
ALFRED J. EICHENLAUB
RICHARD P. SILLS
PETER H. RODGERS
ALAN S. WEITZ
DAVID G. BRESS (908-1976)

CABLE: "LEGIS"

TELEX: 89-2422

TELEPHONE
(202) 637-9000

402801

April 15, 1980

ANDREA JILL GRANT
JACOB DWECK
MARTHA JANE SHAY
BRUCE H. RABINOVITZ
ROBERT W. HAWKINS
JOSEPH E. RESENCE
DAVID J. FREEMAN
CELIA ROADY
GARY J. KLEIN
PHILIP M. BATTLES, III
LAWRENCE P. KELLER
SCOTT W. STUCKY
GAIL B. TRACHTENBERG
PATRICIA N. BLAIR
GAYLE FORST
RICHARD A. COHN
G. STEPHEN SAUNDERS
ALAN R. YUSPEH
SUSAN A. COBB
IRA T. KASDAN
JONATHAN M. WEISGALL

* NOT ADMITTED IN D. C.

WRITER'S DIRECT DIAL NUMBER

(202) 637-9104

The Hon. Ruth G. Van Cleve
Director
Office of Territorial Affairs
U.S. Department of the Interior
Washington, D.C. 20240

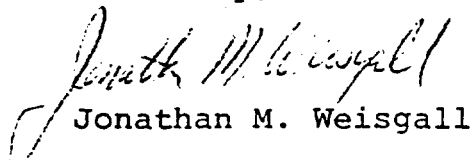
Dear Mrs. Van Cleve:

Following our meeting with you and Department of Energy officials after the April 2 testimony before the House Appropriations Subcommittee on the Interior, I have worked with the Bikini/Kili Council to prepare a proposed Bikini resettlement program, a copy of which is enclosed.

You indicated at our April 4 meeting that you would try to expedite the interagency review process of the proposed resettlement program, and you were hopeful that the administration would be able to go back to the Appropriation Subcommittee shortly with specific funding proposals. If I can be of any assistance in this process, please do not hesitate to contact me.

I look forward to hearing from you soon.

Sincerely,


Jonathan M. Weisgall

cc: Bikini/Kili Council
Hon. Philip Burton
Hon. Robert C. Byrd
Hon. Ruth C. Clusen
Hon. Henry M. Jackson
Hon. Adrian P. Winkel
Hon. Sidney R. Yates

Enclosures

BIKINI RESETTLEMENT PROGRAM

I. RESETTLEMENT OPTIONS

In light of the Interior Department's finding in 1978 that Bikini Island would not be safe for the foreseeable future, the people of Bikini have spent over a year exploring possible resettlement sites. With the help of High Commissioner Winkel, four trips were conducted, one to Hawaii, one to Wake, one to fly over Palmyra, and one to various atolls in the Marshall Islands, including Mili, Knox, Jaluit, Ailinglaplap, Erikub and Likiep.

Only one of these potential relocation sites -- Wake -- interested the Bikinians. Wake has very little rainfall and virtually none of the life-sustaining trees or vegetation commonly found throughout the rest of the Marshall Islands, but it does pose one very attractive future for the Bikinians -- the American military. The U.S. military removed them from Bikini in 1946. The people have not yet found a home, so they anxiously look to the United States to continue to care for them. The Bikinians view Wake as a pocket of continuing U.S. presence in the region, so they immediately seized on it as a possible resettlement site. The Pentagon, however, has been adamant in its refusal to permit Wake to be used for resettlement. In sum, the Bikinians would be

interested in resettlement on Wake, but the Pentagon has declared that any such resettlement is out of the question.

Palmyra, a privately-owned atoll consisting of 39 islands, poses two major disadvantages for the Bikinians. First, and most important, it is more than 2,000 miles from the Marshall Islands; a move to Palmyra would thus isolate the Bikinians from their traditional environment. Second, although the total land area of all 39 islands in the atoll is over two square miles, none of the islands has as much living area as Kili, where most of the Bikinians now live. Given Palmyra's distance from the Marshalls, the people would want to live together in one central area, but a move to Palmyra would not permit this.

Moreover, most of the Bikinians have rejected the possibility of moving to Hawaii, 2,400 miles northeast of the Marshalls, because they fear they would lose their Marshallese identity and cultural heritage.

With respect to the Marshallese atolls the Bikinians visited, resettlement possibilities are virtually nonexistent. First, there is already some social friction between the Bikinians and other Marshallese peoples, and the continued special treatment the Bikinians will require in the post-Trusteeship period (e.g., food programs and medical care) may well contribute to greater strains. Moreover, resettlement on part of an atoll might create a ghetto environment, with the Bikinians being regarded as intruders and

"squatters," even if the land and lagoon rights were leased or bought, This would further contribute to the Bikinians' concern about freedom of movement and loss of collective identity. For example, the few Bikinians now living on a small part of Jaluit Atoll do not feel they are free to travel to other parts of the atoll. Since these sometimes subtle -- and potentially serious -- social problems are not susceptible to resolution, resettlement on another inhabited atoll in the Marshall Islands is not acceptable. As to uninhabited atolls, such as Erikub, it appears that they are uninhabited simply because they are uninhabitable. Even those which could sustain some human life could not possibly support a significant part of the entire Bikinian population, which now numbers approximately 925 people.

Having discussed and reviewed all possible resettlement options, the people of Bikini have concluded that their first choice is Bikini Island in Bikini Atoll; their second choice is Eneu Island in Bikini Atoll; and their third choice is Wake. Given the problems of resettlement on Bikini Island and Wake, this realistically leaves only one option open -- Eneu Island in Bikini Atoll.

II. ENEU ROTATION PROGRAM

The Bikinians' preference would be to move the entire Bikini population to Eneu and perhaps some of the islands west of the Eneu channel, such as Airukij, Airukol, Bikiren, Lele and Eneman.

It is possible, however, that these islands could not handle such a large number of people. If this is the case, the Bikinians propose to utilize a system devised by the people of Enewetak several years ago when they were living on Ujelang Atoll. When the Enewetak cleanup began and the southern islands began to be rehabilitated, the people wished to establish an advance community at the atoll. Since the whole population could not move at once, the people decided to set up a rotation system, pursuant to which a certain percentage of the population moved from Ujelang to Enewetak for six months. After six months, these people left, and they were replaced by another group. This rotation system has continued through today and has worked successfully.

The Bikinians propose to apply this system to Eneu Island. Under this system, the population desiring to resettle on Eneu would be divided into two or three groups. Once housing and support facilities are ready at Eneu, those people in the first group who wished to move to Eneu could do so. After a set period of time -- for example, one year -- they would leave, and the second group would move to Eneu. Under this system, every Bikinian would have an opportunity to live on Eneu, but no one would live there for more than one year in every two or three.

Two numbers must be clarified before a specific program can be established. The first is the number of groups. The Bikinian leaders have indicated that approximately 700 of the 925 Bikinians would probably want to resettle on Eneu. Using this number as an estimate, the 700 people could be divided into two groups of 350 each or three groups of approximately 235 each. The size of the groups (and hence the number of groups) should depend on the support facilities which can be constructed on Eneu and the other islands west of the Eneu Channel.

The second number which must be clarified is the length of stay at Bikini Atoll. One year seems to be a reasonable period for rotation, but there must be further discussion with the people of Bikini, as well as Department of Interior officials, before any final decisions are made with respect to either number.

In the meantime, DOE should prepare annual and 30-year whole body and bone marrow calculated doses and risk assessments (based on population figures shown below, not a population of 10,000) assuming the following living patterns:

1. 350 people live 100% of the time on Eneu Island for one of two years (other year spent elsewhere in Marshalls).
2. 350 people live 100% of the time on Eneu for one of three years.

3. 235 people live 100% of the time on Eneu for one of two years.
4. 235 people live 100% of the time on Eneu for one of three years.

The same calculations should be made on the assumption that people live 90% of the time on Eneu and visit Bikini Island 10% of the time, assuming further that no food from Bikini Island is eaten. In addition, each calculation and/or assessment should be made on two different dietary assumptions, one assuming no food imports and the other assuming 50% food imports and 50% local food from Eneu.

Lastly, DOE should prepare an evaluation of five of the islands located west of the Eneu Channel (see page 3 above) based on two living patterns. One pattern should assume that the islands are used for agricultural purposes, and the second should assume that the islands are used for both residential and agricultural purposes by a population of approximately 100 people. ✓

It is clear that an Eneu rotation system must be carefully monitored and enforced in order to work successfully. Representatives of the major holders of land rights on Eneu have stated that these landholders would permit other Bikinians to live on Eneu. The Bikinians have also indicated that they are prepared to comply with DOE restrictions regarding a return to Eneu. In order to be in compliance with federal radiation protection guidelines, it would be necessary for the people ✓

to live only on Eneu, eat no food at all from Bikini, and maintain a diet consisting of approximately 50% local food from Eneu and 50% imported food. The people have also indicated that they would be willing to accept certain measures to insure that they do not violate DOE restrictions. One such measure should probably be the destruction of the 40 homes on Bikini Island, which could prove to be an attractive nuisance. Another possible measure might be the destruction of the coconut trees on Bikini Island, although a decision on this action should be postponed until there is an opportunity to observe whether DOE restrictions are being followed.

An essential element of an Eneu resettlement program will be the establishment of a regular shipping schedule to bring imported food to Eneu. At a Congressional hearing in June, 1978, when people were still living on Bikini Island, witnesses testified that although monthly trips were scheduled to take food to Bikini, ships called on Bikini sporadically because the Trust Territory Government did not have enough ships available to service Bikini on a monthly basis. Jendrik Leviticus, who attended the hearing representing the people then living on Bikini, stated that

"ships...apparently did not arrive on anything approaching a monthly basis, and that caused the Bikinians to go into the interior parts of the island and eat the breadfruit,

the coconuts, the pandanus growing there. These excursions to the interior of the island would occur in the time period well after the arrival of a ship, when no new ship was in sight. That accounts for the Bikinians more or less disobeying what they had been told by DOE officials, but it was simply the function of not having enough food.... [S]ometimes as much as 3 months would go by without the arrival of the field trip ship."

The infrequency of ship service caused the people to eat food grown on Bikini. This, in turn, caused their body burdens to exceed acceptable federal standards, resulting in their removal from Bikini.

The mistakes of the Bikini Island resettlement must not recur. If ships do not arrive at Eneu regularly, it is probable that the people will go right to Bikini Island and eat whatever food is available there. This program cannot be implemented halfway. If the Eneu rotation system is accepted, there must be a special ship purchased and earmarked for supplying the food program on Eneu.

III. OTHER COMPONENTS OF A RESETTLEMENT PROGRAM FOR THE PEOPLE OF BIKINI

The proposed Eneu rotation program constitutes only one part of the Bikinians' proposed resettlement program. If the rotation system is implemented, presumably only part of the Bikinian population could be accommodated on Eneu at any given time; the remainder would live where they are now. Most of the Bikinians -- 550, or about 60% -- now live on Kili. An

additional 120, or 13%, live on Ejit Island in Majuro, and most of the rest live on Majuro, Kwajalein, Ailinglaplap and Jaluit. Moreover, it appears that some Bikinians may wish to live permanently on Kili or Ejit and not participate in a rotation program to live on Eneu.

The United States has always assumed that the Bikinians would live "temporarily" on Kili until they could return to Bikini. If DOE projections are correct, that ~~re-~~ return to Bikini is at least several generations away. Since there will probably be a permanent Bikini population remaining on Kili and Ejit, there should be a program of permanent rehabilitation of these islands. For example, the temporary wooden housing that was built on Ejit and Kili during the past two years will last for perhaps five or ten more years, assuming there is no typhoon. The Bikini resettlement program should provide permanent housing for the people, similar to the sprayed concrete houses which were recently built on Enewetak. These were the only buildings that survived the 1978 typhoon there.

Other steps should be taken to make living conditions on Kili more tolerable. For example, an STOL (short-take-off and landing) strip should be built on the island to accommodate small aircraft, such as the airplanes recently purchased by the Marshall Islands Government.

As for ocean access to Kili, three options or combinations of options should be considered. First is the question of a dock. The Trust Territory Government has begun to examine this possibility, but no feasibility study has been completed. If construction of a dock capable of withstanding the surf conditions on Kili proves to be impractical or too costly, the second option should be to dredge a deeper channel at Kili, thus permitting field trip ships to anchor closer to the island in calm weather. The third option would be to employ the methods used when the area was controlled by the Japanese. Field trip ships should off-load supplies at Jaluit Atoll during the winter months if surf conditions at Kili make access impossible. In addition, a smaller boat should be based year-round at Jaluit. On those few winter days when the surf conditions at Kili are tolerable, the people on Kili can call Jaluit by radio and the small boat can make the 40 mile trip in a few hours to off-load supplies at Kili. Between an airstrip and improved ocean access to the island, living conditions on Kili could be significantly improved.

Other aspects of a resettlement program include the following: First, there must be a comprehensive health care program for all the Bikini people. The 139 people removed

from Bikini in August of 1978 are currently being monitored by scientists from Brookhaven Laboratories, but many more people were on Bikini between 1970 and 1978 who left before August of 1978; these people also require medical monitoring. Second, there must be periodic comprehensive radiological surveys of Bikini Atoll and updated ration dose assessments. These two actions will be implemented pursuant to Public Law No. 96-205.

Third, there must be a continuing food support program for the people living on Kili. Fourth, there must be an improved education program on Kili. Very few Bikini children have learned English and the other skills necessary to attend public high school in the Marshalls. The assignment of two American elementary school teachers to Kili would greatly help the Bikini children to overcome these educational deficiencies.

Fifth, all use rights in the land and lagoon of Bikini Atoll should be conveyed to the people of Bikini. Sixth, the people of Bikini must receive compensation from the United States for (a) the complete destruction and disappearance of islands as a result of the 1954 "Bravo" test, (b) the loss of the use of Eneu Island between 1946 and the commencement of the proposed resettlement program, (c) the indefinite loss of the use of Bikini and other islands in the atoll since 1946, (d) the loss of revenue from the copra crop on Bikini Atoll, (e) injuries suffered by people who lived

on Bikini Island from 1970 to 1978 resulting from the United States nuclear testing program, and (f) hardships suffered by the Bikinians as a result of being displaced in 1946 and again in 1978, as well as their continued displacement in the foreseeable future.

Lastly, the United States government should pledge to return the people to Bikini Island if and when the island is safe for resettlement.

IV. INVOLVEMENT OF THE PEOPLE OF BIKINI
IN THE RESETTLEMENT PROGRAM

Maximum practicable participation by the Bikinians in the resettlement program, both in its planning and execution, is necessary and desirable. The people of Bikini, through the Bikini/Kili Council or other representative group selected by the Council, should be regularly consulted and informed with respect to the resettlement project.