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S. Gottlieb, GC-34

W. W. Burr, EV-3

H. Hollister, EV-4

C. W. Edington, EV-30

J. Thiessen, EV-32

T. McCraw, EV-30 ← 

R. Ray, NV00

W. J. Bair, PNL

W. Robison/V. Noshkin, LLL

Thought you might be interested in the responses which Interior received from various interested parties re the Marshall Islands program plans per P.L. 96-205.

Bruce W. Wachholz



Civil Division

Deputy Assistant Attorney General

Washington, D.C. 20530

December 17, 1980

Ms. Ruth VanCleve
Deputy Assistant Secretary, Policy
Office of Territorial and
International Affairs
Department of the Interior
18th and C Streets, N. W.
Washington, D. C. 20240

Dear Ms. VanCleve:

The Department of Justice was invited to submit its comments on reports submitted by the Department of Energy and a Department of Interior contractor concerning implementation of Public Law 96-205.


As we have previously stated, at the heart of implementation of Public Law 96-205 is a fundamental decision on the scope of its coverage. As you note in your August 8, 1980, discussion paper, the most reasonable interpretation is that the statute contemplates coverage of more than the people of the four named atolls but something less than all of the people of the Marshall Islands. The standard by which additional atolls are covered involves determinations of complex issues which to date the Department of Interior has not attempted to resolve. In the absence of Congressional clarification or agreement by concerned agencies on the standard by which people of additional atolls should be covered, we believe that the implementation of Public Law 96-205 appropriately should be limited to the peoples of the four named atolls. However, we believe significant efforts should be made to resolve the standard issue as expeditiously as possible in order to determine the scope of Public Law 96-205.

Further, in our view, considerations of program efficiency, cost effectiveness and generalized equity do not, standing alone, constitute sufficient grounds by which the coverage of Public Law 96-205 could be extended to all inhabitants of the Marshall Islands. Because the statute obviously does not contemplate coverage of all persons who might have been exposed

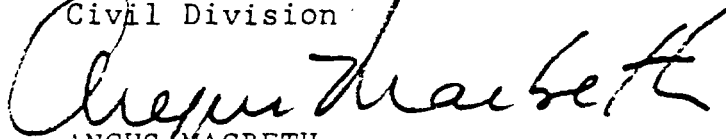
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to radiation as a result of the nuclear testing program - a coverage which would include essentially all inhabitants of the world - any expansion of coverage of Public Law 96-205 to include the whole of the Marshall Islands, based upon the theory that they were exposed to radiation, should receive explicit Congressional sanction.

Sincerely,



PATRICIA A. KING
Deputy Assistant Attorney General
Civil Division



ANGUS MACBETH
Deputy Assistant Attorney General
Land and Natural Resources Division

cc: Wallace Green
Deputy Under Secretary for
Territorial and International
Affairs
Department of the Interior