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Transcript of Proceedings

405450

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF HAWAII

THE PEOPLE OF BIKINI, by THE BIKINI
 COUNCIL; LORE KESSIBUKI, Magistrate;
 MATHEW NOTE, Scribe; JUKIA JAKEO; TOMAKI
 JUKA; JORNEA LEVITICUS; and HENCHI
 BAUSS.

CIVIL NO. 75-348

Plaintiffs,

vs.

ROBERT C. SEAMANS, JR., Administrator,
 United States Energy Research and
 Development Administration; WILLIAM J.
 STANLEY, Director, Pacific Area Support
 Office, United States Energy Research
 and Development Administration; JAMES R.
 SCHLESINGER, Secretary of Defense; KENT
 FRIZZELL, Acting Secretary of Interior;
 FRED M. ZEDER, Director, Office of
 Territories, United States Department
 of Interior; EDWARD E. JOHNSTON, High
 Commissioner, Trust Territory of the
 Pacific Islands; OSCAR DEBRUM, District
 Administrator, Marshall Islands
 District, Trust Territory of the
 Pacific Islands; and GERALD R. FORD,
 President of the United States,

Defendants.

BEST COPY AVAILABLE

NOTICE TO CLERK OF UNITED STATES DISTRICT
 COURT OF FILING OF COMPLEX LITIGATION

This Notice is filed with the Clerk according to
 the form and procedure set forth by 1 Pt. 2 Moore's Federal
 Practice, Pt. 0.23(3). (1973).

INTRODUCTION

While counsel for Plaintiffs do not believe the
 preliminary stages of this litigation present particularly
 unusual or difficult problems for purposes of mechanical
 handling of this case, it is our judgment that later phases

ATTEST:
 Clerk
 Court
 by Heather T. Tuma

of the case, after the hearing on Plaintiffs' Motion for Preliminary Injunction, do present special and unique problems bringing this case within the definition of "Complex Litigation" set forth in Moore's Federal Practice. That is so because this case will involve a need for certification of a class as a Rule 23 class action, because it will involve a possible need for a Multi-District Panel during the later phases of discovery and because problems of communication and logistics among attorneys and Defendants spread over ten time zones from Saipan to Washington will undoubtedly necessitate special procedures for handling of notices and hearings. Finally, the subject matter of the litigation is Environmental Impact of the post world war II nuclear testing program of the United States, one of the technologically most sophisticated series of transactions in history.

APPOINTMENT OF LEAD COUNSEL

Plaintiffs hereby advise the Court that they have agreed as suggested by Moore's Federal Practice, upon lead counsel for all phases of the litigation. George M. Allen of the Micronesian Legal Services Corporation (MLSC) Marshalls Office, is hereby appointed lead counsel for Plaintiffs for all phases of litigation.

It is suggested that if Defendants can agree upon appointment of either lead counsel, representing all agencies or, at the very least, liason counsel, such a step will facilitate the handling of communications and logistics.

MULTI-DISTRICT PROBLEMS

Counsel for Plaintiffs are not aware, at this time, of what other litigation may presently be pending elsewhere

which has relevance to the substantive issues in this case. The first phase of interrogatories, which are being served contemporaneous with the filing of this action, upon all Defendants, seek information from Defendants as to other litigation which may be presently pending involving similar or identical factual issues or issues of law to those related to this case.

Only after counsel for both sides have had an opportunity to canvass other districts will it be possible to determine whether there is need for appointment of a multi-district panel or for special multi-district handling of discovery or any other phase of this litigation.

Counsel for Plaintiffs believe, at this time, that it is probable that there is other pending litigation which will be relevant to this case and that attention to multi-district problems at the earliest possible date is warranted.

PROBLEMS OF LOGISTICS AND COMMUNICATIONS

The difficulty of virtually all forms of communications and transportation within the Trust Territory of the Pacific Islands, combined with the geographic sprawl of counsel and parties will inevitably require special handling of this litigation.

Counsel for Plaintiffs believe it wise to identify particular problems at this stage in order that they can be dealt with at the First Pre-Trial Conference. Among the problems which can be identified at this time are the following:

1. Kili Island, where most of the Plaintiffs and the class members whom they represent now live is inaccessible from four to six months each year because of winter surf

conditions. Regular access to Kili under the best conditions is difficult, being by Field Trip Ship from Majuro, via Jaluit, a trip of at least four days' duration, on a basis of scheduling which is, at best, erratic.

For example, at the present time, two of Plaintiffs' most important witnesses for the hearing on the Motion for Preliminary Injunction, Lore Kessibuki, the Magistrate of the Bikini Council and Tomaki Juda, one of the named Plaintiffs, live on Kili Island. Winter surf conditions will commence in November and continue through April or May. Thus, it is necessary that the Motion for Preliminary Injunction be heard at the earliest possible date in order that these two witnesses can return to Majuro to take the Field Trip Ship to Kili before surf conditions become such that they would be unable to return to their present homes and to their families for a period of six months.

Communication between Kili and the Marshalls District Office of MLSC at Majuro is solely by radio telephone, a situation which obtains for all attorney client communication between counsel for Plaintiffs at Majuro and all of the Bikini People except for those who live on Majuro.

The radio telephone communications are on open circuits, making confidential communication between counsel and clients impractical.

Voice communication between Majuro and either Saipan or elsewhere in the world is difficult to impossible and, in any event, cannot be relied upon as a means of communication. Cables are transmitted over open circuits, again making confidential communication among counsel for Plaintiffs impractical except by means of regular mail.

Regular mail requires substantial periods of time because Majuro is served by air on an every-other-day basis, with a flight eastbound three days a week and a flight westbound three days a week. There is no plane on Sunday.

LANGUAGE PROBLEMS

While some of the named Plaintiffs and persons they represent are bi-lingual, in both English and Marshallese, most of the members of the Bikini community read and write Marshallese only.

None of the counsel for Plaintiffs is, at this point, able to speak or read Marshallese. George M. Allen, a lead counsel, is presently learning the Marshallese language.

Appointment of one or more official translators will be necessary for handling of court proceedings where witnesses must testify in Marshallese.

Additionally, some expert testimony may come from witnesses whose only language or primary language is Japanese. The subject matter of this litigation involve nuclear testing and its consequences. A related field of expertise is radiation medicine, a field in which Japanese doctors and scientists are expert and to which they have contributed a substantial body of scientific research and literature. There may be need for translation from English to Japanese and vice versa as well as from English to Marshallese and vice versa.

PROCEEDINGS OUTSIDE THE DISTRICT

There may be necessity or desirability for some proceedings, including both discovery and taking of evidence, to take place outside the District of Hawaii. For example, it may be necessary or desirable for the Court to view and inspect the prospective living places of the Plaintiffs in

the Marshall Islands; it may be necessary or desirable for the Court to take testimony and receive other evidence in the Marshall Islands in order to avoid transportation of numerous witnesses to Honolulu and it may be necessary or desirable for evidence to be taken in Washington D.C., the location of many expert witnesses and agency officials of the Defendant Agencies.

COOPERATION AMONG COUNSEL AND COURT

Obviously, the maximum possible cooperation among counsel and court will be required for this litigation to be handled expeditiously. Plaintiffs' counsel will make every possible effort to be cooperative with the Court and with all other counsel at all times in order to avoid difficulties which would otherwise ensue.

FIRST PRE-TRIAL CONFERENCE

It is respectfully submitted a preliminary pre-trial conference should be held at the earliest possible date, either immediately preceding or immediately following the Hearing on Plaintiffs' Motion for Preliminary Injunction, in order to address the potential problems of this litigation and agree upon preliminary ground rules for handling them at the earliest possible date.

Respectfully submitted,

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By 

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

THE PEOPLE OF BIKINI, by THE BIKINI
COUNCIL; LORE KESSIBUKI, Magistrate;
NATHAN NOTE, Scribe; JUKIA JAKEO; TOMAKI
JUDA; JORMEA LEVITICUS; and HENCHI
BALOS,

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SCHLESINGER, Secretary of Defense; KENT
FRIEZELL, Acting Secretary of Interior;
FRED M. ZEDER, Director, Office of
Territories, United States Department
of Interior; EDWARD E. JOHNSTON, High
Commissioner, Trust Territory of the
Pacific Islands; OSCAR DEBRUM, District
Administrator, Marshall Islands
District, Trust Territory of the
Pacific Islands; and GERALD R. FORD,
President of the United States,

Defendants.

CIVIL NO. _____

CIV 75-0348

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

1975

at 4 o'clock and 34 min PM
WALTER A.Y.H. CHUNG, Clerk
Deputy

VERIFIED COMPLAINT

SUMMONS

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Commissioner, Trust Territory of the)
Pacific Islands; OSCAR DEBRUM, District)
Administrator, Marshall Islands)
District, Trust Territory of the)
Pacific Islands; and GERALD R. FORD,)
President of the United States,)

Defendants.)

CIVIL NO. _____

VERIFIED COMPLAINT

We, the people of Bikini, come before this Court as Plaintiffs and through our attorneys, allege as follows:

INTRODUCTION

1. We, as hereditary and elected leaders of Bikini, bring this action on behalf of the People of Bikini, to compel Defendants to plan, develop, and implement the Bikini resettlement program in accordance with their obligations under the National Environmental Policy Act and Trusteeship Agreement for the Former Japanese Mandated Islands.

JURISDICTION AND VENUE

2. The Court has jurisdiction of this action under the National Environmental Policy Act, 42 U.S.C. §§4321 et seq.; the Trusteeship Agreement for the Former Japanese Mandated Islands, 61 Stat. 3301, T.I.A.S. No. 1665; 28 U.S.C. §1331; 28 U.S.C. §1361; and 28 U.S.C. §2201. The matter in controversy exceeds the value of ten thousand dollars, exclusive of interest and costs. Venue is properly laid in in this district under 28 U.S.C. §1391.

PARTIES

Plaintiffs

3. All of us, the Plaintiffs, are citizens of the Trust Territory of the Pacific Islands (also known as Micronesia) and are residents of the Marshall Islands District. All of us, furthermore, were residents of Bikini Atoll at the time of that atoll's evacuation in 1946 prior to Operation Crossroads, the first of the American atomic tests in the Pacific, or are direct descendants of such residents.

a. Plaintiff Bikini Council is the governing body of the Bikini community. Membership in the Council is determined in accordance with our custom and tradition.

b. Plaintiff Lore Kessibuki is a citizen of the Trust Territory of the Pacific Islands, a member of the Bikini community, and is Magistrate of our community. As such, he is the highest executive official of our community. Plaintiff Kessibuki was born on Bikini Atoll, in the Marshall Islands, in 1910. He was a resident of Bikini Atoll until his relocation therefrom in 1946 prior to the Operation Crossroads nuclear tests. He now lives on Kili Island in the Marshall Islands.

c. Plaintiff Nathan Note is a citizen of the Trust Territory of the Pacific Islands and a member of the Bikini community. He holds the position of Scribe within our community. He was born on Bikini Atoll, in the Marshall Islands, in 1913. He was residing at Ailinglaplap Atoll in the Marshall Islands in 1946 when the members of the Bikini community present on Bikini Atoll were relocated from that atoll prior to the Operation Crossroads nuclear tests. He is presently living at Jaluit Atoll in the Marshall Islands.

d. Plaintiff Jukia Jakeo is a citizen of the Trust Territory of the Pacific Islands and a member of the Bikini community. He was born on Bikini Atoll, in the Marshall Islands. He was a resident of Bikini Atoll in 1946 when all members of our community present on Bikini Atoll were relocated therefrom prior to the Operation Crossroads nuclear tests. He now resides on Bikini Island at Bikini Atoll.

e. Plaintiff Tomaki Juda is a citizen of the Trust Territory of the Pacific Islands and a member of our community. He was born on Bikini Atoll in 1940 and resident there until his relocation therefrom in 1946 prior to the Operation Crossroads nuclear tests. He now lives on Kili Island in the Marshall Islands.

f. Plaintiff Jormea Leviticus is a citizen of the Trust Territory of the Pacific Islands and a member of our community. He was born on Bikini Atoll in the Marshall Islands in 1936 and resided there until his relocation therefrom in 1946 prior to the Operation Crossroads nuclear tests. From late 1972 until July 1975, he resided on Bikini Island in Bikini Atoll in the Marshall Islands. He is now living on Majuro Atoll in the Marshall Islands.

5. Plaintiff Henchi Balos is a citizen of the Trust Territory of the Pacific Islands, and a member of our community. He was born on Bikini Atoll in 1945 and resided there until his relocation therefrom in 1946 prior to the Operation Crossroads nuclear tests. He now lives on Majuro Atoll in the Marshall Islands.

(next paragraph starts on
next page)

7. We bring this action pursuant to Rule 23 of the Federal Rules of Civil Procedure, on behalf of ourselves and all others similarly situated, including all living persons who were residents of Bikini Atoll prior to the 1946 evacuation and all living descendants of such persons.* The members of the class on behalf of whom we bring this action are so numerous as to make it impractical to bring them all before the Court. There are common questions of law and fact, and our claims are typical of the claims of the class. We will adequately and fairly protect the interests of the class. Defendants have acted, and refused to act, on grounds generally applicable to the entire class, thereby making appropriate final declaratory and injunctive relief with respect to the class as a whole.

Defendants

8. Defendant Robert C. Seamans, Jr., is Administrator of the United States Energy Research and Development Administration (ERDA), which, as of January 19, 1975, assumed all functions of the United States Atomic Energy Commission relevant herein. As Administrator of ERDA, defendant Seamans is the principal executive official of ERDA. Upon information and belief, he is a resident of Washington, D.C.

9. Defendant William J. Stanley is Director of the Pacific Area Support Office of the United States Energy Research and Development Administration. As Director of the Pacific Area Support Office, defendant Stanley is the principal executive

*Nine members of our Bikini community were absent from Bikini Atoll at the time of the 1946 evacuation for reasons of employment, hospitalization, or education. We consider them and their descendants to be within the class.

Officer of the Pacific Area Support Office. Upon information and belief, he is a resident of Oahu Island, Hawaii.

10. Defendant James R. Schlesinger is Secretary of Defense. As Secretary of Defense, defendant Schlesinger is the principal Federal official entrusted with the responsibility to ensure that the activities of the Department of Defense are carried out in accordance with the law. Upon information and belief, he is a resident of Washington, D.C.

11. Defendant Kent Frizzell is acting Secretary of the Interior. As acting Secretary of the Interior, defendant Frizzell is the principal Federal official with direct responsibility for the administration of the Trust Territory of the Pacific Islands. He holds all executive, legislative, and judicial powers in the Trust Territory, and determines the manner in which those powers are exercised in the Trust Territory. Upon information and belief, he is a resident of Washington, D.C.

12. Defendant Fred M. Zeder is Director of the Office of Territories in the Department of the Interior. As Director of the Office of Territories, defendant Zeder has direct responsibility for assuring that the activities of the Department of the Interior in the Trust Territory of the Pacific Islands are carried out in accordance with the law. Upon information and belief, he is a resident of Washington, D.C.

13. Defendant Edward E. Johnston, a citizen of the United States is High Commissioner of the Trust Territory of the Pacific Islands. As High Commissioner, defendant Johnston is the leading official of the executive branch of the Trust Territory government. Appointed to his position by the President of the United States, with the advice and consent of the United States Senate, he is subject to the supervision and direction of, and control by, the

Secretary of the Interior, and by other persons, including Defendant Zeder, in the chain of command of the Department of the Interior. Authority exercised by him as High Commissioner is derived solely from the Government of the United States and is an exercise of the authority of the United States in the Trust Territory. Defendant Johnston officially resides on Saipan, in the Mariana Islands, part of the Trust Territory.

14. Defendant Oscar DeBrum is District Administrator of the Marshall Islands District of the Trust Territory of the Pacific Islands. As District Administrator, defendant DeBrum is the principal executive official in the government of the Marshall Islands district. Defendant DeBrum was appointed to his position by the High Commissioner, is subject to the supervision and direction of, and control by, the High Commissioner, and serves at the pleasure of the High Commissioner. Defendant DeBrum is a citizen of the Trust Territory and a resident of Majuro Atoll in the Marshall Islands District of the Trust Territory.

15. Defendant Gerald R. Ford is the President of the United States. As President, defendant Ford is successor to former President Lyndon B. Johnson, who ordered the commencement of the Bikini resettlement program. Defendant Ford is the only federal official with executive authority over all government agencies involved in the Bikini resettlement program. In addition, defendant Ford has constitutional responsibility for the faithful execution of the laws and treaties of the United States, including the Trusteeship Agreement for the Former Japanese Mandated Islands. President Ford officially resides in Washington, D.C.

STATEMENT OF THE CASE

Background

16. Bikini Atoll is located in the Ralik Chain of the Marshall Islands, north of the Equator, in the west-central part of the

Pacific Ocean between eleven degrees twenty-nine minutes (11°29') and eleven degrees forty-three minutes (11°43') north latitude and between one hundred sixty-five degrees eleven minutes (165°11') and one hundred sixty-five degrees thirty-five minutes (165°35') east longitude.

17. The Marshall, Caroline and Mariana Islands are the component parts of the Trust Territory of the Pacific Islands (hereinafter "the Trust Territory"), also known as Micronesia.

18. Micronesia is located in the Western Pacific and consists of more than 2,000 islands and atolls with a total land area of approximately 687 square miles dispersed throughout an ocean area of more than 3,000,000 square miles.

19. Pursuant to a Congressional Joint Resolution of July 18, 1947, 61 Stat. 397, President Harry S. Truman approved, on behalf of the United States, the Trusteeship Agreement for the Former Japanese Mandated Islands (hereinafter "the Trusteeship Agreement"), 61 Stat. 3301, T.I.A.S. No. 1665. The Trusteeship Agreement between the United Nations and the United States imposes fiduciary obligations upon the United States. These obligations were assumed by the United States expressly for the benefit of the people of the Trust Territory, including ourselves, the people of Bikini Atoll. Pursuant to the Trusteeship Agreement, the United States promised to:

. . . promote the development of the inhabitants of the Trust Territory toward self-government or independence [Article 6(1)];

. . . develop their participation in government [Article 6(1)];

. . . give due recognition to the customs of the inhabitants in providing a system of law for the territory [Article 6(1)];

. . . promote the economic advancement and self-sufficiency of the inhabitants . . . [Article 6(2)];

. . . protect the inhabitants against the loss of their lands and resources . . . [Article 6(2)];

. . . protect the rights and fundamental freedoms of all elements of the population without discrimination . . . [Article 6(3)]; and

. . . protect the health of the inhabitants . . . [Article 6(3)].

The Trusteeship Agreement creates substantive rights for its beneficiaries which are judicially enforceable.

20. President Truman initially delegated administrative responsibility for the Trust Territory to the Secretary of the Navy in 1947. Exec. Order No. 9875, 12 F.R. 4837, 3 C.F.R. 658 (1943-48 Comp.). In 1951, administrative responsibilities were transferred to the Department of the Interior. Exec. Order No. 10265, 16 F.R. 6-19, 3 C.F.R. 766 (1949-53 Comp.). The Marshall Islands, including Bikini Atoll, have been administered by the Department of the Interior since 1951.

21. In 1954, Congress passed an Enabling Act, 48 U.S.C. § 1681 et seq., providing for the continuance of civil government in the Trust Territory. Section 1681(a) contains the following provisions:

Until Congress shall further provide for the government of the Trust Territory of the Pacific Islands, all executive, legislative, and judicial authority necessary for the civil administration of the Trust Territory shall continue to be vested in such person or persons and shall be exercised in such manner and through such agency or agencies as the President of the United States may direct or authorize.

22. President John F. Kennedy delegated to the Secretary of the Interior the responsibility for the civil administration of all of the Trust Territory in 1962. Exec. Order No. 11021, 27 F.R. 4409, 3 C.F.R. 600 (1959-63 Comp.). Section 2 of this Order provides that the authority given to the Secretary of the Interior "may be exercised through such officers or employees of the Department of the Interior, or through such other persons under the jurisdiction of the Secretary of the Interior, as the Secretary may designate, and shall be exercised in such manner as the Secretary, or any person or persons acting

under the authority of the Secretary, may direct or authorize." As more fully set forth in paragraphs 23 through 28 below, the Trust Territory, for all material purposes, is governed and controlled by the United States. The High Commissioner of the Trust Territory and other subordinate officials are agents of the Secretary of the Interior.

23. The Secretary of the Interior has the ultimate responsibility for the administration of the Trust Territory. He is assisted by the Director of the Office of Territories.

24. The Department of the Interior reviews the budget of the Trust Territory and submits it to the U.S. Congress. The U.S. Congress appropriates the budget. The High Commissioner of the Trust Territory, by virtue of Department of the Interior Order No. 2918, Part II, § 6, is required to obtain the prior approval of the Secretary of the Interior for any significant deviation from the budget justification presented to the U.S. Congress and for any significant transfer of funds between programs or between administration and construction funds.

25. In Department of the Interior Order No. 2918, dated December 27, 1968, the Secretary of the Interior proclaimed that "[t]he executive authority of the Government of the Trust Territory . . . shall be vested in a High Commissioner of the Trust Territory and shall be exercised and discharged under the supervision and direction of the Secretary."

26. The executive branch of the Trust Territory Government includes a High Commissioner, a Deputy High Commissioner, and various "cabinet" officers. The President of the United States, with the advice and consent of the United States Senate, appoints the High Commissioner. The Secretary of the Interior appoints the Deputy High Commissioner. The High Commissioner appoints the "cabinet" officers, who have often been U.S. citizens. Trust Territory citizens are given no opportunity to

Vote for or against any member of the executive branch, and they have no power to effect the removal of a member of the executive branch for any reason.

27. The justices of the Trust Territory High Court are appointed by the Secretary of the Interior. They have no term of office and are subject to removal from the High Court by the Secretary at his pleasure. The people of the Trust Territory have no control over the identities of the persons appointed and no power to effect the removal of a judge for any reason.

28. The Congress of Micronesia is a bicameral legislature elected by the people of the Trust Territory. Although it can examine appointments to cabinet level positions, its advice and consent power is limited. It has no authority whatsoever to examine the appointment of judges. Bills passed by the Congress of Micronesia can be, and often are, vetoed by the High Commissioner. The Secretary of the Interior can veto any bill passed over the High Commissioner's veto. The Secretary's veto cannot be overridden by the Congress of Micronesia. In addition, the Secretary of the Interior retains the power to impose legislation upon the people of the Trust Territory without the concurrence of the Congress of Micronesia. This power was exercised as recently as December, 1974. Department of the Interior Order No. 2969, December 26, 1974.

Our Exile From Bikini

29. Bikini Atoll is our home. Our ancestors settled the Atoll long before the Russian explorer Otto Von Kotzebue became, in 1824, the first European to discover the Atoll. We have resided there since time immemorial until exiled by the United States in 1946 to make way for nuclear testing.

30. In early 1946 we were removed by the United States from our ancestral homeland because Bikini Atoll had been selected as a nuclear test site by the United States. We did not desire relocation, but we had no real alternative other than submission to the plans

of the United States. At the time of the move, we were promised the return of our island when the need for it as a testing site ended and when residual radioactivity no longer constituted a hazard to our health.

31. In 19-6, and prior thereto, although we occasionally purchased imported items, we primarily relied upon the resources of Bikini Atoll and its lagoon for the satisfaction of all our material needs. We were also able to produce copra for export to provide us with funds for those imported items we did purchase. Although our standard of living may have been low when measured by the terms identified with "Western" or modern civilization, we were in the main economically self-sufficient and not unhappy with our lot.

32. From Bikini Atoll we were removed to Rongerik Atoll, also in the Ralik Chain of the Marshall Islands, some 130 miles east of Bikini Atoll.

33. Rongerik Atoll contains approximately twenty-eight per cent the land area of Bikini Atoll and encloses a lagoon of less than one-quarter the area of the lagoon at Bikini Atoll. The life-sustaining coconut palms and pandanus on Rongerik Atoll were, when we arrived, considerably less productive than those on Bikini Atoll, and the quantity and quality of fish and other marine fauna in the lagoon of Rongerik were markedly inferior to those of Bikini. Many of the species of fish we commonly ate at Bikini proved to be toxic in Rongerik's waters.

34. As a result of the inadequate food supplies at Rongerik Atoll, we were eventually reduced to a condition of near-starvation. In early 19-8, the military government of the Trust Territory sent an American anthropologist to Rongerik Atoll to investigate the conditions there. He reported correctly that we had been cutting down the young palm trees in order to eat the heart-of-palm (the taking of which kills the tree), because there was nothing else to eat. By early 19-8 most of the young trees had been eaten. Our

Fishing efforts were reduced because Rongerik's coconuts were of such poor quality that they could not produce the sennit we needed to lash our fishing canoes together and to serve as rigging. On January 31, 1948, the only food on the island was one bag of flour, which was mixed with a little water and doled out to the 167 of us resident there at that time. All ripe pandanus and coconut fruits had long since been eaten, along with the only fish that could be procured, a small slightly poisonous butterfly fish. In response to emergency messages, a doctor and emergency supplies were flown to Rongerik in February, 1948. The doctor examined us and pronounced our condition to be that of a starving people.

35. As a consequence of the grave situation on Rongerik, on March 14, 1948, we were moved by the U.S. Navy to the, for us, totally alien environment of the U.S. military base at Kwajalein Atoll.

36. The stay at Kwajalein was never intended to be other than temporary, and in late 1948 we were moved to the island of Kili, also in the Ralik Chain of the Marshalls, but about 500 miles south southeast of Bikini Atoll.

37. Kili is an island, not an atoll. Kili has neither a lagoon nor sheltered fishing grounds. Because of the absence of a lagoon and the fact that Kili's longitudinal axis lies almost parallel to the northeast tradewinds, from late October to late spring each year there is no protected anchorage, and the island is virtually cut off from access by vessel during this period. The high surf conditions that predominate during this part of the year also greatly restrict our deep-sea fishing efforts.

38. Kili Island's 230 acres are approximately one-sixth the land area of Bikini Atoll and about one-half the land area of Bikini Island, which was our principal inhabited island at Bikini Atoll. Although Kili Island contains better soil than Bikini Atoll, when relocated there we were neither accustomed to nor skilled in the intensive agricultural techniques necessary to making Kili Island productive. At the same time, our considerable skills in taking

Sanitation from the marine environment were rendered useless.

39. Life on Kili Island has never been pleasant for us. As noted above, vessel access to the island is severely restricted during a large part of the year. But even during the months when vessels can safely approach the island, there has been a shortage of "field trip" vessels to make the trip. Infrequent field trips have meant that the copra (dried meat of the coconut, the principal source of cash income in the Marshall Islands) that we produce is left to spoil or to be eaten by the rats, a strong disincentive to future copra production. In 1949, 1950, and 1952, we were again the victims of serious food shortages, severe enough that in 1952 food was air-dropped to us (unfortunately without the aid of parachutes, so that most of the food was smashed and rendered inedible).

40. After a devastating typhoon in 1957 caused wide-spread destruction on Kili, killing all the taro (by virtue of salt-water intrusion into the taro swamps) and fifty per cent of the breadfruit trees, serious food shortages again became common on Kili, especially in 1958 and 1960, when C-rations and other emergency foodstuffs were brought to the island. Another serious food shortage occurred in the 1968-1969 winter season.

41. Most of us continue to reside on Kili Island, despite the extremely adverse conditions there, because we have no other place to go without fragmenting our community beyond hope of reconstitution. Even those of us who have left Kili to reside in other parts of the Marshall Islands retain strong affiliations with and loyalties to the Bikini community on Kili.

The Bikini Proving Ground

42. On March 29, 1944, a small group of Japanese soldiers manning a weather station on Bikini Atoll committed suicide rather than surrender to a not-much-larger landing party of American troops.

That date marks the beginning of the American administration of Bikini Atoll.

-3. On February 10, 1946, the American military governor of the Marshall Islands announced to us that our atoll had been selected as the "best" site in the world for the testing of nuclear devices and that, as a consequence, we would have to be relocated. Less than one month later, on March 5, 1946, we were taken to Rongerik Atoll. The United States had previously detonated three nuclear devices, at Alamogordo, New Mexico, and at Hiroshima and Nagasaki.

44. On June 30, 1946, the United States, as part of "Operation Crossroads, detonated at Bikini Atoll a nuclear explosion known as shot "Able." By July 22, 1958, the time of the last nuclear detonation at Bikini Atoll, shot "Juniper" (a part of Operation Hardtack, Phase II), the United States had detonated twenty-three (23) nuclear devices at Bikini Atoll. Among these was the February 28, 1954, shot "Bravo", the first hydrogen bomb dropped from an American airplane, a thermonuclear device of a yield equivalent to fifteen million tons of TNT. Shot Bravo, the largest single explosion ever detonated by the United States, caused a total area of over 7,000 square miles to be contaminated to such an extent that avoidance of death or radiation injury was dependent on evacuation of the area or the taking of protective measures. This blast annihilated three smaller islands and portions of others and excavated an additional pass from the ocean to the lagoon. At the conclusion of the nuclear tests, most of the coconut palms and other plants of economic value had been destroyed. The atoll became covered by dense scrub vegetation and a massive amount of equipment and other debris left from the tests cluttered the islands and beaches.

45. As a result of the 23 nuclear devices which were detonated at Bikini Atoll, the entire environment, including marine and terrestrial areas, was contaminated with a very large amount of radioactivity. A number of the radionuclides which were introduced into the Bikini environment by nuclear testing are

very dangerous in their effect upon human beings. Among these, to mention only a few, are Plutonium-239, Cesium-137, Strontium-90, Cobalt-60 and Americium-241. These and other radioactive elements were introduced into the environment of our atoll so that they are now present in the lagoon and ground water, the lagoon sediments, the soil on the islands and in virtually every form of life on the atoll, including fish, shell fish and coconut crabs. Also, some of the dangerous radioactive materials in the soil and water will be taken up by pandanus and breadfruit trees and concentrated in the fruit.

-6. The presence of radioactive materials at Bikini Atoll as a result of the nuclear testing there by the United States is a potentially serious problem for us. We want to return to Bikini Atoll, but we do not want to suffer any illness in ourselves, nor do we want our children to suffer as a result of radioactivity. Some of the radioactivity caused by the testing program can hurt us if we are near it or live around it. Other kinds can hurt us if it gets inside our body through the drinking water or through food grown on the Atoll. Other kinds of radioactivity are there which are dangerous if they are inhaled. Depending upon the kind of radioactivity and the way it effects the human body, it can have a serious adverse effect upon our health and it can also adversely effect future generations of our people.

-7. The testing of nuclear weapons at Bikini Atoll was essential to the security of the people of the United States. Tests of nuclear devices and nuclear weapons designs was indispensable to production of a nuclear weapons stockpile with which the United States could defend itself from its enemies from attack.

-8. The choice of our Atoll for nuclear testing was made by President Harry S. Truman. One of the principal reasons he selected Bikini is its great distance from the United States. He did not want the people of the United States to be endangered by the radioactivity produced by the nuclear explosions.

49. Nuclear testing performed at Bikini Atoll between 1946 and 1958, was an integral part of the United States nuclear weapons development program. We do not know exactly how much money the United States spent to develop, test and produce its nuclear weapons, but we are informed and believe that between 1946 and 1958 the United States government invested at least \$20,587,900,000. But for the testing of nuclear explosive devices and finished weapons at Bikini and Enewetak Atolls, most or all of that money would have been wasted, or it would have cost the United States much more in money and time to accomplish the same result.

50. When, in 1946, we were told of the American plans for Bikini Atoll, we were not given the option of remaining at Bikini. Throughout the almost 30 years that have passed since our exile from Bikini, we have expressed our desire to return to Bikini Atoll.

51. We are informed and believe that the decisions to remove us from Bikini Atoll, to conduct nuclear testing there and to detonate each nuclear device were all made with the express consent and under the express direction of the President of the United States.

52. Our desire to return to our ancestral homeland is only partially understandable to most Americans, even those who have not succumbed to this modern age of mobility and frequent changes in residence. Bikini Atoll is typical of Marshallese atolls in that its highest elevation is only a few feet above sea level. Most of what a person sees, standing at that highest elevation, is the sea and the lagoon. That thin circumference of islands and reef thus is of tremendous importance to us.

53. Because land is obviously scarce in the Trust Territory, few Micronesian peoples regard land as a commodity or as a mere factor of production. Land is the essential element of Micronesian existence. Ties to the land are therefore unusually strong throughout Micronesia. These ties are particularly strong in our densely-populated

Marshall Islands, where over 25,000 people live on a total of 69 square miles of land.

54. The traditional Marshallese system of land tenure has been developed over hundred of years and is peculiarly adapted to our needs:

The Marshallese system of land tenure provides for all eventualities and takes care of the needs of all of the members of the Marshallese society. It is, in effect, its social security. Under normal conditions no one need go hungry for lack of land from which to draw food. There are no poor houses or old people's homes in the Marshall Islands. The system provides for all members of the Marshallese society, each of whom is born into land rights.

J. Tobin, "Land Tenure in the Marshall Islands" in Land Tenure Patterns in the Trust Territory of the Pacific Islands (J. deYoung ed. 1958). Pursuant to its obligation under Article 6(1) of the Trusteeship Agreement, the United States has given recognition to the customs of the inhabitants of the Trust Territory and has not altered the traditional land tenure system in the Marshall Islands in any significant way.

55. Our exile from Bikini Atoll for almost thirty years and our relocation to Rongerik, then to Kwajalein, and finally to Kili has had and continues to have severe adverse effects upon the internal cohesion, social structure, and morale of our originally vital community.

56. On November 9, 1956, at a meeting with our community on Kili Island, the then-High Commissioner of the Trust Territory, Delmas H. Nucker, told us that the United States Government did not want to keep Bikini Atoll forever and that when our atoll was no longer needed by the United States, and when it became safe to live on again, we could return.

57. Responding to our pleas, in late 1966 the then-Secretary of the Interior requested that the Atomic Energy Commission determine the condition of Bikini Atoll and make an evaluation of whether we could safely return to our atoll.

58. In 1967, the Atomic Energy Commission, predecessor to the Energy Research and Development Administration, conducted a survey of Bikini Atoll to determine whether we could return safely to our homeland.

59. An Ad Hoc Committee was appointed by the Atomic Energy Commission to review the results of the 1967 Atomic Energy Commission survey and to make recommendations thereon. The Ad Hoc Committee unanimously concluded that "it would be radiologically safe to allow the Bikini people to return to their home atoll." The Committee also recommended certain cleanup, rehabilitation, and follow-up actions to guide Federal agencies involved in the return.

60. On August 12, 1968, President of the United States Lyndon B. Johnson announced, in a letter to the Secretary of Defense, a major Federal program to return us to Bikini Atoll, in the following words:

The Secretary of the Interior has reported to me that a special analysis of radiological levels of Bikini Atoll has resulted in the conclusion that the major islands of the atoll are now safe for human habitation. The Defense Department has also concluded that security requirements are such that the return of the former Bikini people to their traditional home can be accommodated.

The return of these people cannot, however, be accomplished overnight. There remains the major task of working with the Bikini leadership in planning the return, of removing any remaining sources of radiological contamination, of clearing the land and of replanting it to crops which will sustain human life and which will provide a source of income. New homes and new community facilities must be built with the active participation of the returning people. These tasks require resources beyond the means of the former Bikini people and of the Trust Territory Government. I, therefore, request you to work with the Secretary of the Interior and the High Commissioner of the Trust Territory in planning a comprehensive resettlement program and to assist them in carrying it out with all possible dispatch.

A copy of President Johnson's letter is attached as Exhibit A, and is incorporated herein by this reference.

61. President Johnson's letter, cited and quoted in the preceding paragraph, is a determination by the United States that, as of 1968, Bikini Atoll was no longer needed by the United States for the maintenance of international peace and security.

62. In carrying out the integrated, interagency program announced by President Johnson, the Department of Defense, the Department of the Interior, and the Atomic Energy Commission entered into an agreement on primary responsibilities as follows:

a. The Department of Defense would assume primary responsibility for cleanup aspects of the program, including the removal of radioactive debris;

b. The Department of the Interior would assume responsibility for agricultural reclamation, construction of housing and community facilities and resettlement aspects of the program; and

c. the Atomic Energy Commission would provide guidance on radiological aspects of the program and conduct follow-up radiological surveys to confirm exposure estimates and conduct radiological monitoring of personnel as they returned to work or live at Bikini.

63. In August 1968 a group of our leaders was taken to Bikini to inspect our atoll. A photographic account of that inspection trip appeared in the Micronesian Reporter (published by the Trust Territory's Office of Public Information) issue for the first quarter of 1969. A copy of that account is attached as Exhibit B to this complaint.

64. In February 1969, the Department of Defense and the Atomic Energy Commission commenced the cleanup of debris and equipment from Bikini Atoll. At this time agricultural reclamation was also commenced with the removal of scrub vegetation and the planting of coconut seedlings.

65. Except for a few infrequent and brief inspection visits to Bikini Atoll by a few of our leaders, none of our community was permitted to return to Bikini Atoll until June 1969. At that time

eight Bikini men were brought to Bikini Atoll to assist in the initial stages of the resettlement program. In December 1969 an additional crew of twenty-three workers was brought from Kili to Bikini. Other members of our community have from time to time been employed in agricultural and construction activities related to the resettlement program since that time. There are presently a number of our community resident on Bikini Atoll, many with other members of their families.

66. The Department of the Interior constructed forty houses on Bikini Island in Bikini Atoll for our future use. The actual construction was done by Acme Importers, also known as Acme Construction Company, of Majuro, Marshall Islands, pursuant to a contract with the Trust Territory government. The resettlement program as planned called for the construction of thirty-eight additional houses, a school, church, store, and dispensary on Bikini Island before the 1977 target date for completion.

67. In the Trust Territory budget justification presented to Congress each year, by the Department of the Interior, certain sums have, since fiscal year 1969, been earmarked for expenditure on parts of the Bikini resettlement program. Upon information and belief, a significant portion of the sums so earmarked, has been transferred to another program or other programs within the Trust Territory since January 1, 1970. Such transfers by law require the prior approval of the Secretary of the Interior, as alleged in ¶ 24, supra.

68. Upon information and belief, the Atomic Energy Commission recommended that, in the reclamation of Bikini Atoll, and specifically with regard to the planting of crop trees on Bikini Island, that the Bikini Island soil be removed from the area surrounding the plantings and be replaced by soil from other less radioactive island or reef areas. Upon information and belief, the Atomic Energy Commission's recommendation was not followed.

69. Upon information and belief, the Atomic Energy Commission

recommended that the immediate environs of all houses constructed on Bikini Island be covered by coral aggregate and sand taken from other less radioactive island or reef areas. Upon information and belief, the Atomic Energy Commission's recommendation was not followed.

70. Upon information and belief, the Atomic Energy Commission recommended that the coral aggregate and sand used in the mixing of concrete for the floor slabs, walls, and porches of houses and for rainwater cisterns on Bikini Island be taken from other less radioactive island or reef areas. Upon information and belief, the Atomic Energy Commission's recommendation was not followed.

71. By letter of June 17, 1971, Dr. Martin Biles, Director of the Atomic Energy Commission's Division of Operational Safety informed defendant Johnston that, from the radiological viewpoint, ground water on Bikini Island was safe to drink. A copy of Dr. Biles letter is attached as Exhibit C and is incorporated herein by this reference.

72. In November 1974 the Atomic Energy Commission informed the Department of the Interior of recent radiological findings and of the desirability of conducting a sophisticated "follow-on" radiology survey. As a consequence of this information, the Department of the Interior halted construction activities on Bikini.

73. At an inter-agency Bikini Planning Meeting held on January 15, 1975 in Anaheim, California, Dr. Biles, (of the Atomic Energy Commission, now ERDA; see ¶ 71, supra) stated that new technological means for obtaining a more comprehensive radiological survey of Bikini had been developed since the original Bikini survey in 1967. He also stated that Federal regulations regarding radiological safety had become more stringent since that time.

74. On March 7, 1975, the then Secretary of the Interior, Rogers C.B. Morton, wrote to defendant Schlesinger as follows:

The resettlement of the Bikini Atoll which was used for nuclear weapons testing is resulting in a high degree of public, United Nations and Congressional interest. A Master Plan has been developed, extensive crops planted, and 8 houses and a school have been built.

The Trust Territory of the Pacific Islands is prepared to construct 38 more houses and a dispensary in anticipation that some 500 Bikinians will be ready to return shortly. Recent radiological information indicates a need for a comprehensive follow-on survey so the project was halted. Despite assurances that the atoll is safe, the attitude and fears of the people are being influenced by various outside groups, many of whom are critics of the nuclear program. If we are to avoid disrupting the resettlement plans at Bikini, and the loss of our credibility with the people, we must answer the critics. To do this we need a great deal of additional data on the radiological situation at Bikini Atoll. Since the Bikini radiological surveys were made in the 1960's more sophisticated and sensitive instrumentation has become available. Accepted radiological practices have become more stringent and there has been extensive land clearing for planting crops, which may have affected the radiation situation on the islands.

The Energy Research and Development Administration is prepared to conduct an additional radiological survey of Bikini Atoll beginning in April if logistics support can be provided to include:

1. Two helicopters and an associated support platform for about 12 days of flight operations at Bikini Atoll.
2. Airlift from CONUS to Bikini Atoll and return for ERDA technical equipment and personnel.

There is a longer term problem of developing a current documentation of the residual radioactivity on all the islands that received fallout from U.S. nuclear weapons tests. This also could be accomplished, starting in April or later in the year, with ERDA providing the technical resources. Such a survey would require an additional 30 days of flight operations at several atolls.

As you know, neither the Energy Research and Development Administration nor the Department of the Interior have this kind of integrated logistics support capability. Since the situation has potentially serious political implications for the U.S. Government and the Administration, I strongly request that you consider providing the necessary support from Department of Defense resources. Your personal attention and early response would be greatly appreciated.

A copy of Secretary Morton's letter is attached as Exhibit D and is incorporated herein by this reference.

75. On May 29, 1975, Deputy Secretary of Defense William P. Clements, Jr., responded to Secretary Morton's letter by a letter

to defendant Acting Secretary of the Interior Kent Frizzell, informing him as follows:

This is in response to Secretary Morton's letter of March 7, 1975, requesting logistic support for the conduct of an additional radiological survey of Bikini Atoll and other islands that received fallout from U.S. nuclear weapons testing.

The assets required to support the survey had been tentatively identified, at a reimbursable cost of \$609,000. Members of your staff have advised, however, that the Department of Interior has no funds for reimbursement, therefore, we are unable to provide the requested support at this time.

We may be able to consider providing similar support at such time as you have funds available. However, since operational schedules are established well in advance, it is suggested that your requirements be made known sufficiently ahead of the desired implementation time in order to allow orderly planning and scheduling.

A copy of Deputy Secretary Clements' letter is attached as Exhibit E and is incorporated herein by this reference.

76. On June 19, 1975, Assistant Secretary of the Interior Royston J. Hughes wrote to defendants Seamans and Schlesinger as follows:

Recent developments have caused grave concerns as respects our responsibilities toward the people of the Trust Territory of the Pacific Islands, primarily those of Bikini, Enewetak, Rongelap, Utirik and Rongerik Atolls.

The cleanup of Bikini, in anticipation of the eventual settlement, was a joint effort among the Department of the Interior, Department of Defense, Atomic Energy Commission and the Trust Territory of the Pacific Islands, as set forth in the enclosed August 12, 1968, instructions from President Johnson. As we were proceeding with the construction program the Atomic Energy Commission, in November 1974, informed us of some recent radiological findings that caused us to stop the project. We were told that a sophisticated follow-on survey was highly desirable not only on Bikini but throughout the various nuclear test areas. To that end, Secretary Morton, in his March 7, 1975, letter to Secretary of Defense James R. Schlesinger, requested logistics support for the Energy Research and Development Administration survey. Unfortunately, in Mr. Clements' May 29, 1975 reply, the Department of Defense could not provide this unless \$609,000 in costs could be reimbursed. The Department of the Interior was unable to identify funds

For this, now could ERDA which was prepared to absorb all other related costs from monies already programmed. Consequently, we are deeply concerned that a quality radiological survey such as that performed on Enewetak, whose people will not be coming back for some time, cannot be made available in a timely fashion for the Bikinians whose return is imminent.

To compound the situation, on June 11 the Marshallese chief, who claims control over the atolls of Rongelap, Utirik and Rongerik, all accidental fallout areas from the 1954 Bravo test on Bikini, visited the Director of Territorial Affairs, claiming loss of use and other damage as a result of this event. He contends that the U.S. Government never presented the people with a briefing of any radiological survey conducted nor to date has told his people that Rongerik is habitable.

It is clear that the U.S. Government has and will continue to have for many years, a long-term responsibility for thorough monitoring of the radiological conditions of the atolls on and around the test sites, as well as the people who were fallout victims. In addition, our commitments to insure the safe return of the Bikinians and the people of Enewetak make it imperative that they and their environment be attended to with the best testing equipment available.

It appears that none of the involved Departments has budgeted adequately for this needed and highly warranted effort in order to meet our statutory and moral commitments to the people of this area. This has become increasingly clear through staff level dialogs as well as the recent unsuccessful effort to perform the best possible survey on Bikini.

To better assess the problems and to determine exactly what remains to be done and who is responsible for funding and executing all or various segments of future radiological surveys and monitoring, I feel that an interagency meeting is essential. I therefore propose that key personnel from each Department meet at Interior on June 25, at 2:00 PM, whereupon ERDA can set forth its proposed program along with support requirements. If agreement on budgeting and support commitments cannot be reached, we will at least be in a position to present the problem to the Office of Management and Budget and seek further instructions. I am asking that this meeting be coordinated by the Director of Territorial Affairs. Staff contact can be made through Mr. Harry T. Brown at 343-4736.

We believe that the United States commitment under the Trusteeship Agreement required a strong reaffirmation by all concerned agencies, to work together in carrying out a comprehensive program, not only for Bikini or Enewetak, but all other involved areas in the Trust Territory which were touched by the 10-year testing program.

A copy of Assistant Secretary Hughes' letter to defendant Seamans is attached as Exhibit F and is incorporated herein by this reference.

77. In June 1975, the Energy Research and Development Administration performed a radiological survey on Bikini and Enew Islands in Bikini Atoll. Upon information and belief, this survey was not conducted with the optimal technological equipment desired by the Energy Research and Development Administration and endorsed by Secretary of the Interior Morton in his letter of March 7, 1975 (¶ 74, supra). As Assistant Secretary Hughes said, it was "an unsuccessful effort to perform the best possible survey on Bikini" (¶ 76, supra).

78. On July 16, 1975, Dr. Martin Biles, Director of the Energy Research and Development Administration's Division of Operation Safety called an interagency meeting on the Bikini project, which was held at the Lawrence Livermore Laboratory in Livermore, California on August 12-13, 1975. In attendance at this meeting were representatives of the Department of the Interior, the Energy Research and Development Administration, and the Department of Defense.

79. At the August 12-13 meeting, the Energy Research and Development Administration distributed two reports, both qualified as preliminary in nature and both dated August 6, 1975. These reports are Preliminary Report Radiological Evaluation of Phase II Housing Construction Bikini Atoll-August 1975 and Preliminary External - Dose Estimates For Future Bikini Atoll Inhabitants, by Paul H. Budiksen and William L. Robison.

80. The general import of the reports cited in ¶ 79 is that if the Bikini resettlement program proceeds as previously planned and if we live in the houses completed and planned for on Bikini Island, we will receive external gamma radiation in excess of Federally prescribed limits. Among other items, we were told that the groundwater at Bikini Island should only be used for agricultural purposes. The planned construction of thirty-eight additional houses, a church, a store, and a dispensary on Bikini Island, ¶ 66 supra, is now in abeyance.

81. None of us is expert in assessing the risks to human health and safety of radiological hazards. Through the period of nuclear testing at our own atoll and at Enewetak we became generally aware that radioactivity could be a significant danger to human life, health, and safety. We are aware of the fact that the inhabitants of Rongelap Atoll have been examined at frequent intervals by doctors under contract with the Atomic Energy Commission since their exposure to radioactive fallout from shot "Bravo" in 1954. We know of the recent death from leukemia of one of these Rongelapese, Leko J Anjain, accounts of which are attached as Exhibits G and H to this complaint. We know that other Rongelapese have been taken to the United States for specialized medical treatment. Members of our own community employed at Bikini Atoll have also been examined at frequent intervals by doctors under contract with the Atomic Energy Commission. We are also aware that the Atomic Energy Commission released, in October 1973, a three-volume radiological survey of Enewetak Atoll, also a nuclear test site, and that, in April 1975, the Defense Nuclear Agency, a part of the Department of Defense, released a five-volume environmental impact statement for the resettlement of Enewetak Atoll. The radiological survey was done as part of the study of the environmental impact of the Enewetak resettlement program and the impact statement was prepared by the Defense Nuclear Agency on behalf of the Department of Defense, Energy Research and Development Administration, and the Department of the Interior.

82. While we are apprehensive over possible dangers from radioactivity, our community is extremely anxious, for the reasons discussed in ¶¶ 29-41, 50 and 52-56 supra, to return to Bikini Atoll. Indeed, as mentioned in ¶ 65, supra, some members of our community are already residing on Bikini Atoll.

83. Until President Johnson announced the initiation of the Bikini resettlement program in 1968, ¶ 60, supra, we were

told that it was unsafe for us to return to Bikini Atoll and we were in fact prohibited from doing so. President Johnson then told us, in his 1968 announcement, that the islands were safe for human habitation.

14. In the October 15, 1973 issue of Highlights, a publication of the Office of the High Commissioner of the Trust Territory, Deputy High Commissioner Peter T. Coleman was quoted as saying, "If all is acceptable to the people, the Trust territory Government is prepared to allow them to return to Bikini Atoll permanently by Christmas this year." A copy of Highlights article is attached as Exhibit I and is incorporated herein by this reference. We were subsequently told that shipping problems caused our return to be postponed.

15. In February 1974 a Department of the Interior news release announced that a first group of our people could be brought from Kili to resettle on Bikini Island in mid-April 1974.

16. The net effect of the preliminary reports released in August 1975, ¶ 79 supra, is to tell us that we cannot safely reside on Bikini Island, where the only housing has been constructed, unless we adhere to certain prescribed restricted living patterns not previously disclosed to us and significantly different from our normal and usual living patterns.

17. At a meeting on Kili Island subsequent to the August 1975 meeting at the Lawrence Livermore Laboratory, ¶¶ 78-79, supra, Mr. Roger Ray, Assistant Manager for Operations of the Nevada Operations Office of the Energy Research and Development Administration represented to us that the Atomic Energy Commission had never recommended the construction of houses on Bikini Island, but in fact had recommended that Eneu Island be resettled first.

18. For us to make an intelligent decision to resettle Bikini Atoll, we must be able to weigh our desire to return against the

radiological risks of returning. We have not been provided with that information in a form that we can understand.

89. As we mentioned in paragraph 65, supra, some members of our community are presently residing on Bikini Island, Bikini Atoll. In light of the August 1975 reports, §§ 79 and 80, supra, recommending against permanent residences on Bikini Island, those Bikinians now living there must receive special consideration and attention.

90. Some of our people, approximately 30, went to Bikini about 1969 to work in the resettlement program. By 1972, three families who were especially anxious to go back were permitted to resettle on Bikini Island by the defendants. Since 1972 there have been a total of approximately 75 of our people, men, women and children, living on the same Bikini Island which the defendants now say should not be used for permanent residences. There also are some of us who have lived on Bikini Island during this period but who have subsequently moved to other islands or atolls in the Marshall Islands.

The National Environmental Policy Act

91. The resettlement of Bikini Atoll is an ongoing major federal action significantly affecting the quality of the human environment. The manner in which the program is conducted will have significant effects on our health and safety and, perhaps, our very lives. The manner in which the program is conducted will also have significant effects on the health, safety and, perhaps, lives of generations of Bikinians as yet unborn. In addition, the manner in which the program is conducted will have a significant effect upon our cultural and aesthetic values, upon our relative land rights among themselves, and upon our social structure and living patterns.

92. For the reasons given above, the defendants have an affirmative duty to fully investigate, assess, and report, in a detailed statement, the total environmental impact of the Bikini resettlement program. That full investigation, assessment, and report must include (1) an assessment, with the best technological means available, of the radiological safety of habitation of the various islands of Bikini Atoll; (2) an immediate and independent study of the health risks to those members of our community now residing on Bikini Island in Bikini Atoll; and (3) a comprehensive, detailed, and specific master plan to ensure reasonable economic self-sufficiency for us upon our resettlement of Bikini Atoll, all as alleged with greater particularity in paragraphs 98-110 infra. The substantive content of that environmental impact statement as well as preliminary or draft environmental impact statements must be made known to us in a language that we can understand. Moreover, defendants have a clear obligation to consider that environmental impact, as expressed in a detailed statement, during the decision-making process with respect to the resettlement of Bikini Atoll.

93. No detailed environmental impact statement on the resettlement of Bikini Atoll has been prepared by defendants. Neither has any final environmental impact statement been considered by the defendants with respect to this program.

94. Planning, review, and implementation of the resettlement of Bikini Atoll has been carried on, and continues to be carried on, by defendants without reference to any final environmental impact statement. At an interagency meeting in Washington, D. C. on September 19, 1975, our counsel were informed by representatives of the Department of the Interior, the Department of Defense, and the Energy Research and Development Administration that none of those agencies has any present intention to prepare an environmental impact statement for the Bikini resettlement program.

Trusteeship Agreement - Protection of Lands and Resources

95. Defendants, as high and responsible officials of the United States government, which is our trustee under the Trusteeship Agreement for the Former Japanese Mandated Islands, have affirmative obligations to protect us against the loss of our lands and resources. President Johnston's 1968 decision to initiate the resettlement of Bikini Atoll was in accordance with the obligations of the United States to protect Micronesians against the loss of their lands and resources.

96. Pursuant to their affirmative duties to protect us against the loss of our lands and resources, defendants have an affirmative duty to resettle us at Bikini Atoll in a condition of social, economic and physical well-being.

97. By failing to resettle us at Bikini Atoll in a condition of social, economic, and physical well-being, defendants have breached and are breaching their obligations under the Trusteeship Agreement, as described in § 95 and 96, supra.

Trusteeship Agreement - Protection of Health

98. Defendants, as high and responsible officials of the United States government, similarly have affirmative obligations under the Trusteeship Agreement to protect our health. Pursuant to those obligations, defendants have an immediate and affirmative duty to assess with the best technological means available, the radiological safety of habitation of the various islands of Bikini Atoll, to permit such assessment to be subjected to scrutiny by independent experts, the cost of said scrutiny by independent experts to be borne by defendants, and to make known to us in a language that we can understand, the results of such assessment and the comments, suggestions, and criticisms of independent experts. The Enewetak Radiological Survey, § 81, supra, sets a minimum standard for the quality of the comprehensive radiological survey which must be performed at Bikini Atoll.

The comprehensive radiological survey must include a valid radiological survey such as was conducted at Navajo Area.

99. By failing to assess the radiological safety of habitation of the various islands of Bikini Atoll with the best technological means available, by failing to permit such assessment to be subjected to scrutiny by independent experts paid for by the Government, and by failing to make known to us, in a transparent and understandable manner, the results of such assessments and the sound explanations and criticisms of independent experts, defendants have breached and are breaching their obligations under the Trusteeship Agreement to protect the health of the inhabitants of the Trust Territory.

100. Pursuing its basic affirmative obligations under the Trusteeship Agreement to protect the health of its people, defendants have an affirmative duty to contract for, fund, and support an immediate and independent study of the health risks to those members of our community who have at any time since 1946 resided on Bikini Island in Bikini Atoll, and to provide immediate relief, by planning for the relocation of present Bikini Island residents, should that be deemed necessary by the independent study.

101. Given the scope of a comprehensive radiological survey and a comprehensive analysis of the radiological records at Bikini Island, it is imperative that the health risks be assessed by our people who are there be studied immediately by independent scientists. The Energy Research and Development Administration should provide the necessary funds for a panel of independent scientists to go to Bikini Atoll to make the study. It should provide the vessel LCU-142 for transportation, it should provide the necessary equipment, it should provide all additional information to the hands of these independent scientists and be made available to them and all technicians and laboratory assistance which, in the view of the independent scientists, is necessary. Payment of the needs for transportation, communication and housing, the maintenance of all

... of the... in way be required to carry out this special effort.

102. Since 1961, R.C. The Energy Research and Development Administration has made some effort to study the radiation health of our people who now live on Bikini Island, but their efforts have been far too limited, especially in light of the August 1975 reports. The broadest independent study of health status to members of our community now living on Bikini Island, should include at least the following: (a) a complete physical examination; (b) taking and analysis of individual medical history including any previous radiation exposure; (c) complete physical examination; (d) complete blood count; (e) blood chemistry profile; (f) urinalysis, including assays for all radionuclides; (g) in vivo measurements for all radionuclides, including potassium-40 and the use of radiogenograms of the lateral skull, chest, pelvis, hand and wrist, feet and teeth, pulmonary cytology; (h) chromosome analysis; and any other procedures deemed to be advisable or necessary by the independent scientists engaged to conduct the study.

103. In addition to the necessary clinical, laboratory and other procedures described in the preceding paragraphs, the special radiological study must include evaluation of all available data on the radionuclide content of Bikini Island, including the kinds and concentrations of radionuclides in the soil, water, ground water and air. Evaluation of all available data on returned radiation dose must also be made.

104. We are assured and believe that the special radiological study described in the preceding paragraphs is necessary in order to estimate the potential risk of adverse health effects to our people who now live on Bikini Island. We are also assured and believe that scientists employed by or affiliated with the Energy Research and Development Administration from around the world and a study with requisite objectivity and competence. We would like the

reliability of the results of the special radioactivity study, the selection of the radioactivity scientists to perform it should be subject to approval of the Court and the Plaintiff. Selection of the scientists and conduct of the study should be done immediately.

105. By failing to conduct the special radioactivity study and independent study of the health risks to those members of our community who lived at any time since 1953 on Bikini Island in Bikini Atoll, and by conducting the special radioactivity study 100-107 supra, and by failing to provide financial and logistical planning for the relocation of Bikini Island residents should that be necessary, defendants have breached and are breaching their obligations under the Trusteeship Agreement to protect the health of the inhabitants of the Trust Territory.

106. In addition, pursuant to their affirmative obligations under the Trusteeship Agreement to provide an adequate, safe, and healthful environment, defendants have affirmative duties to (1) halt access to Bikini Atoll until completion of the assessment of the radiological safety of habitation of the various islands of Bikini Atoll, as discussed in § 98-99 supra. Because of conflicting statements by defendants as to the radiological safety of habitation of Bikini Atoll, § 78-87, supra, defendants have given rise to a number of persons, as a basis for believing that it is safe for them to return to Bikini Atoll. Defendants, and particularly plaintiffs American and DePrun, have control over the movement of ships, the primary and common means of access to Bikini Atoll. No person should be permitted to take up permanent residence at Bikini Atoll unless that person has first been fully apprised of the potential risks which could result from relocation, said person has given informed consent that he or she understands, and that the authority exercised by the defendants, particularly defendant American, should apply to cover the aspects of all future work with respect to health care, education and nutrition

and any necessary further relocation of any persons who, notwithstanding standing advice as to risks, may nevertheless decide to return to Bikini Atoll.

107. By failing to limit access to Bikini Atoll to the manner described in the preceding paragraph, defendants have breached and are breaching their duties under the Compact's Agreement to protect the health of the inhabitants of the Trust Territory.

108. To have authority to determine the validity of the standards for exposure to ionizing radiation doseage used by H.M. to the Commander's orders. The Court should review these standards to determine their validity and should declare any invalid and established standards as guide or if that is deemed appropriate by the Court after its review.

(Paragraph 108), on the next page)

Trusteeship Agreement - Promotion of Economic
Advancement and Self-Sufficiency; Provision
of Political and Social Development and the
Recognition of Customs

109. In addition, as high-ranking officials of the United States Government, defendants have affirmative obligations under the Trusteeship Agreement to promote our economic advancement and self-sufficiency. The weight of these obligations, defendants have no affirmative duty to develop and to include in their planning and decision-making for the Bikini Atoll resettlement program a comprehensive, detailed, and specific master plan to ensure our economic self-sufficiency for the open our resettlement of Bikini Atoll.

110. Defendants have further duties under the Trusteeship Agreement to protect and foster our political and social advancement and to give due recognition to our customs. At the very least, these obligations require the defendants to provide for our participation in the development and implementation of the master plan to which reference is made in the preceding paragraph.

111. By failing to develop, with our participation, a comprehensive, detailed, and specific master plan to ensure reasonable economic self-sufficiency for the open resettlement of Bikini Atoll, defendants have breached and are breaching their obligations under the Trusteeship Agreement, as described in Articles 109 and 110, supra.

Trusteeship Agreement - Voluntary Relinquishment

114. As trustees for the people and property of Bikini Atoll, defendants have an additional and affirmative duty to fully, completely, and conscientiously comply with all the requirements of the National Environmental Policy Act, and all Statutes, Executive Orders, and Regulations (including those thereto). The defendants have failed to fulfill their fiduciary obligations, as alleged herein.

IRREPARABLE INJURY

115. There is a causal relationship between the parties as described herein. There is no adequate remedy at law because monetary damages might be impossible to ascertain; our rights which have been violated by the defendants are such that the violation constitutes irreparable damage; to wit: the natural and human environment of Bikini Atoll is unique and irreplaceable; we will suffer immediate and irreparable injury unless the relief sought is granted.

FIRST CLAIM - WRONGFULNESS OF CONTINUING PROJECT WITHOUT THE PRIOR COMPLETION OF ENVIRONMENTAL IMPACT STATEMENTS

116. The Defendants have wrongfully continued the Bikini Atoll resettlement program since January 1, 1980, without having first drafted, developed, and completed a complete and adequate final environmental statement and carefully and fully considered its contents throughout their entire decision-making process, all as alleged in paragraphs 7 through 94 and 111, supra.

SECOND CLAIM - VIOLATION OF DUTY
TO ASSURE RADIOLOGICAL SAFETY WITH
BEST AVAILABLE DATA

115. The Defendants have wrongfully failed to assure the radiological safety of beneficiaries of the uniform program of Bikini Atoll with the best radiological means available, to permit such assessment to be subjected to scrutiny by independent experts, and to make known to all by language well understood, the results of such assessment and the reasons, qualifications, and criticisms of such independent experts, all as alleged in paragraphs 1-24 and 98-99, pages.

This failure of the Defendants is in clear violation of their duties under the National Environmental Policy Act and their duty under Article 6(3) of the Trusteeship Agreement for the former Japanese Mandated Islands to protect the health of the inhabitants of the Trust Territory, and to prevent serious and irreparable injury to them.

THIRD CLAIM - VIOLATION OF DUTY
TO CONTRIBUTE FOR, FUND, AND SUPPORT AN
IMMEDIATE AND INDEPENDENT STUDY OF
HEALTH RISKS TO PRESENT RESIDENTS
OF BIKINI ISLAND

116. The Defendants have wrongfully failed to contribute for, fund, and support an immediate and independent study of the health risks to those members of our community now residing on Bikini Island by United States, all as alleged in paragraphs 1-24 and 100-103, pages.

This failure of the Defendants is in clear violation of their duties under the National Environmental Policy Act and of their duty under Article 6(3) of the Trusteeship Agreement for the former Japanese Mandated Islands to protect the health of the inhabitants of the Trust Territory, and to prevent serious and irreparable injury to them.

FOURTH CLAIM - VIOLATION OF TREATY
TO DIVINE RIGHTS TO BIKINI ATOLL

117. The defendants have wrongfully failed to fully comply with their obligations under the Bikini Atoll, and to alleged to 101-90 and 106-107, supra.

This failure of performance is in clear violation of their duty under Article 6 (1) of the Trusteeship Agreement for the Former Japanese Mandated Islands to protect the health of the inhabitants of the Trust Territory, and prevent serious and irreparable injury to us.

FIFTH CLAIM - VIOLATION OF TREATY
TO DIVINE RIGHTS TO AN ISLAND
"BIRNIA BIRNIA"

118. The defendants have wrongfully failed to develop and to include in their planning and decision making for the Bikini Atoll resettlement program, a comprehensive, detailed, and specific master plan to ensure reasonable economic self-sufficiency for us upon our resettlement on Bikini Atoll. Defendants further have wrongfully failed to provide for us full participation in the development of such a master plan, all as alleged in paragraphs 94 and 109-111, supra.

These failures of the defendants are in violation of their duties under the National Environmental Policy Act and their duties under Article 6 of the Trusteeship Agreement to promote our economic advancement and self-sufficiency, to protect and foster our political and social advancement, and to give due recognition to our customs and cause serious and irreparable injury to us.

SIXTH CLAIM - VIOLATION OF TREATY
TO DIVINE RIGHTS

119. The defendants have wrongfully failed to protect and to ensure that the health, safety, and physical well-being, all as alleged heretofore.

This failure of the defendants is in violation of their duties under the Trusteeship Agreement, and causes us serious and irreparable injury to us.

REPLY

WHEREFORE, Plaintiff requests the Court to exercise its equity power and statutory power to enforce the National Indian Self-Determination Act by granting the following injunctive and permanent declaratory and equitable relief:

1. The Court should grant preliminary injunctive relief, as more fully set forth in the Petition for Preliminary Injunction filed contemporaneously with this Complaint, by ordering the following steps to be consistent with the Act for Preliminary Injunction:

A. Grant access to BIA's A-103;

B. Injunction against any future re-organization of the account BIA's A-103 and related;

C. Order defendants to supply BIA's A-103 with information in Bureau files, as well as BIA's;

D. Order defendants to conduct an inventory for examination of persons who have been placed on A-103;

E. Injunction re-organization of A-103 with the People of BIA's except upon Court approval by the Indians, except the Department of Interior and its agents, including the Trust Territory Government;

F. Order immediate completion of a radiological survey, including proper control and safety procedures;

G. Order defendants to make arrangements for a fully independent analysis of the results of each radiological survey;

H. Order that there be completion of each radiological analysis of those and future as needed according appropriate after completion of independent expert

1. With all further agency spending and contract spending, until as specified by order of the hearing on the Motion for preliminary injunction.

2. Plaintiff's complaint to either of the following to the Court every 75 days as to further progress of the Bikini Resettlement, or, in the alternative, appoint a Project Manager who will, among other things, discharge the reporting functions;

3. The Court should, after taking the parties' evidence, determine whether the standards presently used by the defendant ERDA as representative evidence for one-year and fifty-year exposure are valid and, if they are determined not to be valid, conduct the scientific and technical process for determination of standards which, in each case, will result in being valid and which the evidence for reference in making a determination of such future plans;

4. The Court should continue to exercise its jurisdiction over the defendant's resettlement of the Bikini Resettlement.

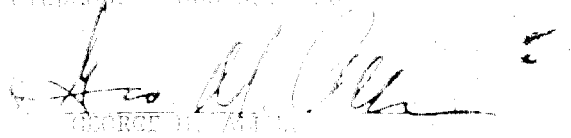
Respectfully submitted,

CHARLES M. KALLER
Environmental Legal Services Corporation
Central Office
P. O. Box 876
Acquid, Massachusetts 01950
Telephone: 522/4411/1111
Cable Address: Meridex

DANIEL B. ZACHARY R.
of CHARLES M. KALLER
RICHARD D. STONE
/s/ C. M. KALLER
Environmental Legal Services Corporation
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JONATHAN H. WILCOX
Geological & Biological
BBB - 1000 Market, N. W.
Washington, D. C. 20006
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Telex - 99-110
Cable Address - Geolap

1701 ALSTON
GEORGE H. JAMES
Legal Aid Society of Nevada
Suite 404
200 E. Vineyard Blvd
Las Vegas, Nevada 89101
Telephone - 800 526-7100



GEORGE H. JAMES

Attorney for Beneficiaries

VERIFICATION OF DECLARATION

TERRITORY OF THE
PACIFIC ISLANDS
MARSHALL ISLANDS DISTRICT

Loke Resubawa, being duly sworn, deposes that he is the duly
elected Magistrate of the Island of Wotho, and that the Chief
Executive Officer of the Island of Wotho, W. H. Resubawa, Complaint
has been translated into Marshallese and read to him by Richard R.
Zackheim and, to know the contents of the graphs 1, 2, 15,
16, 29, 30-44, 59, 60, 60-60 (see also, at the back of this declaration)

Loke Resubawa
Loke Resubawa

Subscribed and sworn to
before me this 1st day of October, 1976.

William J. ...
Notary Public

DECLARATOR'S VERIFICATION OF
TERRITORY OF THE
PACIFIC ISLANDS
MARSHALL ISLANDS DISTRICT

WILLIAM J. ... Notary Public
MARSHALL ISLANDS DISTRICT
I do hereby certify that the
above is a true and correct copy
of the original as shown to me

Richard R. Zackheim, being duly sworn, states

that he is fluent in both English and Marshallese and that he has care-
fully translated the foregoing complaint and its attachments into
Marshallese and read the same to Loke Resubawa.

Richard R. Zackheim

Subscribed and sworn to
before me this 1st day of October, 1976.

William J. ...
Notary Public

WILLIAM J. ... Notary Public
MARSHALL ISLANDS DISTRICT
I do hereby certify that the
above is a true and correct copy
of the original as shown to me

VERIFICATION OF COMPLAINT

TRUST TERRITORY OF THE)
PACIFIC ISLANDS)
MARSHALL ISLANDS DIVISION)

Nathan Noel, being duly sworn, states that the duly
elector scribble of the ballot (above) The Alleged Complaint
has been translated into Marshallese by George A. Bates
and he knows the contents of paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,
15-21 are true, to the best of his knowledge.

George A. Bates
Nathan Noel

subscribed and sworn to
before me this 7th day of October, 1974.

William M. Anderson
Notary Public
WILLIAM M. ANDERSON, Notary Public
MARSHALL ISLANDS
MARSHALL ISLANDS DIVISION
my commission expires on the
15th day of _____, 1975.

TRANSLATOR'S VERIFICATION

TRUST TERRITORY OF THE)
PACIFIC ISLANDS)
MARSHALL ISLANDS DIVISION)

George A. Bates, being duly sworn, states
he is fluent in both English and Marshallese and that he has
correctly translated the foregoing complaint into Marshallese
and Marshallese and that the same is Nathan Noel.

George A. Bates

subscribed and sworn to
before me this 7th day of October, 1974.

William M. Anderson
Notary Public
WILLIAM M. ANDERSON, Notary Public
MARSHALL ISLANDS
MARSHALL ISLANDS DIVISION
my commission expires on the
15th day of _____, 1975.


VERIFICATION OF COMPLAINT

TRUST TERRITORY OF THE)
PACIFIC ISLANDS)
MARSHALL ISLANDS DISTRICT)

Ataji Balon, being duly sworn, deposes that he is a member of the House of Representatives of the Congress of Micronesia, representing the Seventh Congressional District in the Marshall Islands, which District includes Rongerik Atoll, and that he reads both English and Marshallese. He has read and is submitting herewith a verified Complaint for analysis and study under the provisions of 48 U.S.C. 1654, 1657-168, 7. He has read and is submitting herewith a copy of his knowledge.


Ataji Balon, Member
House of Representatives
Congress of Micronesia

Subscribed and sworn to
before me this 7th day of October, 1970.


Gregory P. Miller
Notary Public
U.S. District Court
Northern District of California
San Francisco, California



PHOTOGRAPHY BY KEN L. BEY

THE PROMISED VOYAGE

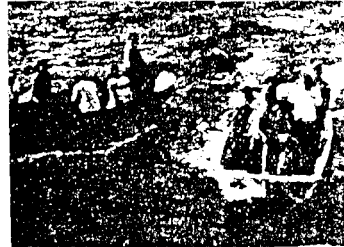
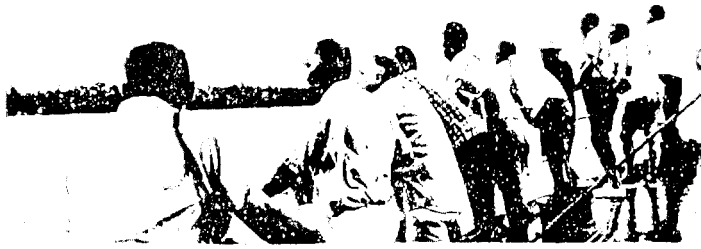
Joia Kiri to Iakini

10

177 1118 219

KILI

From Washington, from the Departments of Defense and Interior, from the Atomic Energy Commission, the message finally came. The radioactivity level was down and Bikini, nuclear atoll of the forties, bathing suit of the fifties and empty wasteland of the sixties, could again be the site of a human community. In late August the M.V. *James Cook* sailed with government officials and representatives of the world press headed for Kiri Island, where the bulk of the Bikini people had spent their years of exile. Years of pain, change and remembering and perhaps ambushing. Some of the colony had never seen the mother-island; others had grown old with the memories and others— including Bikini's hereditary leader, King Judaan— were dead and buried far from home. Too late for Judaan but for the three hundred or so people of Bikini the time of their return, the era of possibility, was coming around. And so the Cook's first island of call was Kiri where the islanders set out from shore in small boats to greet them, to shake hands on an island to go ashore for more handshakes and some words of hope from High Commissioner William Norwood King Bikiniin, to the ship's company and headed northward on the voyage to the main atoll in the morning.





AT SEA

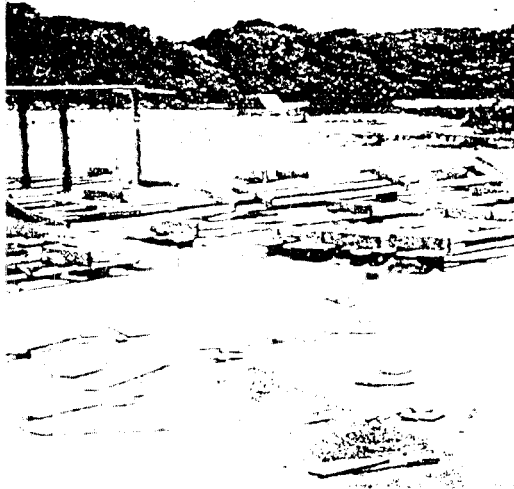
Observers noticed little outward excitement or tension on the northward voyage but it was impossible not to wonder what they would find at Bikini. It could not be the island the Bikinians remembered—not after those bombs—and the underlying question was what would be left of Bikini and of the Bikinians' memories and hopes, when the *Cook* reached its destination?



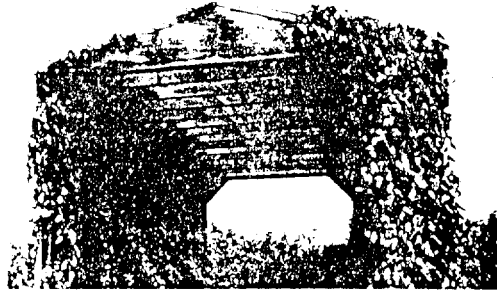
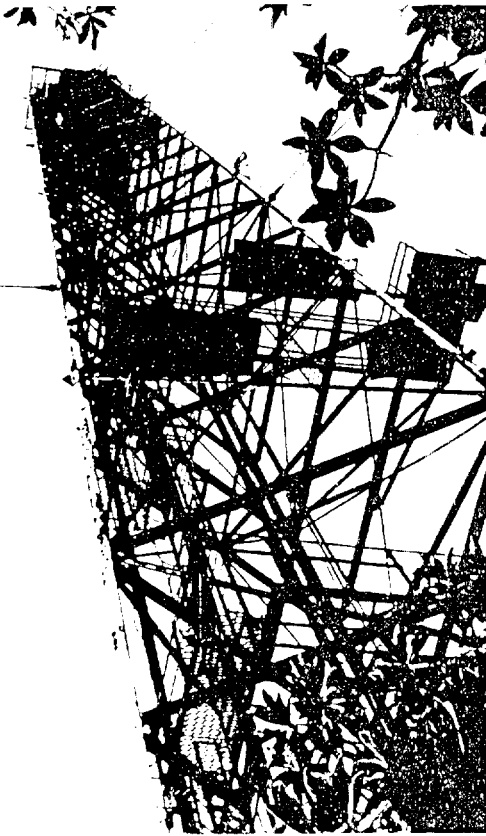
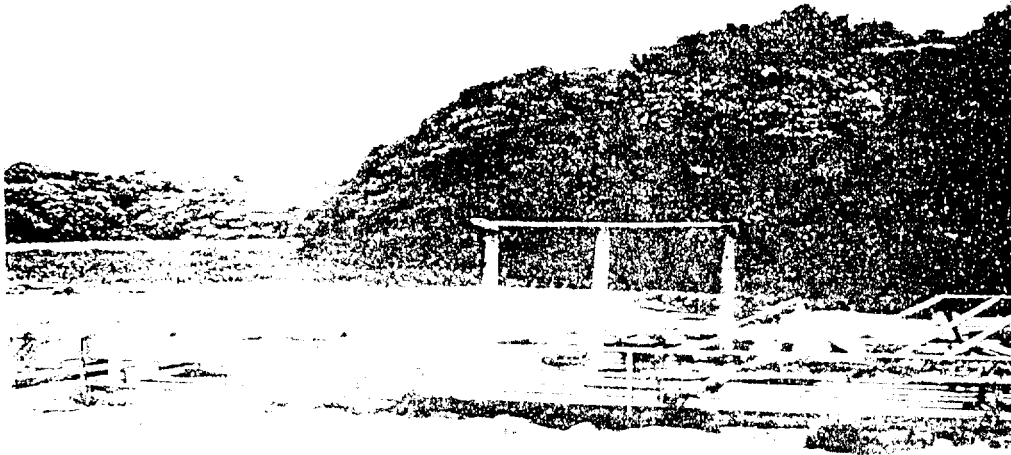


BIKINI

In an echo of an earlier century of exploration, two flags again claimed Bikini: Micronesia's six stars counterpointing the fifty stars of the administering authority. But when the ceremonies (flag raising and coconut planting) were over, it remained for Americans and Marshallese to discover the realities of Bikini today. Reported *Micronesian News Service* correspondent Dan Smith: "Bikini Island does not look much like a tropical island. Dense brush covers the area, where thousands of workers and technicians prepared for tests. After the ceremonies the Bikinians went off in groups taking notes about what they saw and remembered. Others wandered off down the beach, kicking and contemplating. Large schools of fish could be seen near shore."



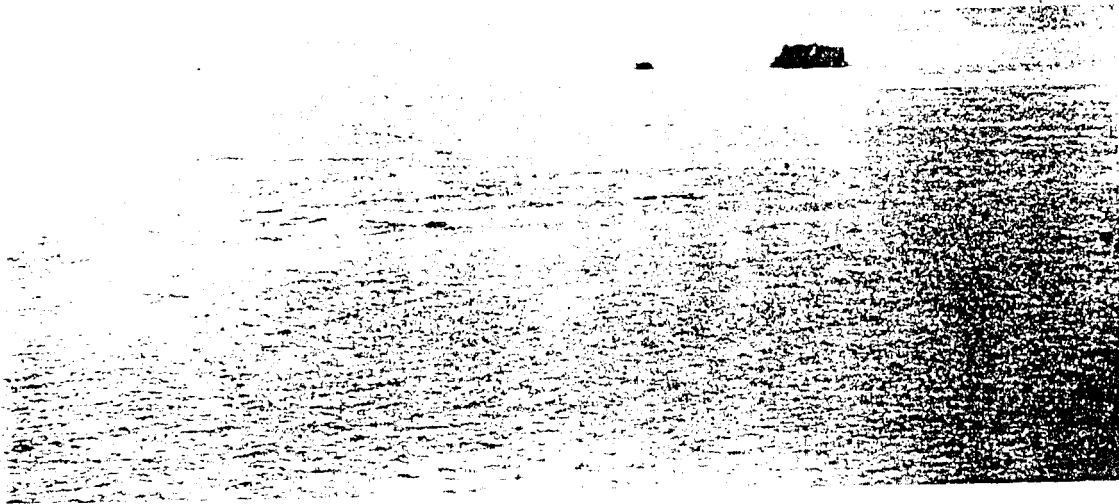
It was not the first time that the name "Bikini" had been used. In 1946, the name was used to describe the island where the atomic bomb tests were conducted. The name was also used to describe the island where the atomic bomb tests were conducted. The name was also used to describe the island where the atomic bomb tests were conducted.



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And then there were the areas that could not be found, the obliterated sections in the lagoon. A common section of the atoll: a watery blue crater where there once was an island. A stretch of crushed rock and inorganic sand bar barely showing above the waves. Finding this, some Bikinians declared that their islands had lost their lives.





I was told that the historic survey on the M... The land and years that were... recovered, but most of... to the future, a... from blast and... the very cradle of the... community - even a... might be founded and... planning and time, boats, ... with parties, special... It will require an... between government... money. Clearing the... material and... an estimated 1.2... overall rehabilitation... restoring necessary... two million more... to the... but to turn... island many... will have...

January 19, 1971

Honorable Edward P. Johnston
High Commissioner
United States Department of Interior
Trust Territory of the Pacific Islands
Suva, Eastern Province, Fiji

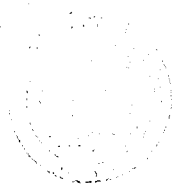
Dear Mr. Commissioner:

By letter of January 14, 1971, to Director, Wildlife Conservation Office, USFWS, you were requested to kindly authorize the inclusion of the Territory of the Pacific Islands and whether it would be suitable for applicants to plant rice on Bikini. On a second trip to the Pacific, to Robert Currier, of the Hawaiian National Laboratory, authorized by Dr. Dick Tobin to check on two additional issues:

1. Are there any restrictions on digging (such as for water) on Bikini Island?
2. Can wild geese drink wild water on Bikini Island?

As to the question of safety of planting rice on Bikini Island, some samples, the results of analysis of salinity and concentration levels indicate that the levels in the water of Lake (Lagoon), Peter (Aerobically) and Lake (Oxidation), are within the limits for rice (200). It would be safe to plant rice on Bikini Island. The rice should not be planted on the (Lagoon). We suggest that the necessary permits be taken to permit digging and that there should be restrictions.

There are no restrictions on digging (such as for water) on Bikini Island from a geological viewpoint. This would apply to both depth and location. Any digging will apply from Bikini Island, will not be



United States Department of the Interior

Office of Environmental Quality
Washington, D.C. 20001

July 1971

Dear Mr. Secretary:

The island of Bikini which was used for nuclear weapons testing is now being used for public health studies and other purposes. A health center has been established, extensive crop production and grazing has been initiated.

The main territory of the island is prepared to construct a water supply and a drainage system and to begin a health center which is ready to receive patients. Recent radiological information indicates a need for a comprehensive health survey of the island and the health of the people. The health of the people is a major concern of the people and the government. Many of the people are still in the island, one of the main problems with the people is the lack of water. To do this we need a great deal of additional data on the radiological situation at Bikini. The health survey and the health of the people are the main concerns of the people and the government. The health of the people is a major concern of the people and the government. Many of the people are still in the island, one of the main problems with the people is the lack of water. To do this we need a great deal of additional data on the radiological situation at Bikini.

The Energy Research and Development Administration is prepared to conduct additional radiological surveys of Bikini and surrounding islands if facilities support can be provided to include:

- 1. Two helicopters and an associated support platform for about 15 days of flight operations at Bikini Atoll.
- 2. Aerial gamma probe for Bikini Atoll and return for 1000.
- 3. Additional equipment and personnel.

There is a longer term problem of desalinating water and the production of the needed radiologically on all the islands that received fallout from the atomic weapons tests. This also could be accomplished starting in April or later in the year with RDA providing the technical resources. Such a survey would require an additional 20 days of flight operations at several atolls.



From Energy and Sea News, March 1971

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

MAY 20 1976

Mr. J. Edgar Hoover
Director, Federal Bureau of Investigation
Washington, D. C. 20535

Dear Mr. Director:

This is in response to Secretary Alexander's letter of February 11, 1976,
requesting my help in support for the conduct of an additional investigation
concerning a 1964 A100 and other vehicles that were stolen from D. V.
and returned to Italy.

The names of the individuals involved have been thoroughly identified
at the time Mr. Cox of FBIHQ, in contact with you, will have reviewed.
However, the only details that I have been able to obtain for identification of
the cars, which would be needed for recovery, are as follows:

We may be able to conduct a search of the files of the cars if you
have the identification. However, since you cannot identify the cars, it
will be necessary to conduct a search of the files of the cars, which
will be a task of the FBIHQ, in this case, to conduct a search of the
files of the cars.

Very truly yours,
[Handwritten Signature]
Agency

1100

QUARTERMASTER

WASH DC

UNITED STATES DEPARTMENT OF THE ARMY

OFFICE OF THE QUARTERMASTER GENERAL

THURSDAY

WASH DC, APR 20, 1945. VOL. 1, NO. 15. 15th CENTURY
WASHINGTON, D. C. 20315

Donald Leukocornic Kills 11-Year-Old Boy

Daily News Item

WASHINGTON (AP) — If you've ever seen the body of a dead American home to the Marshall Islands...

Arjuna, 19, died here at Bethesda Naval Hospital as an apparent victim of carbon monoxide poisoning from an American hydrogen bomb test at Eniwetok...

When the first known death ever linked to a hydrogen bomb occurred in a test here in Eniwetok island of March 1, 1944...

On that day, a member of Rongerik Island — including Arjuna and 12 others — was...

...of the "howler" of the heavy, 18-foot long, by 10-foot wide explosion on Eniwetok, 100 miles from the coast. The debris had been blown away from the impact site by the force of the bomb.

The hydrogen explosion, however, killed about 100 Japanese soldiers and the 11-day ship.

The reports on Arjuna's death came to the home after the explosion. He had been dead for 11 days. The military experts who have attributed the death to...

...of the bomb was one of the first...

The explosion, on the part of the bomb, was not a surprise. They found Arjuna's body in a position of death with a hydrogen bomb. It was from the island, where many in the West had a hospital since that time. The military who advised the bomb test were administered...

There has been a story with the bomb, and many other stories in the past. The bomb test was a significant event...

...and the "howler" of the heavy...

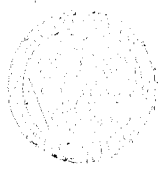
...of the hydrogen bomb was one of the first...

...of the bomb was one of the first...

...of the bomb was one of the first...

Blaine's Bill

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D. C.



October 1, 1907

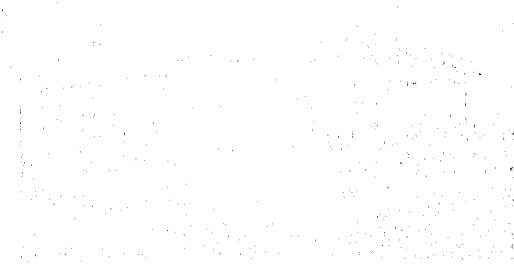
Blaine's Bill Fictive by Christmas

The Trust Territory Government is now in the process of reporting to the United States Department of the Interior the results of the Blaine Bill. The bill is now in the hands of the United States Department of the Interior, and the report is probably in the hands of the United States Department of the Interior, and the report is probably in the hands of the United States Department of the Interior.

Deputy Commissioner of the Interior, Mr. [Name], has been in the process of reporting to the United States Department of the Interior the results of the Blaine Bill. The bill is now in the hands of the United States Department of the Interior, and the report is probably in the hands of the United States Department of the Interior.

The people of the Territory have been in the process of reporting to the United States Department of the Interior the results of the Blaine Bill. The bill is now in the hands of the United States Department of the Interior, and the report is probably in the hands of the United States Department of the Interior.

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Blaine's Bill is a bill that is now in the hands of the United States Department of the Interior. The bill is now in the hands of the United States Department of the Interior, and the report is probably in the hands of the United States Department of the Interior.

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IN THE DISTRICT COURT OF THE UNITED STATES OF AMERICA
FOR THE DISTRICT OF HAWAII

THE BOARD OF DIRECTORS, THE HAWAIIAN
COUNCIL, LORE KESSIDAKI, GEORGE
NATHAN, ROYAL, RUTHIE, PEARLA, LARRY, MAX,
JUDY, JOSEFA, MARYLOREN, and HELEN
BALBY,

Plaintiffs,

vs.

ROBERT G. SHAMANS, SR., Administrator,
United States Energy Production and
Development Administration, WILLIAM J.
STANLEY, Director, The 1980 Area Impact
Office, United States Energy Production
and Development Administration, JAMES R.
SCHLESINGER, Secretary of Defense, JERRY
FRISVOLD, Acting Secretary of Defense,
FRED W. EELDER, Director, Office of
Territories, United States Department
of Interior, EDWARD H. JOHNSON, RFA,
Commissioner, Trust Territory of the
Pacific Islands, OSCAR BERTON, RFA, and
Administrator, Marshall Islands
District, Trust Territory of the
Pacific Islands; and GEORGE W. BUSH,
President of the United States,

Defendants.

Plaintiffs

To Defendants:

You are hereby summoned and required to answer upon

Plaintiff's attorney:

GEORGE W. BUSH
American National Service Corporation
Marketing Office
P. O. Box 570
Hagatga, Marshall Islands 96960
Telephone: 777
Cable Address: BUCO/OL

GEORGE W. BUSH SR.
WILLIAM J. STANLEY
JAMES R. SCHLESINGER
JERRY FRISVOLD
Secretary for Legal Assistance Corporation
Center Office
P. O. Box 570
Hagatga, Marshall Islands 96960
Telephone: 6728/6677/6677
Cable Address: BUCO/OL

JENNIFER M. WILSON
Government Relations
500 14th Street, N.W.
Washington, D.C. 20005
Telephone: 202-462-0218
Telex: 98-585
Office Address: Disting.

THOMAS A. STONE
FRANKIE H. SMITH
Legal Aid Society of Maryland
Suite 407
200 N. Virginia Street
Baltimore, Maryland 21201
Telephone: 800-330-4500

an answer to the complaint which is herewith attached, you,
within 60 days from service of this Summons upon your execution
of the day of service. If you fail to do so, judgment by default
will be taken against you for the relief demanded by the Complaint.

Clerk of Court _____

Deputy Clerk _____

DATED: _____, 200__

Note: This summons is attached pursuant to Rule 4 of the Federal
Rules of Civil Procedure.