

COMMITTEE ON ENERGY AND INDUSTRIAL DEVELOPMENT  
House of Representatives

Dear Mr. Dunmire:

This is in response to your request on June 11, 1964, to Dr. S. Marks of my staff for AEC comments on a report of the Federal Joint Committee Concerning Rongelap and Utirik Atolls of the Republic of Micronesia. The report provides documentation supporting a request for compensation for damages to the Rongelap and Utirik Atolls and their inhabitants resulting from the thermonuclear test conducted on Bikini Atoll on March 1, 1954.

Briefly stated, the report requests the following types of compensation:

1. Payments of \$50,000 each to the mother and father of the deceased leukemia patient;
2. Payments of \$25,000 each to persons who have had thyroid operations because of radiation-induced disease;
3. Payments of \$1,000 each to the people of Utirik who were relocated subsequent to the test; and
4. Funds of \$25,000 annually for community purposes for each atoll (Rongelap and Utirik) in addition to the usual Grant Fund appropriations by the U. S. Congress.

In February 1960, legal action was initiated on behalf of the inhabitants of Rongelap Atoll to seek compensation for damages suffered as a consequence of the test. Although the suit was dismissed for lack of jurisdiction of the court in the Trust Territory, the complaint was considered to have merit by the United States Congress. Accordingly, legislation was enacted on August 22, 1964 (P.L. 88-487), to provide compensation to the people of Rongelap.

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P.L. 88-485 provided \$950,000 (less 5% for legal fees) in equal payments to 82 exposed inhabitants of Rongelap Atoll or their heirs. The individual payments amounted to about \$11,000. P.L. 88-485 contained a provision to the effect that "payment made under the provisions of this Act shall be in full settlement and discharge of all claims against the United States arising out of the thermonuclear detonation on March 1, 1954." That release provision operated to discharge all obligations of the U.S. Government, including any that might arise from further damage suffered by the inhabitants. However, the statute expressed the wish of Congress to assume "compassionate responsibility" to compensate the Rongelapese for their "radiation exposures." The failure to anticipate health effects that were not evident at the time the legislation was under consideration by the Congress but which have become apparent since then could provide the basis for reopening the issue of compensation.

It is well known that radiation injury may give rise to tumor development after a period of many years. The inadequacy of the period of observation until 1963 for the occurrence or detection of such late effects was expressed in a letter dated March 14, 1963, from John A. Carver, Jr., Assistant Secretary of the Interior, to Hon. Wayne N. Aspinall, Chairman, Committee on Interior and Insular Affairs, House of Representatives. The letter is included in H.R. Report No. 110, part of the legislative history of P.L. 88-485. The relevant portions of the letter are as follows:

In the period immediately following the fallout, many of the Rongelapese were affected by nausea and itching, a substantial number sustained temporary skin burns, and somewhat less than half sustained some degree of loss of hair, also temporary. In some cases there remain some scarring and pigment change at the former site of deeper burns but no evidence of cancerous change in these scars has been noted. In all of the Rongelapese there was significant depression of their blood-forming organs during the 2 months following exposure; recovery has taken place in the years since and the counts are now generally considered within normal ranges, although there are a few instances where the counts are lower than in comparable unaffected individuals.

There is, to date, no evidence of leukemia nor of radiation illness. Further, whether or not the radiation has had any life-shortening effects is not apparent. It does appear, however, that bone development in young children who were affected by the fallout may have been retarded, and also that there is a possibility of a somewhat greater incidence of miscarriages and stillbirths among the exposed women. Neither sufficient time has elapsed nor sufficient knowledge acquired to permit positive conclusions to be drawn as to the long-range effect of the fallout on the Rongelapese.

~~As a result of the 1954 test each exposed individual of his health. The~~  
compensation requested by the Special Joint Committee for the Uscirik people  
would be in addition to the AEC payment and would be for inconvenience  
experienced in relation to the 1954 test.

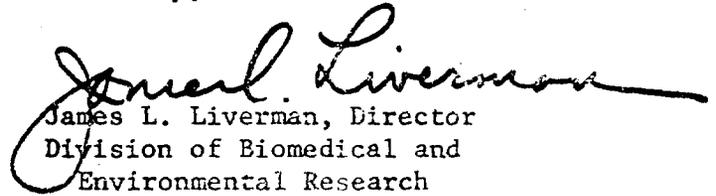
The nature and amount of compensation provided to the people of Rom, etc.  
by the Congress under P.L. 88-485 was based on the information available  
at the time Congressional action was taken on the bills. That information  
as presented in Mr. Carver's letter included only the minor and indefinite  
medical effects observed up to that time. The thyroid tumors and leukemia  
described above were neither evident nor predicted at the time of  
Congressional action. The medical developments that have occurred since

4. No position is taken relative to funds for community purposes since such matters more properly fall within the purview of the Department of the Interior rather than the Atomic Energy Commission.

We assume that additional compensation, if authorized by the Congress, would be provided through a mechanism similar to that employed in P.L. 88-485, namely, through disbursement of specially appropriated funds by the Secretary of the Interior. Therefore, the precise amount of any additional compensation is not considered an appropriate matter for AEC comment and is not addressed in this letter.

If we may be of assistance in providing the Committee with additional information, especially with respect to scientific findings in the exposed Marshallese population, we will be pleased to furnish it.

Sincerely,

  
James L. Liverman, Director  
Division of Biomedical and  
Environmental Research