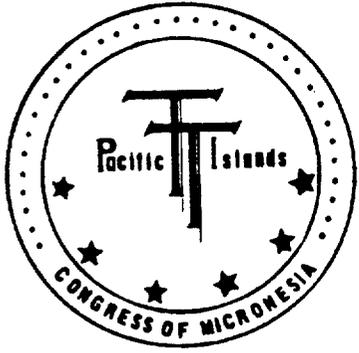


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**COMPENSATION
FOR THE
PEOPLE OF RONGELAP AND UTIRIK**

**A Report
by
The Special Joint Committee
Concerning Rongelap and Utirik Atolls
to the
Fifth Congress of Micronesia**

FEBRUARY 28, 1974

Compensation for the People of Rongelap and Utirik

A Report By

The Special Joint Committee Concerning Rongelap and Utirik Atolls

to the

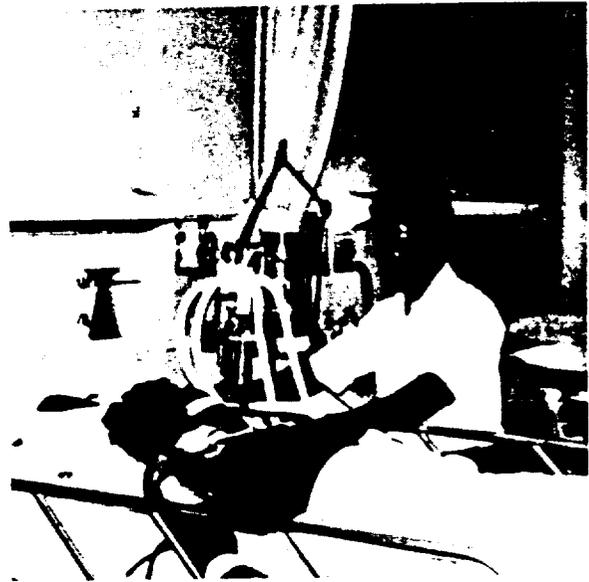
Fifth Congress of Micronesia

Second Regular Session, February 28, 1974

Rongelap Report



Lekoj Anjain reading in his hospital bed at Bethesda, Maryland.



John Anjain at the bedside of Lekoj.



Lekoj's body in casket before final journey home.



A young Girl, case no. 72 whose hair fell out as result of exposure to radioactive fallout.



A woman case no. 39 who suffered skin burns on the neck from radioactive fallout.



CONGRESS OF MICRONESIA

SAIPAN, MARIANA ISLANDS 96950

SPECIAL JOINT COMMITTEE
CONCERNING RONGELAP &
UTIRIK ATOLLS

February 28, 1974

Senator Olympio T. Borja, Chairman
Representative Timothy Olkeriil
Representative Ataji Balos

The Honorable Tosiwo Nakayama
President of the Senate
Congress of Micronesia

and

The Honorable Bethwel Henry
Speaker of the House of Representatives
Congress of Micronesia

Dear Sirs:

Pursuant to House Joint Resolution No. 73, adopted by the First Regular Session of the Fifth Congress of Micronesia, your Special Joint Committee Concerning Rongelap and Utirik Atolls, herewith presents its reports to the Congress on compensation for the people of the aforesaid atolls.

This document represents the third report by your Committee to the Congress of Micronesia. The first report, as required by P.L. 4C-33 was presented to the Presiding Officers of the Congress on May 16, 1972. This interim report presented some of the Committee's findings to that date and outlined its future plans. The second report on Medical Aspects of the Incident of March 1, 1954 was presented to the First Regular Session of the Fifth Congress in February 1973. As recommended, this report has also been summarized and translated into the Marshallese language and will be distributed to the people of Rongelap and Utirik.

The report, which we submit now, deals with various aspects of possible compensation for these people who were irradiated, dislocated, and certain of whom have suffered illness and other affects from their experience of nearly 20 years ago.

Accordance with its previous report, this report also make certain recommendations which it feels are both practical and reasonable, with which we hope the people of Rongelap and Utirik and the members of this Congress will agree and will find satisfactory.

The Committee also wishes to note that a great majority of past recommendations have been carried out, and that at present there appears to be greater confidence by the Rongelapese and Utirikese in the validity of the annual medical examinations to which they are subjected. Furthermore, there have been encouraging responses from the United States Government, most particularly the Brookhaven National Laboratory and the Atomic Energy Commission in supporting in a substantive way suggestions made by the Committee and also P.L. 5-52 which was enacted by the First Regular Session of the Fifth Congress.

The Committee also wishes to draw attention to the excellent cooperation it has received not only from such departments of the Executive Branch as Health Services and the Office of the Attorney General, but also from the people of Utirik and Rongelap.

It is the belief that the intent of its recommendations were to be carried out, that the reason for its own existence will cease, and that in the future even though the committee will continue to monitor the situation with March 31, 1975 - other problems or complications with regard to this matter can be handled by the people themselves and at the district level.

It is thus, with this intent in mind, that your Special Joint Committee submits this report.

Respectfully submitted,


Senator Olympio T. Borja
Chairman


Representative Timothy Olkeriil
Member

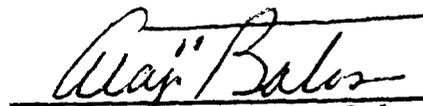

Representative Ataji Balos
Member

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REMARKS BY SENATOR BORJA
RONGELAP/UTIRIK COMPENSATION
MARCH 2, 1974

MR. PRESIDENT AND MEMBERS OF THE SENATE.

TWENTY YEARS AGO YESTERDAY, ONE OF THE MORE UNFORTUNATE INCIDENTS IN THE HISTORY OF MANKIND HAPPENED. AND TO ADD TO THIS MISFORTUNE, THE INCIDENT HAPPENED TO MORE THAN TWO HUNDRED MICRONESIANS WHO WERE FROM THE ISLANDS OF RONGELAP AND UTIRIK IN THE MARSHALL ISLANDS DISTRICT.

ON MARCH 1, 1954 THE UNITED STATES OF AMERICA EXPLODED ON BIKINI ATOLL, A GIGANTIC HYDROGEN BOMB. THIS BOMB WAS THE BIGGEST AND MOST POWERFUL DEVICE EVER DETONATED BY MAN. IT WAS EQUIVALENT TO MORE THAN 30,000,000,000 POUNDS OF DYNAMITE. FURTHERMORE, SINCE THE DEVICE WAS A "NUCLEAR" WEAPON, THE PRODUCTS OF THE EXPLOSION WERE HIGHLY RADIO-ACTIVE.

WHAT HAPPENED AS A RESULT OF THAT EXPLOSION IS A MATTER OF HISTORY AND ALSO A MATTER OF RECORD AS STATED IN A REPORT BY THE SPECIAL JOINT COMMITTEE CONCERNING RONGELAP AND UTIRIK WHICH WAS ADOPTED BY THIS CONGRESS LAST YEAR.

ON A THEORETICAL BASIS, MR. PRESIDENT, IT IS VERY EASY TO SYMPATHIZE WITH THOSE PEOPLE WHO WERE AFFECTED. HOWEVER, I WISH TO NOTE THAT AS CHAIRMAN OF THE SPECIAL JOINT COMMITTEE AFTER HAVING REVIEWED ALL THE MATERIALS; AND AFTER HAVING SEEN PHOTOGRAPHS OF THE

PEOPLE AFFECTED; AND AFTER HAVING MET THE PEOPLE WHO WERE ACTUALLY AFFECTED BY THIS BOMB, I HAVE MORE THAN JUST SIMPLE SYMPATHY FOR THESE PEOPLE. I HAVE AN EMOTION WHICH IS EXTREMELY DIFFICULT TO DESCRIBE, AND THE ONLY WAY ALL OF US CAN APPROXIMATELY UNDERSTAND THIS EMOTION IS TO IMAGINE FOR A BRIEF, UNBEARABLE MOMENT HOW WE WOULD FEEL IF OUR SON OR DAUGHTER WERE TO DIE AS THE RESULT OF THE NEGLIGENCE OF ANOTHER PERSON, OR IF OUR FAMILIES WERE TO BE MADE SICK AND WORRY ABOUT THEIR FUTURE HEALTH BECAUSE OF THE FAULT OF ANOTHER PERSON.

MR. PRESIDENT, I COULD GO ON AND ON ABOUT THIS SUBJECT. I COULD GO INTO GREAT DETAIL IN DESCRIBING THE PHOTOGRAPHS OF THE RONGELAPESE WHO WERE DISFIGURED BY RADIATION BURNS BECAUSE OF THIS NEGLIGENCE, AND MOST POIGNANTLY I COULD DESCRIBE IN GREAT DETAIL THE PHOTOGRAPHS WHICH SHOW MR. JOHN ANJAIN AT THE BEDSIDE OF HIS DYING SON, LEKOJ.

HOWEVER, MR. PRESIDENT, IT IS NOT MY DUTY TO SPEAK OF UNSPEAKABLE EMOTIONS. IT IS MY DUTY, AS CHAIRMAN OF THE SPECIAL JOINT COMMITTEE TO DO SOMETHING ABOUT THIS WRONG WHICH HAS BEEN VISITED UPON OUR INNOCENT BROTHERS AND SISTERS.

NEARLY TWO YEARS AGO, THE FOURTH CONGRESS OF MICRONESIA SAW FIT TO CREATE BY ENACTMENT OF PUBLIC LAW NO. 4C-33, A SPECIAL JOINT COMMITTEE CONCERNING RONGELAP AND UTIRIK ATOLLS. THIS COMMITTEE WAS MANDATED TO STUDY AND MAKE RECOMMENDATIONS IN TWO GENERAL AREAS: INJURY AND MEDICAL TREATMENT FOR THE RONGELAPESE AND UTIRIKESE, AND COMPENSATION FOR THOSE PEOPLE. WE HAVE FULFILLED THE FIRST PART OF THE MANDATE BY SUBMISSION OF OUR REPORT A YEAR AGO; AND WE NOW CONCLUDE THE REMAINING PART OF THAT MANDATE BY SUBMISSION

OF THE REPORT WHICH I PRESENT TO THE SENATE TODAY. IN THIS CONNECTION, I WISH TO STATE THAT I AND THE REST OF THE MEMBERS OF THE COMMITTEE ARE GRATEFUL TO THIS CONGRESS FOR THE APPROPRIATIONS WHICH IT HAS APPROVED IN THE PAST, AND WHICH IT MAY PROVIDE DURING THIS SESSION TO CARRY OUT THE WORK OF THE COMMITTEE. WITHOUT THEM, THE PEOPLE OF RONGELAP AND UTIRIK MIGHT NEVER HAVE BEEN JUSTLY RECOGNIZED AND TREATED FOR THE WRONGS WHICH WERE DONE TO THEM.

MR. PRESIDENT, IT IS A SAD BUT TRUE FACT THAT COMPENSATION FOR THESE PEOPLE CAN NEVER MAKE THEM "WHOLE" AGAIN. WHAT WRONG HAS BEEN COMMITTED CAN NEVER BE ERASED BY BETTER MEDICAL TREATMENT, OR EVEN THE PAYMENT OF MONEY. HOWEVER, COMPENSATION CAN ATTEMPT TO DO THIS AND THE GESTURE, IF NOTHING ELSE, MAY HAVE SOME HELPFUL EFFECT UPON THESE PEOPLE.

YOUR COMMITTEE HAS MADE RECOMMENDATIONS TO COMPENSATE THESE PEOPLE. THESE RECOMMENDATIONS INVOLVE NOT HUGE SUMS OF MONEY, BUT RELATIVELY SMALL SUMS OF MONEY. IN FACT, WE ARE RECOMMENDING WHAT IS PROBABLY MUCH LESS THAN THE COST OF BUILDING THE BOMB WHICH HAS CAUSED SO MUCH MISERY AND SUFFERING TO THE PEOPLE. WE HAVE RECOMMENDED COMPENSATION FOR FOUR DIFFERENT AREAS. THEY ARE:

1. MONEY FOR THE PARENTS OF LEKOJ ANJAIN WHO DIED AT THE AGE OF 19 YEARS IN 1972.
2. MONEY FOR THOSE PEOPLE WHO HAVE HAD OPERATIONS DUE TO RADIATION-INDUCED DISEASES.
3. MONEY FOR THE UTIRIKESE FOR THEIR DISLOCATION AND EXPOSURE.

AND NUMBER FOUR, MR. PRESIDENT, WE ARE RECOMMENDING THAT THE ADMINISTERING AUTHORITY ESTABLISH PERMANENT FUNDS FOR THE ISLANDS OF RONGELAP AND UTIRIK IN THE AMOUNT OF \$25,000 TO BE USED FOR COMMUNITY PROJECTS AND WHAT PORTION THE PEOPLE USE EACH YEAR WILL BE REPLACED THE NEXT YEAR SO THAT \$25,000 WILL ALWAYS BE AVAILABLE TO THESE PEOPLE FOR THEIR USE. THIS LAST STEP WAS DECIDED UPON AFTER REVIEWING THE VARIOUS POSSIBILITIES. IT HAS NOW BEEN 20 YEARS SINCE THE INCIDENT OCCURRED AND IT IS PERHAPS TOO LATE TO DISCOVER EXACTLY WHAT KIND OF DAMAGE WAS DONE BY THE FALLOUT TO THE ISLANDS, AND WATER OF THE TWO ATOLLS. HOWEVER, WE FEEL THAT THE ESTABLISHMENT OF THESE FUNDS WILL HELP TO COMPENSATE THE PEOPLE FOR WHAT DAMAGE HAS BEEN DONE: THAT IT WILL NOT CREATE DEPENDENCY--WHICH COMPENSATION TENDS TO DO AND WHICH IS THE ANTITHESIS OF THE INTENT OF COMPENSATION; AND THAT IT WILL ENCOURAGE THOSE WHO HAVE LEFT THESE ISLANDS TO RETURN TO THEM.

MR. PRESIDENT, WE ARE NOT SUGGESTING THAT MILLIONS AND MILLIONS OF DOLLARS BE GIVEN TO THESE PEOPLE. WE ARE SUGGESTING FIGURES WHICH I WOULD GUAGE ARE MINIMUM DEMANDS. WE ARE NOT RECOMMENDING INFLATED FIGURES TO BE NEGOTIATED UPON. WE FAIL TO SEE ANY MERIT IN NEGOTIATION IN THIS CASE. THE FACTS ARE CLEAR. THE PEOPLE WERE INJURED. THE UNITED STATES IS RESPONSIBLE. THE UNITED STATES THUS MUST DO JUSTICE TO THESE PEOPLE.

HOWEVER, IN THE EVENT THAT THE UNITED STATES DOES NOT WISH TO DO JUSTICE TO THESE PEOPLE, WE HAVE RECOMMENDED THAT THE PEOPLE OF

RONGELAP AND UTIRIK ENGAGE LEGAL COUNSEL AND FILE A CLASS ACTION SUIT AGAINST THE U.S. GOVERNMENT. FURTHERMORE, SINCE THE CONGRESS OF MICRONESIA HAD THE FORESIGHT TO EXTEND THE LIFE OF THIS COMMITTEE UNTIL MARCH 1975, AND HOPEFULLY WILL PROVIDE ADDITIONAL FUNDS FOR IT THIS SESSION, WE WILL BE ABLE TO TAKE SUCH ACTION AS WE FEEL IS NECESSARY TO BRING THIS MATTER TO THE ATTENTION OF THE UNITED STATES AND THE COURT OF WORLD OPINION, SHOULD THE U.S. GOVERNMENT SOMEHOW TRY TO AVOID ITS OBLIGATIONS.

LASTLY, I WOULD LIKE TO MENTION THAT YOUR COMMITTEE HAS SPENT NEARLY \$12,000 IN TWO YEARS IN THE COURSE OF ITS WORK. IT IS UNFORTUNATE THAT WE HAVE HAD TO USE TAXPAYER'S MONEY TO STUDY A PROBLEM CREATED BY THE UNITED STATES. HOWEVER, I BELIEVE IT HAS BEEN MONEY WELL SPENT, FOR AT PRESENT THE TRUST TERRITORY IS NOW NEGOTIATING WITH THE ATOMIC ENERGY COMMISSION TO PROVIDE SUPPORT FOR P.L. 5-52 WHICH WAS ENACTED LAST YEAR, AND ALSO TO PROVIDE THE ORIGINAL "INCONVENIENCE" PAYMENT TO THE UTIRIKESE.

IT IS THE SENSE OF THE COMMITTEE, THAT IF OUR RECOMMENDATIONS FOR MEDICAL TREATMENT AND COMPENSATION ARE FOLLOWED, THE RATIONALE FOR EXISTENCE OF THE COMMITTEE WILL CEASE. WE ARE ENCOURAGED BY SUCH EVENTS AS THE FORMATION OF A RONGELAP FALLOUT SURVIVORS ASSOCIATION, AND ASSISTANCE AND SUPPORT FOR THESE PEOPLE FROM THE TRUST TERRITORY ADMINISTRATION. WE HOPE THAT EVENTUALLY ANY FURTHER PROBLEMS WILL BE ABLE TO BE HANDLED AT THE DISTRICT LEVEL, AND THAT IN THE FUTURE SHOULD THIS MATTER DEMAND THE ATTENTION OF THIS CONGRESS, THAT THE STANDING COMMITTEES ON HEALTH IN BOTH HOUSES, SHOULD BE ABLE TO DEAL

WITH IT. THE COMMITTEE HAS GATHERED THE INFORMATION AND LAID THE
GROUND WORK FOR SUCH ACTION AND WE FEEL THAT WE WILL HAVE BEEN
QUITE SUCCESSFUL IF IN THE FUTURE THE PEOPLE WILL BE SATISFIED
WITH THEIR COMPENSATION, AND THEIR TREATMENT AND WILL BE ABLE TO
CHANNEL QUESTIONS AND COMPLAINTS THROUGH THEIR LOCAL GOVERNMENT.

I KNOW I HAVE TAKEN UP MUCH OF OUR VALUABLE TIME WITH THIS SPEECH.
HOWEVER, MR. PRESIDENT, IT FEEL IT IS TIME USED TO A VERY GOOD
PURPOSE, NOT THE LEAST OF WHICH IS TO MEMORIALIZE A 19 YEAR OLD YOUTH
WHO WAS SACRIFICED IN THE NAME OF THE ADMINISTERING AUTHORITY'S
STRATEGIC INTERESTS.

THANK YOU, MR. PRESIDENT.

A HOUSE JOINT RESOLUTION

Extending the life of the Special Joint Committee Concerning Rongelap and Utirik Atolls.

1 WHEREAS, under Public Law No. 4C-33 as enacted by the Second
2 Regular Session of the Fourth Congress of Micronesia a Special
3 Joint Committee Concerning Rongelap and Utirik Atolls was created
4 and given the mandate, among other things, to investigate the
5 results of irradiation on the people of Rongelap and Utirik Atolls
6 in the Marshall Islands District; and

7 WHEREAS, the said Special Joint Committee Concerning Rongelap
8 and Utirik Atolls submitted to this First Regular Session of the
9 Fifth Congress of Micronesia a report containing its findings and
10 recommending additional matters that this Congress should further
11 investigate; now, therefore,

12 BE IT RESOLVED by the House of Representatives of the Fifth
13 Congress of Micronesia, First Regular Session, 1973, the Senate
14 concurring, that the life of the Special Joint Committee Concerning
15 Rongelap and Utirik Atolls as created by Public Law No. 4C-33 is
16 hereby extended until March 30, 1975. The said Special Committee
17 shall have the same functions, duties, powers, and responsibilities
18 as specified by Sections 3 and 4 of Public Law No. 4C-33; shall
19 have the same Committee membership and composition; and shall, in
20 addition, have powers and responsibilities to investigate
21 the question of compensation for property damage to the islands
22 and atolls and peoples thereof, and any other and related matters

1 the Committee deems necessary, proper, or appropriate. The
2 Committee shall have any and all rights, privileges, and powers
3 as granted any other committee of the Congress of Micronesia.
4 The Committee shall submit its findings and recommendations on
5 or before the Second Regular Session of the Fifth Congress of
6 Micronesia in January, 1974; and

7 BE IT FURTHER RESOLVED that certified copies of this House
8 Joint Resolution be transmitted to the members and Chairman of
9 the Special Joint Committee Concerning Rongelap and Utirik as
10 created under Public Law 4C-33, and to the House Speaker and
11 Senate President of the Congress of Micronesia, and to the High
12 Commissioner.

13

14 Adopted: February 26, 1973

FOREWORD BY THE COMMITTEE

Public Law 4C-33 which was enacted by the Congress of Micronesia during the Second Regular Session of the Fourth Congress spelled out two general areas or mandates for the Committee to work on and study.

"To insure that (the people of Rongelap and Utirik Atolls) should receive the best medical treatment available (and to this end) shall attempt to secure any and all medical assistance and aid for the people... from whatever source possible, and

"...that these people should also receive compensation for the injuries which they have suffered (and to this end the Committee) shall attempt to obtain compensation for the people of Rongelap and Utirik Atolls for the injuries they have suffered due to exposure to irradiation."

The first part of the Committee's mandate was fulfilled by submission of "A Report on Rongelap and Utirik to the Congress of Micronesia, Medical Aspects of the Incident of March 1, 1954 by the Special Joint Committee Concerning Rongelap and Utirik Atolls", and also by the recommendations which it contained. The report detailed the subject incident and other related information. Also, through the efforts of the Committee, four special medical consultants from Japan, Great Britain, and the United States participated in the 1973 examination and submitted their generally positive findings to the Committee.

The intent of P.L. 4C-33 was extended by House Joint Resolution No. 73 as adopted by the First Regular Session of the Fifth Congress of Micronesia, and allowed the Committee the time to prepare this report on Compensation.

Regarding this area, the Committee wishes to note that at the time of the writing of this report, negotiations were continuing between the Trust Territory of the Pacific Islands and the Atomic Energy Commission to bring about

consummation of an agreement to provide for support of P.L. 5-52 under the heading of research-related activities of the AEC, and also to provide the payment of \$18,212 in "inconvenience" money (increased from \$16,000) to the exposed and dislocated Utirikese, which was first offered by the AEC in 1970.

It is the hope of the Committee that both of these arrangements will be completed expeditiously--in any case, the Committee will continue to monitor the situation and will take such steps as it sees fit with regard to this matter.

The Joint Committee wishes to draw the readers' attention to three documents:

- 1) the appendix which contains a moving account by the columnist Stewart Alsop of his meeting with Leko J Anjain in Bethesda, Maryland;
- 2) the appendix containing Senate Joint Resolution No. 36 which expresses the sorrow and sympathy of the Congress of Micronesia at the "untimely, unwarranted and irreplaceable loss" of Leko J Anjain; and
- 3) the appendix which contains the Committee's past recommendations and what actions have been taken on them.

Lastly, the reader will note this report is considerably shorter than its past report. This is due to the fact that the area is somewhat less complicated than the original report; that the 1973 report has provided the basis for many of the conclusions reached in this report; and that although there was considerable information which could have led to it being considerably longer, this report has intentionally been made

shorter to encourage those who normally would be discouraged from reading a longer version, to read it in its entirety.

PAST -- COMPENSATION -- JAPAN

HIROSHIMA AND NAGASAKI

The events which led up to World War II, the dropping of Atomic bombs on Japan and those which prevailed after its conclusion, made for a set of circumstances which saw the people of Japan who were affected by the A-bomb, waiting for more than 10 years before any sort of compensation was given to them. Since Japan was fighting a war with the United States and other countries, and since the United States held sovereignty over Japan for more than ten years after the war, the matter of compensation was delayed. In terms of medical care, the people were treated by Japanese hospitals and by the Atomic Bomb Casualty Commission after the war. Since the country was in a process of rebuilding, direct compensation for the survivors of Hiroshima and Nagasaki was delayed for some time. However, in 1957, some time after United States military forces had left Japan, a national law was passed which provided certain kinds of compensation for certain classes of people who survived the bomb blast, or who were exposed to radiation. This law, which has been amended several times either by administrative directives or through other laws, provides a system of payments to A-bomb "sufferers". Some of these payments are made directly through the central government, and some of them to the prefectural governments which administer grants from the central government for this purpose. An excerpt from the Law No. 41 dated March 31, 1957 follows:

LAW FOR HEALTH PROTECTION AND MEDICAL SECURITY

FOR A-BOMB SUFFERERS

(Law No. 41, Mar. 31, 1957)

Amendment:

- (1) Law No. 136, Aug. 1, 1960
- (2) Law No. 161, Sept. 15, 1962

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SUPPLEMENTARY PROVISIONS

CHAPTER I GENERAL PROVISIONS

(Purpose of this Law)

Article 1. The purpose of this Law is, in view of the special health conditions in which the sufferers of A-bomb dropped to Hiroshima City and Nagasaki City are left even now, to maintain and improve their health by means of physical check-up and medical treatments for the sufferers, performed by the State.

(Definitions)

Article 2. The term "sufferers" in this Law shall mean the persons falling under any one of the following respective items who are given the sufferers' health note book:

- (1) Those who were, at the time of the dropping of A-bomb, located in the area of Hiroshima City or Nagasaki City at that date or in the adjacent areas as prescribed by Cabinet Order;
- (2) Those who were, in the period as prescribed by Cabinet Order counting from the time of the dropping of A-bomb, among the areas provided for in the preceding item;

- (3) In addition to those mentioned in the preceding two items, those who were, at the time of the dropping of A-Bomb or thereafter, under such circumstances as to be affected to their bodies the influence of radioactivity of A-bomb;
- (4) Those who were, at the time when the persons mentioned in the preceding three items came to fall under the causes provided for in said respective items, the foetus of said persons.

THE LUCKY DRAGON

As was mentioned in our earlier report, the irradiation of the 23 Japanese fishermen on the Diego Maru No. 5 created a panic in Japan, because people feared that tuna fish caught in and around the waters of Bikini were radioactive, and thus could cause sickness to the people who ate the canned or fresh fish. Because of this great concern-- which was made a stronger by the past experience of the Japanese at Hiroshima and Nagasaki - the United States Government moved very fast in arranging for compensation to the people of Japan--in contrast to the nearly 12 years it took to give any substantial compensation to the people of Rongelap.

The exact amount of this compensation from the United States Government to the Japanese Government was \$2,000,000 (two million U.S. dollars). This money was then divided by the Japanese Government amongst the persons who had claims for damages--this included not only the 23 Japanese fishermen, but also the many Japanese fish retailers and fishing companies. In the Marshall Island many people have heard and believe that the Japanese fishermen each received \$2,000,000 each. This is not correct.

The Joint Committee has in its files a copy of an unclassified Department of State Intelligence Report No. 6941, dated May 19, 1955. This report shows that the United States Government gave \$2,000,000 to the Japanese Government, and, after some 15 consulting sessions among government agencies, the Japanese Cabinet distributed the money in various ways. Most of the money, about 88.6 percent of the total \$2,000,000 went to fishing companies and dealers. A little more than 11 percent went to the Japanese fishermen on the Lucky Dragon and this included certain medical payments. The actual amount of the money that went directly to the fishermen was about 7.6 percent. The payments to the 23 people, which were determined by the Japanese Government, and not the U.S. government, were as follows.

Family of Mr. Kuboyama -----	Y 5,500.000 (U.S. \$15,2780)
Other 22 fishermen -----	Y 2,000.000 (U.S. \$ 5,555)

Thus it can be seen that the fishermen got the equivalent of \$5,000 U.S. while the only exception to this was the *one fisherman who died. (Mr. Kuboyama) whose family received \$15,000 U.S. The rest of the money went to fishing firms and others who had lost fish and money because of the radioactivity from the bomb that fell into the ocean.

The \$2,000,000 per person figure might have been gotten from reading Japanese newspapers which might have reported the amount to the fishermen as ¥ 1,800,000 which is close to two million Japanese Yen, however, this amount is equivalent to only \$5,000 at the exchange rate of 360 yen to one U.S. dollar prevailing only a few years ago.

Furthermore, the Committee is not aware that these men ever received any other compensation than this amount. We checked in Tokyo with Mr. Matasugi Ohisi a Lucky Dragon survivor and he confirmed that the amount he received was equivalent to about \$5,000. Furthermore, he said, they did not receive any share of the fish they caught on their ill-fated fishing trip, since they were all thrown away because of contamination by radioactive fallout.

The only other mention he made of compensation was that some of the fishermen who were married received a small additional amount. Furthermore, he added, he is paid for this trip to Chiba-shi in Tokyo where he receives an annual examination from Dr. Kumatori.

PAST COMPENSATION--RONGELAP AND UTIRIK

While the people of Rongelap and Utirik were not as lucky as the fishermen of the Lucky Dragon in receiving compensation for their exposure as a result of the fallout from the Bravo H-Bomb test, they did receive--varying kinds and at different times forms of assistance, and compensation. The kinds of "compensation" are described in the following pages.

Payment for loss of personal possessions

When personnel of Joint Task Force Seven shepherded the frightened Rongelapese and Utirikese off their home islands and ancestral land with the admonition that if they remained they would die, they were told not to take anything with them. Later, they were asked to fill out forms describing what personal goods they had lost during the time the Utirikese (three months) and Rongelapese (three years) were away from their islands. Those who filled out the papers were then paid the stated value of the possessions. The Committee was shown a copy of an example of this form on Utirik and reproduces it for the record below:

"Statement of claim for Personal Injury or Damage or loss to Property."

1. Name Kabotbot, K. Age M-24

2. Address _____

Island 'Utirik'

Atoll 'Utirik'

3. Basis of your claim: the following personal injury or loss or damage to property was a result of the Test Activities of Task Force Seven on 1 March 1954:

(kin un eo im Maron Konono Kake: Armij rein Lajrak tok ilol tok im rejoko ak jorran men ko mweier itok tokjen Jerbal in Kokomalmel eo an Task Force Kenkajiljilimjuon ilo 1 March 1954)

4.	<u>Item</u>	<u>Value</u>	<u>Total</u>
	16 Bag MakMok	\$ 2.00	\$ 32.00
	6 Dresses	1.80	10.00
	1 towel	1.50	1.50
	6 pants	3.60	21.60
	3 shirts	2.50	7.50
	4 T.shirts	.75	3.00
	3 towels	.35	1.05
			<u>\$ 77.45</u>

Witness

/s/ P.W. Steele
P.W. Steele
Island Affairs Officer
19 Jan 55

/s/ Kabotbot, K.
Kabotbot, K.
19 Jan 55

The man who presented his claim said that all who filled out the form got paid. Dr. Isaac Lanwi explained about the form at that time.

Payment for loss of copra not made

During the three months the Utirikese were on Kwajalein after the incident, they were paid approximately \$400 per month for copra which they were unable to make due to their displacement. This worked out to about \$7 per person. The Rongelapese, who were later relocated from Kwajalein to Aijit in the Majuro lagoon, also received similar compensation. The Committee found to be a constant source of complaint the amount of this money. The people of Rongelap, for instance, say that they only received \$240 every three months for copra. This works out roughly to \$1 per person per month and does not include those who might have joined family members on Aijit during the three years. The following exchange regarding this problem between the committees and the people of Rongelap was recorded on Majuro, July 16, 1971.

Q: Was that Compensation enough?

A: "The amount we had agreed to with Amata Kabua was 8 1/2 million in the lawsuit."

- Q: Did you ask for compensation before 1964?
- A: "In 1957 when John and Biliet went to Chicago for special treatment they contacted a lawyer in Hawaii (notes not clear), asked for compensation for everything, land, trees, people."
- Q: When you received compensation (\$10,400) did you know what it was for?
- A: "Only for people affected."
- Q: Did you ask for compensation before you talked to the lawyer?
- A: "Told Amata Kabua to ask T.T."
- Q: Reply?
- A: "To my understanding, Administration did not want to get involved."
- Q: When in Kwajalein did the government provide food?
- A: "Government allowed \$1,100 a month for food and there were about 180 people living on Aijit. Other aid included \$240 every three months as compensation for copra we could have made. The government estimated 2 1/2 tons every three months. We had no say in the matter. The government determined it. During those days the island produced more than that."
- Q: How long was copra payment made?
- A: "During stay on Aijit. Amount was so small that I (John Anjain) held until two payments, then gave everyone \$2.00 per person. When we left for Rongelap copra payments ended."
- Q: Was there other aid?
- A: "They built houses on Aijit and Rongelap."
- Q: Were you happy on Aijit?
- A: "No. Small island, few coconuts, not enough. We had to stretch food money. Usually run out at the end and have to borrow from next month's money. We asked for more, but there was no reply from the administration."
- Q: When you returned to Rongelap, could you live like before?
- A: "Yes, but could not eat coconut crabs. They gave us the same number of chickens and pigs to replace those killed. We didn't produce copra until 5 to 6 months after returning." (It was noted later that many chickens and pigs died later, presumably because they were imported and were not used to scavenging for food in an island location.)

Q: Did you receive any compensation for trees, etc.?

A: "No. But we saw a surprising phenomenon: coconut trees with three or four heads. Previously we produced 30-40 tons of copra for three months. Then the Japanese destroyed all. It was just coming up in 1954."

Q: Receive any other compensation?

A: "Yes. \$5,030 total for personal belongings, received in Aijit."

Q: How many people were stuck outside Rongelap and couldn't return?

A: "300 some. These people although not living on Rongelap considered Rongelap their home because they were born there and had land there."

The people of Rongelap estimated that they could have produced 10 tons of copra per month and the people of Utirik estimated that they could have produced 30-40 tons for the three-month period.

The average price for copra at that time was about \$100 per ton for the outer-islands, this would yield a figure of about \$3,000 for three months production of copra as opposed to the \$240 per three months the people were given.

Compensation from the U.S. Government for the Rongelapese

The story which leads to the conclusion of how the people of Rongelap received compensation from the United States is a long one in terms of distances, for the original incident took place in the Marshalls, and subsequent events took place elsewhere in Micronesia, on Guam, then in New York, and finally Washington, D.C. before the story is completed. The story also spans a length of time equal to the distances between the cities mentioned--in stark contrast to the speedy payment of \$2,000,000 to the Japanese Government barely less than 10 months after the incident occurred--for it was nearly 10 years before this money was appropriated by the U.S. Congress and some time later before the people actually

received payment.

The following narrative summary of some of the events connected to the eventual payment are contained in a report of the AEC general manager, a Mr. DeRenzis. This report developed as a consequence of a letter from Representative Ataji Balos to Senator Henry M. Jackson of the U.S. Congress. Senator Jackson asked the AEC to reply to certain charges made by Representative Balos and the result was a 12-page report, with lengthy agenda. The language and tone of this section of the report, gives some indication of the AEC's attitude toward the whole issue as of March 20, 1972.

"Non-Medical Problems which Relate to the Medical Surveys"

"Possibly the most troublesome problem originates from a legal complaint styled Abia et al v. United States, Trial Division, High Court Trust Territory of the Pacific Islands. This was received by the High Commissioner in Guam with the request that he effect service upon the United States. In essence it sought a sum of \$8,500,000 for property damage, radiation sickness, burns, physical and mental agony, loss of consortium, and medical expenses (past, present, future, and undetermined) by virtue of negligence on the part of the United States in the Bravo detonation. The process was never served because a Court had held that the Trust Territory (Kwajalein) constituted a foreign country and therefore jurisdiction was lacking (253 F. 2d 838 (C.A. 2 1958) and (357 U.S. 938). A plea did reach the Trusteeship Council of the United Nations on April 28, 1960. This led the Department of State to favor the

introduction of legislation in the Congress of the United States to provide relief for the people of Rongelap, the compensation being based on humanitarian principles.

"Mr. Wayne Aspinall introduced the Bill H.R. 1988 to provide for settlement of claims of certain residents of the Trust Territory of the Pacific Islands. It was reported out favorably by H.R. 110, March 21, 1963 (to accompany H.R. 1988) and by S. Rept. 1257, July 29, 1964 (to accompany H.R. 1988 with amendment) and became Public Law 88-485, 88th Congress, H.R. 1988, August 22, 1964. In brief it authorized payment by the Secretary of the Interior of \$950,000 less fees for legal services to the 82 inhabitants of Rongelap, or to their survivors, affected by radiation exposures sustained following the thermonuclear detonation of March 1, 1954. This payment was made in full settlement and discharge of all claims against the United States arising out of the detonation. Each exposed individual or his heirs received approximately \$11,000 as a lump sum.

"The people on Utirik who received 14 roentgens are said to feel that they had been discriminated against vis-a-vis the Rongelapese: They also were removed to Majuro, examined, tested, and taken back to their atoll; and while their exposure fortunately was low, they desired at least a token payment, perhaps in proportion to dose. No one appears to have taken their point of view seriously until recently."

Copies of the committee reports from the House and Senate mentioned, reveal some details which are interesting. The original bill as

introduced by Representative Aspinall, was to set up a fund from which the people of Rongelap would receive annually the interest only, and upon special request, payments from the principle.

The bill was subsequently amended to appropriate the sum of \$950,000 which would be made in direct payments to the people--less a 5 percent attorney's fee. Both committee reports included a statement dated March 15, 1963 from then Assistant Secretary of the Department of State to the chairman which said in part:

"As you know, the Department of State strongly supports this bill. We are grateful to you for introducing it so promptly at this session of Congress and most earnestly hope that it will be speedily approved. You recall of course, the great interest the United Nations Trusteeship Council has taken in this matter. At its session last summer, the Council again expressed its view that, the need for the most expeditious settlement of these claims cannot be over emphasized.*** The Department of State believes this to be true as much for reasons of our national interests as to satisfy the requirements of the Trusteeship Council.

"The Trusteeship Council will meet again in May and we hope that by that time this bill might be well on its way to enactment. The Department of State will, of course, be happy to assist you and your committee in any way you might desire."

Of particular interest to the Special Joint Committee are two sections of another statement which were made part of the House and Senate committee reports.

The identical statements were from John A. Carver, Jr., Assistant Secretary of the Interior and were dated March 14, 1963. The statement is of interest in the light that House of Representatives Bill No. 1988 (HR 1988) states that--

"Sec. 4. A 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."

Despite the finality of the language of the act, the Assistant Secretary's letter in part, read as follows:

"There is, to date, no evidence of leukemia nor of radiation illness. Further, whether or not the radiation has had any life-shortening affects 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.

* Compensation in various forms has been paid to the affected individuals. They have been provided extensive medical care and treatment, and they continue to receive periodic examinations and treatment. They were, of course, provided housing and subsistence from the time of their evacuation until their return to Rongelap. Since their return, in addition to new houses, a school, a church, a community building, and other facilities, they have been given new livestock and agricultural aid, as well as subsistence in decreasing amounts. Small claims for property losses, such as clothing and handtools, were paid by the Department of Defense soon after the event. These claims were paid in a total amount of \$6,869.

" In February 1960 a complaint against the United States was sent to the high court of the Trust Territory by attorneys for the Rongelapese. The complaint sought \$8,500,000 as compensation for property damage, radiation sickness, burns, physical and mental agony, loss of consortium, and medical expenses. In January 1961 the suit was dismissed for lack of jurisdiction.

" The interested agencies of the executive branch, specifically the Department of State, the Department of Justice, the Atomic Energy Commission, and this Department, recognize, that despite the various forms of assistance and compensation provided the affected individuals, they have not obtained redress in terms of all the types of injury they may have sustained. They have not received any payments, as such, for claims based upon pain or suffering in connection with their physical injuries or their necessary but summary removal from their home island for over three years or their natural concern about their own future or that of their children.

" We cannot say with any certainty that there will be no future illness or death and no diminution in life expectancy which can be attributed to the 1954 fallout. The problem is further complicated in terms of what measure of damage in monetary terms is appropriate considering the nature of their culture and their economy.

" The extent to which claims might be legally compensable at this time should not, in our view, be controlling in any event. You will recall that the United States made an ex gratia payment of \$2 million to the Japanese Government on account of claims arising out of the 1954 fallout on a Japanese fishing boat and its crew. The Japanese Government was responsible for determining how the money should be distributed. We believe that the circumstances here also justify assumption by the United States of "compassionate responsibility" and a monetary payment. "

Through the courtesy of Senator Henry M. Jackson, Chairman Olympio T. Borja of the Special Joint Committee received a copy of certain testimony before the Territorial and Insular Affairs Subcommittee with regard to HR 1988. The testimony was from a vice-president of the Marshall Islands Congress, Amata Kabua (now Senator Kabua of the Congress of Micronesia). Senator Kabua had arranged for the lawsuit against the United States, and Mr. Dwight Heine (now Special Consultant to the High Commissioner) brought the case of the Rongelapese before the United Nations Trusteeship Council. Senator Kabua demonstrates in his

testimony the apparent satisfaction--short of lawsuit--his constituents had with the settlement, and also demonstrated the fact that he, as well as Dr. Conard and others were unaware that soon thyroid disorders would begin appearing, and that some eight years later, Lekoj Anjain would die of leukemia in Bethesda, Maryland.

Testimony before the committee follows: (edited)

Gentlemen, we are very pleased to hear from you this morning and you may proceed as you may care to.

Do you have a written statement, Doctor?

Mr. Anjain: No. Sir:

Senator Church: Very well, why do you not proceed to testify as you would care to and then if we have questions we will put them to you afterwards.

STATEMENT OF AMATA KABUA, PRESIDENT OF MARSHALL ISLANDS
IMPORT-EXPORT COMPANY AND VICE-PRESIDENT OF THE CONGRESS OF
THE MARSHALL ISLANDS. ACCOMPANIED BY DR. JETON ANJAIN.

Thank you, Mr. Chairman.

My name is Amata Kabua. I am from the Marshall Islands, Trust Territory of the Pacific Islands. I presently hold the position of the President of Marshall Islands Import-Export Company, and also serve as Vice-President of the Congress of the Marshall Islands and a member of the Council of Micronesia which represents the views and wishes of the people and advises the High Commissioner of the Trust Territory of the Pacific Islands on matters pertaining to the administration of the territory.

My colleagues and I were chosen by the people of the Marshall Islands to convey to you their greetings and to represent them in their sentiments regarding the two vitally important bills having been brought by the Administration before the United States Senate for deliberation and consideration. They are H.R. 3198 relative to promotion of economic and social development of the Trust Territory, and H.R. 1988, which provides for compensation and settlement of Rongelapese injury claims. . .

I am happy to state also that House of Representatives 1988 has been reviewed and received with gratitude. The Rongelapese claimants have asked me to deliver to you their acceptance of said bill with an earnest plea for its adoption by the United States Congress.

Mr. Chairman, on behalf of my colleagues may I take this opportunity to extend to you all our sincere appreciation and gratitude for this privilege given us to convey to you the wishes of the Marshallese people.

I will be most pleased to answer any questions which the committee may want to ask.

Thank you, sir.

Senator Church: Thank you very much. Doctor, do you have a statement that you would like to make before we proceed with questions?

Mr. Anjain: No, sir.

Senator Church: Senator Walters?

Senator Walters: How many people are located on this one island that you are talking about here?

Senator Church: Rongelap. What is the population on Rongelap Island, approximately?

Mr. Kabua: Approximately at the present time it is about 180 people.

Senator Church: These were, you will recall, Senator, the people that were exposed to some radioactive fall-out some years ago and the purpose of the bill is to confer damages for the physical effects of that fall-out.

Senator Walters: Did any of them die as a result of this?

Mr. Kabua: Well, according to the report by the Administration, sir, no one has died of the effects from the fall-out. They died of other causes, but not directly because of the fall-out.

Senator Church: Many were sick for an extended period and there were evidences of burns, as I understand it, and loss of hair and this kind of thing, but the full extent of the injury has not been finally determined by the medical people. Is that not correct?

Mr. Kabua: That is correct, sir.

Senator Church: We have a medical survey of the situation, the latest one is published in January 1963, Senator, of the medical effects of the fall-out.

Senator Nelson: In this bill, Mr. Chairman, I have not glanced at it, the one we are talking about provides for an allocation of compensation to individuals directly?

Senator Church: We have the bills passed originally which would establish a trust whereby the funds would be administered by the Secretary of the Interior through the Department, and we have a substitute

proposal which would authorize the direct payment of \$11,000 to each person entitled to such a payment and without further control by the Secretary; that is, it would eliminate the trust fund provision and make direct payment to each individual entitled.

We would like to have your opinion, gentlemen, on a direct distribution of the money as opposed to the establishment of a trust fund to be administered by the Government.

Mr. Kabua: Well, Mr. Chairman, I think the wishes of the people are that they want to receive the money directly rather than have it in a trust fund administered by this--

Senator Church: Well, gentlemen, we are hopeful to move this legislation along. There has been considerable delay but your testimony will be most helpful to us.

Senator Nelson: Is this an equal payment of \$11,000 to each claimant?

Senator Walters: I think that is right; that is the way I read the bill.

Senator Church: Yes, that is my understanding.

If this bill were passed and the per capita distribution were made of \$11,000, in your judgement would this be regarded as a satisfactory settlement insofar as these people are concerned preferable to any court action or anything of that kind that might be undertaken in lieu of a bill of this sort?

Mr. Kabua: Yes, Sir, I think other than getting to the court action this would be most satisfactory to the people.

Senator Church: Do you think that there is any likelihood that if this bill is passed that we will be faced at some later date with further claims?

Mr. Kabua: Are you referring, sir, to the same set of people?

Senator Church: The same people.

Mr. Kabua: No, sir; definitely not.

Senator Nelson: Did the people who were injured and who are beneficiaries under this bill meet as a group and agree that this was a satisfactory settlement?

Mr. Kabua: Yes. This is a very--when I say close society, it is not open, but everybody knows everybody there, and every big move they meet altogether and they decide.

This particular bill only affects the 30 people that were injured, but the other people usually sit and advise them because it is a small community on that island.

Senator Nelson: But all of the injured did meet and discuss this bill and agree that it was a satisfactory settlement?

Mr. Kabua: Yes, sir; before we made the trip to the United States the Navy flew us down to Rongelap, Dr. Anjain and I, and we held a meeting with the people there.

Senator Nelson: You are satisfied they understood everything in this bill?

Mr. Kabua: Well, in general they understand the intent of the bill, that the United States is considering making or paying compensation for the injuries by the nuclear bomb fall-out in the amount of \$950,000.

Senator Nelson: Do the individual recipients understand the value, all of them, of that \$11,000?

Mr. Kabua: I am sure they do sir.

Other Kinds and Forms of Compensation

As has been noted elsewhere in places in this report, the people of Rongelap and Utirik received other kinds of "compensation" during their removal from their islands. The Rongelapese and Utirikese were housed and fed on Kwajalein, received copra payments, and eventually received payment for loss of personal possessions. The Rongelapese had new dwellings built on Aijit, and continued to receive a copra payment, a payment for food, and cast off clothing (most of which was for men, much to the distress of the women from Rongelap).

Before returning to Rongelap, the AEC contracted with Holmes and Narver and constructed at a cost of about \$300,000 new buildings on Rongelap. The people were also given pigs and chickens to replace those which either died or were taken by the AEC and used in medical experiments, as well as some imported food and by one report, a 16-foot boat upon departure of the team which returned them to the island.

DISCUSSION

Other Incidents

One of the great ironies with which mankind is faced is the fact that what is usually conceded as the greatest strength of a thing, or a person, or a plan, is also coincidentally its greatest weakness.

For example, computers are noted for their great efficiency -- yet their greatest "weakness" in the eyes of many people is that they lack human qualities. In pure physical terms a diamond is one of the most durable minerals known, yet it can be shattered into uselessness with relative ease. The same holds true with the harnessing of the power of the atom. While it can be used to solve many of mankind's problems, it also can create problems through its use.

This is nowhere better demonstrated than the incident of the Bravo shot and the misery which it caused--all in the name of peace and freedom. This double-edged aspect of nuclear energy has been demonstrated time and again by the fear of its uncontrolled use or improper or unsafe use as evidenced by anti-nuclear weapons groups, environmentalists fighting the placement of nuclear reactors, and those opposed to the billions of dollars spent for nuclear weapons research and testing. This fear is a very valid one and acknowledged even by the governments, including the United States, which condone and perpetuate its use. Examples of this concern include such incidents as the crash on January 21, 1968 of a B-52 carrying nuclear warheads in Greenland. This incident excited a

tremendous amount of activity directed toward recovering the fissionable material.

Another incident occurred on January 17, 1966 over Spain, when a KC 135 (a plane used to refuel B-52s) and a B-52 carrying hydrogen warheads collided. As a result of the collision, four nuclear warheads were lost.

One bomb was found in the Mediterranean Sea, and others were located in the Village of Palomares and apparently fissionable material escaped, contaminating the soil around the village. As a result, the United States spent three months scraping off topsoil and loading it into steel drums. The topsoil was then replaced with new soil, and today, 4,879 drums of Spanish soil are stored in South Carolina on U.S. soil. Furthermore, the United States brought back contaminated ice from the Greenland incident.

It is reported that claims paid to the people of Palomares were less than one million dollars, even though the decontamination efforts cost about \$15 million. Furthermore, the Spanish Government withheld a claim for damages for 15-30 years. It is eminently clear that concern by the United States and other countries is of the greatest dimension.

This concern is not only for humanitarian concerns, but also because nuclear "incidents" (the AEC term for accidents) can be extremely costly in terms of money. The law which created the Atomic Energy Commission and amendments to the law provide that the AEC can indemnify any contractor with it for the amount of \$500,000,000 for each incident

within the United States and \$100,000,000 for each incident outside the United States (USCA 42 S 2210 (e)).

An example of the actual cost of such an incident can be found in the AEC publication "Operational Accidents and Radiation Exposure Experience Within the...1943-1970." (Fall, 1971):

"1. FIRE-ROCKY FLATS

Golden, Colorado, May 11, 1969 \$45,000,000. The AEC's costliest fire, and largest property loss incident, occurred at a plant which produces plutonium parts for nuclear weapons..."Financial loss for the damage to building and contents includes the cost of decontamination. There were no lost-time injuries to personnel."

Other incidents ran from \$4 to \$1 million and it was noted that "Few AEC accidents/typically three per year...result in a loss of \$50,000 or more; however, these infrequent occurrences have cumulatively inflicted about 90 percent or more of the aggregate loss suffered to date." The Rocky Flats figure represented 56 percent of the claims up to 1970.

RESPONSIBILITY FOR THE 1954 INCIDENT

For the record, there is no doubt in the mind of the Special Joint Committee that the United States Government was responsible for what has happened to the people of Rongelap and Utirik. This was clearly spelled out in its previous report to the Congress of Micronesia in 1973. There also is no question in the minds of the people of

Utirik and Rongelap themselves. House Resolution 1988 states that the "Congress hereby assumes compassionate responsibility to compensate inhabitants in the Rongelap Atoll...for radiation exposures sustained by them as a result" of the 1954 incident. In section four of the act (78 Stat. 598) it states that "A 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."

As the Committee interprets "compassionate responsibility" not to mean "direct responsibility" or "direct liability" for the incident, but rather a humanitarian responsibility to "compensate" rather than an admission of direct responsibility for the incident itself. Despite this "compassion" shown by the U.S. Government, however, it is noted that payment of a claim would supposedly free it from further claim by the affected inhabitants. The Committee notes that this act does not include claims by or on behalf of the children of the "inhabitants" nor does it include the people of Utirik.

The Committee believes that the provisions of the law become invalid in consideration of events which subsequently took place after payment of "compassionate compensation" was made. The case of thyroid disorders, the fatal case of leukemia, and the uncertain future of the health of these people are facts which all belie the attempt to prohibit future claims. Furthermore, the Committee notes that while the language of the law attempts to be final with respect to future claims, that the compensation is for "radiation exposures," to inhabitants and not for

radiation illnesses to the people or exposure of the islands and waters of Rongelap.

AREAS OF COMPENSATION

The Committee believes that there are two areas in which it is supremely evident that illness was directly caused by exposure to radiation and which merit compensation. These are: those who have developed thyroid abnormalities and who have been treated for them either through medication or surgery and the death of Leko Anjain from leukemia.

There are also other areas in the category of illness, and in the area of exposure which merit compensation, even though direct causal relationships between exposure and damage may not be clear. These include temporary sterility, miscarriages, and life shortening and certain psychological effects, and also exposure of lands and waters, flora and fauna, (Copra) With regard to the latter category of compensation it, may be asserted by some--scientists for example--that it cannot be proven that "damage" was done to trees, animals, etc., by exposure, except perhaps in the case of the coconut crabs on Rongelap, which were not damages, but rather denied to the people of Rongelap because of the high concentrations of SR 90 and CS 137 which they contain.

The Committee is all too aware of the difficulty--even perhaps impossibility--of "proving" that damage was, indeed, done. However, it recalls the phrase from its last report (p. 41) concerning the giving of radioactive materials to patients that the "prudent assumption" is that "all ionizing radiation to the patient is harmful". Consequently,

the Committee position that whether or not "damage" can be proven is irrelevant, since it is a fact that exposure occurred, and that since exposure to radiation is harmful, then it is highly probable that damage did indeed occur. Therefore the assumption of the Committee is that exposure itself--which is well documented--is basis, or grounds enough for compensation and that damage as such need not necessarily be proven.

Psychological Effects of the 1954 Incident.

During the annual examination by Dr. Conard in March 1973, the Committee passed out questionnaires to the Rongelapese and Utirikese living on Majuro, Ebeye, Rongelap and Utirik. These questionnaires and the results they yielded should not be assumed to be scientifically accurate, or statistically significant. The results are valuable, however, for they confirm certain general impressions received by the Committee from the Rongelapese and Utirikese. Of 35 exposed Rongelapese people who filled out questionnaires, 23 said they did not understand what had happened and 26 said that no one explained the incident to them. When asked if they felt sick after returning to their island 30 people responded in the affirmative.

Eleven women gave a positive reply to the question "Did you ever have a baby or babies born dead or born with something wrong after the bomb," and 19 women said they knew of other women who had such problems. The question was asked if they knew of anyone that they thought had died from the bomb and 24 responded "yes", listing the following people: Leko, Jenwor Anjain, Hiroshi Kelminli, Leko Hiroshi, Jerlan, Jekkein,

Ikuak, Wetak, Marta, Lisa, Froji, Jenit, Kija, Likuak, Katae, Lukma, and Bekire. Of the 35 people, seven had had operations on their thyroids and six of these seven noted that they felt sick after the operation. Of the 35, 20 stated that they generally have poor health. To the question of "When you get sick, what do you think about?" Some 31 people answered "the bomb" and 28 people felt they should have received more money for their sicknesses and the deaths of the people.

Again, 31 people responded with a "yes" when answering the question of they worried about getting sick from the bomb in the future and when asked to classify in terms of frequency of their worry, 18 said "All the time", three said "a lot" and 12 said "sometimes." Thirty-one said that they knew other people that worried about the bomb and 30 said that they "felt about the same."

Furthermore, 26 people said that they worried that their children might get sick from the bomb. Of extreme interest to the Committee and, to Dr. Conard and the AEC, 34 people of the 35 said that they were still afraid to eat all local food because of the bomb. When asked if they had had property or other things damaged by the fallout, the following items by people, the number of which follows the items, were listed: land 18, crabs 8, pandanus 11, arrowroot 13, chickens 20, papaya 11, breadfruit 15, and trees 17. Some 29 people said that they were still afraid to live on their island; 24 people said this was because of the contamination.

Thirty people of the 35 stated that they thought they did not receive enough compensation for copra and 28 people felt that they should

receive additional money from the AEC. When asked if there was anything else they wanted to tell the Committee, the respondents requested the following: free transportation to hospitals; food during the examination; their old houses should be rehabilitated or new ones built; new water catchments should be constructed; compensation should be settled and compensation should be given for pigs, land, and medical examinations.

Some 68 people from Utirik filled out questionnaires and their answers-- despite their different exposure--generally followed that pattern of the Rongelapese. For example, to the question "When you get sick, what do you think about?" 54 of the 68 responded "the bomb," and when asked if they knew of someone who died as a result of the bomb, 42 people answered with the following names: Bila, Nili, Sarah, Obet, Anexsay, Liblilla, Neila, Marg, Navmi, Arbella, Tien, Anjain, Higishi and Lekoj. The question if they knew of people who got sick from the bomb included the name of Nellie, who, according to Dr. Conard did not receive her thyroid cancer from fallout. Furthermore, many of the names of people who were listed as sick from the bomb, also were included in those who died from the bomb. Lastly, some 82 Rongelapese and Utirikese not exposed to the bomb filled out questionnaires, and their answers follow those of the exposed people with regard to many areas. Fifty unexposed people claim that they felt sick after returning to their island, 41 people think of the bomb when they get sick, 59 worry about getting sick in the future, and 63 worry that their children might get sick from the bomb in the future. An amazing 72 people of 82 said

that they were still afraid to eat local food, 52 were still afraid to live on the island because of the contamination 20 years ago and 67 stated they believed that they should get more money from the AEC for such things as damage to land, trees, crops, and so forth.

Because of the nature of the responses to the questionnaire prepared by the Committee it appears to be several well-documented lasting effects of the original exposure 20 years ago to fallout. In the area of their exposure experience, it is clear that they did not understand what had happened and that the lack of information which has prevailed, has caused the people to conclude that when a person gets sick, it was from the fallout, and furthermore, that any person who has died since the fallout, died as a result of the fallout. It is also clear that the people do worry quite a lot as a result of their experience, not only for themselves, but also for their children.

The people also believe that they have received inadequate compensation in the past and look forward to additional compensation in the future, not only for illness, but for a whole spectrum of complaints. What is perhaps the most interesting fact is that the exposed and unexposed alike are still afraid to eat local food or live on their islands. It is as though the fear of illness from contamination persists in their minds like the residual radiation which still exists in the food chains and ecology of the islands.

COMPENSATION--LESS OR MORE DEPENDENCE AND DISRUPTION

In considering the case for compensation for the people of Rongelap and Utirik, the Committee is aware of a fundamental concern. This concern is similar to the one which it entertains with respect to increased medical attention to the people of Rongelap and Utirik. Not only would more frequent and more comprehensive examinations cause more disruption of the island, but more frequent attention may also have a negative effect by making the people worry more about their future health.

In a similar fashion, compensation, while it may have its salutary affects, may also have its negative influences. In 1972, Dr. William Peck, then Director of Health Services, voiced his concern about the Rongelapese. Dr. Peck had, in 1958, been an observer on Rongelap during a series of nuclear tests. He had also visited the island 10 years later in 1968, after the people had received compensation. He had noted that in 1958 the people still used canoes, and appeared to be pretty much self-sufficient, but in 1968 he saw no more canoes and only broken down outboard engines which apparently the people had purchased with their compensation. While their compensation may have contributed to this decline in self-reliance (and for the record, the Committee has noted that there are many sailing canoes still in use by the people on Utirik who received no compensation)--the same could also be said for many islands in Micronesia during the same ten-year period. It is obvious that the shift from the use of canoes to outboard motors was a general one and it is still taking place.

The question which the Committee has considered is what kind and what amount of compensation can be given to the people which will be adequate and satisfactory to them, and at the same time will not make them more dependent upon such outside aid. Regular monthly payments, like the Japanese receive for example, would make the people severely dependent upon compensation. On the other hand, some may even argue that no large lump amount of compensation should be given to the people for they will not spend it wisely. After considerable debate and discussion in which many alternatives were explored, the Committee made the following conclusions with regard to compensation. First, fiscal responsibility--the manner in which the people use such compensation received--is not a matter of concern for the Committee; furthermore, placing some sort of restraint or limitation on compensation based upon the pre-supposition that the money will not be used wisely is not warranted. During the visits and talks with the people, it was learned that many of the people no longer had any money left from the original \$10,000--however, it did find persons who said that they still had some of the money in the bank, which, considering that it was almost 20 years from the original compensation, shows a fair amount of fiscal restraint. In short, what the people do with the money is up to them.

During its investigations, the Committee heard many times that compensation should be placed in a trust fund. The Committee has considered this possibility with the reminder that the Bikini and Eniwetok Trust Funds have been inadequate, and inadequately managed.

Consequently, the Committee was faced with these aspects, as well as

how to compensate many individuals for their exposure, later illnesses, and also for their land, trees, the waters of the lagoon and its marine life. The conclusions in this report will spell out how the committee feels that all of these can be done with, hopefully, satisfaction to all parties involved.

CONCLUSION

Basis for Compensation

At the outset, the Committee wishes to note that unlike the Japanese in Hiroshima and Nagasaki who along with their countrymen were at war with the United States, and unlike the Japanese fisherman on the Lucky Dragon whose presence in Micronesia was unknown, the people of Rongelap and Utirik were innocent victims of error and negligence on the part of the United States.

This is further compounded by the fact that the United States was acting as a trustee at the time of the incident, a trustee which was charged with a "sacred trust" and to promote the political, economic, social and educational advancement of the people of Micronesia and to also protect their lands, their health and foster their general welfare. The Rongelapese and Utirikese were not belligerents in a war and unlike the participants in the test series, they were uninformed, unadvised, unprepared innocent bystanders who were injured and affected as a result of the pursuit of certain national policies and programs by the United States Government. Additionally, in considering the amount of compensation due these people, the Committee discards the kind of reasoning used as a basis for war claims, i.e., the economic value of a human life, or the economic impairment or loss suffered by injury and medical treatment. Many factors other than the economy of Micronesia or potential earning power of an individual must be taken into account. In terms of personal injuries, these factors are: pain and suffering-including future pain and suffering, ill health or disability, loss of enjoyment (loss of potency, ability to bear children), possible shortening of life expectancy, miscarriages, still births and births of deformed children, loss of hair

and disfiguration, mental distress, and anguish or suffering-- including the fear of returning and staying on Rongelap and Utirik. In terms of property damage, consideration must be given to temporary or permanent damage to real property, damages to trees, crops, fish, etc; loss of use of property (including the atolls of Rongelap and Utirik), and loss of profits due to loss of use of real or personal property.

The Committee holds that the United States Government was negligent and that this negligence resulted in the people being exposed to radioactive fallout and that the fallout was the proximate or sole cause of the injuries to the people of Rongelap and Utirik and to their properties. Furthermore, the Committee notes that additional tests were carried out after the people were returned and that they were further exposed to additional radiation which may have aggravated their condition.

Compensation

The Committee thus recommends the following kinds and amounts of compensation.

For the death of Lekoj Anjain, the Committee recommends that the amounts of \$50,000 be paid each to his real mother and father and that this money be disposed of in accordance with their wishes.

For those people who have had thyroid operations because of radiation-induced disease, the Committee recommends that the sum of \$25,000 each be paid to the persons affected.

For the people of Utirik who were displaced from their island for three months, the Committee recommends the payment of \$1,000 each as an "inconvenience payment" to supplement the amount of \$116 offered by the Atomic Energy Commission.

For all other damages and injuries, of persons and of properties, past and future, the Committee recommends the following: a fund of indeterminate life in the amount of \$25,000 per annum for the Rongelap Atoll and a fund of indeterminate life in the amount of \$25,000 for Utirik Atoll be established as in addition to, but part of, the annual Grant Fund Appropriations from the United States Congress. This money will be used to fund community projects on the atolls of Rongelap and Utirik as voted and determined by the municipal councils of the islands. Provision shall be made to replenish in the succeeding fiscal year from the annual grant fund appropriations, any amount which has been expended or obligated from the preceding fiscal year, in order that the amount available at the beginning of each fiscal year will be \$25,000. It is felt by the Committee that such a fund will help to compensate the people for their personal physical and proprietary losses or damages which they have actually suffered, and also for those damages which cannot be specifically determined; it is also designed to help promote self-sufficiency, rather than more dependence as might be possibly encouraged by monthly or other periodic payments of small sums of money; it is further designed to encourage those Rongelapese and Utirikese who have emmigrated from their islands to district centers and other areas in search of employment, to return to their homes.

RECOMMENDATIONS

In light of the above, the Committee recommends that;

1. The United States Congress authorize and appropriate money to pay compensation to the Rongelapese who have had operations for radiation-

induced thyroid disorders, for the death of Leko Anjain, for additional "inconvenience" payments to the people of Utirik, and for the two \$25,000 funds as described previously. This legislation shall be open-ended and a procedure shall be established whereby payments can be provided to those additional persons who may develop illnesses in the future after the individual compensation recommended in this report is paid.

2. The Trust Territory Government, in conjunction with the United States Congress shall establish within the annual grant fund appropriations, funds as described above. The money for these two \$25,000 funds shall not come out of the normal budgetary ceiling for the civil administration of the Trust Territory of the Pacific Islands, but shall be in addition to such ceiling/s/ and no part of the funds shall be subject to transfer to another account or project by the High Commissioner, or any other government official. Furthermore, there shall be no limit of time that this fund shall be available annually shall be subject to amendment according to the needs of the people and economic effects including, but not limited to, inflation.

3. Should the United States Government fail or prove unwilling to follow these specific guidelines for compensation, the Committee recommends that the people of Rongelap and Utirik engage legal counsel, such as that offered by the Micronesian Legal Services Corporation, and that this legal counsel file a class action suit against the United States Government to recover the amounts suggested by the Committee to be used in the manner suggested by the Committee, or any amounts to be used in any manner as deemed appropriate by the people of Rongelap and Utirik.

4. Because of the persisting concern by the exposed and unexposed people of Rongelap and Utirik alike concerning the consumption of all local food on their islands and atolls and concerning living on said islands and atolls, it is strongly recommended that the United States Government sponsor an independent, internationally-staffed radioecological survey of the Rongelap and Utirik Atolls and to present the findings and conclusions in the Marshallese Language to the people of Rongelap and Utirik.

5. Assuming that funds are established for the Rongelap and Utirik Atolls as recommended, it is recommended that agencies of the Trust Territory Government including, but not limited to, the Divisions of Community Development, Marine Resources, and Agriculture give technical and such other advice as may be necessary and proper to the people of Rongelap and Utirik in utilizing money from these funds to the best possible community purposes.

6. It is recommended that the Special Joint Committee continue to assist the people of Rongelap and Utirik by providing information to them concerning its recommendations and concerning the exposure of the people and of the two atolls and damages caused thereto, for the express purpose of forwarding this information or assisting in any way possible such legal counsel as the people may engage should events warrant legal proceedings. The Committee shall also assist the Marshall Islands District Government, including the Nitijela, in taking greater role in handling future claims or complaints of the people of Rongelap and Utirik.

APPENDIX NO. I

In the 1973 report on Medical Aspects of the March 1, 1954 incident, the Special Joint Committee made certain recommendations. what follows is a listing of those recommendations and what action--or lack of action--has taken place. This material has also been included in a summary of that past report which has been translated into the Marshallese language, to better inform the people of Utirik and Rongelap of what the Committee has suggested and what has been done.

United Nations

The Committee recommended that a committee of the United Nations which works with scientific matters issue an annual report on such exposed people as the people of the Marshalls, the Americans and the Japanese. Also that scientific meetings on this subject be held, which was recommended by Dr. Kumatori. The Joint Committee has forwarded this recommendation to the United Nations, but has not had an answer.

Atomic Energy Commission

1. The Committee recommended that the AEC find another doctor to replace Dr. Knudsen. We made this recommendation both to insure better care for the people of Rongelap and Utirik, and also to help take some of the worry away from their minds because they would know that medical assistance would be available to them when the doctor comes on the field trip ship. The AEC and Dr. Conard, and Dr. Kumagai of the Trust Territory have all promised to find another doctor when Dr. Knudsen leaves Micronesia.

2. The Committee also recommended, because two doctors, Dr. Kumatori and Dr. Cole from the United States also recommended it, that a hospital ship should visit the islands regularly.

We understand from Dr. Conard that the Army will make available a ICU for surveys of Rongelap and Utirik for the 1974 examination, and also for other trips to Rongelap and Utirik during the year.

3. We recommended that the AEC provide extra money to the Trust Territory for any extra rooms or equipment for the Majuro and Ebeye hospitals.

We have found that this is not necessary and that the AEC has provided a new trailer at the Majuro hospital which will help with the examinations.

4. We recommended that the AEC give Dr. Conard more money to help make his annual examinations.

Dr. Conard has replied that he has enough money, however, it looks like because of extra examinations and for other reasons, that the AEC will be spending more money for the surveys.

Dr. Conard and Brookhaven National Laboratory

We recommended that:

1. The BNL team should ask permission to conduct the survey, and not simply come without being invited.

We understand that Dr. Conard has in the past written to the people of Utirik and Rongelap explaining about their examinations and indicating that they will come again.

2. Dr. Conard should ask to have island meetings to explain results from the last examination and to answer questions.

Dr. Conard has advised us this will be done.

3. During such a meeting Dr. Conard should ask if the people want to have a party. We believe that the people might perhaps like to contribute local food, if Dr. Conard brings such things as chicken and pigs so that there will be enough food for everyone.

Dr. Conard said that this will be done.

4. We recommended that Dr. Conard study carefully the recommendations made by the four Doctors, Kumatori, Ezaki, Pochin, and Cole.

Dr. Conard has done this and may conduct a special study recommended by one of the doctors.

5. We recommended that Dr. Conard give each person examined a written statement in Marshallese of their general findings.

This has been done.

Trust Territory Government

1. We recommended that the Trust Territory Government build on municipal land, in Utirik after talking with the people, a dispensary and other dual purpose buildings such as classrooms, which will enable the medical team to house all of its equipment and people, and also in which to make examinations. The cost should be paid by the AEC.

Nothing has been done on this and the Committee will follow up.

2. We recommended that the old tower on Utirik, because it is very old, be taken down by the Trust Territory if the people want this done. The Committee was afraid that in a strong wind, the tower might fall down and hurt someone. Nothing has been done.

If the people want this done, they should tell the district government at Majuro.

3. We recommended that the AEC, and Dr. Conard, and the Trust Territory and the Joint Committee all work together to make an educational program in Marshallese which will help the people understand what had happened to them.

We understand that this has been done and that Brookhaven is paying the cost of printing this program in a book.

4. We recommended that the Trust Territory will provide certain benefits to the people of Rongelap and Utirik if the Congress of Micronesia passes a law for this purposes.

This has been done.

5. We recommended that the ENL and the AEC help give extra training to the health aides on Rongelap and Utirik and that a monthly report be sent in by ship or radio on the health of the people.

Nothing has been done about extra training--but there will be extra visits by Dr. Knudsen, and his replacement. We understand that the monthly reports will be sent in and that this is standard practice.

6. We recommended that the Division of Community Development try to help the people of Utirik and Rongelap with assistance in agriculture, fisheries, and handicraft because we noted, especially on Rongelap, that many of the young people have left the island and the older people have little money.

Nothing has been done and we will follow up on this.

The Congress of Micronesia

1. We recommended that the Congress of Micronesia pass a law which will provide benefits such as free transportation, per diem and health care for exposed and control persons from Utirik and Rongelap.

This has been done.

2. We recommended that the Congress, working with the Department of Health Services and Dr. Conard, make a book for each control and exposed person which could be used as identification when the people go into Majuro or Ebeye for examination.

This has been changed. We have asked Dr. Conard to make identification cards, with the picture of each person on it instead of books.

3. We recommended that our committee write a summary of our report and that it be printed in the Marshallese language.

This has been done and that is what you are reading now.

4. We recommended that this Committee continue to go with Dr. Conard on the annual examinations to see that our recommendations are followed. Also, we recommended that the Nitijela send along representatives.

The Committee has gone on two surveys and will go on the one this year (1974). We have written to the Nitijela asking that they also send someone, however, this may be difficult because the Nitijela meets at the same time as the survey.

5. The Committee recommended that its life be extended by the Congress until 1975.

This has been done. The Committee will exist until March 31, 1975.

The people of Rongelap and Utirik

1. We recommended that the people of Rongelap and Utirik form Fallout Survivors Councils. This a common practice in Japan. The Committee felt that such groups like these might be better able to express their concerns or work for corrections or changes from the District Government, the Trust Territory, the AEC, and Dr. Conard, by forming such groups. The people of Rongelap have done this and the Committee is very happy about it. They have already sent letters with questions to Dr. Conard, and he has answered the questions. However, the people of Utirik have not done this yet.

Other Recommendations and Actions Which Have Taken Place Since the Report was written

1. The Committee recommended that the AEC send a representative along

on the 1974 survey, so the people can make their request to the AEC.

We have heard from the AEC and Dr. Conard that this will be done.

2. We have recommended that the AEC supply the money for Public Law 5-52 which provides benefits to the people of Rongelap and Utirik.

We understand that this will be done and that the AEC will provide \$20,000 the first year.

3. The Committee has recommended that the \$16,000 inconvenience money for the people of Utirik which was promised by the AEC in 1970 be given to the people. This money would be given with the understanding that there would be "no strings attached," that if the people received this money it did not mean that they could not receive more money later if it was recommended by the people or by the Committee.

We understand that the AEC is ready to provide \$18,212 for the 157 people of Utirik who were originally exposed. This represents \$116.00 per person. There will be no release of liability for the AEC or the U.S. Government if the people take this money. The only problem to be solved now, is who is to receive the money for a person who has died.

4. The Committee also advised the AEC that it would be a good idea to fully explain to the people of Bikini and Eniwetok about radiation before those people are returned to their islands.

The AEC has said that it will do this.

5. The Committee also recommended that a survey of soil, plants, fish and so on be done during the 1974 survey.

Dr. Conard said that this would be done.

Conclusion

The Committee is very pleased that almost all of its recommendations have been carried out, including those to the AEC, Dr. Conard, the Trust

Territory, the Congress, and the people of Rongelap and Utirik. The Committee believes that in the future there will be less problems and less misunderstanding between the people and Dr. Conard, the AEC, and the Trust Territory. The Committee also wishes to point out something. We have recommended to Dr. Conard, because of the death of Leko J Anjain, that the people receive a special examination for their blood six months after the annual survey.

The Committee has made other recommendations which will mean that the people will see a doctor come to their island more often. The people of Rongelap and Utirik must realize that this work is being carried out for their benefit. However, problems which comes from this extra attention are: 1) the people are bothered more often from these examinations and visits, in other words, their normal way of life will become more and more upset, and 2) because of the extra attention, the people may worry more about getting sick. However, the Committee feels that the people should not complain about the extra attention and the disruption because they have asked for more attention and this attention will help them keep healthy. Furthermore they should not worry more about getting sick, but should worry less, because they are receiving more attention. This same problem will also be discussed in the Committee's next report on compensation.

In summary, the Committee is generally pleased that the recommendations--many of them which have come from the people themselves--have been followed through and have been done. We hope that this work of the Committee will help the people of Rongelap and Utirik feel better about their future in the years to come.

APPENDIX NO. II

In the past report on medical aspects, the Committee deferred conclusions regarding certain information until it had received further further material from Dr. Conard. Below are listed the page numbers on which the questionable areas appeared in the past report and the Committee's determination.

p. 105. It was noted that no germ cell studies had been made on the affected Rongelapese. Dr. Conard's reply calls attention to the fact that such studies involve certain steps which might prove personally objectionable to Marshallese custom.

p. 116. Over 100 questions were submitted to Dr. Conard and comprehensive answers were supplied to the Committee.

p. 145. The passage about medical treatment of the Rongelapese has been satisfactorily answered.

p. 147 This part of the report dealt with what appears to be an instance of the people being used as "guinea pigs" in an immunological response to tetanus toxoid. Dr. Conard has responded that this was due to an immunization program which was being carried out for all people of the Marshalls at that time.

p. 148. Here it is indicated that during an operation for removal of a thyroid, a parathyroid was accidentally removed.

Treatment

11/12-p. 97--In the hospital summary of surgery on case no. 21, it is indicated that the parathyroid, along with the thyroid gland, was unintentionally removed, and that the patient is on medication to correct this.

Question: Was the patient informed of this accidental removal? Was this incident a factor in having future patients transported to the mainland in order that experts in thyroid surgery such as Dr. Colcock might operate?

A: During thyroidectomy inadvertent removal of one or more of the parathyroid glands is not an infrequent occurrence even with the best thyroid surgeons. The patient referred to was informed about the removal of the thyroid and parathyroid glands and impressed with the need for strict treatment regimen. The subsequent transfer of Marshallese thyroid patients to the U.S. centers was done to insure more specialized examinations and treatment.

APPENDIX NO. III



BROOKHAVEN NATIONAL LABORATORY

ASSOCIATED UNIVERSITIES, INC., UPTON, L.I., N.Y. 11973

MEDICAL DEPARTMENT

TELEPHONE: (516) 345- 3577

May 18, 1973

Senator Olympio T. Borja, Chairman
Special Joint Committee on
Rongelap and Utirik Atolls,
Congress of Micronesia
Saipan, Mariana Islands 96950

Dear Senator Borja:

The following comments concern your Special Committee's Report on Rongelap and Utirik.

The report is well written and the Committee is to be commended on the vast amount of work that went into compiling such a comprehensive document. The reports of the observers were most gratifying to us, particularly such statements as in the final paragraph of Dr. Ezaki's report. Generally, the report of the Committee appeared to be favorable to the medical examinations. It appeared to me, however, that some of the statements made that are critical of the medical examinations are at variance with those made by the medical observers. Some comments I do not feel to be justified and some are in error. While some of these criticisms are probably due to lack of understanding of medical procedures by the Committee, I thought you would like to have them brought to your attention, in the interest of accuracy.

One area concerned the inference that our medical reports were colored by AEC influence. This seemed to be based on some degree of conservatism in the reports. Most of the doctors who have participated in the examinations are prominent in the field of medical research and because of this, are justifiably cautious about drawing conclusions concerning results and hazards without adequate statistical proof. With regard to hazard evaluation, guidelines have been derived largely from the "International Commission on Radiological Protection" (not from AEC).

May I point out again that members of the medical examining teams are highly capable and noted physicians from private institutions. They do not work for the AEC nor for other government agencies. They are picked for their special medical knowledge and expertise, and often go on the survey at considerable personal sacrifice.

Another area of criticism that I do not believe justified concerned the fact that at times our scientific curiosity was placed before "immediate need of the people". The example was presented that no prophylactic antibiotics were used in the treatment of early blood cell depression in the Rongelap people since it would obscure medical findings. It should be pointed

May 18, 1973

out that this decision had nothing to do with scientific curiosity, but was the considered opinion that it was the best management. Another example concerned the delay in starting thyroid treatment in the retarded children, as related to scientific curiosity. It is a statement of fact that the early growth retardation in the children was not recognized as being related to thyroid injury until abnormality of that gland was noted. Treatment was instituted as soon as this fact was apparent. It should be realized that there was no reason for the doctors at first to suspect that the hormone levels in the Marshallese were in error, since at that time it was not known that the plasma of the Micronesian people had abnormal levels of blood proteins which masked true thyroid hormone levels. If the specific laboratory methods for evaluation of thyroid status which are available today had been available at that time, hormonal deficiency could undoubtedly have been recognized and treatment in the children started earlier.

I believe that the criticism of certain other procedures such as use of tetanus toxoid, fertility test, etc. have been adequately commented upon in our answers to your questions which we recently submitted to you.

I believe the Committee and observers were justified in their criticism in the area of communication and education of the people about the examinations. We realize that we have not been able to get the people to understand fully the nature of the radiation effects, the need for the continued examinations, the need for rationale of treatment used, etc. Also, we have failed to get the unexposed Rongelap people in the comparison population to understand the importance of their contribution in the examinations of their exposed brethren. We will make every effort to follow the Committee's recommendations by attempting in each case examined to: 1) verbally explain our findings at the finish of the examination; 2) and later submit a written statement in Marshallese to the individual about the results of the examination. In addition, summary copies of examinations will be furnished the home island as well as each district medical center. We will be glad to cooperate with the Trust Territory in educational programs designed to help the people better understand the nature of radiation and its effects. During the surveys we will attempt to observe carefully aspects of Marshallese culture in relation with our dealings with the people.

I am in complete accord with the recommendation that services of a physician be provided in the Marshalls to give special medical care to the Rongelap and Utirik people. If Dr. Knudsen, who has been doing an excellent job, cannot be persuaded to stay on, he should be replaced, if at all possible. Due to transportation difficulties in the Marshalls, the recommendation concerning procurement of a medical ship to implement the travel of such a physician to the outer islands is deemed highly desirable.

Dr. Kumatori's suggestion that further cytogenetic studies be done on the Marshallese in order to detect late effects of radiation will be duly considered. I am in agreement with his suggestion that the United Nations sponsor an international scientific meeting on the effects of radiation on exposed populations. Perhaps the World Health Organization might better sponsor such a meeting.

Senator Olympio T. orja

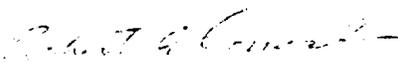
3.

May 18, 1973

With regard to the Committee's recommendation to the AEC concerning new facilities at Ebeye and Majuro for our examinations, it should be stated that at this time the new examination trailers that have been installed by the AEC in conjunction with the hospitals on these islands are deemed adequate for our examinations.

I was most pleased with the excellent speech that you made, Senator Borja, to the people of Rongelap at the time of our 1973 examinations. It was gratifying that you told the people in straightforward manner that according to the reports of the medical observers, the examinations that we were carrying out were good for the people, the treatment that we were giving them was good for them, and that they should cooperate in the future with the examinations. It is with this spirit of mutual understanding that I would like to see us carry on with the examinations, knowing that we have the trust and cooperation of the Marshallese people, as well as the Congress of Micronesia. I am confident that we can work together for the future health and welfare of the people.

Sincerely,



Robert A. Conard, M.D.

mbf

cc: High Commissioner, Trust Territory
Director of Health Services, Trust Territory
Department of the Interior, Washington, D.C.
Director, Div. Biomed. and Environmental Res., AEC
Washington, D.C.
Dr. V.P. Bond, Associate Director, BNL
Dr. E.P. Cronkite, Chairman, Medical Dept., BNL

MRC

Medical Research Council

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reference

26th March 1973

Dear Senator Borja,

I am most grateful to you for sending me a copy of your Committee's Report to Congress, which I have read with great interest.

I noticed one apparent error in presentation. On page 102 it is noted that "One of the Committee's consultants estimated ... " a 3% increase in radiation, and I take this to refer to my own report which suggests such a figure. If so, I ought to point out that the following sentence is not correct since I neither did state that "such a small amount was not likely to be harmful" nor would consider that there was evidence on which to make such an assertion, except in the strictly limited sense that harmful effects are not "likely" - i.e. would not occur frequently - as a result of low doses or small increments to a given dose.

It is possible however that this second sentence was intended to refer to a different consultant since I see that on page 216 Professor Kumatori's report states that "However, the amount of fallout [due to the following test] was not so much to injure them".

This point clearly requires no formal correction since my statement is evident from my report, but I thought you would wish just to have a note of it.

With best wishes,

Yours sincerely,



E. Eric Poehin.

Senator Olympio T. Borja
Congress of Micronesia
Saipan
Mariana Islands 96950.

APPENDIX NO. IV



UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON, D.C. 20545

Honorable Olympio T. Borja
Chairman, Special Joint Committee
Concerning Rongelap and Utirik
Congress of Micronesia
Saipan, Mariana Islands 96950

Dear Senator Borja:

This is in response to your letter of April 23, 1973, with the enclosed copy of your interesting report. Your committee is to be complimented for its hard work in pursuit of its mission. The following addresses the several matters discussed in your letter.

The Atomic Energy Commission has received a request from Mr. Stanley S. Carpenter of the Department of the Interior on behalf of the High Commissioner of the Trust Territory to enter into an executive agreement relative to Micronesian Public Law No. 5-52. In a response to Mr. Carpenter, I have expressed AEC's interest in discussing with the Department of the Interior the funding by AEC of research-related services as they may be provided under that law. The distribution of funding must take into account the authorized responsibilities of the Trust Territory Government to provide routine medical care in the Pacific Islands and of AEC to conduct research-related activities.

It is my understanding that Dr. Knudsen has provided valuable medical service to the people of Rongelap and Utirik. If Dr. Knudsen does not return to the Marshall Islands District, the AEC has approved recruitment of a replacement for him. In contrast to the large medical manpower pool of the U. S. Public Health Service, AEC and its contractors, including laboratories, employ relatively few physicians and, accordingly, have a limited potential for recruitment of a suitable physician. However, if the recruitment becomes necessary, Dr. Conard, with the assistance of the distinguished physician members of his survey teams, should be able to obtain the services of an interested and qualified physician. You may be assured that AEC will assist Dr. Conard in this matter.

AUG 21 1973

I have been informed by Dr. Conard that, in view of Leko Anjain's death, he will have a special team conduct a hematologic survey during the interim period between the annual surveys. In this way it should be possible to detect any disease-related hematologic abnormalities at an early stage.

Relative to the funding of Dr. Conard's work, the level of AEC financial support has enabled his surveys to include an extensive battery of relevant tests. As need arises for additional procedures or projects, Dr. Conard submits his requests to AEC where they are considered for approval by our staff. In fact, AEC is now considering the acquisition of a vessel to be used by Dr. Knudsen and the medical survey teams as well as by other AEC-sponsored biomedical and radiological groups. Such a vessel would make possible more frequent visits to Rongelap and Utirik atolls.

With respect to the concern of the people over eating certain foods, only one food item, the coconut crab, was restricted in the past, and that restriction was liberalized for Rongelap recently. It is unfortunate that the population has been fearful of eating other foods which have been considered safe for consumption. Repeated reassurance is probably the most effective means of combating this fear. Your committee and other respected Micronesian citizens are probably best able to assure the inhabitants of the islands of the safety of those foods. Dr. Conard has informed us that he and members of his scientific team will contribute their scientific expertise in support of this important educational program.

I have brought to the attention of AEC personnel who conduct radiological surveys in the Marshall Islands your suggestion concerning another radiological survey of Rongelap and Utirik and a subsequent report on the survey to be written in the Marshallese language. You undoubtedly are aware that AEC surveyed Bikini Atoll at various times from 1967 to 1972, and recently conducted a survey of Eniwetok Atoll from October 1972 to February 1973. At present, the extensive data accumulated during this latest survey are being analyzed. It is our wish to have the Eniwetok people fully informed of the results of the survey in order that they may participate in a knowledgeable manner in the decisions and planning for their return to the Eniwetok Atoll. We are in fact taking the necessary action to have the essential results of this survey made available in the Marshallese language.

AUG 21 1973

Your information as to the relationship of Dr. Conard and the Brookhaven team to AEC is correct. Dr. Conard is neither an employee nor an official representative of AEC. In view of the desire of the inhabitants of the Islands to communicate with an AEC representative, I will suggest that either Mr. Streenan or another representative accompany Dr. Conard's team during the next medical survey.

With regard to your request for information or advice, please let me reassure you that AEC staff will cooperate with your Special Committee to the extent of their capabilities.

I regret the delay in this reply and trust that I have clarified our position on these matters of mutual interest.

Sincerely,



Clarence E. Larson
Acting Chairman

cc: Mr. S. S. Carpenter, Dept. of Interior
Hon. E. E. Johnston, High Commissioner,
Trust Territory of the Pacific Islands

APPENDIX NO. V

Public Law 88-485
88th Congress, H. R. 1988
August 22, 1964



An Act

78 STAT. 598.

To provide for the settlement of claims of certain residents of the Trust Territory of the Pacific Islands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby assumes compassionate responsibility to compensate inhabitants in the Rongelap Atoll, in the Trust Territory of the Pacific Islands, for radiation exposures sustained by them as a result of a thermonuclear detonation at Bikini Atoll in the Marshall Islands on March 1, 1954.

Rongelap Atoll.
Radiation vic-
tims, compen-
sation.

Sec. 2. There is authorized to be appropriated for such purpose out of the Treasury of the United States the sum of \$950,000 to be expended by the Secretary of the Interior (hereinafter referred to as the "Secretary") in the manner hereinafter provided. After deducting the amount provided for in section 5 hereof, the Secretary shall pay the remainder in equal amounts to each of the affected inhabitants of Rongelap, except that (a) with respect to each such inhabitant who has died before receipt of such payment, the Secretary shall pay such sum to the heirs or legatees of such inhabitant, and (b) with respect to any such inhabitant who is less than twenty-one years of age or who has been adjudged incompetent or insane, payment shall be made, in the discretion of the Secretary, to a parent, relative, other person, or institution for his benefit.

Appropriation)
conditions for
payment.

Sec. 3. The Secretary shall give advice concerning prudent financial management to each person receiving a payment pursuant to this Act, to the end that each such person will have information as to methods of conserving his funds and as to suitable objects for which such funds may be expended.

Sec. 4. A 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.

Sec. 5. The Secretary is authorized to pay reasonable attorney fees for legal services rendered on behalf of the people of Rongelap prior to the date of enactment of this Act. Such fees shall be paid out of the funds authorized to be appropriated in section 2 of this Act, but the total of such fees paid shall not exceed 5 per centum of the appropriated funds.

Attorney fees.

Sec. 6. The decisions of the Secretary in carrying out the provisions of this Act shall be final and not subject to review.

Approved August 22, 1964.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 110 (Comm. on Interior & Insular Affairs).

SENATE REPORT No. 1257 (Comm. on Interior & Insular Affairs).

CONGRESSIONAL RECORD:

Vol. 109 (1963): Apr. 1, considered and passed House.

Vol. 110 (1964): July 31, considered and passed Senate, amended.

Aug. 12, House concurred in Senate amendment.

APPENDIX NO. VI

From Hiroshima City A-Bomb Survivor's Assistance Procedure Code - Promotional Fund for A-Bomb Survivor's Health Examination - Welfare Allowance for Physically Damaged Survivors - Special A-Bomb Survivors Treatment Allowance - Radiation Brain Damage During Pregnancy - Approved Survivor's Funeral Fee - Survivor's Aid Dispatch Fee Issued or Dispatched - Persons under these Categories should apply as follows:

KIND OF ALLOTMENTS	CONTENT
Special Allowance	<p>Approved A-Bomb patient (sickness and illness affected by the A-Bomb, approved by the minister of Welfare as A-Bomb patient) who has the approval of the type of sickness and illness and now continued to be affected will be issued:</p> <ul style="list-style-type: none"> * Amount.....monthly ¥10,000.00 or ¥5,000.00 * Further, on the allowance, approved subject person, wife and dependents who each has below, ¥48,400.00 of tax-deduction on their previous year income will receive a monthly allowance of ¥10,000.00. Person between ¥48,401.00 to ¥54,700.00 will be issued ¥5,000.00 monthly. When exceeding ¥54,700.00, none issued.
Medical Allowance	<p>Approved A-Bomb patient, who is approved by the Minister of Welfare on their sickness and illness and now receiving medical care at a specified medical facility will be issued the following, basing on their hospitalization and out-patient days:</p> <ul style="list-style-type: none"> *Hospitalization only for over 8 days...monthly ¥6,000.00-up to 7 days-monthly ¥4,000.00. *Out-patient only over 3-days...monthly ¥6,000.00-up to 2 days-monthly-¥4,000.00. *Hospitalization and out-patient each over one day...monthly ¥6,000.00. *Further, on the issue, approved A-Bomb subject person, wife and dependents who each had below ¥48,400.00 on their income-tax deduction for the previous year only.
Treatment Allowance	<p>Approved A-Bomb patient and special A-Bomb patients who has been decided by the Minister of Welfare as special illness (person who has difficulty in their living at home and especially limited when living alone) is issued when they have paid their treatment bills under the care of an approved medical doctor.</p> <ul style="list-style-type: none"> *Issuing amount by treatment days: <ul style="list-style-type: none"> Above 20 days ¥10,000.00 (Provided when the actual treatment cost is above the issuing amount, the actual amount is issued.) 10-19 days ¥7,500.00 Up to 9 days ¥5,000.00 *Further, the issue will be limited to the subject A-Bomb survivor, wife and his dependents when their previous year tax-deduction is below ¥48,400.00 each.
Health Management Allowance	<p>Of the special A-Bomb survivors, issued only to persons who have following special illness as specified by the Minister of Welfare</p> <ul style="list-style-type: none"> * 1) Above 55 years old, 2) specified physical illness by the Minister of Welfare (blind, deaf, hand and leg difficulties as specified under the National Retirement Health Benefit of Class 1 and 2, persons who have scars on their faces and others from the A-Bomb, brain-damages from the A-Bomb), 3) matrilineal head of family (semi-matrilineal). * Issuing amount - month ¥4,000.00. * Further, issue will be limited to the subject A-Bomb victim, wife and dependents when their previous year tax-deduction was below ¥48,400.00 each. * It does not apply to persons who are receiving the special allotment.

From the Special Procedure Law established for the Atomic Bomb survivors, special allowance, health management allowance, treatment allowance, medical allowance and funeral fees are allotted, person who falls under this category should apply as follows:

KIND OF ALLOTMENTS	CONTENT						
Promotional Fund for A-Bomb Survivor's Health Examination	<p>Will be issued to A-Bomb victims who received their general physical examination the following:</p> <ul style="list-style-type: none"> * Person who will be issued: <ol style="list-style-type: none"> 1) According to the Hiroshima City Health Insurance provision where the insurance amount was reduced during the previous year or abolished. 2) According to the Living Protection Law, a protected person. 3) Person who is admitted in an old age home. 4) According to the Emergency Unemployment Law, an approved unemployed. 5) Beside the above examples, person who is categorized un-taxable under the City ordinance for the year including all family members. 6) Issuance of ¥500.00 per person for one time. 7) The number of time issued per person per fiscal year is not more than two (2) times. 						
Welfare allowance for A-Bomb survivors of physical handicap.	<p>By action of the A-Bomb, person who became a physical handicap. The amount of damage categorized under the physical handicap welfare Law No. 5 as special victims classified as No. 1, No. 2 and No. 3.</p> <ul style="list-style-type: none"> * Monthly issuance ¥2,000.00. * Limited to A-Bomb victim subject person, wife and dependents who each had below ¥29,200.00 deducted from their previous year income tax. 						
Additional money over the treatment allowance	<p>Under the Special Procedure Law for persons who are receiving the treatment allotment but the treatment fee have exceeded the allotment will be issued as follows:</p> <ul style="list-style-type: none"> * Issuing amount when treatment exceeds <table style="margin-left: 40px;"> <tr> <td>20 days or more</td> <td>¥10,000.00</td> </tr> <tr> <td>10-19 days</td> <td>¥7,500.00</td> </tr> <tr> <td>until 9 days</td> <td>¥5,000.00</td> </tr> </table> <p>(Provided when actual cost is below allotment, the actual amount is issued.)</p>	20 days or more	¥10,000.00	10-19 days	¥7,500.00	until 9 days	¥5,000.00
20 days or more	¥10,000.00						
10-19 days	¥7,500.00						
until 9 days	¥5,000.00						
Treatment fee for serious brain damages from radiation	<ul style="list-style-type: none"> * Issuing amount for treatment over 15 days ¥5,000.00 <li style="padding-left: 100px;">Below 15 days ¥2,500.00 						
Approved A-Bomb Survivors funeral fee	<p>When an approved A-Bomb victim dies, a sum is issued to the person who performs the funeral.</p> <ul style="list-style-type: none"> * Per death-person the issuing amount ¥10,000.00 						
Dispatch of aid member to A-Bomb Survivor's family	<p>When an A-Bomb victim cannot conduct his daily living due to physical and spiritual damages, dispatch is made to the A-Bomb families who has difficulties in their daily living:</p> <ul style="list-style-type: none"> * The scale of dispatch: <ol style="list-style-type: none"> 1) Due to physical handicap and illness, when the victim cannot conduct his daily living and when no one is available to assist. 2) Low income bracket family, categorized as 3) Assignment, once or more per week. 						

* Kind of sickness allotment is issued:

- 1) Anemia-interrupted cells (all), 2) liver-function damages (exclude hepatitis and),
- 3) Cancer of serious new growth (all), 4) diabitis, damage to urinal organs, extreme menstrual irregularities, sterile and fallopin tube damages, sterility, spermless male organ damages, 5) bleeding of the brain-meningitis bleeding, 6) high blood pressure and hardening of blood vessels, 7) kidney involvement-uremia,
- 8) leukemia (directly affected persons only).

Funeral Fee

In death of the special A-Bomb survivors, with the exception when not known if the death was caused by A-Bomb affect, a funeral fee will be issued to the person who conducts the ceremony.

* Issue amount ¥16,000.00 per person.

APPENDIX NO. VII



TOP Photo No. 1---Congressman Phillip Burton, (L) Chairman of the Subcommittee on Territorial and Insular Affairs of the U.S. House of Representatives listens to Senator Borja explain the work and recommendations of the Special Joint Committee on Rongelap and Utirik during a trip to Washington, D.C. in June 1973.



BOTTOM Photo No. 2---Staff members of the Brookhaven National Laboratory (BNL) are pictured with Senator Borja during his visit in June 1973 to the facility, located in Long Island, New York. From left to right are: Dr. Robert A. Conard, Associate Attending Physician, Medical Department; Senator Olympio T. Borja, Chairman of the Special Joint Committee; Dr. Victor P. Bond, Associate Director, BNL, and Dr. Eugene P. Cronkite, Chairman of the BNL Medical Department.

APPENDIX NO. VIII

MICRONESIAN INDEPENDENT

254

Volume V, Number 6

February 22, 1974

That First Hydrogen Death

ANOTHER MICRONESIAN CLAIM TO FAME

Further remembrances
on the
Lekoj Anjain incident
by Stewart Alsop

The next day I was back in the same room I had occupied more than a year before, when I had first been admitted to NIH. I had lobar pneumonia, and John Glick had hooked me up to the familiar I.V. Two bottles of antibiotics dripped alternately into my veins. This time, I had the privileged bed beside the window, and the bed near the door was occupied by a muscular young man with brown skin, curly black hair, and a huge grin.

His name was odd—Lekoj Anjain. He was, it turned out, from the Marshall Islands. He had been a one-year-old baby in 1954, when we Americans tested our first deliverable hydrogen bomb on Bikini, one of the Marshalls.

As it happened, I knew a good deal about the Bikini bomb. With the help of Dr. Ralph Lapp, an atomic scientist who used to act as my mentor in such matters, I had done a lot of reporting on it. So had brother Joe. As a result Joe and I were the first to describe, in our joint column, the phenomenon of nuclear fallout.

The Bikini bomb was much more powerful than Edward Teller and the other scientists in charge had anticipated. Moreover, it had an unanticipated effect. It churned up great mounds of earth below the explosion point. The earth was turned into light dust by the force of the explosion. This heavily irradiated dust followed the wind patterns until it fell out of the skies. Some of it fell on the *Luck Dragon*, a Japanese trawler more than ninety miles from the explosion point. The members of the crew all suffered

[CONTINUED PAGE NINE]

FIRST HYDROGEN VICTIM...

from radiation sickness, but none of them, so far as is known, died from leukemia.

The fallout also filtered down on others of the Marshall Islands, including the island of Rongelap more than one hundred miles from Bikini. Inhabitants of these islands also took a dose of radiation. Rongelap was Leko's native island.

I am still haunted by a mental image of Leko as a cheerful brown baby playing in the sand under the palm trees of Rongelap, as the sky lit up above him from the great explosion on Bikini, and playing still, feeling no harm, as the dust of the fallout settled around him. The cheerful brown baby was now my roommate, nineteen-year-old Leko, and he had, John Glick told me, a particularly vicious variety of acute myelogenous leukemia.

There was no doubt at all that the bomb and the leukemia were cause and effect. The Nagasaki and Hiroshima bombs had induced leukemia in a good many Japanese. Several inhabitants of the Marshall Islands had developed suspicious lymph nodes as a result of the Bikini test. But Leko was the first case of leukemia from the fallout of a hydrogen bomb test.

The Atomic Energy Commission had flown his father out from Rongelap to be with him. His father was a tough-looking little man, much smaller than Leko. For hours at a time he would sit by Leko's bedside, saying nothing at all. Once in a long while he would reach out and touch Leko's hand, and sometimes Leko would mutter something, in Marshallese, and grin.

Leko spoke hardly any English, so there was not much communication between us. Every morning I would smile, and he would grin back—his teeth were perfect—and I would ask, "How you feel?"

Usually he would reply, "Fine. Fine." But toward the end of the twelve days we spent together, he would be more likely to say, still with a grin, "No good. Feel deezzy." He was being given very powerful chemicals, in an attempt to induce a remission, and he was nauseated. But he remained remarkably cheerful. I wondered if he knew how sick he was.

He was a heavily built young man, and his muscles rippled under his skin. But there was a curiously gentle quality about him, a softness, a kind of endearing childishness—it was very easy to imagine him as that baby in the sand under the sudden glare of light.

Despite the lack of a common tongue, we had our com-

mon sickness. One morning Leko was taken to the operating room for a marrow test, and when he came back I asked, "Marrow hurt bad?"

He replied enthusiastically, "Marrow hurt *bad*." Then I had a marrow, and the same exchange took place in reverse.

We both had a hemoglobin transfusion on the same day. I said, "Blood make you feel good."

He enthusiastically agreed again. "Yes, blood feel *good*."

On October 27, at long last, John took the needle out of my arm and pronounced the pneumonia under control. I asked Leko how he felt for one last time, and this time he said again, "Fine. Fine." We said good-bye, and I left the hospital.

With Leko's permission, I had written a column about him I imagine it was because of the column that someone in the Interior Department, under whose bureaucratic aegis Leko fell, called Amanda in the office about ten days after I had left the hospital and asked her to tell me that Leko was dead.

Amanda hated to tell me, but finally she did.

"What did he die off?" I asked.

"The man said pneumonia," she said, and then quickly added, "But don't you go thinking it was your fault."

The chances are that Leko picked up whatever virus or bacteria had made me sick. But John Glick told me not to worry, that the chemotherapy had failed and poor Leko was terminal anyway.

Leko's death deeply depressed me for a while. There was, of course, what might be called the send-not-to-ask syndrome. With my low defenses the pneumonia might well have killed me; John Glick was surprised by how quickly I recovered, given my corporal's guard of granulocytes.

There was also the depressing feeling, hard to shake off, that I had somehow been responsible for Leko's death. There was the further feeling, as hard to shake off, that we Americans were responsible for his death—that we had killed him with our bomb. His was the world's first death from a hydrogen bomb, and the bomb was ours. And finally, there was the feeling of the desperate, irrational unfairness of the death of this gentle, oddly innocent young man. For some time, I found a line, I think from T. S. Eliot (though I can't find it), going through my mind: "The notion of some infinitely gentle / Infinitely suffering thing."

Before Leko died, I had long believed in my mind that the nuclear weapon, in its indiscriminate, unimaginable brutality, was an insane weapon, suicidal, inherently unusable. Now I knew it in my heart.

[This material is excerpted from Stewart Alsop's new book "Stay of Execution" a sort of memoir published by Lippincott. We received the information courtesy of Dulcie Thorstensen]

APPENDIX NO. IX

A SENATE JOINT RESOLUTION

Expressing the sorrow and sympathy of the Congress of Micronesia to the family and friends of LekoJ Anjain for his untimely and unwarranted and irreplaceable loss.

1 WHEREAS, on March 1, 1954, Joint Task Force Seven of the United
2 States of America detonated a thermonuclear device, code-named Bravo,
3 on Bikini Atoll in the Marshall Islands District; and

4 WHEREAS, this 15-megaton weapon of war caused an unprecedented
5 radioactive fallout over 7,000 square miles of the Pacific, showering
6 dangerous radioactive particles on the inhabited atolls of Ailinginae
7 Rongelap, Rongerik, and Utirik; and

8 WHEREAS, on the island of Rongelap at that time were 64 human
9 beings, including then Magistrate John Anjain and his one year old
10 male baby named LekoJ; and

11 WHEREAS, since that time numerous cases of radiation-induced
12 growth retardation and thyroid disorders have been diagnosed and
13 treated as a result of annual surveys by a medical team under contract
14 to the United States Atomic Energy Commission; and

15 WHEREAS, this same medical team last September upon examining
16 LekoJ Anjain found indications of a serious blood disorder and took
17 him to the United States for further examination; and

18 WHEREAS, LekoJ Anjain, nineteen years old, died on November 15,
19 1972, of pneumonia while undergoing treatment for acute myelogenous
20 leukemia at a hospital in the National Institute of Health at
21 Bethesda, Maryland; now, therefore,

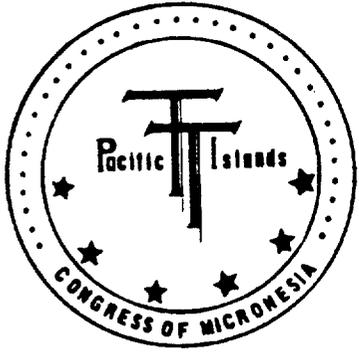
22 BE IT RESOLVED by the Senate of the Fifth Congress of Micronesia,

1 First Regular Session, 1973, the House of Representatives concurring,
2 that the Congress of Micronesia hereby expresses its deep sorrow and
3 extends its sympathy to the family and friends of LekoJ Anjain and to
4 all the people of Rongelap Island for his untimely, unwarranted and
5 irreplaceable loss; and

6 BE IT FURTHER RESOLVED that certified copies of this Senate
7 Joint Resolution be transmitted to Mr. John Anjain of Rongelap
8 Island, to the District Administrator of the Marshall Islands
9 District and to the High Commissioner of the Trust Territory of
10 the Pacific Islands.

11

12 Adopted: February 22, 1973



402931

**COMPENSATION
FOR THE
PEOPLE OF RONGELAP AND UTIRIK**

**A Report
by
The Special Joint Committee
Concerning Rongelap and Utirik Atolls
to the
Fifth Congress of Micronesia**

FEBRUARY 28, 1974

Compensation for the People of Rongelap and Utirik

A Report By

The Special Joint Committee Concerning Rongelap and Utirik Atolls

to the

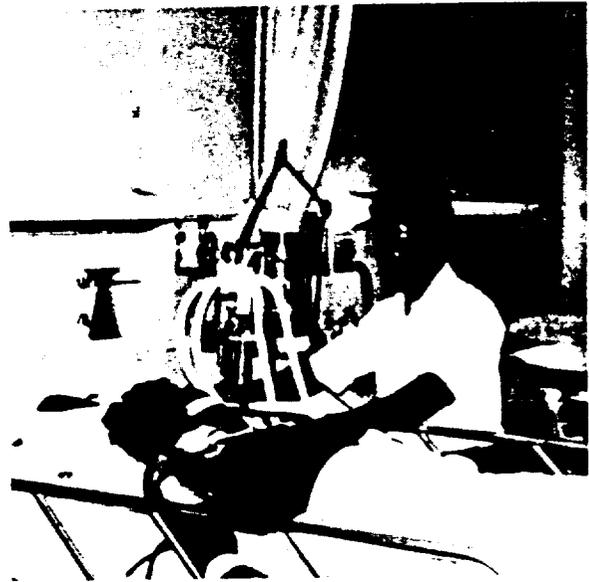
Fifth Congress of Micronesia

Second Regular Session, February 28, 1974

Rongelap Report



Lekoj Anjain reading in his hospital bed at Bethesda, Maryland.



John Anjain at the bedside of Lekoj.



Lekoj's body in casket before final journey home.



A young Girl, case no. 72 whose hair fell out as result of exposure to radioactive fallout.



A woman case no. 39 who suffered skin burns on the neck from radioactive fallout.



CONGRESS OF MICRONESIA

SAIPAN, MARIANA ISLANDS 96950

SPECIAL JOINT COMMITTEE
CONCERNING RONGELAP &
UTIRIK ATOLLS

February 28, 1974

Senator Olympio T. Borja, Chairman
Representative Timothy Olkeriil
Representative Ataji Balos

The Honorable Tosiwo Nakayama
President of the Senate
Congress of Micronesia

and

The Honorable Bethwel Henry
Speaker of the House of Representatives
Congress of Micronesia

Dear Sirs:

Pursuant to House Joint Resolution No. 73, adopted by the First Regular Session of the Fifth Congress of Micronesia, your Special Joint Committee Concerning Rongelap and Utirik Atolls, herewith presents its reports to the Congress on compensation for the people of the aforesaid atolls.

This document represents the third report by your Committee to the Congress of Micronesia. The first report, as required by P.L. 4C-33 was presented to the Presiding Officers of the Congress on May 16, 1972. This interim report presented some of the Committee's findings to that date and outlined its future plans. The second report on Medical Aspects of the Incident of March 1, 1954 was presented to the First Regular Session of the Fifth Congress in February 1973. As recommended, this report has also been summarized and translated into the Marshallese language and will be distributed to the people of Rongelap and Utirik.

The report, which we submit now, deals with various aspects of possible compensation for these people who were irradiated, dislocated, and certain of whom have suffered illness and other affects from their experience of nearly 20 years ago.

Accordance with its previous report, this report also make certain recommendations which it feels are both practical and reasonable, with which we hope the people of Rongelap and Utirik and the members of this Congress will agree and will find satisfactory.

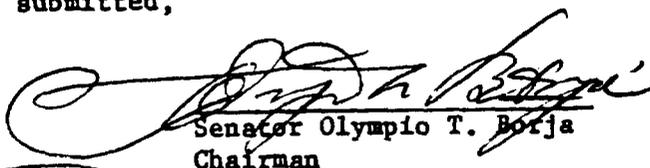
The Committee also wishes to note that a great majority of past recommendations have been carried out, and that at present there appears to be greater confidence by the Rongelapese and Utirikese in the validity of the annual medical examinations to which they are subjected. Furthermore, there have been encouraging responses from the United States Government, most particularly the Brookhaven National Laboratory and the Atomic Energy Commission in supporting in a substantive way suggestions made by the Committee and also P.L. 5-52 which was enacted by the First Regular Session of the Fifth Congress.

The Committee also wishes to draw attention to the excellent cooperation it has received not only from such departments of the Executive Branch as Health Services and the Office of the Attorney General, but also from the people of Utirik and Rongelap.

It is the belief that the intent of its recommendations were to be carried out, that the reason for its own existence will cease, and that in the future even though the committee will continue to monitor the situation with March 31, 1975 - other problems or complications with regard to this matter can be handled by the people themselves and at the district level.

It is thus, with this intent in mind, that your Special Joint Committee submits this report.

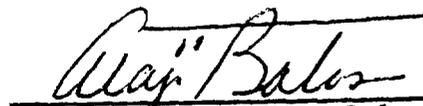
Respectfully submitted,



Senator Olympio T. Borja
Chairman



Representative Timothy Olkeriil
Member



Representative Ataji Balos
Member

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REMARKS BY SENATOR BORJA
RONGELAP/UTIRIK COMPENSATION
MARCH 2, 1974

MR. PRESIDENT AND MEMBERS OF THE SENATE.

TWENTY YEARS AGO YESTERDAY, ONE OF THE MORE UNFORTUNATE INCIDENTS IN THE HISTORY OF MANKIND HAPPENED. AND TO ADD TO THIS MISFORTUNE, THE INCIDENT HAPPENED TO MORE THAN TWO HUNDRED MICRONESIANS WHO WERE FROM THE ISLANDS OF RONGELAP AND UTIRIK IN THE MARSHALL ISLANDS DISTRICT.

ON MARCH 1, 1954 THE UNITED STATES OF AMERICA EXPLODED ON BIKINI ATOLL, A GIGANTIC HYDROGEN BOMB. THIS BOMB WAS THE BIGGEST AND MOST POWERFUL DEVICE EVER DETONATED BY MAN. IT WAS EQUIVALENT TO MORE THAN 30,000,000,000 POUNDS OF DYNAMITE. FURTHERMORE, SINCE THE DEVICE WAS A "NUCLEAR" WEAPON, THE PRODUCTS OF THE EXPLOSION WERE HIGHLY RADIO-ACTIVE.

WHAT HAPPENED AS A RESULT OF THAT EXPLOSION IS A MATTER OF HISTORY AND ALSO A MATTER OF RECORD AS STATED IN A REPORT BY THE SPECIAL JOINT COMMITTEE CONCERNING RONGELAP AND UTIRIK WHICH WAS ADOPTED BY THIS CONGRESS LAST YEAR.

ON A THEORETICAL BASIS, MR. PRESIDENT, IT IS VERY EASY TO SYMPATHIZE WITH THOSE PEOPLE WHO WERE AFFECTED. HOWEVER, I WISH TO NOTE THAT AS CHAIRMAN OF THE SPECIAL JOINT COMMITTEE AFTER HAVING REVIEWED ALL THE MATERIALS; AND AFTER HAVING SEEN PHOTOGRAPHS OF THE

PEOPLE AFFECTED; AND AFTER HAVING MET THE PEOPLE WHO WERE ACTUALLY AFFECTED BY THIS BOMB, I HAVE MORE THAN JUST SIMPLE SYMPATHY FOR THESE PEOPLE. I HAVE AN EMOTION WHICH IS EXTREMELY DIFFICULT TO DESCRIBE, AND THE ONLY WAY ALL OF US CAN APPROXIMATELY UNDERSTAND THIS EMOTION IS TO IMAGINE FOR A BRIEF, UNBEARABLE MOMENT HOW WE WOULD FEEL IF OUR SON OR DAUGHTER WERE TO DIE AS THE RESULT OF THE NEGLIGENCE OF ANOTHER PERSON, OR IF OUR FAMILIES WERE TO BE MADE SICK AND WORRY ABOUT THEIR FUTURE HEALTH BECAUSE OF THE FAULT OF ANOTHER PERSON.

MR. PRESIDENT, I COULD GO ON AND ON ABOUT THIS SUBJECT. I COULD GO INTO GREAT DETAIL IN DESCRIBING THE PHOTOGRAPHS OF THE RONGELAPESE WHO WERE DISFIGURED BY RADIATION BURNS BECAUSE OF THIS NEGLIGENCE, AND MOST POIGNANTLY I COULD DESCRIBE IN GREAT DETAIL THE PHOTOGRAPHS WHICH SHOW MR. JOHN ANJAIN AT THE BEDSIDE OF HIS DYING SON, LEKOJ.

HOWEVER, MR. PRESIDENT, IT IS NOT MY DUTY TO SPEAK OF UNSPEAKABLE EMOTIONS. IT IS MY DUTY, AS CHAIRMAN OF THE SPECIAL JOINT COMMITTEE TO DO SOMETHING ABOUT THIS WRONG WHICH HAS BEEN VISITED UPON OUR INNOCENT BROTHERS AND SISTERS.

NEARLY TWO YEARS AGO, THE FOURTH CONGRESS OF MICRONESIA SAW FIT TO CREATE BY ENACTMENT OF PUBLIC LAW NO. 4C-33, A SPECIAL JOINT COMMITTEE CONCERNING RONGELAP AND UTIRIK ATOLLS. THIS COMMITTEE WAS MANDATED TO STUDY AND MAKE RECOMMENDATIONS IN TWO GENERAL AREAS: INJURY AND MEDICAL TREATMENT FOR THE RONGELAPESE AND UTIRIKESE, AND COMPENSATION FOR THOSE PEOPLE. WE HAVE FULFILLED THE FIRST PART OF THE MANDATE BY SUBMISSION OF OUR REPORT A YEAR AGO; AND WE NOW CONCLUDE THE REMAINING PART OF THAT MANDATE BY SUBMISSION

OF THE REPORT WHICH I PRESENT TO THE SENATE TODAY. IN THIS CONNECTION, I WISH TO STATE THAT I AND THE REST OF THE MEMBERS OF THE COMMITTEE ARE GRATEFUL TO THIS CONGRESS FOR THE APPROPRIATIONS WHICH IT HAS APPROVED IN THE PAST, AND WHICH IT MAY PROVIDE DURING THIS SESSION TO CARRY OUT THE WORK OF THE COMMITTEE. WITHOUT THEM, THE PEOPLE OF RONGELAP AND UTIRIK MIGHT NEVER HAVE BEEN JUSTLY RECOGNIZED AND TREATED FOR THE WRONGS WHICH WERE DONE TO THEM.

MR. PRESIDENT, IT IS A SAD BUT TRUE FACT THAT COMPENSATION FOR THESE PEOPLE CAN NEVER MAKE THEM "WHOLE" AGAIN. WHAT WRONG HAS BEEN COMMITTED CAN NEVER BE ERASED BY BETTER MEDICAL TREATMENT, OR EVEN THE PAYMENT OF MONEY. HOWEVER, COMPENSATION CAN ATTEMPT TO DO THIS AND THE GESTURE, IF NOTHING ELSE, MAY HAVE SOME HELPFUL EFFECT UPON THESE PEOPLE.

YOUR COMMITTEE HAS MADE RECOMMENDATIONS TO COMPENSATE THESE PEOPLE. THESE RECOMMENDATIONS INVOLVE NOT HUGE SUMS OF MONEY, BUT RELATIVELY SMALL SUMS OF MONEY. IN FACT, WE ARE RECOMMENDING WHAT IS PROBABLY MUCH LESS THAN THE COST OF BUILDING THE BOMB WHICH HAS CAUSED SO MUCH MISERY AND SUFFERING TO THE PEOPLE. WE HAVE RECOMMENDED COMPENSATION FOR FOUR DIFFERENT AREAS. THEY ARE:

1. MONEY FOR THE PARENTS OF LEKOJ ANJAIN WHO DIED AT THE AGE OF 19 YEARS IN 1972.
2. MONEY FOR THOSE PEOPLE WHO HAVE HAD OPERATIONS DUE TO RADIATION-INDUCED DISEASES.
3. MONEY FOR THE UTIRIKESE FOR THEIR DISLOCATION AND EXPOSURE.

AND NUMBER FOUR, MR. PRESIDENT, WE ARE RECOMMENDING THAT THE ADMINISTERING AUTHORITY ESTABLISH PERMANENT FUNDS FOR THE ISLANDS OF RONGELAP AND UTIRIK IN THE AMOUNT OF \$25,000 TO BE USED FOR COMMUNITY PROJECTS AND WHAT PORTION THE PEOPLE USE EACH YEAR WILL BE REPLACED THE NEXT YEAR SO THAT \$25,000 WILL ALWAYS BE AVAILABLE TO THESE PEOPLE FOR THEIR USE. THIS LAST STEP WAS DECIDED UPON AFTER REVIEWING THE VARIOUS POSSIBILITIES. IT HAS NOW BEEN 20 YEARS SINCE THE INCIDENT OCCURRED AND IT IS PERHAPS TOO LATE TO DISCOVER EXACTLY WHAT KIND OF DAMAGE WAS DONE BY THE FALLOUT TO THE ISLANDS, AND WATER OF THE TWO ATOLLS. HOWEVER, WE FEEL THAT THE ESTABLISHMENT OF THESE FUNDS WILL HELP TO COMPENSATE THE PEOPLE FOR WHAT DAMAGE HAS BEEN DONE: THAT IT WILL NOT CREATE DEPENDENCY--WHICH COMPENSATION TENDS TO DO AND WHICH IS THE ANTITHESIS OF THE INTENT OF COMPENSATION; AND THAT IT WILL ENCOURAGE THOSE WHO HAVE LEFT THESE ISLANDS TO RETURN TO THEM.

MR. PRESIDENT, WE ARE NOT SUGGESTING THAT MILLIONS AND MILLIONS OF DOLLARS BE GIVEN TO THESE PEOPLE. WE ARE SUGGESTING FIGURES WHICH I WOULD GUAGE ARE MINIMUM DEMANDS. WE ARE NOT RECOMMENDING INFLATED FIGURES TO BE NEGOTIATED UPON. WE FAIL TO SEE ANY MERIT IN NEGOTIATION IN THIS CASE. THE FACTS ARE CLEAR. THE PEOPLE WERE INJURED. THE UNITED STATES IS RESPONSIBLE. THE UNITED STATES THUS MUST DO JUSTICE TO THESE PEOPLE.

HOWEVER, IN THE EVENT THAT THE UNITED STATES DOES NOT WISH TO DO JUSTICE TO THESE PEOPLE, WE HAVE RECOMMENDED THAT THE PEOPLE OF

RONGELAP AND UTIRIK ENGAGE LEGAL COUNSEL AND FILE A CLASS ACTION SUIT AGAINST THE U.S. GOVERNMENT. FURTHERMORE, SINCE THE CONGRESS OF MICRONESIA HAD THE FORESIGHT TO EXTEND THE LIFE OF THIS COMMITTEE UNTIL MARCH 1975, AND HOPEFULLY WILL PROVIDE ADDITIONAL FUNDS FOR IT THIS SESSION, WE WILL BE ABLE TO TAKE SUCH ACTION AS WE FEEL IS NECESSARY TO BRING THIS MATTER TO THE ATTENTION OF THE UNITED STATES AND THE COURT OF WORLD OPINION, SHOULD THE U.S. GOVERNMENT SOMEHOW TRY TO AVOID ITS OBLIGATIONS.

LASTLY, I WOULD LIKE TO MENTION THAT YOUR COMMITTEE HAS SPENT NEARLY \$12,000 IN TWO YEARS IN THE COURSE OF ITS WORK. IT IS UNFORTUNATE THAT WE HAVE HAD TO USE TAXPAYER'S MONEY TO STUDY A PROBLEM CREATED BY THE UNITED STATES. HOWEVER, I BELIEVE IT HAS BEEN MONEY WELL SPENT, FOR AT PRESENT THE TRUST TERRITORY IS NOW NEGOTIATING WITH THE ATOMIC ENERGY COMMISSION TO PROVIDE SUPPORT FOR P.L. 5-52 WHICH WAS ENACTED LAST YEAR, AND ALSO TO PROVIDE THE ORIGINAL "INCONVENIENCE" PAYMENT TO THE UTIRIKESE.

IT IS THE SENSE OF THE COMMITTEE, THAT IF OUR RECOMMENDATIONS FOR MEDICAL TREATMENT AND COMPENSATION ARE FOLLOWED, THE RATIONALE FOR EXISTENCE OF THE COMMITTEE WILL CEASE. WE ARE ENCOURAGED BY SUCH EVENTS AS THE FORMATION OF A RONGELAP FALLOUT SURVIVORS ASSOCIATION, AND ASSISTANCE AND SUPPORT FOR THESE PEOPLE FROM THE TRUST TERRITORY ADMINISTRATION. WE HOPE THAT EVENTUALLY ANY FURTHER PROBLEMS WILL BE ABLE TO BE HANDLED AT THE DISTRICT LEVEL, AND THAT IN THE FUTURE SHOULD THIS MATTER DEMAND THE ATTENTION OF THIS CONGRESS, THAT THE STANDING COMMITTEES ON HEALTH IN BOTH HOUSES, SHOULD BE ABLE TO DEAL

WITH IT. THE COMMITTEE HAS GATHERED THE INFORMATION AND LAID THE
GROUND WORK FOR SUCH ACTION AND WE FEEL THAT WE WILL HAVE BEEN
QUITE SUCCESSFUL IF IN THE FUTURE THE PEOPLE WILL BE SATISFIED
WITH THEIR COMPENSATION, AND THEIR TREATMENT AND WILL BE ABLE TO
CHANNEL QUESTIONS AND COMPLAINTS THROUGH THEIR LOCAL GOVERNMENT.

I KNOW I HAVE TAKEN UP MUCH OF OUR VALUABLE TIME WITH THIS SPEECH.
HOWEVER, MR. PRESIDENT, IT FEEL IT IS TIME USED TO A VERY GOOD
PURPOSE, NOT THE LEAST OF WHICH IS TO MEMORIALIZE A 19 YEAR OLD YOUTH
WHO WAS SACRIFICED IN THE NAME OF THE ADMINISTERING AUTHORITY'S
STRATEGIC INTERESTS.

THANK YOU, MR. PRESIDENT.

A HOUSE JOINT RESOLUTION

Extending the life of the Special Joint Committee Concerning Rongelap and Utirik Atolls.

1 WHEREAS, under Public Law No. 4C-33 as enacted by the Second
2 Regular Session of the Fourth Congress of Micronesia a Special
3 Joint Committee Concerning Rongelap and Utirik Atolls was created
4 and given the mandate, among other things, to investigate the
5 results of irradiation on the people of Rongelap and Utirik Atolls
6 in the Marshall Islands District; and

7 WHEREAS, the said Special Joint Committee Concerning Rongelap
8 and Utirik Atolls submitted to this First Regular Session of the
9 Fifth Congress of Micronesia a report containing its findings and
10 recommending additional matters that this Congress should further
11 investigate; now, therefore,

12 BE IT RESOLVED by the House of Representatives of the Fifth
13 Congress of Micronesia, First Regular Session, 1973, the Senate
14 concurring, that the life of the Special Joint Committee Concerning
15 Rongelap and Utirik Atolls as created by Public Law No. 4C-33 is
16 hereby extended until March 30, 1975. The said Special Committee
17 shall have the same functions, duties, powers, and responsibilities
18 as specified by Sections 3 and 4 of Public Law No. 4C-33; shall
19 have the same Committee membership and composition; and shall, in
20 addition, have powers and responsibilities to investigate
21 the question of compensation for property damage to the islands
22 and atolls and peoples thereof, and any other and related matters

1 the Committee deems necessary, proper, or appropriate. The
2 Committee shall have any and all rights, privileges, and powers
3 as granted any other committee of the Congress of Micronesia.
4 The Committee shall submit its findings and recommendations on
5 or before the Second Regular Session of the Fifth Congress of
6 Micronesia in January, 1974; and

7 BE IT FURTHER RESOLVED that certified copies of this House
8 Joint Resolution be transmitted to the members and Chairman of
9 the Special Joint Committee Concerning Rongelap and Utirik as
10 created under Public Law 4C-33, and to the House Speaker and
11 Senate President of the Congress of Micronesia, and to the High
12 Commissioner.

13

14 Adopted: February 26, 1973

FOREWORD BY THE COMMITTEE

Public Law 4C-33 which was enacted by the Congress of Micronesia during the Second Regular Session of the Fourth Congress spelled out two general areas or mandates for the Committee to work on and study.

"To insure that (the people of Rongelap and Utirik Atolls) should receive the best medical treatment available (and to this end) shall attempt to secure any and all medical assistance and aid for the people... from whatever source possible, and

"...that these people should also receive compensation for the injuries which they have suffered (and to this end the Committee) shall attempt to obtain compensation for the people of Rongelap and Utirik Atolls for the injuries they have suffered due to exposure to irradiation."

The first part of the Committee's mandate was fulfilled by submission of "A Report on Rongelap and Utirik to the Congress of Micronesia, Medical Aspects of the Incident of March 1, 1954 by the Special Joint Committee Concerning Rongelap and Utirik Atolls", and also by the recommendations which it contained. The report detailed the subject incident and other related information. Also, through the efforts of the Committee, four special medical consultants from Japan, Great Britain, and the United States participated in the 1973 examination and submitted their generally positive findings to the Committee.

The intent of P.L. 4C-33 was extended by House Joint Resolution No. 73 as adopted by the First Regular Session of the Fifth Congress of Micronesia, and allowed the Committee the time to prepare this report on Compensation.

Regarding this area, the Committee wishes to note that at the time of the writing of this report, negotiations were continuing between the Trust Territory of the Pacific Islands and the Atomic Energy Commission to bring about

consummation of an agreement to provide for support of P.L. 5-52 under the heading of research-related activities of the AEC, and also to provide the payment of \$18,212 in "inconvenience" money (increased from \$16,000) to the exposed and dislocated Utirikese, which was first offered by the AEC in 1970.

It is the hope of the Committee that both of these arrangements will be completed expeditiously--in any case, the Committee will continue to monitor the situation and will take such steps as it sees fit with regard to this matter.

The Joint Committee wishes to draw the readers' attention to three documents:

- 1) the appendix which contains a moving account by the columnist Stewart Alsop of his meeting with Leko J Anjain in Bethesda, Maryland;
- 2) the appendix containing Senate Joint Resolution No. 36 which expresses the sorrow and sympathy of the Congress of Micronesia at the "untimely, unwarranted and irreplaceable loss" of Leko J Anjain; and
- 3) the appendix which contains the Committee's past recommendations and what actions have been taken on them.

Lastly, the reader will note this report is considerably shorter than its past report. This is due to the fact that the area is somewhat less complicated than the original report; that the 1973 report has provided the basis for many of the conclusions reached in this report; and that although there was considerable information which could have led to it being considerably longer, this report has intentionally been made

shorter to encourage those who normally would be discouraged from reading a longer version, to read it in its entirety.

PAST -- COMPENSATION -- JAPAN

HIROSHIMA AND NAGASAKI

The events which led up to World War II, the dropping of Atomic bombs on Japan and those which prevailed after its conclusion, made for a set of circumstances which saw the people of Japan who were affected by the A-bomb, waiting for more than 10 years before any sort of compensation was given to them. Since Japan was fighting a war with the United States and other countries, and since the United States held sovereignty over Japan for more than ten years after the war, the matter of compensation was delayed. In terms of medical care, the people were treated by Japanese hospitals and by the Atomic Bomb Casualty Commission after the war. Since the country was in a process of rebuilding, direct compensation for the survivors of Hiroshima and Nagasaki was delayed for some time. However, in 1957, some time after United States military forces had left Japan, a national law was passed which provided certain kinds of compensation for certain classes of people who survived the bomb blast, or who were exposed to radiation. This law, which has been amended several times either by administrative directives or through other laws, provides a system of payments to A-bomb "sufferers". Some of these payments are made directly through the central government, and some of them to the prefectural governments which administer grants from the central government for this purpose. An excerpt from the Law No. 41 dated March 31, 1957 follows:

LAW FOR HEALTH PROTECTION AND MEDICAL SECURITY

FOR A-BOMB SUFFERERS

(Law No. 41, Mar. 31, 1957)

Amendment:

- (1) Law No. 136, Aug. 1, 1960
- (2) Law No. 161, Sept. 15, 1962

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SUPPLEMENTARY PROVISIONS

CHAPTER I GENERAL PROVISIONS

(Purpose of this Law)

Article 1. The purpose of this Law is, in view of the special health conditions in which the sufferers of A-bomb dropped to Hiroshima City and Nagasaki City are left even now, to maintain and improve their health by means of physical check-up and medical treatments for the sufferers, performed by the State.

(Definitions)

Article 2. The term "sufferers" in this Law shall mean the persons falling under any one of the following respective items who are given the sufferers' health note book:

- (1) Those who were, at the time of the dropping of A-bomb, located in the area of Hiroshima City or Nagasaki City at that date or in the adjacent areas as prescribed by Cabinet Order;
- (2) Those who were, in the period as prescribed by Cabinet Order counting from the time of the dropping of A-bomb, among the areas provided for in the preceding item;

- (3) In addition to those mentioned in the preceding two items, those who were, at the time of the dropping of A-Bomb or thereafter, under such circumstances as to be affected to their bodies the influence of radioactivity of A-bomb;
- (4) Those who were, at the time when the persons mentioned in the preceding three items came to fall under the causes provided for in said respective items, the foetus of said persons.

THE LUCKY DRAGON

As was mentioned in our earlier report, the irradiation of the 23 Japanese fishermen on the Diego Maru No. 5 created a panic in Japan, because people feared that tuna fish caught in and around the waters of Bikini were radioactive, and thus could cause sickness to the people who ate the canned or fresh fish. Because of this great concern-- which was made a stronger by the past experience of the Japanese at Hiroshima and Nagasaki - the United States Government moved very fast in arranging for compensation to the people of Japan--in contrast to the nearly 12 years it took to give any substantial compensation to the people of Rongelap.

The exact amount of this compensation from the United States Government to the Japanese Government was \$2,000,000 (two million U.S. dollars). This money was then divided by the Japanese Government amongst the persons who had claims for damages--this included not only the 23 Japanese fishermen, but also the many Japanese fish retailers and fishing companies. In the Marshall Island many people have heard and believe that the Japanese fishermen each received \$2,000,000 each. This is not correct.

The Joint Committee has in its files a copy of an unclassified Department of State Intelligence Report No. 6941, dated May 19, 1955. This report shows that the United States Government gave \$2,000,000 to the Japanese Government, and, after some 15 consulting sessions among government agencies, the Japanese Cabinet distributed the money in various ways. Most of the money, about 88.6 percent of the total \$2,000,000 went to fishing companies and dealers. A little more than 11 percent went to the Japanese fishermen on the Lucky Dragon and this included certain medical payments. The actual amount of the money that went directly to the fishermen was about 7.6 percent. The payments to the 23 people, which were determined by the Japanese Government, and not the U.S. government, were as follows.

Family of Mr. Kuboyama -----	Y 5,500.000 (U.S. \$15,2780)
Other 22 fishermen -----	Y 2,000.000 (U.S. \$ 5,555)

Thus it can be seen that the fishermen got the equivalent of \$5,000 U.S. while the only exception to this was the *one fisherman who died. (Mr. Kuboyama) whose family received \$15,000 U.S. The rest of the money went to fishing firms and others who had lost fish and money because of the radioactivity from the bomb that fell into the ocean.

The \$2,000,000 per person figure might have been gotten from reading Japanese newspapers which might have reported the amount to the fishermen as ¥ 1,800,000 which is close to two million Japanese Yen, however, this amount is equivalent to only \$5,000 at the exchange rate of 360 yen to one U.S. dollar prevailing only a few years ago.

Furthermore, the Committee is not aware that these men ever received any other compensation than this amount. We checked in Tokyo with Mr. Matasugi Ohisi a Lucky Dragon survivor and he confirmed that the amount he received was equivalent to about \$5,000. Furthermore, he said, they did not receive any share of the fish they caught on their ill-fated fishing trip, since they were all thrown away because of contamination by radioactive fallout.

The only other mention he made of compensation was that some of the fishermen who were married received a small additional amount. Furthermore, he added, he is paid for this trip to Chiba-shi in Tokyo where he receives an annual examination from Dr. Kumatori.

PAST COMPENSATION--RONGELAP AND UTIRIK

While the people of Rongelap and Utirik were not as lucky as the fishermen of the Lucky Dragon in receiving compensation for their exposure as a result of the fallout from the Bravo H-Bomb test, they did receive--varying kinds and at different times forms of assistance, and compensation. The kinds of "compensation" are described in the following pages.

Payment for loss of personal possessions

When personnel of Joint Task Force Seven shepherded the frightened Rongelapese and Utirikese off their home islands and ancestral land with the admonition that if they remained they would die, they were told not to take anything with them. Later, they were asked to fill out forms describing what personal goods they had lost during the time the Utirikese (three months) and Rongelapese (three years) were away from their islands. Those who filled out the papers were then paid the stated value of the possessions. The Committee was shown a copy of an example of this form on Utirik and reproduces it for the record below:

"Statement of claim for Personal Injury or Damage or loss to Property."

1. Name Kabotbot, K. Age M-24
2. Address _____
Island 'Utirik' Atoll 'Utirik'
3. Basis of your claim: the following personal injury or loss or damage to property was a result of the Test Activities of Task Force Seven on 1 March 1954:

(kin un eo im Maron Konono Kake: Armij rein Lajrak tok ilol tok im rejoko ak jorran men ko mweier itok tokjen Jerbal in Kokomalmel eo an Task Force Kenkajiljilimjuon ilo 1 March 1954)

4.	<u>Item</u>	<u>Value</u>	<u>Total</u>
	16 Bag MakMok	\$ 2.00	\$ 32.00
	6 Dresses	1.80	10.00
	1 towel	1.50	1.50
	6 pants	3.60	21.60
	3 shirts	2.50	7.50
	4 T.shirts	.75	3.00
	3 towels	.35	1.05
			<u>\$ 77.45</u>

Witness

/s/ P.W. Steele
P.W. Steele
Island Affairs Officer
19 Jan 55

/s/ Kabotbot, K.
Kabotbot, K.
19 Jan 55

The man who presented his claim said that all who filled out the form got paid. Dr. Isaac Lanwi explained about the form at that time.

Payment for loss of copra not made

During the three months the Utirikese were on Kwajalein after the incident, they were paid approximately \$400 per month for copra which they were unable to make due to their displacement. This worked out to about \$7 per person. The Rongelapese, who were later relocated from Kwajalein to Aijit in the Majuro lagoon, also received similar compensation. The Committee found to be a constant source of complaint the amount of this money. The people of Rongelap, for instance, say that they only received \$240 every three months for copra. This works out roughly to \$1 per person per month and does not include those who might have joined family members on Aijit during the three years. The following exchange regarding this problem between the committees and the people of Rongelap was recorded on Majuro, July 16, 1971.

Q: Was that Compensation enough?

A: "The amount we had agreed to with Amata Kabua was 8 1/2 million in the lawsuit."

- Q: Did you ask for compensation before 1964?
- A: "In 1957 when John and Biliet went to Chicago for special treatment they contacted a lawyer in Hawaii (notes not clear), asked for compensation for everything, land, trees, people."
- Q: When you received compensation (\$10,400) did you know what it was for?
- A: "Only for people affected."
- Q: Did you ask for compensation before you talked to the lawyer?
- A: "Told Amata Kabua to ask T.T."
- Q: Reply?
- A: "To my understanding, Administration did not want to get involved."
- Q: When in Kwajalein did the government provide food?
- A: "Government allowed \$1,100 a month for food and there were about 180 people living on Aijit. Other aid included \$240 every three months as compensation for copra we could have made. The government estimated 2 1/2 tons every three months. We had no say in the matter. The government determined it. During those days the island produced more than that."
- Q: How long was copra payment made?
- A: "During stay on Aijit. Amount was so small that I (John Anjain) held until two payments, then gave everyone \$2.00 per person. When we left for Rongelap copra payments ended."
- Q: Was there other aid?
- A: "They built houses on Aijit and Rongelap."
- Q: Were you happy on Aijit?
- A: "No. Small island, few coconuts, not enough. We had to stretch food money. Usually run out at the end and have to borrow from next month's money. We asked for more, but there was no reply from the administration."
- Q: When you returned to Rongelap, could you live like before?
- A: "Yes, but could not eat coconut crabs. They gave us the same number of chickens and pigs to replace those killed. We didn't produce copra until 5 to 6 months after returning." (It was noted later that many chickens and pigs died later, presumably because they were imported and were not used to scavenging for food in an island location.)

Q: Did you receive any compensation for trees, etc.?

A: "No. But we saw a surprising phenomenon: coconut trees with three or four heads. Previously we produced 30-40 tons of copra for three months. Then the Japanese destroyed all. It was just coming up in 1954."

Q: Receive any other compensation?

A: "Yes. \$5,030 total for personal belongings, received in Aijit."

Q: How many people were stuck outside Rongelap and couldn't return?

A: "300 some. These people although not living on Rongelap considered Rongelap their home because they were born there and had land there."

The people of Rongelap estimated that they could have produced 10 tons of copra per month and the people of Utirik estimated that they could have produced 30-40 tons for the three-month period.

The average price for copra at that time was about \$100 per ton for the outer-islands, this would yield a figure of about \$3,000 for three months production of copra as opposed to the \$240 per three months the people were given.

Compensation from the U.S. Government for the Rongelapese

The story which leads to the conclusion of how the people of Rongelap received compensation from the United States is a long one in terms of distances, for the original incident took place in the Marshalls, and subsequent events took place elsewhere in Micronesia, on Guam, then in New York, and finally Washington, D.C. before the story is completed. The story also spans a length of time equal to the distances between the cities mentioned--in stark contrast to the speedy payment of \$2,000,000 to the Japanese Government barely less than 10 months after the incident occurred--for it was nearly 10 years before this money was appropriated by the U.S. Congress and some time later before the people actually

received payment.

The following narrative summary of some of the events connected to the eventual payment are contained in a report of the AEC general manager, a Mr. DeRenzis. This report developed as a consequence of a letter from Representative Ataji Balos to Senator Henry M. Jackson of the U.S. Congress. Senator Jackson asked the AEC to reply to certain charges made by Representative Balos and the result was a 12-page report, with lengthy agenda. The language and tone of this section of the report, gives some indication of the AEC's attitude toward the whole issue as of March 20, 1972.

"Non-Medical Problems which Relate to the Medical Surveys"

"Possibly the most troublesome problem originates from a legal complaint styled Abia et al v. United States, Trial Division, High Court Trust Territory of the Pacific Islands. This was received by the High Commissioner in Guam with the request that he effect service upon the United States. In essence it sought a sum of \$8,500,000 for property damage, radiation sickness, burns, physical and mental agony, loss of consortium, and medical expenses (past, present, future, and undetermined) by virtue of negligence on the part of the United States in the Bravo detonation. The process was never served because a Court had held that the Trust Territory (Kwajalein) constituted a foreign country and therefore jurisdiction was lacking (253 F. 2d 838 (C.A. 2 1958) and (357 U.S. 938). A plea did reach the Trusteeship Council of the United Nations on April 28, 1960. This led the Department of State to favor the

introduction of legislation in the Congress of the United States to provide relief for the people of Rongelap, the compensation being based on humanitarian principles.

"Mr. Wayne Aspinall introduced the Bill H.R. 1988 to provide for settlement of claims of certain residents of the Trust Territory of the Pacific Islands. It was reported out favorably by H.R. 110, March 21, 1963 (to accompany H.R. 1988) and by S. Rept. 1257, July 29, 1964 (to accompany H.R. 1988 with amendment) and became Public Law 88-485, 88th Congress, H.R. 1988, August 22, 1964. In brief it authorized payment by the Secretary of the Interior of \$950,000 less fees for legal services to the 82 inhabitants of Rongelap, or to their survivors, affected by radiation exposures sustained following the thermonuclear detonation of March 1, 1954. This payment was made in full settlement and discharge of all claims against the United States arising out of the detonation. Each exposed individual or his heirs received approximately \$11,000 as a lump sum.

"The people on Utirik who received 14 roentgens are said to feel that they had been discriminated against vis-a-vis the Rongelapese: They also were removed to Majuro, examined, tested, and taken back to their atoll; and while their exposure fortunately was low, they desired at least a token payment, perhaps in proportion to dose. No one appears to have taken their point of view seriously until recently."

Copies of the committee reports from the House and Senate mentioned, reveal some details which are interesting. The original bill as

introduced by Representative Aspinall, was to set up a fund from which the people of Rongelap would receive annually the interest only, and upon special request, payments from the principle.

The bill was subsequently amended to appropriate the sum of \$950,000 which would be made in direct payments to the people--less a 5 percent attorney's fee. Both committee reports included a statement dated March 15, 1963 from then Assistant Secretary of the Department of State to the chairman which said in part:

"As you know, the Department of State strongly supports this bill. We are grateful to you for introducing it so promptly at this session of Congress and most earnestly hope that it will be speedily approved. You recall of course, the great interest the United Nations Trusteeship Council has taken in this matter. At its session last summer, the Council again expressed its view that, the need for the most expeditious settlement of these claims cannot be over emphasized.*** The Department of State believes this to be true as much for reasons of our national interests as to satisfy the requirements of the Trusteeship Council.

"The Trusteeship Council will meet again in May and we hope that by that time this bill might be well on its way to enactment. The Department of State will, of course, be happy to assist you and your committee in any way you might desire."

Of particular interest to the Special Joint Committee are two sections of another statement which were made part of the House and Senate committee reports.

The identical statements were from John A. Carver, Jr., Assistant Secretary of the Interior and were dated March 14, 1963. The statement is of interest in the light that House of Representatives Bill No. 1988 (HR 1988) states that--

"Sec. 4. A 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."

Despite the finality of the language of the act, the Assistant Secretary's letter in part, read as follows:

"There is, to date, no evidence of leukemia nor of radiation illness. Further, whether or not the radiation has had any life-shortening affects 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.

* Compensation in various forms has been paid to the affected individuals. They have been provided extensive medical care and treatment, and they continue to receive periodic examinations and treatment. They were, of course, provided housing and subsistence from the time of their evacuation until their return to Rongelap. Since their return, in addition to new houses, a school, a church, a community building, and other facilities, they have been given new livestock and agricultural aid, as well as subsistence in decreasing amounts. Small claims for property losses, such as clothing and handtools, were paid by the Department of Defense soon after the event. These claims were paid in a total amount of \$6,869.

" In February 1960 a complaint against the United States was sent to the high court of the Trust Territory by attorneys for the Rongelapese. The complaint sought \$8,500,000 as compensation for property damage, radiation sickness, burns, physical and mental agony, loss of consortium, and medical expenses. In January 1961 the suit was dismissed for lack of jurisdiction.

" The interested agencies of the executive branch, specifically the Department of State, the Department of Justice, the Atomic Energy Commission, and this Department, recognize, that despite the various forms of assistance and compensation provided the affected individuals, they have not obtained redress in terms of all the types of injury they may have sustained. They have not received any payments, as such, for claims based upon pain or suffering in connection with their physical injuries or their necessary but summary removal from their home island for over three years or their natural concern about their own future or that of their children.

" We cannot say with any certainty that there will be no future illness or death and no diminution in life expectancy which can be attributed to the 1954 fallout. The problem is further complicated in terms of what measure of damage in monetary terms is appropriate considering the nature of their culture and their economy.

" The extent to which claims might be legally compensable at this time should not, in our view, be controlling in any event. You will recall that the United States made an ex gratia payment of \$2 million to the Japanese Government on account of claims arising out of the 1954 fallout on a Japanese fishing boat and its crew. The Japanese Government was responsible for determining how the money should be distributed. We believe that the circumstances here also justify assumption by the United States of "compassionate responsibility" and a monetary payment. "

Through the courtesy of Senator Henry M. Jackson, Chairman Olympio T. Borja of the Special Joint Committee received a copy of certain testimony before the Territorial and Insular Affairs Subcommittee with regard to HR 1988. The testimony was from a vice-president of the Marshall Islands Congress, Amata Kabua (now Senator Kabua of the Congress of Micronesia). Senator Kabua had arranged for the lawsuit against the United States, and Mr. Dwight Heine (now Special Consultant to the High Commissioner) brought the case of the Rongelapese before the United Nations Trusteeship Council. Senator Kabua demonstrates in his

testimony the apparent satisfaction--short of lawsuit--his constituents had with the settlement, and also demonstrated the fact that he, as well as Dr. Conard and others were unaware that soon thyroid disorders would begin appearing, and that some eight years later, Lekoj Anjain would die of leukemia in Bethesda, Maryland.

Testimony before the committee follows: (edited)

Gentlemen, we are very pleased to hear from you this morning and you may proceed as you may care to.

Do you have a written statement, Doctor?

Mr. Anjain: No. Sir:

Senator Church: Very well, why do you not proceed to testify as you would care to and then if we have questions we will put them to you afterwards.

STATEMENT OF AMATA KABUA, PRESIDENT OF MARSHALL ISLANDS
IMPORT-EXPORT COMPANY AND VICE-PRESIDENT OF THE CONGRESS OF
THE MARSHALL ISLANDS. ACCOMPANIED BY DR. JETON ANJAIN.

Thank you, Mr. Chairman.

My name is Amata Kabua. I am from the Marshall Islands, Trust Territory of the Pacific Islands. I presently hold the position of the President of Marshall Islands Import-Export Company, and also serve as Vice-President of the Congress of the Marshall Islands and a member of the Council of Micronesia which represents the views and wishes of the people and advises the High Commissioner of the Trust Territory of the Pacific Islands on matters pertaining to the administration of the territory.

My colleagues and I were chosen by the people of the Marshall Islands to convey to you their greetings and to represent them in their sentiments regarding the two vitally important bills having been brought by the Administration before the United States Senate for deliberation and consideration. They are H.R. 3198 relative to promotion of economic and social development of the Trust Territory, and H.R. 1988, which provides for compensation and settlement of Rongelapese injury claims. . .

I am happy to state also that House of Representatives 1988 has been reviewed and received with gratitude. The Rongelapese claimants have asked me to deliver to you their acceptance of said bill with an earnest plea for its adoption by the United States Congress.

Mr. Chairman, on behalf of my colleagues may I take this opportunity to extend to you all our sincere appreciation and gratitude for this privilege given us to convey to you the wishes of the Marshallese people.

I will be most pleased to answer any questions which the committee may want to ask.

Thank you, sir.

Senator Church: Thank you very much. Doctor, do you have a statement that you would like to make before we proceed with questions?

Mr. Anjain: No, sir.

Senator Church: Senator Walters?

Senator Walters: How many people are located on this one island that you are talking about here?

Senator Church: Rongelap. What is the population on Rongelap Island, approximately?

Mr. Kabua: Approximately at the present time it is about 180 people.

Senator Church: These were, you will recall, Senator, the people that were exposed to some radioactive fall-out some years ago and the purpose of the bill is to confer damages for the physical effects of that fall-out.

Senator Walters: Did any of them die as a result of this?

Mr. Kabua: Well, according to the report by the Administration, sir, no one has died of the effects from the fall-out. They died of other causes, but not directly because of the fall-out.

Senator Church: Many were sick for an extended period and there were evidences of burns, as I understand it, and loss of hair and this kind of thing, but the full extent of the injury has not been finally determined by the medical people. Is that not correct?

Mr. Kabua: That is correct, sir.

Senator Church: We have a medical survey of the situation, the latest one is published in January 1963, Senator, of the medical effects of the fall-out.

Senator Nelson: In this bill, Mr. Chairman, I have not glanced at it, the one we are talking about provides for an allocation of compensation to individuals directly?

Senator Church: We have the bills passed originally which would establish a trust whereby the funds would be administered by the Secretary of the Interior through the Department, and we have a substitute

proposal which would authorize the direct payment of \$11,000 to each person entitled to such a payment and without further control by the Secretary; that is, it would eliminate the trust fund provision and make direct payment to each individual entitled.

We would like to have your opinion, gentlemen, on a direct distribution of the money as opposed to the establishment of a trust fund to be administered by the Government.

Mr. Kabua: Well, Mr. Chairman, I think the wishes of the people are that they want to receive the money directly rather than have it in a trust fund administered by this--

Senator Church: Well, gentlemen, we are hopeful to move this legislation along. There has been considerable delay but your testimony will be most helpful to us.

Senator Nelson: Is this an equal payment of \$11,000 to each claimant?

Senator Walters: I think that is right; that is the way I read the bill.

Senator Church: Yes, that is my understanding.

If this bill were passed and the per capita distribution were made of \$11,000, in your judgement would this be regarded as a satisfactory settlement insofar as these people are concerned preferable to any court action or anything of that kind that might be undertaken in lieu of a bill of this sort?

Mr. Kabua: Yes, Sir, I think other than getting to the court action this would be most satisfactory to the people.

Senator Church: Do you think that there is any likelihood that if this bill is passed that we will be faced at some later date with further claims?

Mr. Kabua: Are you referring, sir, to the same set of people?

Senator Church: The same people.

Mr. Kabua: No, sir; definitely not.

Senator Nelson: Did the people who were injured and who are beneficiaries under this bill meet as a group and agree that this was a satisfactory settlement?

Mr. Kabua: Yes. This is a very--when I say close society, it is not open, but everybody knows everybody there, and every big move they meet altogether and they decide.

This particular bill only affects the 30 people that were injured, but the other people usually sit and advise them because it is a small community on that island.

Senator Nelson: But all of the injured did meet and discuss this bill and agree that it was a satisfactory settlement?

Mr. Kabua: Yes, sir; before we made the trip to the United States the Navy flew us down to Rongelap, Dr. Anjain and I, and we held a meeting with the people there.

Senator Nelson: You are satisfied they understood everything in this bill?

Mr. Kabua: Well, in general they understand the intent of the bill, that the United States is considering making or paying compensation for the injuries by the nuclear bomb fall-out in the amount of \$950,000.

Senator Nelson: Do the individual recipients understand the value, all of them, of that \$11,000?

Mr. Kabua: I am sure they do sir.

Other Kinds and Forms of Compensation

As has been noted elsewhere in places in this report, the people of Rongelap and Utirik received other kinds of "compensation" during their removal from their islands. The Rongelapese and Utirikese were housed and fed on Kwajalein, received copra payments, and eventually received payment for loss of personal possessions. The Rongelapese had new dwellings built on Aijit, and continued to receive a copra payment, a payment for food, and cast off clothing (most of which was for men, much to the distress of the women from Rongelap).

Before returning to Rongelap, the AEC contracted with Holmes and Narver and constructed at a cost of about \$300,000 new buildings on Rongelap. The people were also given pigs and chickens to replace those which either died or were taken by the AEC and used in medical experiments, as well as some imported food and by one report, a 16-foot boat upon departure of the team which returned them to the island.

DISCUSSION

Other Incidents

One of the great ironies with which mankind is faced is the fact that what is usually conceded as the greatest strength of a thing, or a person, or a plan, is also coincidentally its greatest weakness.

For example, computers are noted for their great efficiency -- yet their greatest "weakness" in the eyes of many people is that they lack human qualities. In pure physical terms a diamond is one of the most durable minerals known, yet it can be shattered into uselessness with relative ease. The same holds true with the harnessing of the power of the atom. While it can be used to solve many of mankind's problems, it also can create problems through its use.

This is nowhere better demonstrated than the incident of the Bravo shot and the misery which it caused--all in the name of peace and freedom. This double-edged aspect of nuclear energy has been demonstrated time and again by the fear of its uncontrolled use or improper or unsafe use as evidenced by anti-nuclear weapons groups, environmentalists fighting the placement of nuclear reactors, and those opposed to the billions of dollars spent for nuclear weapons research and testing. This fear is a very valid one and acknowledged even by the governments, including the United States, which condone and perpetuate its use. Examples of this concern include such incidents as the crash on January 21, 1968 of a B-52 carrying nuclear warheads in Greenland. This incident excited a

tremendous amount of activity directed toward recovering the fissionable material.

Another incident occurred on January 17, 1966 over Spain, when a KC 135 (a plane used to refuel B-52s) and a B-52 carrying hydrogen warheads collided. As a result of the collision, four nuclear warheads were lost.

One bomb was found in the Mediterranean Sea, and others were located in the Village of Palomares and apparently fissionable material escaped, contaminating the soil around the village. As a result, the United States spent three months scraping off topsoil and loading it into steel drums. The topsoil was then replaced with new soil, and today, 4,879 drums of Spanish soil are stored in South Carolina on U.S. soil. Furthermore, the United States brought back contaminated ice from the Greenland incident.

It is reported that claims paid to the people of Palomares were less than one million dollars, even though the decontamination efforts cost about \$15 million. Furthermore, the Spanish Government withheld a claim for damages for 15-30 years. It is eminently clear that concern by the United States and other countries is of the greatest dimension.

This concern is not only for humanitarian concerns, but also because nuclear "incidents" (the AEC term for accidents) can be extremely costly in terms of money. The law which created the Atomic Energy Commission and amendments to the law provide that the AEC can indemnify any contractor with it for the amount of \$500,000,000 for each incident

within the United States and \$100,000,000 for each incident outside the United States (USCA 42 S 2210 (e)).

An example of the actual cost of such an incident can be found in the AEC publication "Operational Accidents and Radiation Exposure Experience Within the...1943-1970." (Fall, 1971):

"1. FIRE-ROCKY FLATS

Golden, Colorado, May 11, 1969 \$45,000,000. The AEC's costliest fire, and largest property loss incident, occurred at a plant which produces plutonium parts for nuclear weapons..."Financial loss for the damage to building and contents includes the cost of decontamination. There were no lost-time injuries to personnel."

Other incidents ran from \$4 to \$1 million and it was noted that "Few AEC accidents/typically three per year...result in a loss of \$50,000 or more; however, these infrequent occurrences have cumulatively inflicted about 90 percent or more of the aggregate loss suffered to date." The Rocky Flats figure represented 56 percent of the claims up to 1970.

RESPONSIBILITY FOR THE 1954 INCIDENT

For the record, there is no doubt in the mind of the Special Joint Committee that the United States Government was responsible for what has happened to the people of Rongelap and Utirik. This was clearly spelled out in its previous report to the Congress of Micronesia in 1973. There also is no question in the minds of the people of

Utirik and Rongelap themselves. House Resolution 1988 states that the "Congress hereby assumes compassionate responsibility to compensate inhabitants in the Rongelap Atoll...for radiation exposures sustained by them as a result" of the 1954 incident. In section four of the act (78 Stat. 598) it states that "A 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."

As the Committee interprets "compassionate responsibility" not to mean "direct responsibility" or "direct liability" for the incident, but rather a humanitarian responsibility to "compensate" rather than an admission of direct responsibility for the incident itself. Despite this "compassion" shown by the U.S. Government, however, it is noted that payment of a claim would supposedly free it from further claim by the affected inhabitants. The Committee notes that this act does not include claims by or on behalf of the children of the "inhabitants" nor does it include the people of Utirik.

The Committee believes that the provisions of the law become invalid in consideration of events which subsequently took place after payment of "compassionate compensation" was made. The case of thyroid disorders, the fatal case of leukemia, and the uncertain future of the health of these people are facts which all belie the attempt to prohibit future claims. Furthermore, the Committee notes that while the language of the law attempts to be final with respect to future claims, that the compensation is for "radiation exposures," to inhabitants and not for

radiation illnesses to the people or exposure of the islands and waters of Rongelap.

AREAS OF COMPENSATION

The Committee believes that there are two areas in which it is supremely evident that illness was directly caused by exposure to radiation and which merit compensation. These are: those who have developed thyroid abnormalities and who have been treated for them either through medication or surgery and the death of Leko Anjain from leukemia.

There are also other areas in the category of illness, and in the area of exposure which merit compensation, even though direct causal relationships between exposure and damage may not be clear. These include temporary sterility, miscarriages, and life shortening and certain psychological effects, and also exposure of lands and waters, flora and fauna, (Copra) With regard to the latter category of compensation it, may be asserted by some--scientists for example--that it cannot be proven that "damage" was done to trees, animals, etc., by exposure, except perhaps in the case of the coconut crabs on Rongelap, which were not damages, but rather denied to the people of Rongelap because of the high concentrations of SR 90 and CS 137 which they contain.

The Committee is all too aware of the difficulty--even perhaps impossibility--of "proving" that damage was, indeed, done. However, it recalls the phrase from its last report (p. 41) concerning the giving of radioactive materials to patients that the "prudent assumption" is that "all ionizing radiation to the patient is harmful". Consequently,

the Committee position that whether or not "damage" can be proven is irrelevant, since it is a fact that exposure occurred, and that since exposure to radiation is harmful, then it is highly probable that damage did indeed occur. Therefore the assumption of the Committee is that exposure itself--which is well documented--is basis, or grounds enough for compensation and that damage as such need not necessarily be proven.

Psychological Effects of the 1954 Incident.

During the annual examination by Dr. Conard in March 1973, the Committee passed out questionnaires to the Rongelapese and Utirikese living on Majuro, Ebeye, Rongelap and Utirik. These questionnaires and the results they yielded should not be assumed to be scientifically accurate, or statistically significant. The results are valuable, however, for they confirm certain general impressions received by the Committee from the Rongelapese and Utirikese. Of 35 exposed Rongelapese people who filled out questionnaires, 23 said they did not understand what had happened and 26 said that no one explained the incident to them. When asked if they felt sick after returning to their island 30 people responded in the affirmative.

Eleven women gave a positive reply to the question "Did you ever have a baby or babies born dead or born with something wrong after the bomb," and 19 women said they knew of other women who had such problems. The question was asked if they knew of anyone that they thought had died from the bomb and 24 responded "yes", listing the following people: Leko, Jenwor Anjain, Hiroshi Kelminli, Leko Hiroshi, Jerlan, Jekkein,

Ikuak, Wetak, Marta, Lisa, Froji, Jenit, Kija, Likuak, Katae, Lukma, and Bekire. Of the 35 people, seven had had operations on their thyroids and six of these seven noted that they felt sick after the operation. Of the 35, 20 stated that they generally have poor health. To the question of "When you get sick, what do you think about?" Some 31 people answered "the bomb" and 28 people felt they should have received more money for their sicknesses and the deaths of the people.

Again, 31 people responded with a "yes" when answering the question of they worried about getting sick from the bomb in the future and when asked to classify in terms of frequency of their worry, 18 said "All the time", three said "a lot" and 12 said "sometimes." Thirty-one said that they knew other people that worried about the bomb and 30 said that they "felt about the same."

Furthermore, 26 people said that they worried that their children might get sick from the bomb. Of extreme interest to the Committee and, to Dr. Conard and the AEC, 34 people of the 35 said that they were still afraid to eat all local food because of the bomb. When asked if they had had property or other things damaged by the fallout, the following items by people, the number of which follows the items, were listed: land 18, crabs 8, pandanus 11, arrowroot 13, chickens 20, papaya 11, breadfruit 15, and trees 17. Some 29 people said that they were still afraid to live on their island; 24 people said this was because of the contamination.

Thirty people of the 35 stated that they thought they did not receive enough compensation for copra and 28 people felt that they should

receive additional money from the AEC. When asked if there was anything else they wanted to tell the Committee, the respondents requested the following: free transportation to hospitals; food during the examination; their old houses should be rehabilitated or new ones built; new water catchments should be constructed; compensation should be settled and compensation should be given for pigs, land, and medical examinations.

Some 68 people from Utirik filled out questionnaires and their answers-- despite their different exposure--generally followed that pattern of the Rongelapese. For example, to the question "When you get sick, what do you think about?" 54 of the 68 responded "the bomb," and when asked if they knew of someone who died as a result of the bomb, 42 people answered with the following names: Bila, Nili, Sarah, Obet, Anexsay, Liblilla, Neila, Marg, Navmi, Arbella, Tien, Anjain, Higishi and Lekoj. The question if they knew of people who got sick from the bomb included the name of Nellie, who, according to Dr. Conard did not receive her thyroid cancer from fallout. Furthermore, many of the names of people who were listed as sick from the bomb, also were included in those who died from the bomb. Lastly, some 82 Rongelapese and Utirikese not exposed to the bomb filled out questionnaires, and their answers follow those of the exposed people with regard to many areas. Fifty unexposed people claim that they felt sick after returning to their island, 41 people think of the bomb when they get sick, 59 worry about getting sick in the future, and 63 worry that their children might get sick from the bomb in the future. An amazing 72 people of 82 said

that they were still afraid to eat local food, 52 were still afraid to live on the island because of the contamination 20 years ago and 67 stated they believed that they should get more money from the AEC for such things as damage to land, trees, crops, and so forth.

Because of the nature of the responses to the questionnaire prepared by the Committee it appears to be several well-documented lasting effects of the original exposure 20 years ago to fallout. In the area of their exposure experience, it is clear that they did not understand what had happened and that the lack of information which has prevailed, has caused the people to conclude that when a person gets sick, it was from the fallout, and furthermore, that any person who has died since the fallout, died as a result of the fallout. It is also clear that the people do worry quite a lot as a result of their experience, not only for themselves, but also for their children.

The people also believe that they have received inadequate compensation in the past and look forward to additional compensation in the future, not only for illness, but for a whole spectrum of complaints. What is perhaps the most interesting fact is that the exposed and unexposed alike are still afraid to eat local food or live on their islands. It is as though the fear of illness from contamination persists in their minds like the residual radiation which still exists in the food chains and ecology of the islands.

COMPENSATION--LESS OR MORE DEPENDENCE AND DISRUPTION

In considering the case for compensation for the people of Rongelap and Utirik, the Committee is aware of a fundamental concern. This concern is similar to the one which it entertains with respect to increased medical attention to the people of Rongelap and Utirik. Not only would more frequent and more comprehensive examinations cause more disruption of the island, but more frequent attention may also have a negative effect by making the people worry more about their future health.

In a similar fashion, compensation, while it may have its salutary affects, may also have its negative influences. In 1972, Dr. William Peck, then Director of Health Services, voiced his concern about the Rongelapese. Dr. Peck had, in 1958, been an observer on Rongelap during a series of nuclear tests. He had also visited the island 10 years later in 1968, after the people had received compensation. He had noted that in 1958 the people still used canoes, and appeared to be pretty much self-sufficient, but in 1968 he saw no more canoes and only broken down outboard engines which apparently the people had purchased with their compensation. While their compensation may have contributed to this decline in self-reliance (and for the record, the Committee has noted that there are many sailing canoes still in use by the people on Utirik who received no compensation)--the same could also be said for many islands in Micronesia during the same ten-year period. It is obvious that the shift from the use of canoes to outboard motors was a general one and it is still taking place.

The question which the Committee has considered is what kind and what amount of compensation can be given to the people which will be adequate and satisfactory to them, and at the same time will not make them more dependent upon such outside aid. Regular monthly payments, like the Japanese receive for example, would make the people severely dependent upon compensation. On the other hand, some may even argue that no large lump amount of compensation should be given to the people for they will not spend it wisely. After considerable debate and discussion in which many alternatives were explored, the Committee made the following conclusions with regard to compensation. First, fiscal responsibility--the manner in which the people use such compensation received--is not a matter of concern for the Committee; furthermore, placing some sort of restraint or limitation on compensation based upon the pre-supposition that the money will not be used wisely is not warranted. During the visits and talks with the people, it was learned that many of the people no longer had any money left from the original \$10,000--however, it did find persons who said that they still had some of the money in the bank, which, considering that it was almost 20 years from the original compensation, shows a fair amount of fiscal restraint. In short, what the people do with the money is up to them.

During its investigations, the Committee heard many times that compensation should be placed in a trust fund. The Committee has considered this possibility with the reminder that the Bikini and Eniwetok Trust Funds have been inadequate, and inadequately managed.

Consequently, the Committee was faced with these aspects, as well as

how to compensate many individuals for their exposure, later illnesses, and also for their land, trees, the waters of the lagoon and its marine life. The conclusions in this report will spell out how the committee feels that all of these can be done with, hopefully, satisfaction to all parties involved.

CONCLUSION

Basis for Compensation

At the outset, the Committee wishes to note that unlike the Japanese in Hiroshima and Nagasaki who along with their countrymen were at war with the United States, and unlike the Japanese fisherman on the Lucky Dragon whose presence in Micronesia was unknown, the people of Rongelap and Utirik were innocent victims of error and negligence on the part of the United States.

This is further compounded by the fact that the United States was acting as a trustee at the time of the incident, a trustee which was charged with a "sacred trust" and to promote the political, economic, social and educational advancement of the people of Micronesia and to also protect their lands, their health and foster their general welfare. The Rongelapese and Utirikese were not belligerents in a war and unlike the participants in the test series, they were uninformed, unadvised, unprepared innocent bystanders who were injured and affected as a result of the pursuit of certain national policies and programs by the United States Government. Additionally, in considering the amount of compensation due these people, the Committee discards the kind of reasoning used as a basis for war claims, i.e., the economic value of a human life, or the economic impairment or loss suffered by injury and medical treatment. Many factors other than the economy of Micronesia or potential earning power of an individual must be taken into account. In terms of personal injuries, these factors are: pain and suffering-including future pain and suffering, ill health or disability, loss of enjoyment (loss of potency, ability to bear children), possible shortening of life expectancy, miscarriages, still births and births of deformed children, loss of hair

and disfiguration, mental distress, and anguish or suffering-- including the fear of returning and staying on Rongelap and Utirik. In terms of property damage, consideration must be given to temporary or permanent damage to real property, damages to trees, crops, fish, etc; loss of use of property (including the atolls of Rongelap and Utirik), and loss of profits due to loss of use of real or personal property.

The Committee holds that the United States Government was negligent and that this negligence resulted in the people being exposed to radioactive fallout and that the fallout was the proximate or sole cause of the injuries to the people of Rongelap and Utirik and to their properties. Furthermore, the Committee notes that additional tests were carried out after the people were returned and that they were further exposed to additional radiation which may have aggravated their condition.

Compensation

The Committee thus recommends the following kinds and amounts of compensation.

For the death of Lekoj Anjain, the Committee recommends that the amounts of \$50,000 be paid each to his real mother and father and that this money be disposed of in accordance with their wishes.

For those people who have had thyroid operations because of radiation-induced disease, the Committee recommends that the sum of \$25,000 each be paid to the persons affected.

For the people of Utirik who were displaced from their island for three months, the Committee recommends the payment of \$1,000 each as an "inconvenience payment" to supplement the amount of \$116 offered by the Atomic Energy Commission.

For all other damages and injuries, of persons and of properties, past and future, the Committee recommends the following: a fund of indeterminate life in the amount of \$25,000 per annum for the Rongelap Atoll and a fund of indeterminate life in the amount of \$25,000 for Utirik Atoll be established as in addition to, but part of, the annual Grant Fund Appropriations from the United States Congress. This money will be used to fund community projects on the atolls of Rongelap and Utirik as voted and determined by the municipal councils of the islands. Provision shall be made to replenish in the succeeding fiscal year from the annual grant fund appropriations, any amount which has been expended or obligated from the preceding fiscal year, in order that the amount available at the beginning of each fiscal year will be \$25,000. It is felt by the Committee that such a fund will help to compensate the people for their personal physical and proprietary losses or damages which they have actually suffered, and also for those damages which cannot be specifically determined; it is also designed to help promote self-sufficiency, rather than more dependence as might be possibly encouraged by monthly or other periodic payments of small sums of money; it is further designed to encourage those Rongelapese and Utirikese who have emmigrated from their islands to district centers and other areas in search of employment, to return to their homes.

RECOMMENDATIONS

In light of the above, the Committee recommends that;

1. The United States Congress authorize and appropriate money to pay compensation to the Rongelapese who have had operations for radiation-

induced thyroid disorders, for the death of Leko Anjain, for additional "inconvenience" payments to the people of Utirik, and for the two \$25,000 funds as described previously. This legislation shall be open-ended and a procedure shall be established whereby payments can be provided to those additional persons who may develop illnesses in the future after the individual compensation recommended in this report is paid.

2. The Trust Territory Government, in conjunction with the United States Congress shall establish within the annual grant fund appropriations, funds as described above. The money for these two \$25,000 funds shall not come out of the normal budgetary ceiling for the civil administration of the Trust Territory of the Pacific Islands, but shall be in addition to such ceiling/s/ and no part of the funds shall be subject to transfer to another account or project by the High Commissioner, or any other government official. Furthermore, there shall be no limit of time that this fund shall be available annually shall be subject to amendment according to the needs of the people and economic effects including, but not limited to, inflation.

3. Should the United States Government fail or prove unwilling to follow these specific guidelines for compensation, the Committee recommends that the people of Rongelap and Utirik engage legal counsel, such as that offered by the Micronesian Legal Services Corporation, and that this legal counsel file a class action suit against the United States Government to recover the amounts suggested by the Committee to be used in the manner suggested by the Committee, or any amounts to be used in any manner as deemed appropriate by the people of Rongelap and Utirik.

4. Because of the persisting concern by the exposed and unexposed people of Rongelap and Utirik alike concerning the consumption of all local food on their islands and atolls and concerning living on said islands and atolls, it is strongly recommended that the United States Government sponsor an independent, internationally-staffed radioecological survey of the Rongelap and Utirik Atolls and to present the findings and conclusions in the Marshallese Language to the people of Rongelap and Utirik.

5. Assuming that funds are established for the Rongelap and Utirik Atolls as recommended, it is recommended that agencies of the Trust Territory Government including, but not limited to, the Divisions of Community Development, Marine Resources, and Agriculture give technical and such other advice as may be necessary and proper to the people of Rongelap and Utirik in utilizing money from these funds to the best possible community purposes.

6. It is recommended that the Special Joint Committee continue to assist the people of Rongelap and Utirik by providing information to them concerning its recommendations and concerning the exposure of the people and of the two atolls and damages caused thereto, for the express purpose of forwarding this information or assisting in any way possible such legal counsel as the people may engage should events warrant legal proceedings. The Committee shall also assist the Marshall Islands District Government, including the Nitijela, in taking greater role in handling future claims or complaints of the people of Rongelap and Utirik.

APPENDIX NO. I

In the 1973 report on Medical Aspects of the March 1, 1954 incident, the Special Joint Committee made certain recommendations. what follows is a listing of those recommendations and what action--or lack of action--has taken place. This material has also been included in a summary of that past report which has been translated into the Marshallese language, to better inform the people of Utirik and Rongelap of what the Committee has suggested and what has been done.

United Nations

The Committee recommended that a committee of the United Nations which works with scientific matters issue an annual report on such exposed people as the people of the Marshalls, the Americans and the Japanese. Also that scientific meetings on this subject be held, which was recommended by Dr. Kumatori. The Joint Committee has forwarded this recommendation to the United Nations, but has not had an answer.

Atomic Energy Commission

1. The Committee recommended that the AEC find another doctor to replace Dr. Knudsen. We made this recommendation both to insure better care for the people of Rongelap and Utirik, and also to help take some of the worry away from their minds because they would know that medical assistance would be available to them when the doctor comes on the field trip ship. The AEC and Dr. Conard, and Dr. Kumagai of the Trust Territory have all promised to find another doctor when Dr. Knudsen leaves Micronesia.

2. The Committee also recommended, because two doctors, Dr. Kumatori and Dr. Cole from the United States also recommended it, that a hospital ship should visit the islands regularly.

We understand from Dr. Conard that the Army will make available a ICU for surveys of Rongelap and Utirik for the 1974 examination, and also for other trips to Rongelap and Utirik during the year.

3. We recommended that the AEC provide extra money to the Trust Territory for any extra rooms or equipment for the Majuro and Ebeye hospitals.

We have found that this is not necessary and that the AEC has provided a new trailer at the Majuro hospital which will help with the examinations.

4. We recommended that the AEC give Dr. Conard more money to help make his annual examinations.

Dr. Conard has replied that he has enough money, however, it looks like because of extra examinations and for other reasons, that the AEC will be spending more money for the surveys.

Dr. Conard and Brookhaven National Laboratory

We recommended that:

1. The BNL team should ask permission to conduct the survey, and not simply come without being invited.

We understand that Dr. Conard has in the past written to the people of Utirik and Rongelap explaining about their examinations and indicating that they will come again.

2. Dr. Conard should ask to have island meetings to explain results from the last examination and to answer questions.

Dr. Conard has advised us this will be done.

3. During such a meeting Dr. Conard should ask if the people want to have a party. We believe that the people might perhaps like to contribute local food, if Dr. Conard brings such things as chicken and pigs so that there will be enough food for everyone.

Dr. Conard said that this will be done.

4. We recommended that Dr. Conard study carefully the recommendations made by the four Doctors, Kumatori, Ezaki, Pochin, and Cole.

Dr. Conard has done this and may conduct a special study recommended by one of the doctors.

5. We recommended that Dr. Conard give each person examined a written statement in Marshallese of their general findings.

This has been done.

Trust Territory Government

1. We recommended that the Trust Territory Government build on municipal land, in Utirik after talking with the people, a dispensary and other dual purpose buildings such as classrooms, which will enable the medical team to house all of its equipment and people, and also in which to make examinations. The cost should be paid by the AEC.

Nothing has been done on this and the Committee will follow up.

2. We recommended that the old tower on Utirik, because it is very old, be taken down by the Trust Territory if the people want this done. The Committee was afraid that in a strong wind, the tower might fall down and hurt someone. Nothing has been done.

If the people want this done, they should tell the district government at Majuro.

3. We recommended that the AEC, and Dr. Conard, and the Trust Territory and the Joint Committee all work together to make an educational program in Marshallese which will help the people understand what had happened to them.

We understand that this has been done and that Brookhaven is paying the cost of printing this program in a book.

4. We recommended that the Trust Territory will provide certain benefits to the people of Rongelap and Utirik if the Congress of Micronesia passes a law for this purposes.

This has been done.

5. We recommended that the ENL and the AEC help give extra training to the health aides on Rongelap and Utirik and that a monthly report be sent in by ship or radio on the health of the people.

Nothing has been done about extra training--but there will be extra visits by Dr. Knudsen, and his replacement. We understand that the monthly reports will be sent in and that this is standard practice.

6. We recommended that the Division of Community Development try to help the people of Utirik and Rongelap with assistance in agriculture, fisheries, and handicraft because we noted, especially on Rongelap, that many of the young people have left the island and the older people have little money.

Nothing has been done and we will follow up on this.

The Congress of Micronesia

1. We recommended that the Congress of Micronesia pass a law which will provide benefits such as free transportation, per diem and health care for exposed and control persons from Utirik and Rongelap.

This has been done.

2. We recommended that the Congress, working with the Department of Health Services and Dr. Conard, make a book for each control and exposed person which could be used as identification when the people go into Majuro or Ebeye for examination.

This has been changed. We have asked Dr. Conard to make identification cards, with the picture of each person on it instead of books.

3. We recommended that our committee write a summary of our report and that it be printed in the Marshallese language.

This has been done and that is what you are reading now.

4. We recommended that this Committee continue to go with Dr. Conard on the annual examinations to see that our recommendations are followed. Also, we recommended that the Nitijela send along representatives.

The Committee has gone on two surveys and will go on the one this year (1974). We have written to the Nitijela asking that they also send someone, however, this may be difficult because the Nitijela meets at the same time as the survey.

5. The Committee recommended that its life be extended by the Congress until 1975.

This has been done. The Committee will exist until March 31, 1975.

The people of Rongelap and Utirik

1. We recommended that the people of Rongelap and Utirik form Fallout Survivors Councils. This a common practice in Japan. The Committee felt that such groups like these might be better able to express their concerns or work for corrections or changes from the District Government, the Trust Territory, the AEC, and Dr. Conard, by forming such groups. The people of Rongelap have done this and the Committee is very happy about it. They have already sent letters with questions to Dr. Conard, and he has answered the questions. However, the people of Utirik have not done this yet.

Other Recommendations and Actions Which Have Taken Place Since the Report was written

1. The Committee recommended that the AEC send a representative along

on the 1974 survey, so the people can make their request to the AEC.

We have heard from the AEC and Dr. Conard that this will be done.

2. We have recommended that the AEC supply the money for Public Law 5-52 which provides benefits to the people of Rongelap and Utirik.

We understand that this will be done and that the AEC will provide \$20,000 the first year.

3. The Committee has recommended that the \$16,000 inconvenience money for the people of Utirik which was promised by the AEC in 1970 be given to the people. This money would be given with the understanding that there would be "no strings attached," that if the people received this money it did not mean that they could not receive more money later if it was recommended by the people or by the Committee.

We understand that the AEC is ready to provide \$18,212 for the 157 people of Utirik who were originally exposed. This represents \$116.00 per person. There will be no release of liability for the AEC or the U.S. Government if the people take this money. The only problem to be solved now, is who is to receive the money for a person who has died.

4. The Committee also advised the AEC that it would be a good idea to fully explain to the people of Bikini and Eniwetok about radiation before those people are returned to their islands.

The AEC has said that it will do this.

5. The Committee also recommended that a survey of soil, plants, fish and so on be done during the 1974 survey.

Dr. Conard said that this would be done.

Conclusion

The Committee is very pleased that almost all of its recommendations have been carried out, including those to the AEC, Dr. Conard, the Trust

Territory, the Congress, and the people of Rongelap and Utirik. The Committee believes that in the future there will be less problems and less misunderstanding between the people and Dr. Conard, the AEC, and the Trust Territory. The Committee also wishes to point out something. We have recommended to Dr. Conard, because of the death of Leko J Anjain, that the people receive a special examination for their blood six months after the annual survey.

The Committee has made other recommendations which will mean that the people will see a doctor come to their island more often. The people of Rongelap and Utirik must realize that this work is being carried out for their benefit. However, problems which comes from this extra attention are: 1) the people are bothered more often from these examinations and visits, in other words, their normal way of life will become more and more upset, and 2) because of the extra attention, the people may worry more about getting sick. However, the Committee feels that the people should not complain about the extra attention and the disruption because they have asked for more attention and this attention will help them keep healthy. Furthermore they should not worry more about getting sick, but should worry less, because they are receiving more attention. This same problem will also be discussed in the Committee's next report on compensation.

In summary, the Committee is generally pleased that the recommendations--many of them which have come from the people themselves--have been followed through and have been done. We hope that this work of the Committee will help the people of Rongelap and Utirik feel better about their future in the years to come.

APPENDIX NO. II

In the past report on medical aspects, the Committee deferred conclusions regarding certain information until it had received further further material from Dr. Conard. Below are listed the page numbers on which the questionable areas appeared in the past report and the Committee's determination.

p. 105. It was noted that no germ cell studies had been made on the affected Rongelapese. Dr. Conard's reply calls attention to the fact that such studies involve certain steps which might prove personally objectionable to Marshallese custom.

p. 116. Over 100 questions were submitted to Dr. Conard and comprehensive answers were supplied to the Committee.

p. 145. The passage about medical treatment of the Rongelapese has been satisfactorily answered.

p. 147 This part of the report dealt with what appears to be an instance of the people being used as "guinea pigs" in an immunological response to tetanus toxoid. Dr. Conard has responded that this was due to an immunization program which was being carried out for all people of the Marshalls at that time.

p. 148. Here it is indicated that during an operation for removal of a thyroid, a parathyroid was accidentally removed.

Treatment

11/12-p. 97--In the hospital summary of surgery on case no. 21, it is indicated that the parathyroid, along with the thyroid gland, was unintentionally removed, and that the patient is on medication to correct this.

Question: Was the patient informed of this accidental removal? Was this incident a factor in having future patients transported to the mainland in order that experts in thyroid surgery such as Dr. Colcock might operate?

A: During thyroidectomy inadvertent removal of one or more of the parathyroid glands is not an infrequent occurrence even with the best thyroid surgeons. The patient referred to was informed about the removal of the thyroid and parathyroid glands and impressed with the need for strict treatment regimen. The subsequent transfer of Marshallese thyroid patients to the U.S. centers was done to insure more specialized examinations and treatment.

APPENDIX NO. III



BROOKHAVEN NATIONAL LABORATORY

ASSOCIATED UNIVERSITIES, INC., UPTON, L.I., N.Y. 11973

MEDICAL DEPARTMENT

TELEPHONE: (516) 345- 3577

May 18, 1973

Senator Olympio T. Borja, Chairman
Special Joint Committee on
Rongelap and Utirik Atolls,
Congress of Micronesia
Saipan, Mariana Islands 96950

Dear Senator Borja:

The following comments concern your Special Committee's Report on Rongelap and Utirik.

The report is well written and the Committee is to be commended on the vast amount of work that went into compiling such a comprehensive document. The reports of the observers were most gratifying to us, particularly such statements as in the final paragraph of Dr. Ezaki's report. Generally, the report of the Committee appeared to be favorable to the medical examinations. It appeared to me, however, that some of the statements made that are critical of the medical examinations are at variance with those made by the medical observers. Some comments I do not feel to be justified and some are in error. While some of these criticisms are probably due to lack of understanding of medical procedures by the Committee, I thought you would like to have them brought to your attention, in the interest of accuracy.

One area concerned the inference that our medical reports were colored by AEC influence. This seemed to be based on some degree of conservatism in the reports. Most of the doctors who have participated in the examinations are prominent in the field of medical research and because of this, are justifiably cautious about drawing conclusions concerning results and hazards without adequate statistical proof. With regard to hazard evaluation, guidelines have been derived largely from the "International Commission on Radiological Protection" (not from AEC).

May I point out again that members of the medical examining teams are highly capable and noted physicians from private institutions. They do not work for the AEC nor for other government agencies. They are picked for their special medical knowledge and expertise, and often go on the survey at considerable personal sacrifice.

Another area of criticism that I do not believe justified concerned the fact that at times our scientific curiosity was placed before "immediate need of the people". The example was presented that no prophylactic antibiotics were used in the treatment of early blood cell depression in the Rongelap people since it would obscure medical findings. It should be pointed

out that this decision had nothing to do with scientific curiosity, but was the considered opinion that it was the best management. Another example concerned the delay in starting thyroid treatment in the retarded children, as related to scientific curiosity. It is a statement of fact that the early growth retardation in the children was not recognized as being related to thyroid injury until abnormality of that gland was noted. Treatment was instituted as soon as this fact was apparent. It should be realized that there was no reason for the doctors at first to suspect that the hormone levels in the Marshallese were in error, since at that time it was not known that the plasma of the Micronesian people had abnormal levels of blood proteins which masked true thyroid hormone levels. If the specific laboratory methods for evaluation of thyroid status which are available today had been available at that time, hormonal deficiency could undoubtedly have been recognized and treatment in the children started earlier.

I believe that the criticism of certain other procedures such as use of tetanus toxoid, fertility test, etc. have been adequately commented upon in our answers to your questions which we recently submitted to you.

I believe the Committee and observers were justified in their criticism in the area of communication and education of the people about the examinations. We realize that we have not been able to get the people to understand fully the nature of the radiation effects, the need for the continued examinations, the need for rationale of treatment used, etc. Also, we have failed to get the unexposed Rongelap people in the comparison population to understand the importance of their contribution in the examinations of their exposed brethren. We will make every effort to follow the Committee's recommendations by attempting in each case examined to: 1) verbally explain our findings at the finish of the examination; 2) and later submit a written statement in Marshallese to the individual about the results of the examination. In addition, summary copies of examinations will be furnished the home island as well as each district medical center. We will be glad to cooperate with the Trust Territory in educational programs designed to help the people better understand the nature of radiation and its effects. During the surveys we will attempt to observe carefully aspects of Marshallese culture in relation with our dealings with the people.

I am in complete accord with the recommendation that services of a physician be provided in the Marshalls to give special medical care to the Rongelap and Utirik people. If Dr. Knudsen, who has been doing an excellent job, cannot be persuaded to stay on, he should be replaced, if at all possible. Due to transportation difficulties in the Marshalls, the recommendation concerning procurement of a medical ship to implement the travel of such a physician to the outer islands is deemed highly desirable.

Dr. Kumatori's suggestion that further cytogenetic studies be done on the Marshallese in order to detect late effects of radiation will be duly considered. I am in agreement with his suggestion that the United Nations sponsor an international scientific meeting on the effects of radiation on exposed populations. Perhaps the World Health Organization might better sponsor such a meeting.

Senator Olympio T. orja

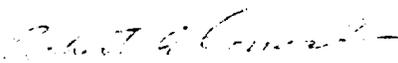
3.

May 18, 1973

With regard to the Committee's recommendation to the AEC concerning new facilities at Ebeye and Majuro for our examinations, it should be stated that at this time the new examination trailers that have been installed by the AEC in conjunction with the hospitals on these islands are deemed adequate for our examinations.

I was most pleased with the excellent speech that you made, Senator Borja, to the people of Rongelap at the time of our 1973 examinations. It was gratifying that you told the people in straightforward manner that according to the reports of the medical observers, the examinations that we were carrying out were good for the people, the treatment that we were giving them was good for them, and that they should cooperate in the future with the examinations. It is with this spirit of mutual understanding that I would like to see us carry on with the examinations, knowing that we have the trust and cooperation of the Marshallese people, as well as the Congress of Micronesia. I am confident that we can work together for the future health and welfare of the people.

Sincerely,



Robert A. Conard, M.D.

mbf

cc: High Commissioner, Trust Territory
Director of Health Services, Trust Territory
Department of the Interior, Washington, D.C.
Director, Div. Biomed. and Environmental Res., AEC
Washington, D.C.
Dr. V.P. Bond, Associate Director, BNL
Dr. E.P. Cronkite, Chairman, Medical Dept., BNL



Medical Research Council

MRC Department of Clinical Research
University College Hospital Medical School
University Street, London WC1E 6JJ

telephone 01 - 387 9300 ext 188

reference

26th March 1973

Dear Senator Borja,

I am most grateful to you for sending me a copy of your Committee's Report to Congress, which I have read with great interest.

I noticed one apparent error in presentation. On page 102 it is noted that "One of the Committee's consultants estimated ... " a 3% increase in radiation, and I take this to refer to my own report which suggests such a figure. If so, I ought to point out that the following sentence is not correct since I neither did state that "such a small amount was not likely to be harmful" nor would consider that there was evidence on which to make such an assertion, except in the strictly limited sense that harmful effects are not "likely" - i.e. would not occur frequently - as a result of low doses or small increments to a given dose.

It is possible however that this second sentence was intended to refer to a different consultant since I see that on page 216 Professor Kumatori's report states that "However, the amount of fallout [due to the following test] was not so much to injure them".

This point clearly requires no formal correction since my statement is evident from my report, but I thought you would wish just to have a note of it.

With best wishes,

Yours sincerely,

E. Eric Poehin.

Senator Olympio T. Borja
Congress of Micronesia
Saipan
Mariana Islands 96950.

APPENDIX NO. IV



UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON, D.C. 20545

Honorable Olympio T. Borja
Chairman, Special Joint Committee
Concerning Rongelap and Utirik
Congress of Micronesia
Saipan, Mariana Islands 96950

Dear Senator Borja:

This is in response to your letter of April 23, 1973, with the enclosed copy of your interesting report. Your committee is to be complimented for its hard work in pursuit of its mission. The following addresses the several matters discussed in your letter.

The Atomic Energy Commission has received a request from Mr. Stanley S. Carpenter of the Department of the Interior on behalf of the High Commissioner of the Trust Territory to enter into an executive agreement relative to Micronesian Public Law No. 5-52. In a response to Mr. Carpenter, I have expressed AEC's interest in discussing with the Department of the Interior the funding by AEC of research-related services as they may be provided under that law. The distribution of funding must take into account the authorized responsibilities of the Trust Territory Government to provide routine medical care in the Pacific Islands and of AEC to conduct research-related activities.

It is my understanding that Dr. Knudsen has provided valuable medical service to the people of Rongelap and Utirik. If Dr. Knudsen does not return to the Marshall Islands District, the AEC has approved recruitment of a replacement for him. In contrast to the large medical manpower pool of the U. S. Public Health Service, AEC and its contractors, including laboratories, employ relatively few physicians and, accordingly, have a limited potential for recruitment of a suitable physician. However, if the recruitment becomes necessary, Dr. Conard, with the assistance of the distinguished physician members of his survey teams, should be able to obtain the services of an interested and qualified physician. You may be assured that AEC will assist Dr. Conard in this matter.

AUG 21 1973

I have been informed by Dr. Conard that, in view of Leko Anjain's death, he will have a special team conduct a hematologic survey during the interim period between the annual surveys. In this way it should be possible to detect any disease-related hematologic abnormalities at an early stage.

Relative to the funding of Dr. Conard's work, the level of AEC financial support has enabled his surveys to include an extensive battery of relevant tests. As need arises for additional procedures or projects, Dr. Conard submits his requests to AEC where they are considered for approval by our staff. In fact, AEC is now considering the acquisition of a vessel to be used by Dr. Knudsen and the medical survey teams as well as by other AEC-sponsored biomedical and radiological groups. Such a vessel would make possible more frequent visits to Rongelap and Utirik atolls.

With respect to the concern of the people over eating certain foods, only one food item, the coconut crab, was restricted in the past, and that restriction was liberalized for Rongelap recently. It is unfortunate that the population has been fearful of eating other foods which have been considered safe for consumption. Repeated reassurance is probably the most effective means of combating this fear. Your committee and other respected Micronesian citizens are probably best able to assure the inhabitants of the islands of the safety of those foods. Dr. Conard has informed us that he and members of his scientific team will contribute their scientific expertise in support of this important educational program.

I have brought to the attention of AEC personnel who conduct radiological surveys in the Marshall Islands your suggestion concerning another radiological survey of Rongelap and Utirik and a subsequent report on the survey to be written in the Marshallese language. You undoubtedly are aware that AEC surveyed Bikini Atoll at various times from 1967 to 1972, and recently conducted a survey of Eniwetok Atoll from October 1972 to February 1973. At present, the extensive data accumulated during this latest survey are being analyzed. It is our wish to have the Eniwetok people fully informed of the results of the survey in order that they may participate in a knowledgeable manner in the decisions and planning for their return to the Eniwetok Atoll. We are in fact taking the necessary action to have the essential results of this survey made available in the Marshallese language.

AUG 21 1973

Your information as to the relationship of Dr. Conard and the Brookhaven team to AEC is correct. Dr. Conard is neither an employee nor an official representative of AEC. In view of the desire of the inhabitants of the Islands to communicate with an AEC representative, I will suggest that either Mr. Streenan or another representative accompany Dr. Conard's team during the next medical survey.

With regard to your request for information or advice, please let me reassure you that AEC staff will cooperate with your Special Committee to the extent of their capabilities.

I regret the delay in this reply and trust that I have clarified our position on these matters of mutual interest.

Sincerely,



Clarence E. Larson
Acting Chairman

cc: Mr. S. S. Carpenter, Dept. of Interior
Hon. E. E. Johnston, High Commissioner,
Trust Territory of the Pacific Islands

APPENDIX NO. V

Public Law 88-485
88th Congress, H. R. 1988
August 22, 1964



An Act

78 STAT. 598.

To provide for the settlement of claims of certain residents of the Trust Territory of the Pacific Islands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby assumes compassionate responsibility to compensate inhabitants in the Rongelap Atoll, in the Trust Territory of the Pacific Islands, for radiation exposures sustained by them as a result of a thermonuclear detonation at Bikini Atoll in the Marshall Islands on March 1, 1954.

Rongelap Atoll.
Radiation vic-
tims, compen-
sation.

Sec. 2. There is authorized to be appropriated for such purpose out of the Treasury of the United States the sum of \$950,000 to be expended by the Secretary of the Interior (hereinafter referred to as the "Secretary") in the manner hereinafter provided. After deducting the amount provided for in section 5 hereof, the Secretary shall pay the remainder in equal amounts to each of the affected inhabitants of Rongelap, except that (a) with respect to each such inhabitant who has died before receipt of such payment, the Secretary shall pay such sum to the heirs or legatees of such inhabitant, and (b) with respect to any such inhabitant who is less than twenty-one years of age or who has been adjudged incompetent or insane, payment shall be made, in the discretion of the Secretary, to a parent, relative, other person, or institution for his benefit.

Appropriation)
conditions for
payment.

Sec. 3. The Secretary shall give advice concerning prudent financial management to each person receiving a payment pursuant to this Act, to the end that each such person will have information as to methods of conserving his funds and as to suitable objects for which such funds may be expended.

Sec. 4. A 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.

Sec. 5. The Secretary is authorized to pay reasonable attorney fees for legal services rendered on behalf of the people of Rongelap prior to the date of enactment of this Act. Such fees shall be paid out of the funds authorized to be appropriated in section 2 of this Act, but the total of such fees paid shall not exceed 5 per centum of the appropriated funds.

Attorney fees.

Sec. 6. The decisions of the Secretary in carrying out the provisions of this Act shall be final and not subject to review.

Approved August 22, 1964.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 110 (Comm. on Interior & Insular Affairs).

SENATE REPORT No. 1257 (Comm. on Interior & Insular Affairs).

CONGRESSIONAL RECORD:

Vol. 109 (1963): Apr. 1, considered and passed House.

Vol. 110 (1964): July 31, considered and passed Senate, amended.

Aug. 12, House concurred in Senate amendment.

APPENDIX NO. VI

From Hiroshima City A-Bomb Survivor's Assistance Procedure Code - Promotional Fund for A-Bomb Survivor's Health Examination - Welfare Allowance for Physically Damaged Survivors - Special A-Bomb Survivors Treatment Allowance - Radiation Brain Damage During Pregnancy - Approved Survivor's Funeral Fee - Survivor's Aid Dispatch Fee Issued or Dispatched - Persons under these Categories should apply as follows:

KIND OF ALLOTMENTS	CONTENT
Special Allowance	<p>Approved A-Bomb patient (sickness and illness affected by the A-Bomb, approved by the minister of Welfare as A-Bomb patient) who has the approval of the type of sickness and illness and now continued to be affected will be issued:</p> <ul style="list-style-type: none"> * Amount.....monthly ¥10,000.00 or ¥5,000.00 * Further, on the allowance, approved subject person, wife and dependents who each has below, ¥48,400.00 of tax-deduction on their previous year income will receive a monthly allowance of ¥10,000.00. Person between ¥48,401.00 to ¥54,700.00 will be issued ¥5,000.00 monthly. When exceeding ¥54,700.00, none issued.
Medical Allowance	<p>Approved A-Bomb patient, who is approved by the Minister of Welfare on their sickness and illness and now receiving medical care at a specified medical facility will be issued the following, basing on their hospitalization and out-patient days:</p> <ul style="list-style-type: none"> *Hospitalization only for over 8 days...monthly ¥6,000.00-up to 7 days-monthly ¥4,000.00. *Out-patient only over 3-days...monthly ¥6,000.00-up to 2 days-monthly-¥4,000.00. *Hospitalization and out-patient each over one day...monthly ¥6,000.00. *Further, on the issue, approved A-Bomb subject person, wife and dependents who each had below ¥48,400.00 on their income-tax deduction for the previous year only.
Treatment Allowance	<p>Approved A-Bomb patient and special A-Bomb patients who has been decided by the Minister of Welfare as special illness (person who has difficulty in their living at home and especially limited when living alone) is issued when they have paid their treatment bills under the care of an approved medical doctor.</p> <ul style="list-style-type: none"> *Issuing amount by treatment days: <ul style="list-style-type: none"> Above 20 days ¥10,000.00 (Provided when the actual treatment cost is above the issuing amount, the actual amount is issued.) 10-19 days ¥7,500.00 Up to 9 days ¥5,000.00 *Further, the issue will be limited to the subject A-Bomb survivor, wife and his dependents when their previous year tax-deduction is below ¥48,400.00 each.
Health Management Allowance	<p>Of the special A-Bomb survivors, issued only to persons who have following special illness as specified by the Minister of Welfare</p> <ul style="list-style-type: none"> * 1) Above 55 years old, 2) specified physical illness by the Minister of Welfare (blind, deaf, hand and leg difficulties as specified under the National Retirement Health Benefit of Class 1 and 2, persons who have scars on their faces and others from the A-Bomb, brain-damages from the A-Bomb), 3) matrilineal head of family (semi-matrilineal). * Issuing amount - month ¥4,000.00. * Further, issue will be limited to the subject A-Bomb victim, wife and dependents when their previous year tax-deduction was below ¥48,400.00 each. * It does not apply to persons who are receiving the special allotment.

From the Special Procedure Law established for the Atomic Bomb survivors, special allowance, health management allowance, treatment allowance, medical allowance and funeral fees are allotted, person who falls under this category should apply as follows:

KIND OF ALLOTMENTS	CONTENT
Promotional Fund for A-Bomb Survivor's Health Examination	Will be issued to A-Bomb victims who received their general physical examination the following: * Person who will be issued: 1) According to the Hiroshima City Health Insurance provision where the insurance amount was reduced during the previous year or abolished. 2) According to the Living Protection Law, a protected person. 3) Person who is admitted in an old age home. 4) According to the Emergency Unemployment Law, an approved unemployed. 5) Beside the above examples, person who is categorized un-taxable under the City ordinance for the year including all family members. 6) Issuance of ¥500.00 per person for one time. 7) The number of time issued per person per fiscal year is not more than two (2) times.
Welfare allowance for A-Bomb survivors of physical handicap.	By action of the A-Bomb, person who became a physical handicap. The amount of damage categorized under the physical handicap welfare Law No. 5 as special victims classified as No. 1, No. 2 and No. 3. * Monthly issuance ¥2,000.00. * Limited to A-Bomb victim subject person, wife and dependents who each had below ¥29,200.00 deducted from their previous year income tax.
Additional money over the treatment allowance	Under the Special Procedure Law for persons who are receiving the treatment allotment but the treatment fee have exceeded the allotment will be issued as follows: * Issuing amount when treatment exceeds 20 days or more ¥10,000.00 10-19 days ¥7,500.00 until 9 days ¥5,000.00 (Provided when actual cost is below allotment, the actual amount is issued.)
Treatment fee for serious brain damages from radiation	* Issuing amount for treatment over 15 days ¥5,000.00 Below 15 days ¥2,500.00
Approved A-Bomb Survivors funeral fee	When an approved A-Bomb victim dies, a sum is issued to the person who performs the funeral. * Per death-person the issuing amount ¥10,000.00
Dispatch of aid member to A-Bomb Survivor's family	When an A-Bomb victim cannot conduct his daily living due to physical and spiritual damages, dispatch is made to the A-Bomb families who has difficulties in their daily living: * The scale of dispatch: 1) Due to physical handicap and illness, when the victim cannot conduct his daily living and when no one is available to assist. 2) Low income bracket family, categorized as 3) Assignment, once or more per week.

* Kind of sickness allotment is issued:

- 1) Anemia-interrupted cells (all), 2) liver-function damages (exclude hepatitis and),
- 3) Cancer of serious new growth (all), 4) diabetes, damage to urinal organs, extreme menstrual irregularities, sterile and fallopian tube damages, sterility, spermless male organ damages, 5) bleeding of the brain-meningitis bleeding, 6) high blood pressure and hardening of blood vessels, 7) kidney involvement-uremia,
- 8) leukemia (directly affected persons only).

Funeral Fee

In death of the special A-Bomb survivors, with the exception when not known if the death was caused by A-Bomb affect, a funeral fee will be issued to the person who conducts the ceremony.

* Issue amount ¥16,000.00 per person.

APPENDIX NO. VII



TOP Photo No. 1--Congressman Phillip Burton, (L) Chairman of the Subcommittee on Territorial and Insular Affairs of the U.S. House of Representatives listens to Senator Borja explain the work and recommendations of the Special Joint Committee on Rongelap and Utirik during a trip to Washington, D.C. in June 1973.



BOTTOM Photo No. 2--Staff members of the Brookhaven National Laboratory (BNL) are pictured with Senator Borja during his visit in June 1973 to the facility, located in Long Island, New York. From left to right are: Dr. Robert A. Conard, Associate Attending Physician, Medical Department; Senator Olympio T. Borja, Chairman of the Special Joint Committee; Dr. Victor P. Bond, Associate Director, BNL, and Dr. Eugene P. Cronkite, Chairman of the BNL Medical Department.

APPENDIX NO. VIII

MICRONESIAN INDEPENDENT

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Volume V, Number 6

February 22, 1974

That First Hydrogen Death

ANOTHER MICRONESIAN CLAIM TO FAME

Further remembrances
on the
Lekoj Anjain incident
by Stewart Alsop

The next day I was back in the same room I had occupied more than a year before, when I had first been admitted to NIH. I had lobar pneumonia, and John Glick had hooked me up to the familiar I.V. Two bottles of antibiotics dripped alternately into my veins. This time, I had the privileged bed beside the window, and the bed near the door was occupied by a muscular young man with brown skin, curly black hair, and a huge grin.

His name was odd—Lekoj Anjain. He was, it turned out, from the Marshall Islands. He had been a one-year-old baby in 1954, when we Americans tested our first deliverable hydrogen bomb on Bikini, one of the Marshalls.

As it happened, I knew a good deal about the Bikini bomb. With the help of Dr. Ralph Lapp, an atomic scientist who used to act as my mentor in such matters, I had done a lot of reporting on it. So had brother Joe. As a result Joe and I were the first to describe, in our joint column, the phenomenon of nuclear fallout.

The Bikini bomb was much more powerful than Edward Teller and the other scientists in charge had anticipated. Moreover, it had an unanticipated effect. It churned up great mounds of earth below the explosion point. The earth was turned into light dust by the force of the explosion. This heavily irradiated dust followed the wind patterns until it fell out of the skies. Some of it fell on the *Luck Dragon*, a Japanese trawler more than ninety miles from the explosion point. The members of the crew all suffered

[CONTINUED PAGE NINE]

FIRST HYDROGEN VICTIM...

from radiation sickness, but none of them, so far as is known, died from leukemia.

The fallout also filtered down on others of the Marshall Islands, including the island of Rongelap more than one hundred miles from Bikini. Inhabitants of these islands also took a dose of radiation. Rongelap was Leko's native island.

I am still haunted by a mental image of Leko as a cheerful brown baby playing in the sand under the palm trees of Rongelap, as the sky lit up above him from the great explosion on Bikini, and playing still, feeling no harm, as the dust of the fallout settled around him. The cheerful brown baby was now my roommate, nineteen-year-old Leko, and he had, John Glick told me, a particularly vicious variety of acute myelogenous leukemia.

There was no doubt at all that the bomb and the leukemia were cause and effect. The Nagasaki and Hiroshima bombs had induced leukemia in a good many Japanese. Several inhabitants of the Marshall Islands had developed suspicious lymph nodes as a result of the Bikini test. But Leko was the first case of leukemia from the fallout of a hydrogen bomb test.

The Atomic Energy Commission had flown his father out from Rongelap to be with him. His father was a tough-looking little man, much smaller than Leko. For hours at a time he would sit by Leko's bedside, saying nothing at all. Once in a long while he would reach out and touch Leko's hand, and sometimes Leko would mutter something, in Marshallese, and grin.

Leko spoke hardly any English, so there was not much communication between us. Every morning I would smile, and he would grin back—his teeth were perfect—and I would ask, "How you feel?"

Usually he would reply, "Fine. Fine." But toward the end of the twelve days we spent together, he would be more likely to say, still with a grin, "No good. Feel deezzy." He was being given very powerful chemicals, in an attempt to induce a remission, and he was nauseated. But he remained remarkably cheerful. I wondered if he knew how sick he was.

He was a heavily built young man, and his muscles rippled under his skin. But there was a curiously gentle quality about him, a softness, a kind of endearing childishness—it was very easy to imagine him as that baby in the sand under the sudden glare of light.

Despite the lack of a common tongue, we had our com-

mon sickness. One morning Leko was taken to the operating room for a marrow test, and when he came back I asked, "Marrow hurt bad?"

He replied enthusiastically, "Marrow hurt *bad*." Then I had a marrow, and the same exchange took place in reverse.

We both had a hemoglobin transfusion on the same day. I said, "Blood make you feel good."

He enthusiastically agreed again. "Yes, blood feel *good*."

On October 27, at long last, John took the needle out of my arm and pronounced the pneumonia under control. I asked Leko how he felt for one last time, and this time he said again, "Fine. Fine." We said good-bye, and I left the hospital.

With Leko's permission, I had written a column about him I imagine it was because of the column that someone in the Interior Department, under whose bureaucratic aegis Leko fell, called Amanda in the office about ten days after I had left the hospital and asked her to tell me that Leko was dead.

Amanda hated to tell me, but finally she did.

"What did he die of?" I asked.

"The man said pneumonia," she said, and then quickly added, "But don't you go thinking it was your fault."

The chances are that Leko picked up whatever virus or bacteria had made me sick. But John Glick told me not to worry, that the chemotherapy had failed and poor Leko was terminal anyway.

Leko's death deeply depressed me for a while. There was, of course, what might be called the send-not-to-ask syndrome. With my low defenses the pneumonia might well have killed me; John Glick was surprised by how quickly I recovered, given my corporal's guard of granulocytes.

There was also the depressing feeling, hard to shake off, that I had somehow been responsible for Leko's death. There was the further feeling, as hard to shake off, that we Americans were responsible for his death—that we had killed him with our bomb. His was the world's first death from a hydrogen bomb, and the bomb was ours. And finally, there was the feeling of the desperate, irrational unfairness of the death of this gentle, oddly innocent young man. For some time, I found a line, I think from T. S. Eliot (though I can't find it), going through my mind: "The notion of some infinitely gentle / Infinitely suffering thing."

Before Leko died, I had long believed in my mind that the nuclear weapon, in its indiscriminate, unimaginable brutality, was an insane weapon, suicidal, inherently unusable. Now I knew it in my heart.

[This material is excerpted from Stewart Alsop's new book "Stay of Execution" a sort of memoir published by Lippincott. We received the information courtesy of Dulcie Thorstensen]

APPENDIX NO. IX

A SENATE JOINT RESOLUTION

Expressing the sorrow and sympathy of the Congress of Micronesia to the family and friends of LekoJ Anjain for his untimely and unwarranted and irreplaceable loss.

1 WHEREAS, on March 1, 1954, Joint Task Force Seven of the United
2 States of America detonated a thermonuclear device, code-named Bravo,
3 on Bikini Atoll in the Marshall Islands District; and

4 WHEREAS, this 15-megaton weapon of war caused an unprecedented
5 radioactive fallout over 7,000 square miles of the Pacific, showering
6 dangerous radioactive particles on the inhabited atolls of Ailinginae
7 Rongelap, Rongerik, and Utirik; and

8 WHEREAS, on the island of Rongelap at that time were 64 human
9 beings, including then Magistrate John Anjain and his one year old
10 male baby named LekoJ; and

11 WHEREAS, since that time numerous cases of radiation-induced
12 growth retardation and thyroid disorders have been diagnosed and
13 treated as a result of annual surveys by a medical team under contract
14 to the United States Atomic Energy Commission; and

15 WHEREAS, this same medical team last September upon examining
16 LekoJ Anjain found indications of a serious blood disorder and took
17 him to the United States for further examination; and

18 WHEREAS, LekoJ Anjain, nineteen years old, died on November 15,
19 1972, of pneumonia while undergoing treatment for acute myelogenous
20 leukemia at a hospital in the National Institute of Health at
21 Bethesda, Maryland; now, therefore,

22 BE IT RESOLVED by the Senate of the Fifth Congress of Micronesia,

1 First Regular Session, 1973, the House of Representatives concurring,
2 that the Congress of Micronesia hereby expresses its deep sorrow and
3 extends its sympathy to the family and friends of LekoJ Anjain and to
4 all the people of Rongelap Island for his untimely, unwarranted and
5 irreplaceable loss; and

6 BE IT FURTHER RESOLVED that certified copies of this Senate
7 Joint Resolution be transmitted to Mr. John Anjain of Rongelap
8 Island, to the District Administrator of the Marshall Islands
9 District and to the High Commissioner of the Trust Territory of
10 the Pacific Islands.

11

12 Adopted: February 22, 1973