

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

1 THE PEOPLE OF BIKINI, by )  
 2 BIKINI COUNCIL, et al., )  
 3 Plaintiffs, )  
 4 )  
 5 v. )  
 6 ROBERT C. SEAMANS, JR., Administrator, )  
 7 United States Energy Research and )  
 8 Development Administration, et al., )  
 9 Defendants. )

Civil No. 75-348

*MEMORANDUM*  
AGREEMENT

10  
 11  
 12 This agreement expresses an understanding reached on this  
 13 day between counsel for plaintiffs and counsel for defendants  
 14 in the above-entitled action with regard to the establishment  
 15 and operation of a medical panel which will plan and oversee  
 16 all aspects of medical/radiological examinations which will be  
 17 conducted on all those Bikinians, now residing on Bikini Island  
 18 or formerly residing there within the past ten (10) years, and  
 19 desiring examination:

20 1. On or before November 24, 1975, plaintiffs will send a  
 21 letter to John deYoung and all counsel of record, setting forth  
 22 a list of names of scientists and/or medical doctors acceptable  
 23 to plaintiffs to serve on the panel. The list will also in-  
 24 clude, as to each candidate, a description of his title, ex-  
 25 perience, residence, etc.

26 2. On or before December 22, 1975, defendants will send a  
 27 letter to plaintiffs which will either accept or reject plain-  
 28 tiffs' list:

29 A. If defendants accept plaintiffs' list, defendants,  
 30 in their December 22 letter, will additionally select three (3)  
 31 individuals from plaintiffs' list to serve on the panel. In the  
 32 event that one or more of the named individuals is unable to  
 serve on the panel, defendants, in their letter, will also

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1 select three (3) alternative individuals, in order of  
2 preference, to serve on the panel.

3 B. If defendants reject plaintiffs' list, their  
4 December 22 letter will indicate which, if any, of those  
5 persons named by plaintiffs are acceptable and will also  
6 provide a list of additional names of individuals acceptable  
7 to them to serve on the panel.

8 3. If defendants comply with paragraph 2-A, supra, they  
9 will supply to the panel on or before January 5, 1976, a  
10 factual report containing, but not limited to, a description  
11 of the medical facilities and equipment on Majuro, <sup>available</sup> a background  
12 history of the individual Bikinians, all prior scientific  
13 and/or medical surveys or reports on Bikini or its people, and  
14 proposed general budgetary guidelines of the medical examination  
15 program.

16 4. If defendants comply with paragraph 2-B, supra, plaintiffs  
17 and defendants will negotiate as soon as possible to  
18 reach a decision as to the membership of the panel. Within two  
19 (2) weeks of this agreement, defendants will supply to the panel  
20 the report described in paragraph 3, supra.

21 5. After studying defendants' report, the panel will issue  
22 its recommendations describing the nature, content and scope of  
23 the medical examination to be conducted. These recommendations  
24 will be subject to the approval of all parties.

25 6. None of the panel members or alternates will be individuals  
26 associated with the Department of the Interior, the  
27 Department of Defense, or the Energy Research and Development  
28 Administration.

29 7. It is the strong wish of the plaintiffs that at least  
30 one member of the panel will not be an employee of the United  
31 States Government.  
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AGREED TO this 1st day of November, 1975.

Edward C. King  
Edward C. King  
Attorney for Plaintiffs

Harley Earwicker  
Harley Earwicker

Floyd L. France

Attorneys for all Defendants

The execution of this document  
in no way constitutes an admission  
that the Trust Territory of the Pacific  
Islands defendants have submitted  
to the jurisdiction of this court.

By F. L. F.  
Etc