

Notes on June 13, 1979 Meeting with Bikini-Council Delegation at Office of Territorial Affairs.

Participants: Under Secretary James A. Joseph, Director Ruth Van Cleve, Dep. Dir. Geo. Milner, John E. deYoung of OTA; Mr. Jonathon Weisgall (Covington and Burling), Legal Counsel for people of Bikini, Magistrate Tomaki Juda, Mr. Henchi Balos, Member of Nitijela (represents people of Bikini-Kili), Mr. Taro Lekebol, Kili Council member, Mr. Ralph Waltz, Advisor to the Kili-Bikini Council, and Mr. Alan S. Weitz and Ms. Celia Roady (Ginsburg Feldman & Bress Law Firm). Dr. Bruce Wachholz and Mr. Tommy McGraw represented the Department of Energy.

Under Secretary James A. Joseph opened the meeting and greeted the members of the Bikini delegation whom he had met when he visited Kili and Bikini islands last August. The Under Secretary could not stay for the meeting due to other commitments and Director Ruth Van Cleve served as co-ordinator. The major items discussed during the three hour meeting which ran from 2:30 p.m. to 5:30 p.m. covered the following topics.

1. Representation by a law firm other than Covington and Burling with respect to items dealing with political status negotiations as they relate to the people of Bikini.

Mr. J. Weisgal introduced Mr. Alan S. Weitz and Ms. Celia Roady of Ginsburg Feldman & Bress law firm. He explained that since Covington & Burling also represented the Marshall Islands Political Status Commission, the firm believed that a different law firm should represent the people of Bikini with respect to items directly related to political status. The firm of Ginsburg Feldman & Bress had the proposal under consideration and this was why Mr. Weitz and Ms. Roady were in attendance. He (Mr. Weisgall), though, was continuing as Legal Representative for the people of Bikini with respect to non-political status negotiation matters.

2. Need for more direct contact with representatives of the people of Bikini

Mr. Weisgall noted that it is essential that there be more direct contact with the people of Bikini regarding the resettlement program and their future. Director Van Cleve agreed and stated that she believed that High Commissioner Adrian P. Winkel had been making a special effort to meet as often as he could with the people of Bikini and their representatives.

Mr. Weisgall and members of the Bikini delegation agreed that while this was so, there were still gaps in communication. Some of these might be due to the fact that there was diffidence on part of the Kili-Bikini Council to broach certain matters direct to the High Commissioner, i.e., on some things they might feel more at ease with an official intermediary than with the "top man" in the TTPI. There appeared also to have been some "misses" in getting information to the Bikini-Kili Council or other representatives of the people of Bikini. Examples were cited:

- a. The lack of any Bikini representative at the March 22, 1979, House Interior Subcommittee on Appropriations Hearing.
- b. Mr. Henchi Balos, now Member of Parliament representing the people of Kili-Bikini, learned of the recent inspection visit of High Commissioner Winkel and the Bikini delegation to Hawaii only by accident when he was in Honolulu enroute to Washington and New York City with the Marshalls Political Status Delegation.
- c. Mr. Weisgall also was not aware of the inspection trip to Hawaii. Had he known of the impending visit, he could have arranged the U.N. Trusteeship portion of the Bikini schedule in such a manner as to make it possible for him and Mr. Henchi Balos to be in Hawaii at the same time the High Commissioner was there. There would have been considerable value in participating in the inspection trip and also talking to High Commissioner Winkel.
- d. Mr. Waltz (Advisor to the Bikini Council) noted that there was no advance notice on the recent "whole body counting" examination of former residents of Bikini who now are on Kili. A field trip ship simply appeared to take the people to Jaluit. Also, the ship used did not have safety measures, i.e., women and children were taken across the reef in bad weather without life jackets. The people were taken without advance notice to Jaluit for the examinations and were provided only \$10.00 for their expenses, which was not sufficient.
- e. Also, the Kili-Bikini Council never is furnished any copies of reports by the Department of Energy, copies of hearings on Bikini, etc.

Dr. Bruce Wachholz, Co-ordinator for Marshalls Radiological matters, DOE, stated that his Department was very much disturbed at the lack of coordination of the recent "whole body counting" exercise at Kili and assured the Bikini representatives that future arrangements would be handled differently. He explained that much of the confusion resulted because there had been unexpected last minute changes. Unexpected problems had arisen with respect to the D.O.E. logistic vessel on which the "whole body counting" was to have been done. That vessel could not be used and a TTPI field trip ship at the last moment was substituted. It was then found that the "whole body equipment" could not be connected to the electrical system of the ship and the whole body counter had to be taken to Jaluit where there is alternating current. This was the reason why the people who were to be examined had to be taken to Jaluit.

3. Misunderstanding with respect to the Northern Marshalls Radiological Survey Report

He also noted that the Northern Marshalls radiological survey report presented at the March 22, 1979, Appropriations Subcommittee Hearing

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was very preliminary in nature and for that reason had not been widely circulated. The maps of the 13 Atolls presented at that hearing also showed only external radiation by means of letters. These maps, without any explanatory text, appear to have led to considerable misunderstanding in the Marshalls. The external radiation results for the Northern Marshalls should be available in July and would include additional maps for each of the atolls surveyed.

After considerable discussion, Mr. Weisgall requested 5 additional sets of the maps currently available. He believed that Bikini-Kili Council should have them since they were used at the March 22 hearing. He also requested a map of the United States showing the same type of "letter" designation as is used on the Marshalls map. This, he believed, would put the Marshalls data in a better perspective. DOE officials stated that such a map could be prepared but it would take some time to do so. Nonetheless, they would try to meet this request as soon as they could.

4. Need for translation of certain documents and /or reports into Marshallese

Mr. Weisgall noted that in the agreement signed by the U.S. Government and the Legal Advisor of the people of Bikini in relation to the dropping of the law suit in the Hawaii Court, there was agreement that certain documents would be translated into Marshallese. He also pointed out that whereas the Department of Energy had prepared certain background briefing information on radiation hazards in Marshallese for the people of Enewetak, this has not been done for the Bikinians. He also, particularly, believed that if Bikini Island and Eneu Island definitely are to be off limits to the people of Bikini, a statement to this effect must be translated into the Marshallese language.

His points were noted and will be taken under consideration.

5. Need for prompt notice on any Congressional Hearings

It was agreed that whenever OTA has word of any forthcoming Congressional Hearing that might involve Bikini matters, Mr. Weisgall would be informed immediately as well as the High Commissioner.

6. Query as to whether the Department of Energy's Report of May 15, 1979, on Eneu Island was a final recommendation.

Dr. Wachholz in response to this question pointed out that the May 15, 1979 report for Eneu Island had the food chain aspect factored into it as well as other radiation factors. While there might be a few minor changes, the basic recommendation was not expected to change.

Mrs. Van Cleve stated that the Department of the Interior had made its decision with respect to eliminating Eneu Island as a possible resettlement site on the basis of the May 15 report.

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The Progress Report on Bikini Resettlement that the Department was presenting to Congress on July 1, 1979, would use the May 15 report as the official report.

7. Possible Cleanup and rehabilitation of Bikini and Eneu Island

Mr. Weisgall inquired as to whether an "Enewetak type cleanup," i.e., removal of considerable quantities of soil might either make Eneu island habitable in the immediate future or possibly lessen the time span Eneu must be placed off limits to the people of Bikini. He asked that this request be included in the Department of Interior's report of July 1, 1979, to the U.S. Congress.

Mrs. Van Cleve stated that a definitive answer could not be given at this point of time but that certainly DOI would respond to this question. In any event, she proposed to include Mr. Weisgall's letter of June 12, 1979, to Under Secretary Joseph as one of the attachments to the July 1, Progress Report to Congress.

A long discussion then ensued on this question. Dr. Wachholz and Mr. McGraw of DOE explained the difference between the "plutonium cleanup" of Enewetak and the situation at Bikini. It was noted also that the elements at Bikini, i.e., the sub-transuranics, migrate throughout the soil so that simply removing layers of top soil may not necessarily change the situation. It was indicated that DOE could undertake a study of soil profiles, but it must be kept in mind that other priorities would make it impossible to do much on this request in the next several months.

Mr. Weisgall asked that any future study of this nature focus primarily on "Eneu Island" since this island was a "near miss" with respect to use for resettlement. It was agreed that DOE would respond formally to the various questions listed on page 6 of Mr. Weisgall's letter of June 12, 1979, to Under Secretary Joseph with respect to possible additional cleanup of Bikini Atoll. DOE was requested to spell out the questions certain of his requests posed, for example, the differences between Bikini and Enewetak be described and contrasted, and it be pointed out what would be involved if a massive soil removal project were contemplated, i.e., the cost, where would new soil come from, would it be useable for tropical crops, what would be done with the contaminated soil removed. A complete explanation, Mr. Weisgall believed, would place this overall question in a better perspective for the people of Bikini.

8. Independent Review and Assessment of the results and conclusions of the Northern Marshalls Radiological Survey, specifically as they apply to the safety of Bikini and Eneu Islands.

Mr. Weisgall discussed the need for an independent review and assessment and noted that in a recent GAO report on Enewetak Cleanup, that DOE had stated it was not against an independent assessment of radiation criteria there.

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Dr. Wachholz stated that while he could not give an immediate reply as official DOE policy, he doubted that DOE would have any objection to an independent assessment as suggested by Mr. Weisgall.

The only caveat, and one with which DOI concurred, is that if such an independent assessment group is set up, there should be a mechanism agreed to whereby any "assessor" would be mutually acceptable on both sides, i.e., to the Government of the United States and to the people of Bikini.

Mr. Weisgall also raised the possibility of having non-U.S. participation on an independent assessment panel, particularly Japanese radiation scientists. He pointed out that as a result of past experience, the people of Bikini had little faith in U.S. scientists.

Mrs. Van Cleve stated that DOI, for its part, would respond to the general question of an independent assessment panel in a letter. She felt that this was not an unreasonable request and that hopefully it could be responded to affirmatively. Many details, cost, who would bear cost, makeup of panel, etc., needed to be worked out.

9. Whole Body Counting Reports

Mr. Waltz, on behalf of the Bikinians who had to be removed from Bikini Island, asked whether these Bikinians could be told the results of their "whole body examinations." They are examined but never told the results and this worries them. Discussion on this aspect was held and it was agreed that DOI would write to DOE on this matter to see what arrangements could be made. It was pointed out that outside of possible medical privacy rights of individuals something should be possible to let the people know the results of these regular monitoring examinations. Results are made public now, but individuals are, of course, not identified in any such reports which are of a general nature.

10. Questions as to whether some of the 145 residents of Bikini who were relocated last August may have had higher "body counts" as a result of being involved in the 1954 Bravo Fallout.

Mr. Weisgall stated that it is now held that perhaps up to 40 of the 145 people living on Bikini Island may also have been residing on Rongelap Atoll at the time of the March 1, 1954, Bravo Fallout. If this were the case, could the high body levels discovered in April 1978 by the medical monitoring program be partly the result of the 1954 exposure and not completely due to living on Bikini Island?

Mr. McGraw of DOE explained that the half life of strontium 90 in a person's body is some 180 days. Any levels in a person's body dating from 1954 would long since have been reduced to levels of non-significance. What was picked up in the April 1978 medical monitoring was the reaction to levels from Bikini Island.

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11. Resettlement Possibilities

Mr. Weisgall indicated that while the Bikinians still wanted an independent review of Bikini-Eneu to be made, assuming the results would bear out the present recommendations, obviously alternative plans for resettlement must be seriously pursued. There is a fear, though, on the part of the Bikinians that if they resettle satisfactorily someplace, no one in the future would arrange for them to go back to Bikini. A return in the future to Bikini when that is possible is the bottom line of the desires of the people.

A discussion of possible resettlement sites took place and the discussion in the main followed the sequence set forth in the June 12, 1979 letter to Under Secretary Joseph. Accordingly, this aspect will not be elaborated here except to note:

- a. Erikup Atoll
This atoll was rejected in 1953 as being too small and unsuitable. Mr. Weisgall now is of the opinion that if a small atoll in the Marshalls is uninhabited it is because it cannot sustain a permanent human settlement.
- b. Jaluit Atoll
The people of Bikini have real concern that resettlement on Jaluit Atoll would result in serious social problems for them.
- c. Ailinglaplap Atoll
While Ailinglaplap Atoll has some uninhabited land, it is believed that only a few Bikini families would elect to go to this atoll.
- d. Ebadon Island
This island in Kwajalein Atoll is inhabited, and a move here would create additional problems in the Kwajalein Atoll. It is not considered a real option.
- e. Mili Atoll
Mrs. Van Cleve wondered why "Mili Atoll" was not mentioned since its name had surfaced as a possibility earlier. It is inhabited but has some uninhabited land. It was explained by the Bikinians that "Mili" is regarded by them as "not good for the people of Bikini" which appears to be tied in with cultural and mythical beliefs of "evil spirits" who do not take kindly to "outsiders." Mr. Waltz explained further that there is a "Mili force" that is good for the people of Mili, but would be in conflict with the "Bikini force." In short, for various reasons, Mili is not regarded as an option.
- f. Kili Island
It appeared that a small group would elect to stay on Kili Island wherever any other temporary resettlement took place. Magistrate Juda explained this by stating that some of the Bikinians believe that only by staying on Kili will they ever convince authorities that the people are resolved to return to Bikini, their ancestral home, at a future date.

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g. Hawaii

Hawaii poses many problems but has not been completely dismissed. A delegation has visited Oahu and the big island of Hawaii and also wants to visit the island of Molokai sometime in the future.

h. Wake Island and Midway Island

DOI was asked to explore the possibility of permitting the Bikinians to visit these two islands. Mrs. Van Cleve indicated that OTA would launch official requests to the Department of Defense forthwith to arrange possible visits.

12. Kili Dock

In response to an inquiry by Mr. Weisgall, Mrs. Van Cleve stated that while she understood that the High Commissioner had arranged for a survey for a dock possibility, she had not seen any results. It was noted, though, that while the people of Kili had originally requested a dock, they now held that to spend millions of dollars on a dock that might not withstand the rough weather conditions would not be a realistic proposal.

13. Short range airfield

There was a brief discussion of the pros and cons of a STOL airfield. Mr. Waltz noted that this would mean taking out a considerable number of coconut trees. On the other hand, if charter aircraft or other aircraft were available from Kwajalein or Majuro, a short range airfield would mean access at all seasons of the year and especially in times of medical emergencies.

14. Long term goals

Mr. Weisgall outlined the long term goals of the people of Bikini.

- a. Suitable temporary resettlement
- b. Future medical care
- c. Compensation for the destruction of islands in the Bikini Atoll and the loss of the use of Bikini Atoll for the indefinite future
- d. Future monitoring of Bikini Atoll

The Bikini-Kili Council holds that the United States must continue to bear direct responsibility and liability for the short-term and long-term injuries, losses and needs of the people of Bikini and must provide for their needs after termination of the Trusteeship Agreement.

15. Possibility of resettlement in other parts of the Trust Territory

Mr. Henchi Balos mentioned that Sen. Bailey Olter had suggested that Ant Atoll near Ponape Island be looked at as a possible place for resettlement of the Bikini people. This atoll is said to be privately owned and possibly the owners might consider sale. It was agreed that this possibility would be explored and OTA will contact the High Commissioner on this matter.

16. Compensation for legal expenses

Mr. Weisgall brought up the subject of compensation for legal expenses. He noted that while the legal work he is doing has been under a "pro bono" arrangement, the Bikini-Kili Council is paying for travel, per diem and other expenses and this is a burden on the people of Bikini who have to take it out of their small interest payments. He intends to bring this matter up at a future date with the appropriate U.S. Government agency.

17. Assistance to the Bikini-Kili Council for travel expenses, etc.

Mr. Waltz noted that, while for the current trip the High Commissioner approved the travel of Magistrate Juda and his travel, in the past the Council had to dip into its meager resources to pay for travel and other expenses connected with resettlement and consultation with their legal advisor. He asked if more financial assistance could be provided by the High Commissioner. Mr. Henchi Balos also noted that it was the opinion of the Bikini-Kili Council that expenses of this nature were a legitimate part of the resettlement program and should come from the "Bikini resettlement funds" held by the High Commissioner, not the interest payments of the people of Bikini.

18. Miscellaneous matters

a. Disposition of material and equipment left by the Holmes and Narver sub-contractor on Kili

Mr. Lekebol said that, while it had been agreed that left over material and equipment from the "temporary housing construction project" on Kili would be turned over the people of Kili, this had not yet been done.

b. Complaint on high handed tactics of the H. & N. sub-contractor during the "second housing phase."

Mr. Lekebol also stated that the people were not satisfied with the performance of the sub-contractor during the time the construction of the "second phase" of housing was being carried out.

He cited as examples the sub-contractor tearing down at least six houses before any construction material had arrived on the island. Families had to live in tents for several weeks while the sub-contractor waited for the ship to bring in materials. He also stated that in at least one instance, a house was torn down while the family involved was still inside it trying to pack their household goods.

Mr. Waltz stated that there was considerable complaint and unhappiness over the fact that the Bikini men hired to work on the housing project were paid only 85 cents an hour while the Marshallese workers brought in from Majuro received higher wages. Additionally, the Bikini workers were not permitted to eat at the worker's mess.

Mrs. Van Cleve indicated that she would call this complaint to the attention of the High Commissioner.

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