

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

THE PEOPLE OF BIKINI, by
BIKINI COUNCIL, et al.,

Plaintiffs,

v.

ROBERT C. SEAMANS, JR., Administrator,
United States Energy Research and
Development Administration, et al.,

Defendants.

Civil No. 75-348

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Folder 4-7 BIKINI-MOTIONS

MEMORANDUM
AGREEMENT

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

1. On or before November 24, 1975, plaintiffs will send a letter to John deYoung and all counsel of record, setting forth a list of names of scientists and/or medical doctors acceptable to plaintiffs to serve on the panel. The list will also include, as to each candidate, a description of his title, experience, residence, etc.

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2. On or before December 22, 1975, defendants will send a letter to plaintiffs which will either accept or reject plaintiffs' list:

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A. If defendants accept plaintiffs' list, defendants, in their December 22 letter, will additionally select three (3) individuals from plaintiffs' list to serve on the panel. In the 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, ^{available} ~~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. **BEST AVAILABLE COPY**

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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1 AGREED TO this 1st day of November, 1975.
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6
7 Edward C. King
8 Edward C. King
9 Attorney for Plaintiffs

6
7 Harley Earwicker
8 Harley Earwicker

10
11 Floyd K. Francis

12
13 Attorneys for all Defendants

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

19
20 *for F. J. F.*
21 *Elk*

22 **BEST AVAILABLE COPY**
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