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 UNITED STATES
 ENVIRONMENTAL RESEARCH AND DEVELOPMENT ADMINISTRATION
 PACIFIC AREA SUPPORT OFFICE
 P.O. BOX 249359
 HONOLULU, HAWAII 96824

November 12, 1975

William J. Stanley, Director
 Pacific Area Support Office

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THE PEOPLE OF BIKINI, et al., v. SEAMANS, JR., et al.
 U.S.D.C., D. Hawaii, Civ. No. 75-D348

You might wish to have the following summary of the above captioned suit for use in responding to public inquiries.

The suit was filed on October 9, 1975. (Plaintiffs and defendants can be gotten from the caption on the complaint served upon you.) The complaint is based primarily on the National Environmental Policy Act of 1969 and the Trusteeship Agreement for the Former Japanese Mandated Islands. In essence, plaintiffs seek expeditious and safe resettlement on Bikini in accordance with a specific plan to be developed and to be assessed in a NEPA impact statement.

Simultaneously with their filing of the complaint, plaintiffs filed a Motion for Preliminary Injunction. On October 30, they filed an Amended Motion. An informal and preliminary pre-hearing conference was held on the case on November 1, in Judge King's courtroom, at which time the following agreements and determinations were made:

1. The Trust Territory will provide medical examinations to members of the Bikini community who request such examinations. The precise scope of these examinations will be determined on the basis of recommendations to be submitted by a three-man group of experts not connected with the federal agencies who are defendants in this lawsuit. The members of the group of experts will be determined by subsequent discussions among the parties following the plaintiff's submission of proposed names. We do not expect that the group will be created before late 1975.

The results of the medical examinations will be reviewed by the same group of experts. N.B. The examinations are being provided by the T.T. Government solely in response to the people's expressed concerns. They do not represent any Government agreement that they are necessary for any reason. Specific questions about the exams should be referred to Harley Earwicker District Attorney, Marshalls, and should not be fielded by ERDA.

2. The parties have been given til January 2, 1976, to file any preliminary motions. A hearing will be held on any filed motions


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on January 30, 1976. Plaintiffs have indicated they intend to file an amended complaint and a new Motion for Preliminary Injunction.

3. The court accepted the Government's suggestion that the complaint should be dismissed as to the President, for lack of jurisdiction.

Because several agencies are involved, and because of the effect any statement might have on the Bikini people and the pending litigation, public statements should be kept to a minimum. Wherever possible, inquiries about the litigation should be referred to the Government's legal representative (Howard Chang, Assistant U. S. Attorney, 546-7170).



Leon Silverstrom
Chief Counsel

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