

TWENTY-THIRD DAY

Tuesday, January 30, 1973

The House of Representatives of the Fifth Congress of Micronesia, First Regular Session, 1973, was called to order at 10:02 a.m., Tuesday, January 30, 1973.

The Honorable Endy Dois, Vice-Speaker, presided.

A moment of silent prayer was observed.

The Chief Clerk called the roll. Fifteen members were present; Representatives Guerrero, Hadley, Henry, Moses, Pedro, and Tman were excused.

Speaker Dois suspended reading of the Journal.

COMMUNICATIONS

No High Commissioner Communications were reported.

No Departmental Communications were reported.

Senate Communication No. 6, transmitting S.J.R. No. 28 conveying best wishes to Mr. and Mrs. Michael White.

Miscellaneous Communication No. 18, transmitting Resolution No. 673, 11th Guam Legislature, relating to status negotiations.

STANDING COMMITTEE REPORTS

Standing Committee Report No. 4, submitted by the Committee on Appropriations, re H.B. No. 22, "To establish Trust Territory programs, policies and procedures for relief from the effects of disasters, to create a Trust Territory Disaster Control Office, to establish a Disaster Contingency Revolving Fund in the amount of \$500,000, to appropriate \$500,000 therefor, and for other purposes."

Chairman Setik moved for adoption of the report; Floor Leader Silk seconded, and the motion carried by voice vote.

Standing Committee Report No. 5, submitted by the Committee on Judiciary and Governmental Relations, re S.J.R. No. 2, SDI, "Confirming several nominations to the Trust Territory Environmental Protection Board."

The Chair recognized Chairman Basilius.

Chairman Basilius: Mr. Speaker, before I make a motion to adopt Standing Committee Report No. 5, there are typographical errors in the report which have to be corrected. Whenever you see the word "environmental" it is misspelled. I hope the members of the House will make this correction. Mr. Speaker, I move for the adoption of Standing Committee Report No. 5.

Floor Leader Silk seconded and the motion carried by voice vote.

ASSIGNMENT OF MEASURES

The Speaker called attention to Referral Sheet No. 14 attached to the Order of the Day for the assignment of measures. The following measures were also assigned:

- H.B. No. 1 Assigned to: Appropriations/Resources and Development
 To appropriate the sum of \$1,000,000 from the General Fund of the Congress of Micronesia to supplement and subsidize the Copra Stabilization Fund of the Trust Territory Government and for other purposes.
- H.B. No. 42 Assigned to: Ways and Means/Appropriations
 To provide housing for middle and low-income families in the Trust Territory. To create a Territorial Housing Commission and to establish District Housing Authorities.
- H.B. No. 49 Assigned to: Resources and Development/Appropriations
 To establish a government authority to engage in the business of processing, manufacturing and selling products derived from copra, to make appropriation therefor and for other purposes.
- H.B. No. 50 Assigned to: Resources and Development/Appropriations
 To create a Joint Committee on Micronesian Airline Development; prescribing its duties and functions; appropriating funds for its operation; and for other purposes.

UNFINISHED BUSINESS

None

BILL CALENDAR

Representative Setik moved for passage of H.B. No. 22, HD1 on First Reading; Floor Leader Silk seconded, and the Chief Clerk read the title, "To establish Trust Territory programs, policies and procedures for relief from the effects of disasters, to create a Trust Territory Disaster Control Office, to establish a Disaster Contingency Revolving Fund, to appropriate \$500,000 therefor, and for other purposes." The motion carried by voice vote.

(Representative Tman took his seat.)

RESOLUTION CALENDAR

Floor Leader Silk moved for adoption of S.J.R. No. 28; Representative Basilius seconded, and the Chief Clerk read the title, "Conveying the best wishes of the Congress of Micronesia to Mr. and Mrs. Michael A. White on their recent marriage."

The Chair recognized Floor Leader Silk.

Floor Leader Silk: Mr. Speaker, I beg the indulgence of the House, but I would like to request the Chief Clerk, if the resolution is not too long, to read it in its entirety.

Representative Setik: I agree, Mr. Speaker.

Speaker Dois: I will ask the Chief Clerk to read the resolution in its entirety.

Chief Clerk:

"A Senate Joint Resolution conveying the best wishes of the Congress of Micronesia to Mr. and Mrs. Michael A. White on their recent marriage.

"WHEREAS, Michael A. White has worked with the Congress and people of Micronesia since June of 1970; and

"WHEREAS, Michael A. White has contributed much to the development of Micronesia and the Congress of Micronesia during the time he has spent here; and

"WHEREAS, the former Rosario T. Camacho and Michael A. White were joined in marriage on Saturday, January 27, 1973; now, therefore,

"BE IT RESOLVED by the Senate of the Fifth Congress of Micronesia, First Regular Session, 1973, the House of Representatives concurring, that the Congress of Micronesia hereby conveys its best wishes to Mr. and Mrs. Michael A. White on their recent marriage; and

"BE IT FURTHER RESOLVED that certified copies of this Senate Joint Resolution be transmitted to Mr. and Mrs. Michael A. White."

The motion to adopt S.J.R. No. 28 carried by voice vote.

The Chair recognized Representative Domnick.

Representative Domnick: Point of privilege. Mr. Speaker, may I have the House recognize the presence of Mr. Michael White in the gallery and let's give a big hand for Mr. White. (APPLAUSE)

INTRODUCTION OF BILLS

H.B. No. 101 Introduced by: Rep. Dois (by request)
Assigned to: Ways and Means

To further amend Trust Territory Public Law 4C-2, as amended, relating to taxes on salaries, wages and gross revenues of businesses by amending subparagraphs (8) and (11) of paragraph (c) of Section 1; paragraph (g) of Section 1; paragraph (a) of Section 4; Section 8; paragraph (a) of Section 9; Section 11; Section 15; Section 16; by providing that tax returns are privileged information; by prohibiting conflict of interest in employment; and by providing a title for Public Law 4C-2.

H.B. No. 102 Introduced by: Rep. Setik
Assigned to: Resources and Development/Appropriations

To add Chapter 3, comprising Sections 51 to 311, inclusive, to Title 49, of the Trust Territory Code to establish a Workmen's Compensation Act for the Trust Territory, to appropriate funds therefor, and for other purposes.

H.B. No. 103 Introduced by: Rep. Heine
Assigned to: Education and Social Matters/Appropriations

To appropriate the sum of \$50,000 from the General Fund of the Congress of Micronesia for Trust Territory partial scholarships and for other purposes.

H.B. No. 104 Introduced by: Rep. Olkeriil
Assigned to: Resources and Development

Relating to abandoned watercraft and for other purposes.

H.B. No. 105 Introduced by: Rep. Olkeriil
Assigned to: Judiciary and Governmental Relations/Resources and Development

To require advertisement for bids on public works contracts in the Trust Territory of the Pacific Islands and for other purposes.

H.B. No. 106 Introduced by: Rep. Olkeriil
Assigned to: Appropriations

To amend Public Law No. 4C-54 as enacted by the Second Regular Session of the Fourth Congress of Micronesia relating to appropriations for Palau District.

The Chair recognized Representative Basilius.

Representative Basilius: Mr. Speaker, I think there is another resolution on the floor of the House. With your permission, I would like to go back to the resolution calendar and so move.

Representative Setik seconded the motion.

Representative Basilius moved for adoption of S.J.R. No. 2, SD1; Representative Setik seconded, and the Chief Clerk read the title, "Confirming several nominations to the Trust Territory Environmental Protection Board." The motion carried by voice vote.

(Representative Pedro took his seat.)

INTRODUCTION OF RESOLUTIONS

The Chair recognized Floor Leader Silk.

Floor Leader Silk: Mr. Speaker, before I introduce my resolution, I would like to make a few remarks in connection with one of the utmost important problems facing the people of my district.

Speaker Dois: You may have the floor, Floor Leader Silk.

Floor Leader Silk: Thank you, Mr. Speaker and members of the House:

"Today I would like to bring to the attention of the members of the House and this Congress a problem which is very important to my constituents. I hope you will bear with me for a few minutes to hear about it. I know that during each of the sessions of the Congress my colleagues and I from our district introduce many measures concerning the problems of our people, perhaps more than any other district. This is due to the fact that, in addition to the current problems the Marshalls share with the other districts, we have special problems. These special problems have resulted from the activities of the United States in our district connected with furthering international peace and security. In particular, today, I am going to talk about the problems of the people of Bikini and their atoll which was the site of some 32 air, surface, and underwater nuclear tests which included the 1954 H-bomb that irradiated the people of Rongelap and Utirik.

"Bikini Atoll was chosen by the United States as the site of its first nuclear tests after the end of World War II. After the choice was made, the people were told the United States needed Bikini Atoll to conduct tests 'for the welfare of all men.' The naval commander who conducted the negotiations with the paramount chief, compared the people of Bikini to the people of Israel 'whom the Lord had saved from the enemy and led into the Promised Land.' Gentlemen, not surprisingly, the chiefs and the people agreed. Years of rule by several foreign administrations had conditioned them to give the expected 'yes' answer when confronted by the military presence. As I shall explain later, apparently the welfare of 'all men' did not include the Bikinians. And most certainly, despite what was said, they were never led into the 'Promised Land.'

"They were given a choice of islands on which to temporarily relocate during the tests' and decided upon Rongerik, since it was closest to their former home. They were then moved to Rongerik on March 6 and 7 of 1946.

"In July of 1946, the United States tested two atomic bombs at Bikini. The first was an airburst; the second was exploded underwater. It was the second burst which led to all the problems, about which I am speaking today, for it was later discovered by survey teams that there had been deposited 'about half a million tons...of radioactive mud on the lagoon bottom...' According to scientists, this meant that 'the atoll would be uninhabitable for another thirty years at least.'

"Meanwhile, the people on Rongerik were beginning to experience extreme hardship. Legend had it that a witch once had poisoned the lagoon of Rongerik which affected the fish and plants. The island was also smaller and produced less food than Bikini. Despite this, the Bikinians wanted to stay there--simply because it was closest to their real and rightful home. In the fifteen months they were there, the United States was busy testing and investigating the results. Complaints from the people increased and a study by an anthropologist, ordered by the Navy, found that the people were near starvation.

"The Navy then realized that while it had only asked for temporary use of Bikini, a new permanent home would have to be found for them. It offered several choices, but the people said they either wanted to stay on Rongerik, or as a second choice be returned to Bikini. The Bikinians did not especially care for Rongerik. They wanted to stay there because it was close to Bikini. The Naval Board of Investigation decided otherwise. They were going to put them on Ujeland but then found out that the Eniwetokese, because of the expanding of the nuclear test program, would be put there. They were then put temporarily on Kwajalein, and finally on Kili, which had no lagoon, a situation which made it almost impossible to do any fishing, and inaccessible to field trip ships almost all year round. Today, 26 years later, they are still on the Island of Kili.

"When the U.S. Government persuaded the Bikinians to move from their birthright home, the agreement was verbal and on the basis that they would 'swap' or exchange one atoll for another, or, as it turned out, another island. Characteristically, our administrators drew up an agreement between the Trust Territory Government and the United States of America. This agreement stated that since the Trust Territory was the 'owner of exclusive use and occupancy rights for an indefinite period of time including the right to make a conveyance thereof' of certain lands in the Marshalls and since the Trust Territory was 'agreeable' to granting these rights 'for an indefinite period of time' to the United States, and since the United States wanted these rights, that they would be granted for the princely sum of \$10.00. Thus it was that our trustee granted to our Administering Authority these rights for an indefinite period. Our Trust Territory Government first traded Bikin Atoll for a hopelessly inadequate island, then turned around and sold Bikini to the United States for \$10.00. Mr. Speaker, this was in the best traditions of the old Yankee trader concept where, for example, Manhattan Island in New York was bought for some beads and axe heads. It was a deal that must have made the Bureau of Indian Affairs green with envy.

"In 1951, Kili was deeded to the Bikinians, if that is possible, and in 1956 the Bikinians on Kili signed a second agreement giving them \$25,000 cash, \$300,000 in a trust fund and the right to return when the United States was finished with its destructive tests.

"Now, what this agreement does not recognize--like most such agreements drawn up in our 'behalf' by our trustee or guardian--is a basic fact of land use and ownership in Micronesia. If, for example, my mother or father is from Bikini, then I have land on the island. It does not matter if I live and die somewhere else, because I can always return and claim my land. What has usually happened is that the civilized, sophisticated Americans in making land deals with unsophisticated 'primitive' Micronesians are unable or unwilling to recognize that our land tenure and ownership systems are so intricate and involved as to be nearly beyond their comprehension. This has happened all over Micronesia, Mr. Speaker, and it also happened in the case of Bikini.

"Because of this, the interest from the Bikini Trust Fund, when divided among all the inhabitants, amounts to \$26.00 per year for each person. If it is divided among all those who claim land on Bikini, it amounts to \$8.00 a year for each person. These figures are about five years old, so the amount for each person is less than that now.

"About five years ago, Mr. Speaker, LIFE magazine published an article entitled, 'Return to Bikini' by Carl Mydans, centered on the fact that the United States was going to return Bikini to its owners. The pictures and text told the sad story. Our Chief Executive who led an inspection tour by the people jauntily sported a flower head lei. He was in stark contrast to the solemn, brown faces of the Bikinians. They had much to be sad about. Nothing was the same. The old buildings had long since disappeared. In their place were radioactive scrap metal and unusable derelict buildings used to assemble the bombs which destroyed and contaminated their atoll. Radioactive debris littered the beach and the floor of the lagoon; gravestones and landmarks were covered by thick undergrowth; stunted coconut trees bore stunted fruit amidst tangled vines and bushes, and rats and radioactive coconut crabs scuttled through the grass. Conversely, some small islands were barren--their trees, vegetation, and topsoil scraped off by atomic blasts. Certainly, Mr. Speaker, this wasn't the 'Promised Land' either.

"The depth of their despair was shown by Alab Ki lion when they reached the island of Nam. He looked in vain for the two small islands that once were nearby. They were gone--vaporized and lifted up into the air by the Bravo test in 1954. All that was left was a gigantic crater in the reef filled by the ocean. Alab Ki lion wept silently when he saw this, and when he did, he wept for us all. Our Chief Executive's words were not much comfort. He said, 'This is a joyous occasion, but Bikini today is not the Bikini you left, and you cannot expect to live there for many years.'

"In 1969, then Director of the Office of Territories wrote to the Defense Atomic Support Agency asking them to continue cleanup work on Bikini because of the late timing in the Interior Department's appropriations funding. Cleanup was estimated to be \$1.2 million, half of which was to be divided between the Department of Defense and the Atomic Energy Commission. This brings out the important fact that as part of the use agreement, the United States of America was held harmless for any damage done to the islands. Consequently, the \$1.7 million for Bikini's rehabilitation is being taken out of the grant funds for the Trust Territory budget. The way either program is being carried out--as mentioned earlier--is also not satisfactory to the people.

"It is somewhat more than slightly ironic to consider that a nation with a Gross National Product of over a trillion dollars, that has spent billions in Vietnam for war, and millions on developing destructive weapons in the Marshalls does not even want to pay for the mess it made on a small atoll in the Pacific, let alone rehabilitate the islands. In like manner, instead of fighting for the integrity of its own budget, the Trust Territory has let costs incurred by other departments be taken out of its funds. Again, the Administration has failed its trust.

"Bikini will never be the same, Mr. Speaker, and the people of Bikini will never be the same. Their atoll has been ravaged by nuclear weapons and its people have lost the use of some of their lands for thirty years, and other land for many more years to come, and some land forever. The people have suffered hardship, deprivation, humiliation and the loss of their birthright.

"For this reason, Mr. Speaker and gentlemen of the House, I am today introducing a resolution which asks that the United States Government pay the people of Bikini equitable compensation for the damage they and their atoll have suffered. What I suppose we should really ask for, in addition to compensation, is for the Defense Department to restore Bikini to the exact condition it was in in 1946. That would cost several million dollars, I am sure. After all, if a private company can build a fun park like Disneyland out of a swamp for \$100,000,000 you would at least think the United States Government could afford the price of putting the pieces of Bikini back together again.

"On a social level, Mr. Speaker, America is experiencing many problems today--the results of past actions. On a legal and moral level the same thing is happening. The original inhabitants of North America, the Indians and Eskimos, in recent years have successfully prosecuted suits against their guardian, the United States Government. No doubt the Hawaiians will soon follow suit. The bills incurred by America in the name of its national interest are now coming due and Bikini is one of them.

"Mr. Speaker, I thank you and members of the House, and now I wish to introduce my resolution."

(The Chief Clerk received H.J.R. No. 24.)

INTRODUCTION OF RESOLUTIONS

H.J.R. No. 24

Introduced by: Rep. Silk
Assigned to: Judiciary and Governmental Relations

Notifying the United States, through the High Commissioner, to begin negotiations to resolve the areas of compensation, and rehabilitation of the people of Bikini Atoll and to reimburse the Trust Territory for all money it has spent in connection with use and occupancy of Bikini Atoll by the United States Government.

H.J.R. No. 25

Introduced by: Rep. Basilius
Assigned to: Judiciary and Governmental Relations

Directing the Superintendent of Public Safety to investigate, and the Office of the Attorney General to prosecute, certain violations of district and municipal liquor laws.

MISCELLANEOUS BUSINESS

None

ANNOUNCEMENTS

Floor Leader Silk announced a meeting of the Joint Committee on Future Status at 1:00 p.m. January 30, 1973 in the Senate Chamber. The meeting is open to the public.

Chairman Haruo announced a meeting of the Committee on Resources and Development at 2:00 p.m., January 30, 1973 in the House Chamber.

Chairman Setik announced a meeting of the Committee on Appropriations immediately following the session in Committee Room No. 2.

Chairman Basilius announced a meeting of the Committee on Judiciary and Governmental Relations at 1:00 p.m., January 30, 1973 in the Library.

Chairman Domnick announced a meeting of the Committee on Ways and Means at 1:00 p.m., January 30, 1973 in the House Chamber.

Chairman Nakayama announced a public hearing of the Committee on Health Matters at 1:30 p.m., January 30, 1973 in Committee Room No. 2 to consider H.B. No. 18, H.B. No. 34, and H.J.R. No. 4.

Chairman Sigrah announced a meeting of the Committee on Education and Social Matters immediately following the session in the House Chamber.

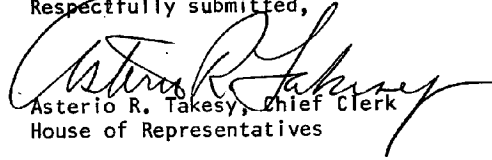
Floor Leader Silk moved for a short recess; Representative Domnick seconded, and the Speaker declared the House recessed at 10:32 a.m., subject to the call of the Chair.

RECESS

The House reconvened at 10:35 a.m.

There being no further announcements, Floor Leader Silk moved that the House stand in recess. Representative Basilius seconded and the motion carried. The Speaker declared the House recessed at 10:36 a.m. until 10:00 a.m., Wednesday, January 31, 1973.

Respectfully submitted,



Asterio R. Takesy, Chief Clerk
House of Representatives