

THE SECRETARY OF DEFENSE  
WASHINGTON

MAR 27 1978

The Honorable Peter R. Rosenblatt  
President's Personal Representative  
for Micronesian Status Negotiations  
Room 3356  
Department of the Interior  
Washington, D. C. 20240

Dear Mr. Ambassador:

I would like to bring to your attention an issue involving potential claims against the United States Government that I believe should be raised, and resolved, at the Micronesian Status Negotiations.

Bikini and Enewetak Atolls were used by the United States for atmospheric nuclear testing during the period 1948 to 1958. Twenty-three tests were conducted at Bikini and forty-three were conducted at Enewetak. The inhabitants of these atolls were relocated during the testing, and they were not exposed to radiation. The land itself, however, suffered physical damage from the nuclear detonations and from residual radioactive contamination. In addition, the inhabitants of two neighboring atolls, Rongelap and Utirik, were exposed accidentally to radioactive fallout following the March 1, 1954 Bravo test on Bikini Atoll.

The people of these four atolls may file claims against the United States for damage or injury arising out of the nuclear testing. In the case of Bikini and Enewetak, claims may be brought for land damage or loss. There is an additional potential for claims following resettlement of those atolls should there be future personal injury as a result of exposure to any residual radiation not removed during the cleanup operations. In the case of Rongelap and Utirik, there exists a potential for personal injury claims as a result of the accidental exposure of the people to fallout.

Efforts to resolve the claims issue to date, such as "ex gratia" payments and the provisions on claims in the 1977 Department of Defense Military

Construction Appropriation Act, Public Law 94-367, with respect to Enewetak, and section 104 of the Territories of the United States Appropriation Authorization Act, Public Law 95-134, may not be dispositive of the matter.

I would like to see the claims issue settled with finality now while we are in a position to do so, and I believe the Status Negotiations offer an opportunity to achieve that result. I recognize that there are a number of unsettled factual questions and that it is difficult to predict what position the Micronesians might take with respect to any proposal the United States might make in this regard. The approach I propose is to include, in the agreements terminating the Trust, provision whereby the Pacific Islands agree, in assuming title to the land, also to extinguish all such claims against the United States. The approach is not intended to put an end to medical treatment provided by the United States for personal injury as a result of radiation exposure.

It is my belief that it is in the best interest of the United States to put an end to these claims. I, therefore, request that you include the claims issue on the agenda for the Status Negotiations. This Department also will pursue, separately, with the Department of the Interior the feasibility of using individual releases in those instances where the facts permit.

Sincerely,



DEPUTY

cc: Secretary of the Interior