

1/25/72

HOUSE JOURNAL -- 14th DAY

H.B. No. 194

Introduced by: Rep. Haruo

Adding a new Section 120 to Chapter 5, Title 77 of the Code of the Trust Territory relating to a tax upon the exploration and exploitation of natural resources, and for other purposes.

H.B. No. 195

Introduced by: Rep. Haruo

Amending certain sections of Title 33 of the Code of the Trust Territory relating to applications for business permits, and for other purposes.

H.B. No. 196

Introduced by: Rep. Haruo

Amending Subsection (4) of Section 5, Title 33 of the Trust Territory Code to expand the powers of the District Economic Development Boards, and for other purposes.

H.B. No. 197

Introduced by: Rep. Haruo

Amending certain Sections of Title 49 of the Code of the Trust Territory to provide for certain powers for the district representatives of the Chief of the Division of Labor, and for other purposes.

H.B. No. 198

Introduced by: Rep. Haruo

Relating to mortgages of real property or fixtures.

H.B. No. 199

Introduced by: Rep. Balos

To create a Special Joint Committee concerning Rongelap and Utiirik Atolls, to appropriate money therefor and for other purposes.

The Chair recognized Representative Balos.

Representative Balos: Mr. Speaker, I have just introduced a very important bill and if I am in order, and with your permission, I would like to make some supportive statements.

Speaker Henry: You may have the floor, Congressman Balos.

Representative Balos: Mr. Speaker, as you probably know, last month I invited a Japanese medical team to come here and try and help the people from Rongelap and Utiirik. These people were exposed to atomic radiation in 1954 and for 13 years they have been trying to bring up their problems with the Administration, and for the past 18 years there has been no response from the Administration or the United States. Therefore, I went to Japan last year and was, fortunately, able to find people interested in helping the people from the Marshall Islands District, who were affected by radioactive fallout. The invitation I extended to these people to come to the Marshalls was turned down by the Administration--by Acting Attorney General Bowles and by the High Commissioner of the Trust Territory. Mr. Speaker, are they really interested in helping the Micronesian people? As a representative of my people, I have been trying to help them and yet the Administration always turns against me in what I am trying to do for these people. They are not interested in Micronesia. Maybe we should deport

them from Micronesia. There are a lot of competent Americans who could replace them. Who do they think they are turning down the wishes of the Micronesian people? -- I don't think they have the right to do that. These are our islands. They have been here only a short time. Mr. Speaker, I really don't think that this kind of thing should be allowed. Who in the hell do they think they are to turn down the wishes of our people? Now, Mr. Speaker, I am going to deliver my speech.

"Mr. Speaker and honorable colleagues, on behalf of two groups of our constituents, I rise today to express their sincere appreciation and gratitude for the ready understanding and moral support that this Congress has in the past unhesitatingly extended to them. On their behalf I also beseech this Congress to not forget them in the future but to continue such generous understanding and support for them.

"The people I am speaking for are our constituents from the islands of Rongelap and Utirik in the Marshalls. As you know, these Micronesians are the brothers and sisters who were exposed to and have since been suffering the effects of atomic radiation emanating from the 1954 hydrogen bomb test in Bikini by our Administering Authority.

"Mr. Speaker, while I am not in possession of conclusive evidence to prove it to this House, I am now convinced that the United States knowingly and consciously allowed the people of Rongelap and Utirik to be exposed to the 1954 fallout. This was done to the Rongelapese and Utirikese so that the United States could use them as human guinea pigs in the development of its medical capabilities to treat its citizens who might be exposed to radiation in the event of war with an enemy country. This is a crime unmatched in peacetime.

"It is now 18 years since the beastly crime against all humanity and the people of Micronesia was committed but the sinner who professes to be the most decent nation on earth has conveniently and successfully swept it under the rug of deception and secrecy. Simple justice begs for the truth.

"We are told that the radioactive fallout on these people was an accident caused by a shift of winds. Who does the United States intend to fool with this sort of statement? The reason, it is written, why Bikini was chosen as the site of the atomic tests was that few people would be affected. This is an acknowledgment that the United States knew that these people would be exposed to the fallout. Moreover, Rongelap and Utirik are within 300 miles from Bikini and surely the United States knew that these islands were within the range of the fallout. I cannot help but conclude that this was a planned accident. And I also see the whole affair tainted with racism. The United States chose to make guinea pigs out of our people because they are not white but some brown natives in some remote Pacific islands.

"Although these people could never be adequately compensated for their contribution to American medical science, they have been given pitifully small monetary compensation. About 80 Rongelapese have received \$800,000 and all the 159 Utirikese have been promised a meager \$16,000. Twenty-three Japanese fishermen of the 'Lucky Dragon' who were also exposed to the fallout were given two million dollars. I ask--are Micronesian lives worth less than those of other peoples?

"The medical team that the Rongelapese and Utirikese have been receiving is also highly questionable. Since the fallout, doctors with the U. S. Atomic Energy Commission, which is responsible for the developme:

of atomic and nuclear weapons, have been making visits to Rongelap and Utirik every year. The object of their visits, however, appears to be the collection of medical data instead of the restoration of health to H-bomb victims who have developed all kinds of diseases and abnormalities.

"Mr. Speaker and members of the House, there is reason to believe that the Administering Authority has chosen to neglect and ignore the health of the H-bomb victims in Rongelap and Utirik and is now obstructing efforts by others to restore health to these unfortunate victims of the bomb. I am convinced that they have not been given proper medical examination nor adequate treatment. These observations are also shared by a professional Japanese medical team that I invited to help our people but who were unceremoniously deported from Micronesia by High Commissioner Johnston and his company, Acting Attorney General Bowles. As true guardian of the interests of the people of Micronesia, we must not allow these people, few and remote as they are, to live the way they have lived without seeking ways and means to help them. For 18 years they have quietly suffered and died, but now they see a ray of hope in this Congress in assisting them.

"On their behalf, therefore, I am requesting that this Congress in some appropriate manner indicate its displeasure at the deportation by the Administering Authority of the Japanese medical team who came to Micronesia last December for the purpose of aiding the H-bomb victims in Rongelap and Utirik. I am sure that they will rejoice at such an action by their leaders.

"I am also requesting on their behalf that the Congress of Micronesia assist in the restoration of their health and extend an official invitation to the World Health Organization and the Japan Congress Against A-and H-Bombs to come to Micronesia to investigate and examine the health conditions of the people of Rongelap and Utirik.

"If there is no objection from my colleagues, I would like, Mr. Speaker, to insert into the official records of the House certain information pertaining to what I have just been sharing with you for the last several minutes.

"Thank you very much."

The Chair recognized Representative Setik.

Representative Setik: Mr. Speaker, I share the same feeling Congressman Balos mentioned. I would like the information to which the Congressman referred to become a permanent record of the Congress, and I offer it for the record.

"December 16, 1971 Office Memorandum
 From: D. F. Olsen
 To: File
 Subject: Visit of Japanese Medical Survey Team, December 7, 1971
 to December 15, 1971

"Prior to the arrival of the team on Majuro on Dec. 7th, Mr. Ataji Balos had made repeated request (sic) to the Hicom for permission for the group to be allowed to visit the nuclear bomb victims. The response of the Attorney General was that the applications were under consideration but temporarily denied. No reason for the denial was ever stated by the Attorney General in the dispatches received before the group arrived. Rep. Balos' last cable

before the arrival of the team and attending newsmen (sic) insisted that 'time is precious' and demanded a definite decision and 'the temporarily denied reason thereof.'

"It was in this context that the medical team and entourage actually arrived on Dec. 7. On Dec. 6, Rep. Balos had requested MLSC to step into the case and formally represent himself and the Rongelap Municipal (sic) Council in the continuing negotiations with the AG. Neither Ataji nor myself had any knowledge of the actual ingress into the TT of the group. Ataji had assumed that they would remain in Japan until permission had been obtained from Saipan. Each of the members of the group obtained a US visa in Japan and apparently decided to enter the Trust Territory as tourists and clear up the business of government approval to do their actual work after their arrival. It should also be noted that the group had made a rather confused and incomplete application to Saipan before their departure. The initial application stated that only one doctor was in the party and listed additional members as 'labor leaders.'

"The medical team was sponsored by the Gensuikon, the Japan Congress against Nuclear Weapons. This organization is based in Hiroshima and is informally affiliated with the Socialist Party in Japan. Gensuikon is not, however, a distinctly political organization and, according to the newsmen accompanying the party, receives broad support from a number of political elements in Japan.

"Rep. Balos initially contacted Gensuikon during a visit to Japan in August, 1971. At that time, he explained to Gensuikon that as representative of the people of Utrik (sic) and Rongelap he had received continuous, factually sound complaints from the people of these islands concerning injuries resulting from nuclear fall-out and, also, the failure of the AEC field teams to treat many individual victims or properly report the ecological and physical deterioration accruing on the islands as a result of the March 1954 bomb tests on Bikini. Gensuikon had been instrumental in assisting (sic) the crew members of the Lucky Dragon, the Japanese fishing boat affected by the Babe bomb test, in their efforts to obtain compensation from the U.S. government. Perhaps for that reason, Gensuikon agreed to organize and sponsor a medical team to visit the Utrik and Rongelap atolls.

"The team was headed by Dr. Kimi Honda, a specialist in internal medicine and member of Gensuikon. At the request of Stella Thomas, the head of the Rongelap (sic) Municipal Council, Dr. Hiroshi Ezaki affiliated himself with the effort. Dr. Ezaki is a prominent (sic) specialist in thyroid disorders caused by radiation. He is head of the Department of Radiology at the University of Hiroshima. The remainder of the group was composed of two members of Gensuikon to serve as assistants to the doctors, a translator and photographer. Four newsmen from the largest newspapers in Japan attended the team. One individual who was returning to Micronesia from Japan on the same plane as the medical team stated that at least fifty people from other news sources and live television coverage attended the departure of the group from the Tokyo airport on Dec. 6th.

"On the morning of Dec. 8, 1971, a meeting was held in the Nitijela chambers attended by myself, Rep. Balos and the contingent from Japan. This was my first knowledge of the medical team's (sic) actual presence in Majuro. They explained that they had entered as tourists and requested that we take immediate steps to obtain permission (sic) to change that status so they could begin their work. A hectic examination of

the applicable law revealed that under 53, TTC Section 54 an application for an entry permit could be made to and granted by the District Administrator. We therefore determined to present the matter directly to the Distad and proceeded to his office in Ataji's pick-up truck. The group was introduced to the Distad and I explained the circumstances surrounding their arrival and assured Mr. deorum that until the medical entry application was acted upon, either by himself or Saipan, the group would remain in Majuro and conduct themselves strictly as tourists. I then indicated that under Section 54, it was possible for the Distad to make an immediate evaluation of the proposed activity of the survey team and a decision as to whether they be allowed into or excluded from the Trust Territory under the standards set out in Section 56. The Distad stated that he was aware that the application was presently under consideration by the Attorney General and flatly declined to take any substantive action not first approved by the AG in Saipan. It was unfortunate that at this stage, Russ Walker was not present to advise the Distad who was extremely edgy and simply unwilling to accept my assurances that he had adequate authority to act. The Distad then proposed that we telephone Acting AG Bowles in Saipan.

"On the telephone, Bowles stated that the group were (sic) not tourists, had no authority to be in the Trust Territory and must depart on the afternoon flight for Honolulu. I stated that so long as they conducted themselves as tourists and refrained for all non-tourist activity, they must be allowed to remain pending a determination upon their application for non-tourist or business status. Bowles finally agreed to accept my offer to provide him with a complete information concerning the personnel within the group and their proposed activities within Micronesia and to reconsider his latest decision that the group was not 'truly a medical team.' (We received his cable to this effect shortly after the phone call was concluded. It was apparently sent as soon as he became aware of the team's presence in Majuro.) Both me and the Distad requested that he immediately come to Majuro to make an assesment (sic) of the situation and conduct a hearing to determine the propriety of the applications. Bowles refused.

"On Friday, Dec. 11th we cabled Bowles providing him with the information he had agreed to receive and insisting that the group would remain in Majuro as tourists until he made a substantive decision regarding the medical survey under Section 56. We also stated our intention to appeal his decision under Section 58 if the application was denied. Even though Section 58 appeared to allow appeal in cases involving US nationals and citizens, it is directed specifically to decisions of the HiCom under Section 56(11). I figured that denial of the medical survey would, inevitably, have to be grounded upon the latter subsection and this, combined with the fact that 'nationals' referred to in Section 58 could reasonably include Micronesians, could support jurisdiction for an appeal. Rep. Bales and the members of the Rongelap Mun. Council, Micronesians, were the real parties in interest and therefore should be entitled to appeal.

"Bowles' reply was absurd. He stated that the group was, indeed, a medical team and could therefore not remain in Majuro as tourists pending a decision on their non-tourist application. As authority for his decision, he cited Administration Directive 69-1 (Jan. 15, 1969) which apparently states that no person entering the Trust Territory as a tourist could change his status while remaining within the TT. Neither the Immigration Officer nor the Distad was

aware of A/D 69-1. Indeed, the Immigration Officer pointed out that virtually every person in Majuro who had been granted non-tourist or visitor status had probably enter (sic) Micronesia initially as a 'tourist.' The Distad agreed that Bowles' decision was less than candid and fair and tacitly agreed to allow the Japanese to remain until a more satisfactory resolution of the issue could be obtained.

"At this point, Sen. Kabua cabled Bowles, insisting that his decision was based on unknown legal technicalities and failed to take into account the political and diplomatic factors of the situation. Rep. Balos stated in his response to Bowles' cable that if the Japanese were not allowed to visit the islands, he would encourage the exclusion of Dr. Robert Conard and the AEC until the matter of the Japanese could be cleared up. Senator Kabua received a response from the AG on Dec. 10 or 11. It stated vaguely that his decision was necessary to protect the immigration security of the Territory and the diplomatic sources in Japan and Washington had been consulted before the decision had been made. We received no further clarification of the A/D 69-1 decision. The Japanese were extremely impatient throughout these negotiations since they had limited funds and limited time to devote to the enterprise. On Wed. Dec. 15th, they determined to leave the next day. That evening, they invited Ataji, myself and Senator Kabua to a farewell dinner, to thank us for the 'valiant' efforts we had made on their behalf.

"Katsushige Murayama, the translator for the team, agreed to provide us with copies of all the press coverage from Japan. He also indicated that if we could succeed in obtaining permission to conduct the survey, they would be willing to return, perhaps next summer.

"The issue at the juncture is whether we should proceed to appeal the AG decision of Dec. 13 - this was the date of receipt of the final denial of our application. Sec. 58 allows appeal within 15 days of the date of the decision by the HiCom or his delegate. I will consult further with Rep. Balos and seek advice and commentary from KZSC-Saipan in this regard."

"Japan Congress Against A- And H-Bombs
4th Floor, Akimoto Bldg. 2-19, Tsukasa-cho, Kanda, Chiyoda-ku
Tokyo, Japan

December 24, 1971

Rep. Mr. Ataji Balos
P. O. Box 354, Uliga
Majuro, Marshalls
Micronesia, 96960

Dear Mr. Ataji Balos,

"We Survey Team returned home safely. Thank you very much for your many friendly kindness and trouble to us. I am terribly sorry that we could not meet H-bomb sufferers both in Rongelap and Utilik (sic) under our very nose. Although we could not accomplish our project sufficiently, it was a great pleasure for us to be able to meet H-bomb sufferers in Majuro. Through talking with those

victims, we have been realized anew the fear of H-bomb test in 1954. It is really regrettable that sufferings from the blast have been influenced still now, and we fear that which will cause to bring about another suffering as cancer in near future. What is more, if an inherited impediment caused by the radioactive fallout would spring up among their descendants, their misfortune would be doubled.

There are many children who are born cripple and leukemia among the second generation of A-bomb sufferers in Hiroshima and Nagasaki. If the nuclear blast bring about such a many misfortune artificially, I can but say that it is profanity against God and human beings.

"I am sorry that I cannot write you all our report concerning the survey team, for we are putting in order all the collected materials now. We will surely send you the final report when it will be completed. For the time being, however, I would like to write you my impression in Majuro, and also would like to give you some suggestion to those sufferers who need to take urgent medical treatment.

"Impression

"1) I wonder why the AEC investigation team does not tell the condition of a disease (sic) exactly to a sufferer. If there is something unusual with him, I think the AEC doctor have to tell him it and take charge of his health.

"2) I hope you to station a doctor at Rongelap and Utilik (sic) in order to taking charge of sufferers. If it is impossible I hope that a medical specialist will be stationed at Majuro and let him observe the condition of health of sufferers and give them daily advice.

"3) Taking consideration of the above, I dare say that the object of the AEC Investigation team does not put its focus on curing the sufferers but only collecting the data for their experiment.

"4) I think it is not a way of understanding patients quite well that the AEC only achieves its duty by distributing (sic) one year's portion of medicine. In Japan, we don't take such a reckless way of dosing, for we can not see how a patient will change in the course of a year beforehand. I think that there is a possibility that a patient keeps taking medicine having been given him without awaring (sic) of changing for the worse. I suppose this method of medication is due to that of the U.S. which takes an interest in the medical science only and consider a patient merely as a material of experiment.

"5) A-bomb sufferers are given medical treatment as follows in Japan. As they are apt to lose their fine health much easily comparing with the ordinal (sic) peoples, they had better be observed more carefully and have time to talk with them so often that they are given sufficient medical treatment. I dare say, however, that Majuro, Rongelap, and Utilik (sic) are surrounded by too many unfortunate and miserable conditions to supply that I write you on the above.

"6) One of my conclusion from this survey is that all actions for medicine have to be done from the standpoint that H-bomb sufferers in Micronesia are also respectable human beings and have to be given medical treatment as a patient.

PRIVACY ACT MATERIAL REMOVED

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"I hope that we will be able to carry out the project which we could not do this time in Micronesia again. I have learned quite a lot through this experience that there were many difficult circumstances and conditions which made our work uneasy. And I also have learned a great deal how to proceed effective formalities and the way of technique. We would like to make use of this experience so that we will be able to carry out a successful plan next time, and we would like to send more excellent team on that occasion.

"I hope you will choose right person for participating in the commemoration ceremony 'March 1' of GENSUIKIN as quickly as possible, and we'd be extremely happy if you would be able to participate in it by yourself as far as the circumstances of the Diet permit.

"We would like to express our hearty application for the numerous kindness you had shown us in Majuro. I assure you that our friendship between you and the GENSUIKIN would be strengthened by our meeting and will grow up to be stronger without ceasing, and I hope so.

"We are looking forward to your response soon."

Sincerely yours,

/s/ Juro Ikeyama
Juro Ikeyama
GENSUIKIN"

"SUGGESTION FROM MEDICAL VIEWPOINT (by Miss Kimi Honda, M.D.)

"Patients as written below must need to be given the following medical treatment urgently.

"1) (Male, 35 years old)

His glycosuria is high, and need to be given following medical treatment as soon as possible, for if it is too late, it will cause to bring about various diseases (sic). In the worst case, it is fear that he may lose his sight by eye-bleeding of high blood pressure.

"2) (Female, 48 years old)

"3) (Female, 52 years old)

Need to take care of them thoroughly (sic), for they are patients of high blood pressure. Contact with doctor and have close medical examination, and consult with him to take some preventive measures against the high blood pressure. Hope them not too much overwork, for which is not good for their health.

"4) (Female, 57 years old)

I don't understand what is swellings in the abdomen. In the worst case, I dare say, after the operation cancer has transferred (sic) to another part of her body. Hope her to take a close medical examination and must be undergone an operation again if it is necessary.

"5) (Female, 25 years old)

I don't think that she is a case of thyroid, by the AEC data I'd rather (sic) worry about a lot of ⁹⁰Sr and ¹³⁷Cs which are

stored in her body. Comparing with the inhabitants of Kili Island, ⁹⁰Sr is counted 8 times to 20 times as much high and ¹³⁷Cs is 10 times as much as high in her body. And the quantity of these elements in body had increased from 1967 to 1969, of which I am very worried. As ⁹⁰Sr is stored mostly in bone, it is thinkable that it is some related cause to sterility. ¹³⁷Cs is accumulated in muscle. Anyway both elements contain strong radioactivity, so they can surely effect to human beings. I am afraid if she is discouraged too much when she is told the fact. Dear Mr. Ataji Balos, I hope you encourage her not to be distressed spiritually. I recommend her to live on Majuro but not on Rongelap, because she had better not to eat anymore the food containing radioactivity.

"I hope all of them will recover their fine health as quickly as possible. I am extremely sorry that I could not stay in your place and give them medical treatment."

INTRODUCTION OF RESOLUTIONS

H.J.R. No. 70

Introduced by: Rep. Mangefel

Requesting the Joint Committee on Program and Budget Planning to insure that the dock facilities under the Capital Improvements Program and the Five Year Plan include provision for new docking facilities at Colonia, Yap, and to declare the present port facilities at Colonia, Yap, a "disaster area."

H.J.R. No. 71

Introduced by: Rep. Ataliq

Nominating the Honorable John O. Ngiraked, Land Management Officer of the Palau District, for consideration for appointment to the Micronesian Claims Commission.

MISCELLANEOUS BUSINESS

Representative Mangefel: Mr. Speaker, I would like the House to recognize the presence of some distinguished visitors from the Yap District -- Chief Roboman, Chief Kenmed, Chief Lukan, and Secretary to the Council, Mr. Jesus Mangarfir.

Representative Ataliq: Mr. Speaker, may I ask the House to recognize the presence of Mr. Dick Goddeon, special representative of EPA from San Francisco.

Representative Guerrero: Mr. Speaker, I would like to take the opportunity to express my sympathy to Congressman Balos and the people of Rongelap and Utirik. I am very much concerned that the Administration would turn down such a request for guarding their health. This action by the High Commissioner and the Administration is no less than dictatorial, communistic, and fascist and I would like personally to offer my pledge to support the people affected and to work toward their cause. Thank you very much, Mr. Speaker.

Chief Clerk: Mr. Speaker, the members and staff of the House of Representatives have an invitation from Phil R. Yates of Air Micronesia which reads as follows:

Ngaramlengui Municipal Council. I would also like the House to recognize the presence of Magistrate Meruk Rengulkai from Aimeliik Municipality.

Representative Balos: Mr. Speaker, with your permission, I would like to make some observations.

Speaker Henry: You may have the floor, Congressman Balos.

Representative Balos: Thank you, Mr. Speaker. I wish to point out to my fellow congressmen and the public at large the fact that the Micronesian News Service and the broadcast service deliberately distorted and withheld what I said in the House yesterday about the people of Rongelap and Utirik. MNS has deliberately tried to manage the news to hide the free expression of ideas from the people of Micronesia. They are perhaps afraid of these ideas and words because they are critical of the Administration. Or perhaps it is because they fear the truth of the statements I have made. Mr. Speaker, it would appear that there is a conspiracy to keep the people of Micronesia ignorant of the misdeeds of the Administering Authority. Mr. Speaker, I will not stand for this. It is a perversion of freedom of speech, expression, and communication. It is prejudgment. It is undemocratic. It is wrong. Thank you, Mr. Speaker.

ANNOUNCEMENTS

Chairman Setik announced a meeting of the Committee on Appropriations with the Senate Committee on Ways and Means in the Senate Chamber at 3:30 p.m., January 26, 1972 to discuss H. B. No. 175 and 176.

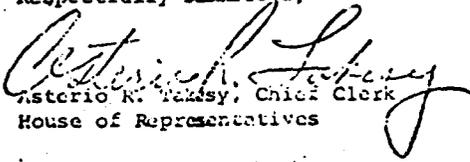
Chairman Haruo announced a public hearing of the Committee on Resources and Development at 2:00 p.m. and again at 4:30 p.m., January 26, 1972 in the Library.

Chairman Mangefel announced a public hearing of the Committee on Health Matters at 1:00 p.m., January 26, 1972 in Committee Room No. 1 to discuss H. B. No. 14, and 127, and S. B. No. 74.

Chairman Donnack announced a meeting of the Committee on Ways and Means at 3:00 p.m., January 26, 1972 in the Speaker's office for committee members only.

There being no further announcements, Floor Leader Silk moved that the House stand in recess. Vice-Speaker Samuel seconded and the motion carried. The Speaker declared the House recessed at 11:32 a.m. until 10:00 a.m., Thursday, January 27, 1972.

Respectfully submitted,


Asterio K. Palisy, Chief Clerk
House of Representatives