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Dear Mr. Chairman:

The Department of State has supported the Atomic Energy Commission in keeping the door open for the resumption of atmospheric testing by the United States, should this become necessary in the interests of national security. We appreciate the difficulties of finding locations suitable for such testing. However, I have noted with concern that, in the event it should be decided that the United States is to resume the testing of atomic devices in the atmosphere, consideration is being given to the possible reactivation of the testing site on Eniwetok Atoll in the Trust Territory of the Pacific Islands. Use of the Eniwetok area would present us with particularly difficult problems.

Since our administration of the Territory is subject to supervision by the United Nations, we are required to defend our actions against hostile attack in the Trusteeship Council and in the Security Council, where the general revulsion against nuclear testing and a strong desire to protect the interests of dependent peoples create an unsympathetic atmosphere for the discussion of this question. We are especially vulnerable to charges that by conducting tests in the Trust Territory we avoid exposing our own continental inhabitants to the dangers involved in proximity to atomic blasts by exposing our Asian wards in the Trust Territory to these same dangers. Such an argument is strengthened by the fact that the people of Rongelap have already suffered some injury as a result of their proximity to an atomic blast in the past.

Another important factor in our thinking is our desire to maintain cordial relations with the people of the Trust Territory, who will probably be called upon eventually under the Trusteeship System to express their wishes as to their future, including the possibility of a continued close relationship with the United States. The unpopularity of nuclear testing among the island people would certainly influence their attitude on this question.

The Honorable
Glenn T. Seaborg,
Chairman, United States
Atomic Energy Com

NMB 212

From NMB-P

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DEPARTMENT OF ENERGY DECLASSIFICATION REVIEW
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2ND REVIEWER-DATE: 6/1/94
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2. CLASSIFICATION CHANGED TO:
3. CONTAINS NO DOE CLASSIFIED INFO
4. COORDINATE WITH:
5. CLASSIFICATION CANCELLED
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7. OTHER (SPECIFY): DOS memo

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MRA 7 Test Planning
KMRA 7 Trust Territory

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By seizing on the Trusteeship issue, those opposed to our testing would be able to adduce legal as well as political arguments purporting to distinguish our situation unfavorably from that of the Soviets. There is no doubt in our minds that the United States may legitimately conduct atomic tests within the Trust Territory of the Pacific Islands, and the United States has taken this position publicly on a number of occasions. It should nevertheless be recognized that a plausible argument may be, and has been, made to the contrary. For this reason, we have constantly been careful not to engage in a detailed legal defense of our right to test in the Trust Territory, since this would merely help to bring out all the arguments to the contrary. I do believe, however, we would face a much more concerted challenge in this respect than we had in the past and would run the serious risk of having the issue brought before the International Court of Justice where the possibility exists that we might be immediately enjoined from such use of the Territory, at least until the matter was finally passed on by the Court.

In view of these circumstances, I believe that we should seek to avoid using a site in the Trust Territory for any tests that may be decided upon. The Department of State would be glad to explore with the Atomic Energy Commission the possibilities of other alternative sites which would not pose the same problems.

Sincerely yours,

/s/ Dean Rusk

Dean Rusk

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