

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

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THE PEOPLE OF BIKINI, by the BIKINI
COUNCIL; LORE KESSIBUKI, Magistrate;
NATHAN NOTE, Scribe; JUKIA JAKEO; TOMAKI
JUDA; JORMEA LEVITICUS; and HENCHI
BALOS,

Plaintiffs,

v.

ROBERT C. SEAMANS, JR., Administrator,
United States Energy Research and
Development Administration; WILLIAM J.
STANLEY, Director, Pacific Area Support
Office, United States Energy Research
and Development Administration; JAMES R.
SCHLESINGER, Secretary of Defense; KENT
FRIZZELL, Acting Secretary of Interior;
FRED M. ZEDER, Director, Office of
Territories, United States Department
of Interior; EDWARD C. JOHNSTON, High
Commissioner, Trust Territory of the
Pacific Islands; OSCAR DEBRUM, District
Administrator, Marshall Islands
District, Trust Territory of the
Pacific Islands; and GERALD R. FORD,
President of the United States.

Defendants.

CIVIL ACTION NO. 75-348

FILED IN THE
1 30 P.
Deputy

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AMENDED MOTION FOR PRELIMINARY INJUNCTION
AND
NOTICE OF MOTION

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF HAWAII
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4 THE PEOPLE OF BIKINI, by the BIKINI)
COUNCIL; LORE KESSIBUKI, Magistrate;)
5 NATHAN NOTE, Scribe; JUKIA JAKEO; TOMAKI)
JUDA; JORMEA LEVITICUS; and HENCHI)
6 BALOS,)

CIVIL ACTION NO. 75-348

7 Plaintiffs,)

8 v.)

9 ROBERT C. SEAMANS, JR., Administrator,)
United States Energy Research and)
10 Development Administration; WILLIAM J.)
STANLEY, Director, Pacific Area Support)
11 Office, United States Energy Research)
and Development Administration; JAMES R.)
12 SCHLESINGER, Secretary of Defense; KENT)
FRIZZELL, Acting Secretary of Interior;)
13 FRED M. ZEDER, Director, Office of)
Territories, United States Department)
14 of Interior, EDWARD C. JOHNSTON, High)
Commissioner, Trust Territory of the)
15 Pacific Islands; OSCAR DEBRUM, District)
Administrator, Marshall Islands)
16 District, Trust Territory of the)
Pacific Islands; and GERALD R. FORD,)
17 President of the United States.)

18 Defendants.)
19

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20 NOTICE OF MOTION

21
22 TO: ALL DEFENDANTS

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23 PLEASE TAKE NOTICE that the Plaintiffs' Amended Motion for
24 Preliminary Injunction will be presented before the Honorable
25 Samuel P. King, Judge of the above-entitled Court, in his
26 Courtroom in the Federal Building, Honolulu, Hawaii, on
27 _____ the _____ day of _____, 197____, at
28 the hour of _____ o'clock ____M., of said day, or as soon
29 thereafter as counsel can be heard.

30 DATED: Honolulu, Hawaii, _____.

31
32 Samuel P. King
Attorney for Plaintiffs

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF HAWAII

3
4 THE PEOPLE OF BIKINI, etc.,)
5 Plaintiffs,)
6 v.)
7 ROBERT C. SEAMANS, JR., et al.,)
8 Defendants.)

Civil No. 75-348

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9
10 AMENDED MOTION
11 FOR
12 PRELIMINARY INJUNCTION

13 COME NOW the plaintiffs, pursuant to Rule 65, F.R.Civ.P.,
14 28 U.S.C., and upon the basis of the verified complaint heretofore
15 filed in this action, and upon the memorandum and affidavits
16 accompanying plaintiffs' original motion for preliminary
17 injunction, hereby amend and withdraw the original motion and
18 move the Court to grant them preliminary relief as follows:

19 I. Enjoin each and all of the defendants from
20 proceeding further with the Bikini Resettlement Program, or any
21 aspect or part thereof, until the defendants have complied with
22 the requirements of the National Environmental Policy Act ("NEPA"),
23 42 U.S.C. § 4321 et seq., by:

24 A. Completing a comprehensive, systematic,
25 interdisciplinary, integrated study and analysis of the potential
26 impact of the Bikini Resettlement Program upon the quality of the
27 human environment at Bikini Atoll, and

28 B. Compiling a detailed environmental impact
29 statement setting forth the foregoing study and analysis, and

30 C. Carefully and thoroughly reviewing and
31 considering the contents of that environmental impact statement
32 in developing final plans for proceeding with the Bikini
Resettlement Program.

1 II. Enjoin the defendants to immediately commence, and
2 carry out with all due deliberate speed with maximum reasonable
3 consultation with plaintiffs, the comprehensive, integrated
4 environmental impact study and analysis referred to in
5 paragraph I., supra, and to include in the study,

6 A. A comprehensive radiological survey and
7 analysis of Bikini Atoll, including investigation and discovery
8 of all radioactive materials in the Bikini Atoll ecosystem;
9 investigation and analysis of the distribution, concentration
10 and re-distribution of radionuclides in the Bikini ecosystem;
11 investigation and analysis of the potential effect upon the
12 People of Bikini of all radioactive materials in the Bikini
13 Atoll ecosystem; and investigation and analysis of remedial
14 measures to remove radioactive materials from the Bikini Atoll
15 ecosystem, and

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16 B. A comprehensive and careful investigation
17 and analysis of means to accomplish resettlement of the People
18 of Bikini to Bikini Atoll at the earliest possible time in a
19 condition of social, economic and physical well-being.

20 III. Enjoin defendants from reprogramming or otherwise
21 diverting any and all funds previously requested, appropriated
22 or earmarked for the Bikini Resettlement Program.

23 IV. Enjoin defendants to submit to the Court within
24 thirty (30) days, a detailed plan for funding, carrying out,
25 and completing a special radiological study of the Bikini
26 People now residing, or formerly residing within the past
27 ten (10) years, on Bikini Island at Bikini Atoll, said study to

*independently
medical
exams*

28 A. be made by a panel of at least three scientists,
29 not presently employed by or affiliated with defendants, approved
30 by the Court and plaintiffs;

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31 B. include at least the following elements for each
32 person now residing on Bikini Island:

- 1 1. the taking and analysis of individual
2 medical history, including any previous radiation exposure;
3 2. a complete physical examination;
4 3. a complete blood count, including a blood
5 chemistry profile;
6 4. urinalysis, including assays for all
7 radionuclides;
8 5. in vivo measurements for all radionuclides,
9 [including plutonium-239 in the chest];
10 6. roentgenograms of the lateral skull, chest,
11 pelvis, knee and elbow, feet and teeth;
12 7. pulmonary cytology;
13 8. chromosome analysis; and
14 9. any other procedures deemed to be advisable
15 or necessary by the independent scientists engaged to conduct
16 the study;

17 C. include evaluation of all available data on the
18 radiocontamination of Bikini Island, including the kinds and
19 concentrations of radionuclides in the soil, flora, groundwater,
20 and air;

21 D. include evaluation of all available data on the
22 external radiation dose; **BEST AVAILABLE COPY**

23 E. be supported by defendants in at least the
24 following ways:

- 25 1. by provision of the necessary funds;
26 2. by provision of the vessel LCU-Liktanur for
27 transportation;
28 3. by provision of the necessary equipment;
29 4. by provision of all available information
30 and data to the panel of independent scientists on the **DOE ARCHIVES**
31 radiocontamination of Bikini Island, including the kinds and
32 concentrations of radionuclides in the soil, flora, groundwater,

1 and air, and all available information and data on the external
2 radiation dose;

3 F. by provision of any and all technician and
4 laboratory assistance which, in the view of the independent
5 scientists, is necessary; and

6 G. by provision of such other assistance, including
7 but not limited to assistance in transportation, communications,
8 and funding, as is necessary for the prompt and careful completion
9 of the study.

10 DATED this 30~~th~~ day of October, 1975.

13 Respectfully submitted,

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28 BY: Edward C. King
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