High Country News

July 6, 1987 *Vol. 19 No. 13* *A Paper for People who Care about the West* *One Dollar*

DOWNWINDERS

America's nuclear sacrificial lambs

by Joseph Bauman

Ten years ago, Paul F. Cooper of Emmett, Idaho, checked into the Veterans Administration Hospital in Salt Lake City suffering from leukemia. Before he died, he charged that his disease resulted from military maneuvers. He and thousands of other soldiers had been marched near a number of "Ground Zeros" just minutes after open-air atomic bomb tests at the Nevada Test Site. The goal was to observe the effects on so-called "nuclear warriors."

With his claims began, belatedly, a great national furor over fallout from atmospheric tests that had been carried out in the United States between 1951 and 1962. For 10 years, this debate over federal carelessness and coverups ripped across the West, as alleged victims used the courts to try to place blame and collect compensation.

Their claims were backed by common sense: Cancer rates were abnormally high in the heavily Mormon, rural southwestern part of Utah close in the path of prevailing winds from the test site. Such cancer rates were expected to be low because observant Mormons do not smoke, or drink alcohol or beverages containing caffeine. Moreover, rural southwestern Utah has none of the industry or auto-caused air pollution common in urban areas.

In addition, abundant evidence had been uncovered over the years that the U.S. Government had been more interested in keeping residents calm than in protecting them from the tests. And when trouble struck, as it did to a group of sheepmen who were herding their massive flocks near the test site during an atomic test, the Atomic Energy Commission was not forthright. Evidence that came to light years later proved to the satisfaction of a federal district judge that officials engaged in a coverup, hiding documents and convincing scientists to conceal the damage done to the animals.

In addition to favorable rulings in lower courts, those who thought they had suffered from the nuclear program -- people living in southwestern Utah, soldiers deliberately exposed to the blasts, workers at the test site, and miners who produced uranium for the bombs -- also gained political support. In conservative Utah, the congressional delegation, and especially then Gov. Scott Matheson, backed the alleged victims.

But in the last month and a half, two sudden twists in the struggle have changed the course of this painful story. As a result, people who thought they were entitled to thousands of dollars in compensation have been stripped of those expectations.

First, on April 20, 1987, the U.S. Tenth Circuit Court of Appeals in Denver overturned a 1984 ruling by U.S. District Judge Bruce S. Jenkins in Salt Lake City. Jenkins had awarded compensation to people he ruled had contracted cancer as a result of fallout.

The appeals court panel did not quarrel with Jenkins' findings that government negligence caused the cancer. Instead, it overturned him on the federal government's immunity from a lawsuit. It said the government was immune because the nuclear testing was done in the conduct of national policy.

The suit was a test case for 1,100 plaintiffs. Their lawyers are certain to take the case to the Supreme Court. But in light of the appeals court decision, and the drift of recent orders by the highest court on other fallout issues, their chances do not look promising.

Second, one month after the above decision, a blue-ribbon panel of experts working for the U.S. Department of Energy found that the 1951 to 1962 fallout had

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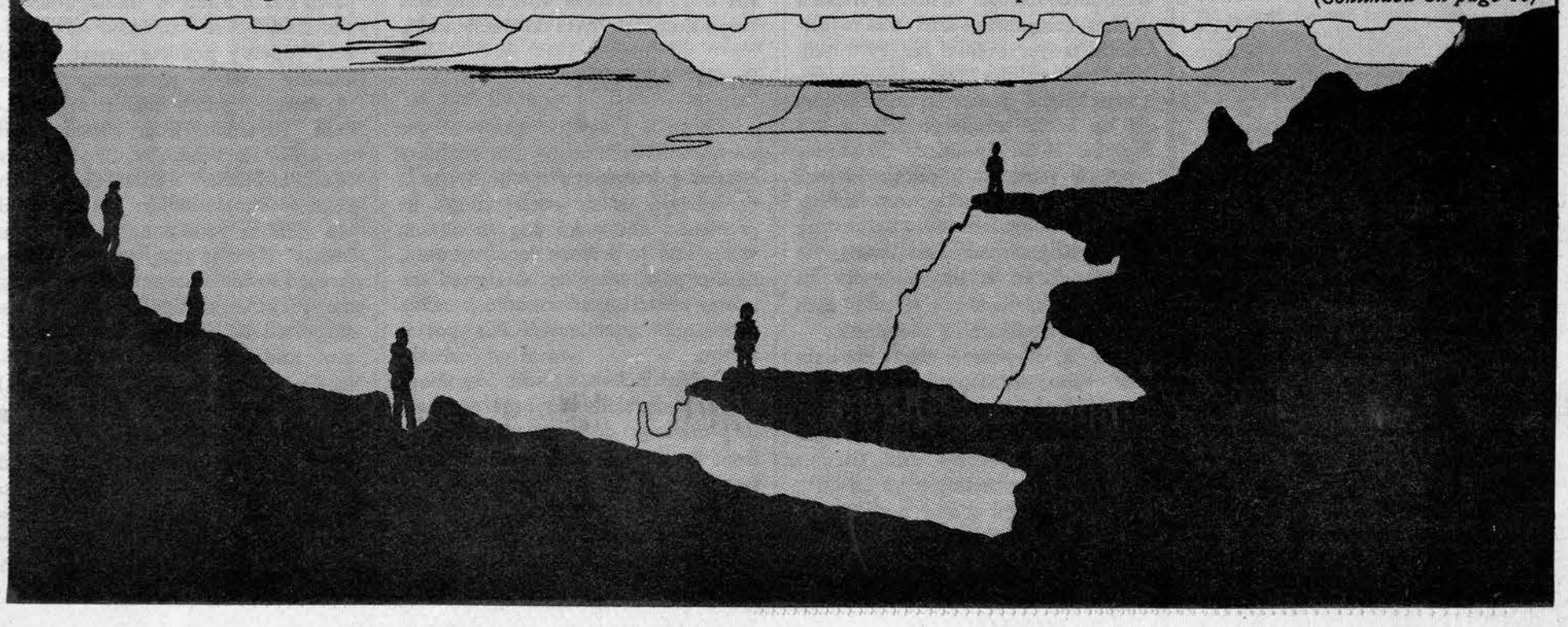

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posed only a slight danger to area residents. The DOE is the same agency that conducts the nuclear experiments, but its specialists were civilian researchers and educated laymen.

The experts, called the Dose Assessment Advisory Group, worked seven years to recalculate fallout dosages. They did such things as test soil samples that retained radioactivity, and figured backward in time to calculate the original radiation that had fallen on the area.

During the advisory group's last meeting, held in the Energy Department's Nevada Operations Office in Las Vegas, its chairman announced the findings. Dr. Edward L. Alpen of the University of California at Berkeley said the odds that cancer could have been caused by fallout is "low but certainly not zero."

The worst-case scenario would have happened if an infant born in Washington County, Utah, in the spring of 1953 drank only milk from cows that grazed pastures sprinkled with fallout. That child could have received up to 60 rads of radiation to the thyroid gland. But exposure of 60 rads to the thyroid is not likely to cause cancer in an individual.

Injections of radioactive Iodine-131 were used for many years as a diagnostic tool to discover possible thyroid problems, and 50 to 60 rads is not an unusual dose. "There are probably several hundred thousand people in the United States who received that kind of dose," Alpen said.

If a large population had received 60 rads to the thyroid, you might find one or two cancers, he said. But probably no more than 10 or 20 infants lived in Washington County at the time. "Milk shed" studies show that regional dairies did not use milk exclusively from contaminated areas, according to Barbara Yoerg of the DOE.

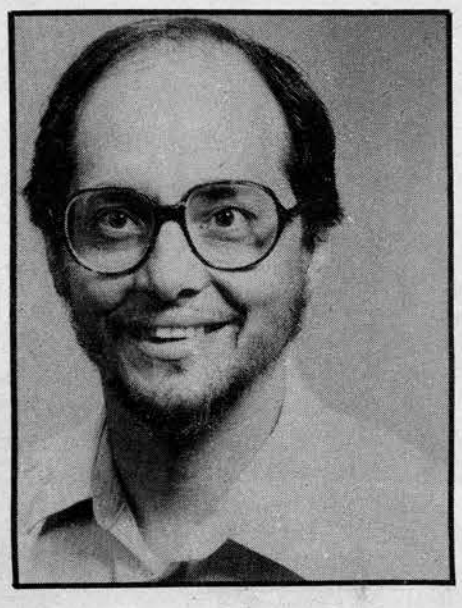
The advisory group also discounted the danger of theorized "hot spots" of fallout.

Although the worst-case infant would have had the most dangerous exposure, the advisory group also figured the external dose to a typical resident as a result of radioactive particles falling upon his skin. This was estimated at 5 rads for someone living in Washington County, although some could have had more and some less.

Five rads is "about equal to the amount you get from background (radiation) during a lifetime," Alpen said. It means that during a few years, residents of the area got as much radiation from fallout as they would from cosmic rays and other natural sources during their entire lifetimes.

Is the advisory group saying the fallout did not cause any

Telling a hopeless story



When Joe Bauman sent us the first draft of his story about the victims of above-ground nuclear testing in Utah, we sent it back to him with a series of questions: Has there been much political fallout in southern Utah as a result of the fraud perpetrated on the residents by the federal government? How is it that southern Utah continues to campaign for a high-level nuclear dump at Canyonlands?

Bauman found little merit in the questions: "I think the story deserves to be told for itself. I think it should be told in a straightforward fashion, without attempting to tie it in with land use, parks, storage of Weteye bombs on federal reservations, or any other side issue. The tragedy is great enough, and the betrayal is so huge, that people can read it straight, without the trimmings."

So here is the story of how the United States drenched its most trusting citizens, and their livestock, with intense doses of cancer-causing radiation, and then spent decades concealing that fact from them and denying them compensation.

Bauman, 41, was instrumental in uncovering the story in 1977 as a reporter for the *Deseret News* in Salt Lake City. Today, after 10 years of near obsession with the story, he sees little possibility of justice for the various victims of the fallout. "It's absolutely hopeless as far as I can see. I don't see any compensation coming."

The U.S., he says, willingly paid compensation to Marshall Island residents for damage they suffered from nuclear fallout, "But it fights tooth and nail against compensation for U.S. citizens. I guess they're concerned about the extent of claims, and that it might be used as a precedent to stop Star Wars."

Bauman says his work in unmasking the U.S. coverup and his coming to know the victims of the fallout was a milestone in his life. "They were trusting Americans. And like me as a child, they never doubted anything the government said. The people in southern Utah had no reason to mistrust their government. They were shown propaganda films; they were told by eminent scientists that there was nothing to worry about."

Today, Bauman and many southern Utahans are different. "There are some very bitter people in the radiation survival groups."

The nuclear victims -- ranchers, residents of the small towns downwind of the Nevada Test Site, workers at that site, soldiers deliberately exposed to atomic blasts -- have all had their days in court, and each has lost.

Their only hope now, Bauman says, is the Congress. But the Utah delegation, he says, is more concerned about such things as the paving of the Burr Trail than about compensation. Sen. Orrin Hatch of Utah "had adopted it as a cause, and worked out a compensation plan. But some radiation survivor groups rejected it and denounced him. He was burned," and is unlikely to attempt again to solve the problem.

Bauman has been with the *Deseret News* since 1971 and has been its environmental reporter since 1974. He is currently writing a book about the nation's nuclear victims.

--Ed Marston

Photographing the victims

Dan Miller, Salt Lake Tribune

She is intense and urgent about documenting the lives of sick and dying people. Photographer Carole Gallagher has a mission, and that is to tell the story of those who lived in the immediate path of fallout during America's atomic testing program in Nevada during the 1950s.

The residents of small towns in Utah, Arizona and Nevada continue to be little-known victims, she says, as the highest courts block their claims for compensation.

"Kids here in Utah grew up in the '50s writing their names on the family car in the "snow," which they say burned their fingers enough to send the younger ones screaming into the house," Gallagher writes. "This snow was actually radioactive fallout...

"These children are now my age, 36, and have had, on the average, two different kinds of cancer and hysterectomies after their first child was born with birth defects."

A former New Yorker who now lives in Salt Lake City, Utah, Gallagher calls her work in progress *Nuclear Towns: Radiation Victims of the American Southwest*. The Utah State Historical Society was an early supporter in 1982, followed by the Columbia Foundation and the Maryanne Mott Charitable Trust/ CS Fund. Gallagher says she still needs support to complete the book with the help of writer Olivia Ward of the *Toronto Star*. A photo exhibit and speaking tour are also planned.

When Richard Avedon came to the West to photograph cowboys, miners, drifters, a nuclear radiation victim and others, he posed each in front of a white curtain. Avedon cared little for context -- the details of a person's life in a particular place -- and poring through his book, *In the American West*, can be chilling (*HCN*, 10/28/86).

Gallagher's approach could not be more different. A partisan, she wants us to see the victims of America's nuclear-testing policy, to hear their voices, and to care -- to acknowledge a disaster that began in the 1950s and that continues today. Too many times, Gallagher says, she will be referred to someone to photograph only to find that the person has recently died.

Gallagher was born and educated in New York, at Hunter College, and she studied portraiture with Philippe Halsman. Her work has been exhibited in Europe and New York and she has done the photos for several books, including two on boxing.

--Betsy Marston

RADIATION VICTIMS OF THE AMERICAN SOUTHWEST

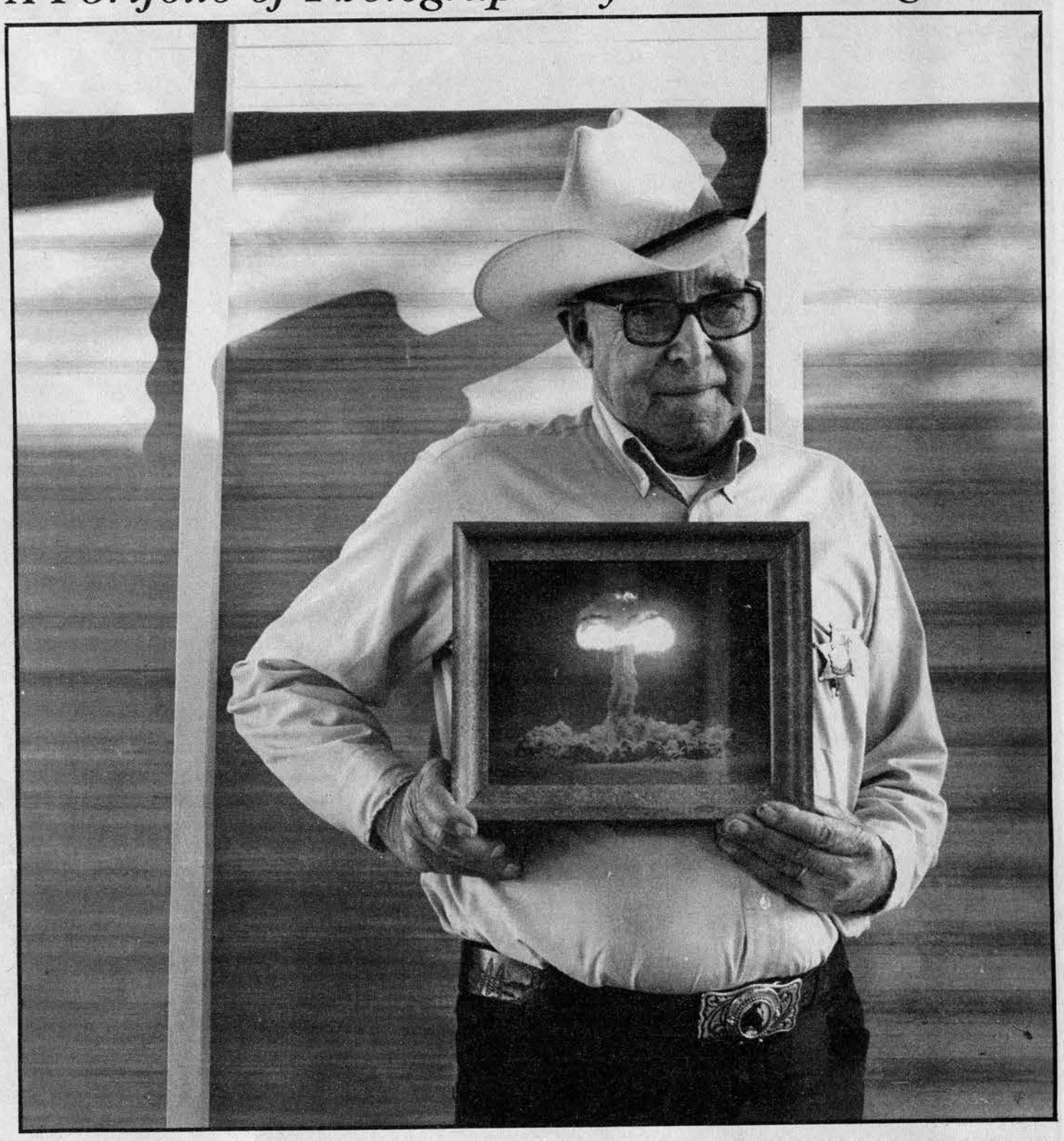
A Portfolio of Photographs by Carole Gallagher

Ken Case worked for the Nevada Test Site during its many years of cattle experiments. He herded sheep and cattle over the hot spots and the Ground Zeros, to see how they reacted to radiation. After these maneuvers ended, he put in many more years at the test site as a construction worker.

At the time of the interview, he and his wife were both ill with cancer. This often happens: The workers bring home their work-clothes and throw them in with everyone else's. I first met Case at a meeting of the Nevada Test Site Radiation Workers Radiation Victims' Association. He had just had 26 feet of his intestine removed, and he was adamant about radiation having caused his and his wife's illness. He pointed to Atomic Energy Commission photos of him on horseback on the range, encased in the dust kicked up by the herd and the horses. "They got cancer and we got cancer."

He died July 5, 1985; his wife died a few months later. Both spent their last years fighting various cancers, and were in physical and emotional pain to the end.

--Carole Gallagher



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cases of cancer? Alpen's response was that his mother had told him to "never say never." But he did say that the likelihood is low. And that means the likelihood of compensation from Congress to those suffering from cancer may also be low.

Steve Erickson, an activist in Salt Lake City representing the anti-nuclear organization, Downwinders, immediately branded the findings as "garbage."

Between Alpen's carefully stated conclusions of low or no risk and Erickson's "garbage" lies a lot of territory. To untangle and judge the claims and counterclaims of the past decade will require the skills of historians, physical researchers and sociologists.

But let's make a modest start and go back 10 years to when Paul Cooper's deathbed allegations put the media on alert for a possible connection between cancer and the atmospheric tests. During the summer of 1977, the Washington, D.C., correspondent for the *Deseret News,* Gordon Eliot White, was assigned to check on reactions in the capital to Cooper's charges.

White came across National Cancer Institute statistics on leukemia in Utah. The state has comparatively few people, so the figures were low. But in the five southern Utah counties downwind from the Nevada Test Site, they were higher than they should have been. Leukemia rates recorded from 1950 to 1969 were 143 percent of the state average. Because southern Utah is predominantly Mormon, even more so than the rest of the state, the church's ban on smoking and drinking should have lowered the cancer rate.

The *Deseret News* pointed a finger at the Nevada Test Site, making the obvious connection with fallout that drifted in on the prevailing southwesterly winds.

White's story caused an uproar, with many scientists doubting the statistics or questioning their significance. Because very few people formed the base, they argued, a few cases more -- a normal perturbation in the statistics -- could look like a plague.

Dr. Joseph L. Lyon, co-director of the Utah Cancer Registry, set out to disprove White's contention. But after many months of research, he uncovered evidence that childhood leukemia deaths in high-fallout counties of Utah to the north and east of the test site amounted to 2½ times the national average. Fifteen to 20 more children under 15 died of leukemia than could have been expected.

Death rates of children were studied because they are more vulnerable to radiation. Their deaths had begun to rise in 1959, six years after the dirtiest series, the 1953 shots called Upshot Knothole. That six-year gap is consistent with the latency period of leukemia. Deaths peaked in 1967, four years after above-ground testing was halted and then fell to the pre-testing rate. Some experts considered the odds against all this happening naturally to be 100 to 1.

The fallout victims, if that's what they were, weren't accidents. They died from a political force: America's fear of the Soviet Union in the hysteria of the 1950s. We had to build more potent H-bombs because the USSR, armed with weapons some people assumed were stolen from this country, was a frightening menace. Sen. Joe McCarthy raged that communists had infiltrated the State Department and Army; American boys were fighting them in Korea; elementary school kids were taught to duck and take cover under desks or in the hallway for protection against a nuclear explosion.

Around this time, a salesman peddling fallout shelters towed the latest model on the back of a flatbed truck into our little town of Stanton, Del. It looked like a

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Herman Hagen was too exhausted by illness to talk much during our interview, but his wife, Mary, told me more than anyone with half a heart would want to know. Until my visit, Herman had never wanted to talk about the effects of radiation on him, so his wife was surprised when he agreed to let me visit and photograph him.

He had been bedridden for three years, gradually wasting to 78 pounds from the 278 pounds he'd weighed at the test site. He had bravado to go with his size: He would dip his arms up to the elbow in radioactive wastewater and say, "See, it can't hurt you."

If you look at the photograph, you can see that his hips aren't much wider than his hand. He has multiple myeloma, which seems to be the radiogenic illness of choice for test site workers with heavy exposure to radiation. The Hagens live in Henderson, Nev.

--Carole Gallagher

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white septic tank with a turret where you climbed in. Lines formed, we waited our turn, and then my Cub Scout pack got its chance to clink down the metal ladder and examine bunk beds and food stores that would get us through a nuclear war -- if only dad would buy one and plant it out back.

With the pressure increasing to build bigger and more deadly bombs, President Harry Truman decided to shift from tests in the Marshall Islands of the mid-Pacific to the United States, where supply lines were shorter.

After surveying sites in Utah, New Mexico, Nevada and North Carolina, the Atomic Energy Commission (predecessor to the DOE) chose the Las Vegas-Tonopah Bombing and Gunnery Range in Nevada, taking 1,300 square miles to create the Nevada Test Site. It seemed perfect for testing. Downwind lived a few ranchers and miners, and they were a patriotic population. The "cities" of St. George and Cedar City were just towns.

And if we in Delaware believed that a nuclear war could be waged and survived, the citizens of Nevada and Utah were even more trusting. They could be counted upon to do their duty in the war against communism.

The first detonation, codenamed "Able," shook the Nevada desert on Jan. 27, 1951. The dirtiest in terms of radioactivity released was during the spring of 1953 -- big shots detonated from towers that were partly vaporized. The dust and metal consumed in the fireball rained down eventually as fallout.

By the time the Nuclear Test Ban Treaty of 1963 halted aboveground shots, more than 100 had been conducted in open air. More were vented from tunnels. The largest atmospheric test was the 43-kiloton Apple-1 of 1955. Life in southern Utah was like living downwind from a nuclear war that went on sporadically for more than a decade. That nuclear war had its victims.

In 1953, rancher Kern Bulloch of Cedar City was with his brother Mac trailing 2,000 sheep back from winter range near the Nevada Test Site. Moving along at six miles a day, they were still two weeks from home.

"We were out in what they call Tickaboo Valley, and this plane came over and dropped a bomb, and I was looking right at it," he told me. "It was just a big ball of fire. Then this big cloud came out. The fallout came right over us. Me and another fellow were in the camp. It drifted over the sheep and over this Lincoln Mine."

Later that morning, AEC

Marjorie Lease and Bonnie McDaniels, mother and daughter, live together in Las Vegas with Bonnie's sons. Both McDaniels and her father, Hap, worked at the test site. Hap put in 14 years at the test site as a draftsman and engineer. He developed a cancerous tumor on his larynx (another common disease among test site workers), which expanded to the outside of his neck. He had his larynx removed at UCLA Medical Center. Bonnie McDaniels says:

"They just literally took his whole head off almost. By the time he died, he had no tissue clear back to here behind his ear, clear out to his chin. It went down to his chest, too."

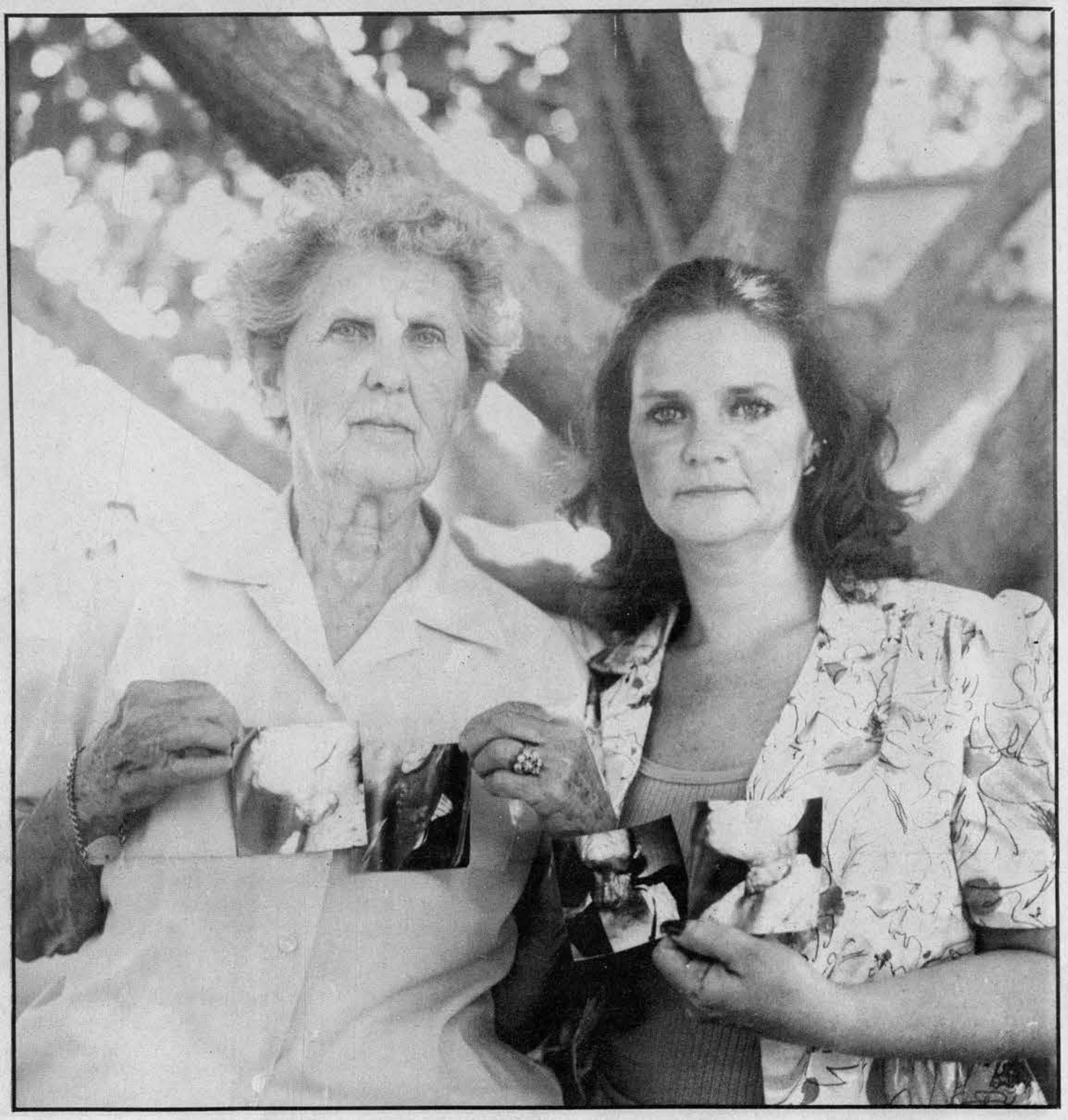
Toward the end of his life, he was taking 250 pain pills and other drugs a week. "We had to line them up in envelopes and date (them), and put the time on each set of pills he had to take. We had to be home all the time. It was seven months that we were home, 24 hours a day; we didn't leave his side. We didn't go anywhere, didn't see anybody for weeks, months."

McDaniels was a secretary and bookkeeper for Rad Safe, the Radiation Safety Department. She brought paychecks to the workers, driving the company truck to all parts of the test site. "I would ... take time cards and paychecks to all the guys no matter where they were." That often included hot areas cordoned off with yellow ropes. "It didn't matter, I drove right through them."

She worked across the hall from the offices which checked the badges of workers for levels of absorbed radioactivity. "There were a lot of times I heard the guys say, 'This one is too hot, let's destroy this one and take a new one. Give it the same number and then shoot it with a little bit (of radioactivity).' Many times I heard that, many times they put them in the fire and burnt them up, burnt up the badges."

The test site struck at a third generation of the family when Bonnie McDaniels gave birth to a boy with a cleft palate, no stomach muscles and a deformed bladder. Birth defects are common among the children of test site workers. She had his genes analyzed by a private lab in Minnesota. It found radiogenic chromosome damage.

--Carole Gallagher



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officials in a Jeep warned the Bullochs they were in "a hell of a hot spot." But the brothers had no choice, short of abandoning the herd. So they grazed the sheep back toward Utah at six miles a day.

The Bullochs weren't alone in that vast, empty country. Eleven sheep operations were using leased public rangeland within 60 miles or so of the test site. Bulloch recalled that soon after the flocks arrived in Cedar City, "they just started dying like flies. We figured they had lesions in their mouths and lungs from eating the feed. The fallout had settled on the vegetation and they ate it."

Altogether, of the 11,000 sheep and lambs near the bomb test, 4,300 died. These were heavy losses for the ranchers. Some families have still not recovered financially from the die-off 34 years ago.

After I interviewed Bulloch about the sheep in 1978, rancher Isaac A. Nelson of Cedar City wrote to me: "When Doug Clark was having so many of his sheep, ewes and lambs die that spring, in the early 1950s, I rode out to his farm, where he was lambing. Never in my life have I ever experienced anything like I saw that day. The lambs that were being born didn't have any wool or skin on them, just a clear membrane covered their organs, and you could see their hearts beating, and all the other organs functioning. In a matter of minutes, they died."

Doug Clark, an Iron County commissioner, suffered huge losses: 875 ewes and 2,200 lambs out of a flock numbering 4,000. His daughter, Virginia Esmierer of Washington, Utah, said the fallout made "kind of round holes through their wool and down into their skins, and the wool was burned around it.

"Within our own family there was a feeling of panic. We were losing our whole business, and my father had it investigated quite thoroughly before he called the government in."

At first, federal veterinarians told the ranchers they were finding strong evidence of fallout. But later, when the ranchers asked for compensation, the Atomic Energy Commission took a hard line. In October 1953, seven months after the sheep were exposed, Clark clashed with officialdom. In a meeting between the AEC, the military and the stockmen, Clark made statements with which the government men disagreed.

Dr. Stephen Brower, later a professor at Brigham Young University, was then Iron County agricultural agent. He recalled that a colonel at the meeting attacked Clark verbally "about being a dumb sheepman and not being smart enough to understand it if he did give them the data."

Brower said, "For 10 or 15 minutes the colonel harangued, belittled and discredited Doug's intellectual ability to understand anything."

Clark left to talk to the bank about a loan he needed because of his sheep losses. Two hours later, he was dead of a heart attack.

When the ranchers realized the government would not voluntarily reimburse them, they hired Salt Lake lawyer Dan Bushnell to sue. At the 1955 trial, Atomic Energy Commission attorneys and experts testified that the agency had thoroughly investigated the deaths and concluded that the sheep had died of malnutrition and poor range conditions.

Judge A. Sherman Christensen found in favor of the AEC.

A generation later, due to the new interest in fallout, the ranchers tried to reopen the case. Bushnell, again representing them, cited newly discovered evidence. He noted that Peter Libbassi, then the general counsel for the Department of Health, Education and Welfare, told a 1979 congressional hearing that AEC reports were misleading and distorted.

Bushnell said the congressional report concluded "the government knowingly disregarded and suppressed evidence correlating the deaths of the sheep to

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Joanne Workman lived in St. George, Utah, and was a student at Dixie College when she received the dose of radiation that most likely spawned the five cancers she battles today. In the 1950s, the Atomic Energy Commission ran educational side-shows in all the larger towns downwind and encouraged local teachers to use the spectacular detonations in their history and science classes.

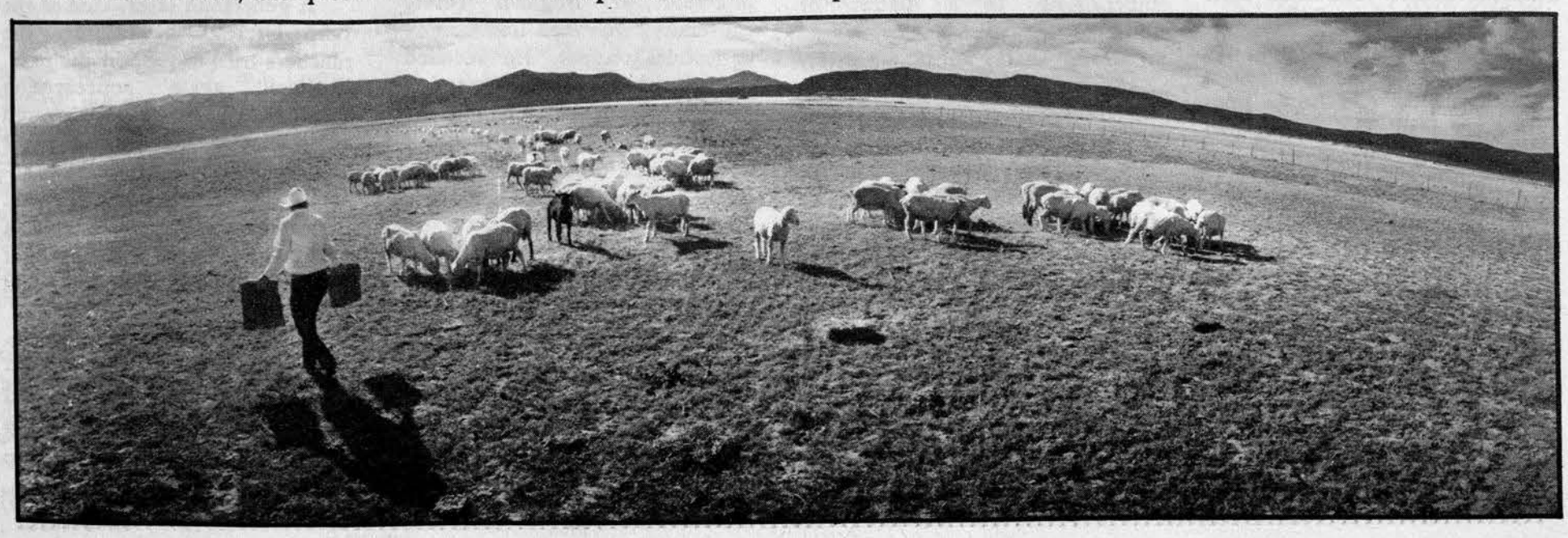
Dr. Arthur Bruhn, later president of Dixie College, who died of leukemia in his prime, took his geology students on field trips coordinated to the days of bomb detonations. He would start them out before dawn on the red buttes of St. George, or drive them miles closer to the test site, where the view would be the best.

Workman, who had been struck by polio the year before, took a geology makeup class with Dr. Bruhn to compensate for her absences. The class watched from a high butte as the bomb lighted up the sky and then dispersed to do field work.

Still none too steady on her feet, Joanne Workman settled on a flat rock to make her geological identifications. She worked for five hours, stopping every few minutes to brush off the metallic ash blown by a wind which began some 20 minutes after the explosion.

By the time she got home, she had a "sunburn." When she tried to brush off the ashes, they stuck to her head; most of her hair came off and never has grown back. Years later, the five cancers, including a brain tumor, are in remission thanks to an experimental cancer program administered by Stanford University.

--Carole Gallagher



Baneberry, the name of an underground test of a nuclear warhead at the test site, was an explosion gone awry in 1970. Walter Adkins worked as a bus driver at the site, and when I interviewed him in May 1984, he never went anywhere without a portable oxygen tank.

Walter Adkins recalls Baneberry: "Now that's where I got my big load of radiation. It went off that morning and I went down to the mess hall with my bus... I had to go take the men up to T-Tunnel. We were sitting in the mess hall... Up on the mountain, and down on the flat -- not quite six miles we was from it -- it blowed plumb out of the ground."

The fallout was thick and no one knew what to do outside. "They were just screwy... We were just covered up out there... And I could just see it, on my hands. Pink, kind of pink-lookin' stuff like a pink dust." Adkins says he and other exposed workers were told to take showers. In all, he took nine showers in cold water because the hot water wasn't working. He was still radioactive. "The thing would just keep a'clickin'." Along with other employees, he was finally sent home with new clothes: paper overalls and paper shoes.

Two years afterward he suffered from a dry, hacking cough, and he began to break out in skin cancers on his arms, legs, back and nose. "Can't you see I got one right here in my eye?" he asks.

Since Baneberry he has had a malignant tumor removed from his windpipe, a heart bypass and a lung removed.

--Carole Gallagher

This small flock being fed by MacRae Bulloch is all that is left of the magnificent numbers he and his brothers and sons used to drive clear to the eastern boundaries of the test site, unaware of the contaminated range on which he and his animals walked, slept and ate. That flock would have filled each photograph.

--Carole Gallagher

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exposure to radioactive fallout." Fallout was likely the cause, the report added.

Twenty-six years after his first decision in the case, the semi-retired Christensen reheard the case and ruled that the federal government had "perpetrated a fraud upon the court" back in the 1950s. It was an unprecedented ruling, and the federal attorneys were not about to accept it.

They appealed to the Tenth Circuit. The appeals court overturned Christensen and the U.S. Supreme Court decided in January 1986, by a 5-3 vote, not to hear the case. This leaves the appeals court ruling intact, and the ranchers uncompensated.

Their last chance is Congress, but Congress seems less likely to act after the developments of this April and May.

The stockmen were not alone in their concern about fallout. Americans as far from the NTS as Troy, N.Y., found higher levels of radiation raining from the sky. Still, Utahns in the southwest corner of the state were the most exposed. Unlike the sheep, which quickly died from radiation poisoning, people may be suffering from cancer that takes many years to develop.

Some are more at risk than others. Utahns who were enthusiastic about the explosions would get up before dawn to witness them. Geology professor Arthur Bruhn of Dixie College in St. George built the tests into his courses, scheduling field trips so his class could get out into the open before sunrise and see the explosions. Bruhn eventually became president of the college. He died of leukemia, which he blamed on the tests.

But others were exposed in the course of their daily lives. Frank Butrico was hired by the federal government to monitor fallout in St. George for the 32-kiloton Harry shot of May 19, 1953. Butrico realized that high levels were sweeping through the city. About 8:50 a.m., his instrument went off the scale, showing exposure rates were greater than 350 millirems per hour.

Not until 10:15 a.m., however, did the Cedar City radio station broadcast a warning, and

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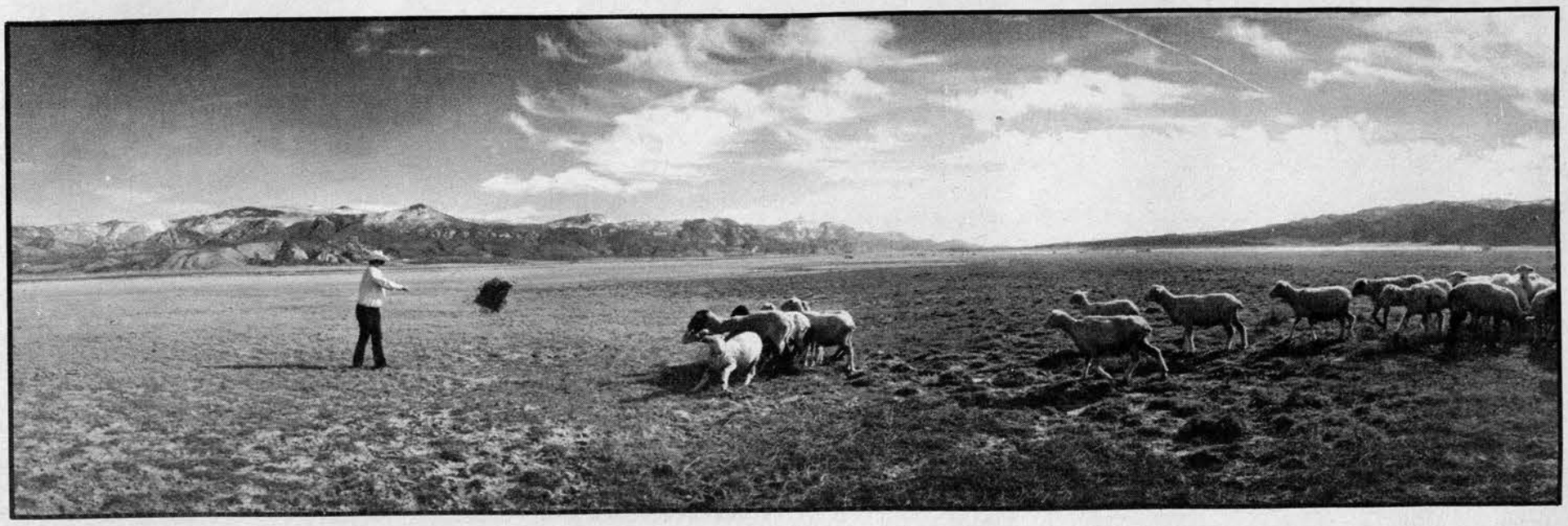

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no effort at all was made to reach towns to the east, where there were no fallout monitors.

Butrico's contacts at the Nevada Test Site told him to buy fresh clothing and throw away his old clothes. He took "a number" of showers that afternoon, he testified in court decades later. But St. George residents who were outside between 8:30 and 10:15 a.m. were not advised to shower or discard clothing.

A class - action lawsuit, charging that the federal government's negligence caused cancer, was filed in 1979. Lawyers for the plaintiffs were Stewart Udall of Phoenix, the former secretary of the Interior Department; Dale Haralson of Tucson; and MacArthur Wright of St. George. They were inundated with claims. Eventually 1,192 survivors or victims of cancer came aboard. Utah's congressional delegation and especially then-Gov. Scott M. Matheson offered strong support.

Trial began before Judge Jenkins on Sept. 14, 1982, with 24 types of injury cases chosen as representative cases. It ended on Dec. 17, 1982, after testimony of 98 witnesses and acceptance of 1,692 documents.

For another year and a half, Jenkins pondered this evidentiary mountain. Then, on May 10, 1984, he ruled: "The court finds that the defendant (the federal government) failed to adequately warn the plaintiffs or their predecessors of known or foreseeable long-range biological consequences" of atomic testing. His 489-page decision awarded compensation to 10 of the 24 bellwether cases. Nine of these were wrongful death claims; the tenth victim was still alive.

The judge found it astounding that "at no time during the period 1951 through 1962 did the off-site radiation safety program make any concerted effort to directly monitor and record internal contamination or dosage in off-site residents on a comprehensive person-specific basis."

He continued, "Even when fallout persisted in the area at levels measurably in excess of background, the assumption that inhalation of fallout involved a negligible risk of harm was not tested by direct examination" until limited studies in 1955, published four or five years later.

The government appealed to the Tenth Circuit, which did nothing for three years. Then it overturned Jenkins on the grounds that testing was national policy.

This is remarkable, since federal scientists conducting the tests knew fallout was dangerous. As long ago as 1942, a textbook cautioned that there isn't a safe threshold beyond which a radiation dose becomes dangerous, therefore no safe dose could be cited. Jenkins had himself addressed the issue of national policy, saying there was no national policy to conduct tests in an unnecessarily dangerous way.

Congress appears to be the last recourse. If it chooses to address compensation, it will have to wrestle with these questions:

- How many deaths did fallout cause? Scientists disagree heatedly on that. Some earlier estimates of the dose from a single detonation to the thyroids of children in St. George was up to levels of 700 rads.
- Assuming that fallout caused cancer, who should be compensated? Around 20 percent of all Americans die from cancer. Is it possible that fallout cancers can be sorted out from others?
- Finally, a philosophical question. Should a government be held accountable for knowingly putting its citizens at serious risk and not warning them -- even if done in the name of national security?

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This report by Joseph Bauman was paid for by the High Country News Research Fund.

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