

# The Compact of Free Association (COFA): A History of Failures

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A Short Paper As Part of MA Portfolio Video Project: Basic Health Hawaii-Broken Spirits, Healing Souls

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## **Personal Story**

As a child of a broken marriage, I lived with my mother in South Korea for the first few years of my life. The divorce agreement between my parents allowed me to stay with her until I was old enough to start elementary school. Upon my 6<sup>th</sup> birthday, I left my mother in Korea, and joined my father with his new family in Hawai`i. Only my mother and a very limited portion of my early childhood tie me to Korea. The rest of my life has been engaged with the Micronesian side of my family. My father is Palauan, Chamorro, and Japanese.

I arrived a few weeks before kindergarten without knowing much English or having much time to acclimate to my new environment. The days flew by, and before I knew it I was waiting at the bus stop in front of my house. My step brothers left me there alone, confident that I could catch the bus with the other children who were already there. It didn't take long for the older children at the bus stop to notice that I was different and did not know how to speak English. I became the center of attention for them and an easy target for jokes. Not satisfied with spewing out harsh words that I did not understand, the older kids pushed me to the ground and I began to cry. I ran towards my house only a few steps away, where I was met by my step-brothers. They came out to investigate and chased the kids away from me while we waited for my bus together.

The situation became worse when I got to school that day. I did not know where I was going or what I was supposed to do. A staff member came out to direct me to my classroom because I was the only child left in the hallway after the first bell rang. The following school days were equally horrifying and full of anxiety. I felt alone, and all the people seemed to look

down on me like I was some sort of alien from another planet. I spent that school year in “special needs” classrooms where I learned American protocols and how to speak English. I kept to myself and hardly interacted with anyone outside of the special needs classroom. I was the outsider that other students, and at times, teachers looked down upon. However, within a year’s time I absorbed the new culture and significantly improved my English. The following years were spent absorbing more of this new culture and forgetting about the earlier years of my childhood.

This experience allowed me to empathize with other Micronesians who have faced discrimination, prejudice, and social conflicts in their community due to their similar lack of English proficiency, Western cultural experiences and significant economic and social capital. I knew exactly what it felt like to be the “other.” I couldn’t share my fears and anxieties with anyone, not even with my new family. Now, with this project you will soon read and watch, I have the opportunity to confront my childhood feelings, and at the same time help fellow Pacific Islanders share their experiences.

## **Micronesians in Hawai`i**

According to American Community Survey’s 2006-2008 estimates, there were a substantial number of migrants – 22,192 – from the Micronesian region living in Hawai`i. Yet many residents in Hawai`i are unfamiliar with COFA citizens (Micronesians from Compact of Free Association nations). These migrants moved to Hawai`i for education, health care, and higher wage opportunities promised by the U.S government that were either limited or lacking in most of the islands’ region (Yamada & Pobutsky, 2009). This migration to Hawai`i was a result

of the Compact of Free Association (COFA) agreement made between the United States and three island nations: Federated States of Micronesia (FSM), Republic of the Marshall Islands (RMI), and the Republic of Palau (ROP). The COFA effectively ended the status of Trust Territory of the Pacific Islands (TTPI), and afforded free entry (free of U.S. immigration statutes), employment and educational opportunities, and access to social services within the U.S. and its affiliated territories. In return, the U.S. had sole access and broad military and veto powers over the islands' regions which were considered key to US defensive military interests and national security (GAO, 2001). Just as important, the Compact with the Marshall Islands established routes for compensation to the people of the Marshall Islands for the loss of life, health, land and resources due to the 67 nuclear tests carried out by the United States from 1946 to 1958. These tests left many islanders with devastating ailments such as cancer and birth defects still prevalent today and many more are expected to develop cancer, from the effects of irradiation, in the future.

With the exception of Palau, the Compact was signed in 1982 and ratified on November 13, 1986 by the United States. Almost immediately citizens of the COFA nations took advantage of this new avenue to what they considered a betterment of life. It must be acknowledged that before the Compacts went into effect, there were already a significant number of the Micronesians living in Guam, Commonwealth of the Northern Mariana Islands (CNMI) and Hawai'i as well as other parts of the Pacific. These migrants were relocated by colonial administrative decisions that were tied to strategic interests, labor needs and/or educational opportunities within the Pacific. Many citizens left their homes for opportunities abroad not necessarily to resettle but rather to access the opportunities and return home. Some COFA citizens became accustomed and acclimated to the new life and did not return. Most

significantly, many emigrated to the U.S. and/or its territories in search of health services for illnesses directly related to Western influences in the Pacific. However, the mass migration of COFA citizens brought up several problems.

Many of the migrants arrived with very limited proficiency in the English language. In the school year of 2000-2001, the Honolulu school district/complex enrolled the largest number of students from the FAS: 377 from RMI, 520 from FSM, and 9 from ROP. Of these students, 30% couldn't speak any English and 65% were considered limited English proficient, which meant the students had limited English speaking ability and were struggling to attain the academic language proficiency necessary to succeed in school (Heine, 2010). Access to services in their own language were severely limited, and thus made comprehending and communicating American processes and policy difficult at best. Finding jobs, assimilating into a new educational system and enlisting in social services were complicated for the Micronesians who were unfamiliar with the new culture (Shikina, 2006).

Among the Micronesians who migrated to Hawai'i for medical care, many were suffering from non-communicable diseases like diabetes and cancer. Unlike natural diseases such as malaria, these diseases were believed to be caused by the gradual change in diet as a result of US influence in the Pacific. Development programs initiated by U.S. administrations in the Micronesian region replaced the subsistence economy with a cash economy in addition to making highly processed and packaged foods as a food source readily available. The system of obtaining food through traditional methods was becoming obsolete as development demanded that the indigenous islanders focus on meeting American expectations in American ways. The highly processed foods- abundant in supply and low in cost- were favored among island citizens, wreaking havoc on the health of the islanders, and leading to diseases such as cancer and

diabetes. Relatively new to Micronesian peoples, the treatments needed for these diseases were available in the U.S. for a time until the recent change in status.

Additionally, COFA citizens arrived with very little to no money (Ward, Assisting Micronesian Immigrants in Hawai'i, 1998). As a result, they relied on federal programs like Medicaid to supplement the cost of living. The Medicaid program funded by the federal government provided the poverty level COFA citizens with comprehensive medical services that they otherwise could not afford. However, in 1996 Congress passed the 1996 Personal Responsibility Work Opportunities Reconciliation Act (otherwise known as Welfare Reform) that made COFA citizens ineligible for health coverage under Medicaid (Koller, 2009). Consequently, many were left without coverage or access to medical services.

In 1997 the state of Hawai'i decided to continue to provide comprehensive coverage for COFA migrants under the state funded program known as MedQuest. Because of the significant cost to the state, compensation was requested from the federal government in the form of Compact Impact Funds (which was guaranteed under Section 104 item E number 4 and 6 in the Compact of Free Association). Nevertheless, the state received only a diminutive percentage of the actual cost for the services, and requests for more funding were largely ignored.

With the recent economic downturn, the state made unilateral budget cuts across the state which included funding for the state run social services administered by the state Department of Human Services (DHS). The Department in response planned to remove COFA citizens who were 19 years of age and older, and who had been in Hawai'i for less than five years, off the comprehensive health plan (MedQuest) and into a new plan called Basic Health Hawaii (BHH). This effort was estimated to save the state \$15 million dollars a year (Altonn, 2009). BHH

provided significantly less coverage and medical services. The new plan provided a limited number of inpatient and outpatient physician visits; only 4 drug prescriptions per month (many cancer and dialysis patients needed more than 4 prescriptions in their treatment regimen); no dental services except for emergencies; and most importantly, no chemotherapy treatments for cancer patients.

This new plan was quickly developed and implemented by the state in September of 2009 but was judiciously restrained from taking effect through litigation by several Micronesian citizens directly affected by the plan. The temporary restraining order was the result of the counsel's claim that BHH was implemented without due process, particularly as the plan notification was not translated into the appropriate languages of the people affected, as mandated under state and federal statutes. Due process required the public to be informed of the issue and given an opportunity to respond. COFA citizens who depended on the health services provided by the state were concerned because it was truly a life and death issue. The original BHH plan eliminated lifesaving treatments for dialysis and chemotherapy patients (it allowed dialysis treatments through emergency services only) many who specifically arrived in Hawai'i for those treatments were left without any alternative care. Consequently a new BHH plan was developed with due process and was implemented on July 1<sup>st</sup> of 2010.

The new version of BHH allowed for treatment of dialysis patients for the next two years but still severely limited other services and prescriptions that were related to the treatment process and cancer patients were left without care. The updated plan was legally contested by 5 different local Micronesian organizations. These organizations were: Micronesians United (MU), Micronesians United Hilo (MUH); Micronesian Health Advisory Coalition (MHAC); Micronesian Community Network (MCN); and Pa Emman Kabjere (PEK), an organization of

Marshallese dialysis patients. This collaborative effort of the organizations has been known as the “5 Groups.” The 5 Groups retained legal counsel headed by Lawyers for Equal Justice (LEJ) and litigated through a private law firm who provided services pro bono. However, funding was still needed to cover expenses related to the class action suit filed against the state of Hawai`i. There were successful efforts by the organizations to raise those funds. As a member of two of the five organizations involved with the litigation, as a personal friend to many COFA citizens, and as a Micronesian, I have had a deep regional connection with the people who were affected by BHH.

## **Micronesian Agency and Activism**

As a Palauan, my position in this matter has been quite obvious. I have had a desire to point out the facts and the hidden truths about the relationship between the United States and Micronesian island nations, which included my own. This focus, however, was broader than the islands where my ancestors settled many thousands of years ago. It was a regional problem that affected a group of people who became entangled in U.S. militarism in the Pacific. My personal views about the injustices in the Micronesian region therefore were strong and the reaction to those feelings led me to this current project.

This project has been significant because it presents a positive focus on Micronesian agency and activism and it also enables us to hear and see Micronesian experiences. When researching for my undergraduate senior thesis for the School of Communications at U.H. Manoa in the Spring 2008 semester, I discovered that during this time negative media attention began to rise more noticeably about Micronesians in the community, particularly in the schools.

My BA portfolio project provided a different perspective about this Pacific community. I documented stories in the newspaper that addressed crime, health and education concerns regarding “Micronesians” for my research, and produced a short film that featured a few aspects of Micronesians in Hawai`i that I hoped would counter some of the over-represented, negative media about them. That film was entitled *Micronesians in Hawai`i*.

Shortly after I finished that documentary, the media focus turned to Micronesian use of state funded medical and health services. In the face of fiscal recession, the cost of providing health coverage to COFA citizens had become the highlighted topic of the media. Implementation of the new BHH plan, class-action litigation, and public concern once again put Micronesian communities in the spotlight. In response I studied how people were being directly affected by the plan and produced a second documentary that addressed these concerns, including perspectives from people who play a role in influencing Micronesians’ experiences (i.e. political leaders, organization leaders, and social service administrators).

In addition to the BHH issue itself, the film also addressed the military service that COFA citizens had been allowed to make under the Compact. One of the noticeable avenues to what many COFA citizens considered as an option for upward mobility was to join the U.S. military. COFA youths joining the military and losing their lives in the recent wars of Iraq and Afghanistan was an important reason that COFA citizens felt that they deserved at the very least, health care coverage provided by the federal government. The significant loss of lives from the Micronesian region in these wars showed that these were not people who were looking for free social services, but rather a people who were looking for opportunities to change their situation.

I hoped to reverse the negative trend through the documentary and establish a connection that allowed for a more human approach in helping to understand the contemporary concerns of Micronesian peoples in need of help. I wanted to show that it was not Micronesians causing the financial strain in Hawai`i, but rather the federal government's failure to fulfill its obligations. This failure was not the first and I am confident that it will not be the last. This paper complements the documentary by providing a historical context of U.S.-Micronesian compromises that demonstrated failures on the part of the United States many times over before this latest failure with health services.

Micronesian communities will benefit from this film because it gives them a chance to represent themselves as opposed to the image created by the media. Although the film demonstrates for the viewers the dire circumstances that Micronesians are in, it also shows the perseverance and strength of these Pacific Islanders. They do not see themselves just as nuclear victims or "lazy" immigrants, but rather as people who are fighting through the struggle for human rights and civil justice. This project will help to reaffirm those beliefs.

The local community will benefit from this film because the uninformed will get an opportunity to understand the issue and gain some insight into the problems for Micronesians and the state of Hawai`i. Others will be able to broaden their knowledge about the current dilemma and may provide ideas that will contribute in a positive way to assist in this complex transition for everyone affected.

I expect the outcome of this project to be mutually beneficial for both communities. It will help to bridge the gap between communities by providing information through visual presentation that is absent in discourse among residents of Hawai`i and Micronesians. This

bridge will provide an avenue for compassion and understanding that is critical for the success of all communities in Hawai`i.

## **Methodology**

I produced this project through participation in several Micronesian organizations' activities, in-depth personal interviews with Micronesian migrants, and archival research. My participation included guest lecturing, fund raising and meeting with community leaders. Being familiar with most Micronesian cultures, I knew that I needed to be trusted (to a certain degree at least) in order to have the opportunity to discuss personal concerns with members who were directly or indirectly affected by BHH. My participation, I believe, showed how genuine my concern was for a people who I felt shared my Pacific heritage and allowed me access to personal thoughts and experiences of the affected community members.

The archival research included a study of the history of the relations between FSM, RMI, ROP and the United States, the Compact of Free Association, and an in depth look at Medicaid, MedQuest and Basic Health Hawaii programs. I analyzed the US-FAS (Freely Associated States) relations in light of US responsibilities and military interests. This included a look at the culturally appropriate integration – or lack thereof – within the development of the aforementioned programs. Information gathered in this section were organized and introduced in this paper. I felt that the written portion of the project would help give a clearer depiction of the issue in the film by providing specific details about the relationship between the U.S. and the Compact states. Moreover, it provides evidence that there is a tendency on the part of the U.S. to renege on its promises or obligations, and the video portion provided a snap shot of the latest concerns for Compact citizens.

For the interviews, I was very flexible and mobile for the convenience of the COFA citizens. It may have been more comfortable for people to voice their thoughts and concerns in a familiar and appropriate setting and I was willing to meet at a location of their choice. For instance, Micronesians traditionally were not comfortable with sharing private matters with strangers, especially in their own home. They were more likely to be responsive in outdoor settings away from the home. Offices might have proved to be inappropriate because of the “cold and closed” atmosphere they were not accustomed to. Community concerns were usually brought forth in meeting houses that are not so enclosed and limited to outdoor space. For non-Micronesian individuals, the appropriate setting was in an office where they spent most of their time performing their duties.

To gain a more accurate insight into their burdens and concerns, the interviewees had the opportunity to communicate their responses in their native language. The setting allowed them to “talk story” which may have opened conversations specifically highlighting their concerns with the BHH issue. Included in the “talk story” sessions were structured questions provided by interpreters who were either related or familiar with interviewee that were related directly to medical problems and the encounters that affected them. I felt that interviewees would not have been so apprehensive in sharing their thoughts and feelings with people whom they were related to or familiar with. The interpreters were provided with a set of topics that were relevant to my research and allowed to discuss these topics freely. They directed the “talk story” in a manner that was most culturally appropriate. Some of the responses invoked strong emotional and painful moments. I used footage of these emotional moments with awareness of cultural sensitivity and appropriateness. To ensure the comfort of the interviewees, I let them preview the

footage before incorporating it into the documentary. All responses not in English were translated, transcribed and subtitled in the video.

I selected people for the interviews based on several factors. I decided that because of limitations, the number of people interviewed should be six to ten persons. (This estimate was based on experience from a previous project.) I wanted to narrow my focus in order to make the video as straightforward as possible without taking away the significance of the problem. The film's purpose was to provide a snap-shot of what COFA citizens were facing in the current situation. Therefore, the interviewees represented in the film were limited to COFA citizens directly and indirectly affected by the health plan, as well as representatives from the health and law sectors.

## **The Beginning: Micronesia Becomes A U.S. Focus**

This paper takes a look at several instances in the history of unequal relations between the U.S. and the people of Micronesia within the context of a military and political framework. The relationships were based on U.S. security interests and often lopsided to the benefit of the U.S. government. A closer look at the agreement suggests that the U.S. government has consistently failed to deliver on promises made by its departments and administrations.

Beginning many years before the negotiations, and long into the years of the Compact of Free Association, the United States had held firmly to the belief that strategic denial – restricted access in the region to foreign powers – was the most important asset that Micronesia offered. Additionally, it provided a cloak against foreign observation of U.S. actions carried out in the

region. Strategic access ensured obscurity of U.S. activities when thought to be necessary. (Walsh Kroeker, 2010) Through the Compact, the U.S. secured strategic denial by acquiring a relationship with Micronesia using authority as trust administrators and economic and development aids as incentive for the new nations to support the Compact. Consequently, Micronesia's geographic location had been its primary economic mainstay in contrast to its scarcity of natural resources.

Seemingly, the U.S. was willing to go to great lengths to ensure that this region called Micronesia remained under its domain in order to protect U.S. security interests. Although the U.S. claimed the need for strategic denial of the region for security purposes, it was interesting to see that this concept could be applied not only to the military strategy of denying access to foreign powers. Strategic denial in a broader context could have been used to describe the United States policy of limiting self-determination and more importantly denying independence to Micronesian peoples. In other words, the United States had strategically denied Micronesians their right to true independence in the name of national and regional security. True independence in this case would mean the region has full and total control over its resources of land and sea. It is important to note that although Micronesians desired the right to self governance and self determination, independence was not an option at that time because its geographic location was its largest bargaining chip. In light of this fact, Micronesian nations have benefitted, albeit in a limited way, from the relationship that they chose to accept. The word "choice" is used rather loosely given that the alternatives were either non-existent or not viable during the exit from Trust Territory status (which will be later discussed in detail). What was most concerning about the relationship though, was its unbalanced nature and the failure of

the United States to deliver on some of the promises made to the island nations it considered friends in the Pacific.

## **The Micronesian Region**

The Micronesian region consists of the Republic of Palau (RP), Federated States of Micronesia (FSM), Marshall Islands (RMI), the Mariana Islands (CNMI and Guam), the Republic of Kiribati and Nauru. The region lies approximately 2,300 miles off of Japan's west coast and 1,395 miles north of Australia (see map on p.16). The Federated States of Micronesia is comprised of four distinct cultural groups represented as states within the FSM: Yap, Chuuk, Pohnpei, and Kosrae. Because the topic of focus deals with U.S. affiliated and affected Compact of Free Association nations, the Republic of Kiribati and Nauru will not be addressed other than to note their inclusion in the Micronesian region (Nauru became an independent nation in 1968 and the Republic of Kiribati received independence from the United Kingdom on 12 July 1979). Additionally, because Guam is a territory of the United States and Saipan is a commonwealth (Commonwealth of Northern Marianas), mention of these places will also be limited here.

## Map of the Islands in the Pacific Ocean



(Center for Pacific Islands Studies)

Despite their small size, these island nations' geographic location became both an asset and a burden for their people. The strategic location of these islands became obvious from battles in the Pacific during World War II. It was this that pushed Micronesia to the forefront of American interest and resulted in a treaty called the Compact of Free Association.

## History of the Compact

The history of the Compact was quite an extensive and complicated matter. In order to understand the nature of the Compact, a historical overview of the events that led to the agreement must be described. The importance of the Micronesian region to the United States was evident during World War II. This Pacific region was vital to the Japanese Imperial Navy in its assault against the U.S. during the war. Forward bases and supply stations were scattered across the Micronesian chain and used to support the Imperial Navy as it struck forward, forever remembered by the United States in the attack on Pearl Harbor. The islands also proved to be a security buffer zone in the eventual retaliation by the United States. However, it was the use of the region by the Imperial Navy as a launching pad for its attack on the U.S. Navy in Hawai'i and the high cost in American lives during the battles in the Pacific that sealed the fate of Micronesia to this day.

The human and material cost of the battles in the Pacific by the United States was quite heavy relative to the size of the land area that they secured. "The recapture of the islands had cost the nation dearly – 32,395 casualties, including 7,353 lives, over a period of year and a half" (Hezel, 1995, p. 255). In the eyes of the Americans, this could not happen again. Shortly after the war, the United States was not willing to accept the return of the captured Micronesian islands to Japan. It insisted that the islands remain in the hands of the U.S. However, because of anti-colonial sentiments in the international community and the negative political perception that may have arisen at that time, the State Department was unwilling to annex the region (Hezel, 1995, p. 255). It would have seemed to be a colonial move on the part of the United States and contrary to its "policy" of avoiding territorial expansion.

Contrary to the State Departments' position, the Department of the Interior and the Joint Chiefs of Staff, supported by a number of Senators and Congressmen, demanded absolute control of the Micronesian islands. They were clamoring "for outright annexation and the extension of American sovereignty to Micronesia" (Goodman & Moos, 1981, p. 68). Secretary of War Henry L. Stimson vehemently denied the acquisition of the islands as a colonial move. He pointed out that U.S. security concerns were paramount, and authority over Micronesian land did not involve the people who lived on them. Stimson argued:

Acquisition of [Micronesia] by the United States does not represent an attempt at colonization or exploitation. Instead, it is merely the acquisition by the United States of the necessary bases for the defense of the security of the Pacific for the future world. To serve such a purpose they must belong to the United States with absolute power to rule and fortify them. They are not colonies; they are outposts, and their acquisition is appropriate under the general doctrine of self-defense by the power which guarantees the safety of that area of the world (Goodman & Moos, 1981, p. 68).

The State Department opposed this argument and stated that such a move by the United States would be perceived as contrary to the policy of non-aggrandizement in the Atlantic Charter and that the Charter "would become a mockery" (Goodman & Moos, 1981, p. 68). Stimson attempted to reinvent the façade of colonialism through name swapping which was quite insensitive to the dignity of the people concerned. Although there was a lack of mention of people, his mere refusal to acknowledge their presence on the islands was also evidence of colonialism. He made an attempt to redefine the term of colonialism by the notable absence of people in his description, and mentioned the islands as "just outposts" to justify the argument for complete rule over the islands regardless of the fact that such authority represented the very essence of colonialism. His argument that it was not the intention of the U.S. to colonize or exploit Micronesia did little to hide the fact that it was exactly the intention of the U.S. to do so. Simply put, Stimpson was calling the sky red. His explanation that Micronesia was "merely the

acquisition by the United States” in fact implies colonization under the guise of outposts rather than colonies. He had spoken as if Micronesian islands were undiscovered and unclaimed lands ready for ownership. Moreover, colonization was not only about the exploitation of one group by another; it was about the unbalanced relationship between the groups. According to the historian Jürgen Osterhammel, former Professor of Modern History at the Graduate Institute of International Studies in Geneva and fellow at the Netherlands Institute for Advanced Study in the Humanities and Social Sciences:

Colonialism is a relationship between an indigenous (or forcibly imported) majority and a minority of foreign invaders. The fundamental decisions affecting the lives of the colonized people are made and implemented by the colonial rulers in pursuit of interests that are often defined in a distant metropolis. Rejecting cultural compromises with the colonized population, the colonisers are convinced of their own superiority and their ordained mandate to rule (Osterhammel, 2005, p. 17).

If Stimpson’s argument is representative of U.S. views then his conceived “superiority” and “ordained mandate to rule” convinced the U.S. that Micronesia essentially belonged to the U.S. and that the islands would become U.S. “outposts” in the Pacific. This and the fact that many American soldiers and resources had been lost during the battles for control over the Micronesian islands contributed to the U.S. view that Micronesia was the property of America. “A high price was paid in American lives to wrest the islands from Japanese control in part fueled military and U.S. Congressional desire to retain permanent sovereignty over Micronesia” (Johnson, 1984, p. 6). Most notably, the United States’ direct and perpetual power over access in the region highlighted the unbalanced relationship it held over Micronesians.

Regardless of American sentiment, the State Department did not want the U.S. to be seen as engaged in a neo-colonial expansionist move, while the Department of the Interior and the U.S. Navy did not want to give up outright control of the islands citing national security interests. There was continued inter-departmental quarreling about the future of Micronesia that

delayed the official position of the United States. In spite of U.N. pressures for the U.S. to reach a consensus, another explanation may have contributed to the delay: the U.S. was in the early stages of a planning a nuclear testing program to be carried out in the Marshall Islands. Expansive authority and total control over access and clandestine movement within secure island areas was required to carry out nuclear testing activities. Bikini atoll in the Marshall Islands was the perfect fit and the U.S. wanted to control it. The U.S. Navy needed to “have power to declare a broad expanse of open ocean off-limits and it had to move the Bikinians to another island” (Gale, 1979, p. 58). The ability to maintain control would be lost if Micronesia was handed over to the administration and authority of the U.N. under trusteeship. This could have explained the opposition by the Defense Department, especially for giving Micronesia a trust territory status under the administration of the U.N.

Eventually, under the leadership of President Truman, a compromise of sorts was reached. Truman proposed a Strategic Trust for Micronesia which would become the only such trust in the history of the United Nations. Strategic Trust mirrored the Trusteeship provisions for the ten other trusteeships that were created after World War II except for 3 distinct provisions that specifically gave the United States Government almost absolute power over the Trust Territories. These provisions gave to the Department of Defense, namely the Navy and the Department of the Interior the nearly unlimited authority that they sought to secure, while satisfying the international demand for decolonization for territories under U.N. oversight:

- 1) Designation of the trusteeship agreement as “strategic” placed Micronesia under the jurisdiction of the Security Council rather than the General Assembly, thus providing to the United States a veto with respect to any Council decisions to alter or terminated the trusteeships in a manner inconsistent with American wishes
- 2) Unlike most other trusteeship agreements which do not contain language pertaining to the alteration, amendment or termination of the agreement, Article 15 of the Micronesian trusteeship agreement specifically provided that it “shall not be altered, amended or terminated

without the consent of the Administering Authority,” i.e. the United States, and 3) The “strategic” trusteeship permitted the United States to station its armed forces in the islands, to build fortifications and to close off areas of the Trust Territory for security reasons (Goodman & Moos, 1981, p. 70).

On July 1, 1946 a year before the agreement of the Strategic Trust, the Marshalls faced its first nuclear blast, its political future still undecided, which seemed to reflect the future of not only the Marshalls, but Micronesia as a whole. U.S. nuclear interests in the Marshalls presented a whole new set of problems and broken trusts between the Micronesians and the United States. The Naval administration, along with scientific institutions with interests in nuclear technology, wanted to demonstrate the power of the bomb and continued forward their technological advancement of such machinery. To justify the overt authority over the Marshallese, the United States used an argument developed to justify the strategic trust and later the Compact of Free Association with Micronesia as a whole –that the islands were essential to national and regional security. Peter Stuart, author of *Planting the American Flag* wrote:

The country had sought the islands primarily to bolster national security. And its attentions to its new ward in the succeeding two decades had been myopically martial. A base of the Central Intelligence Agency had been plunked down on Saipan in the Marianas for spicing clandestine Cold War operatives throughout Asia. The extremities of the Marshalls had been co-opted for the equally dark work of testing nuclear weapons (Stuart, 2007, p. 191).

## **The Nuclear Tests in the Marshall Islands**

*If the United States government and the scientists of the world want to use our island and atoll for furthering development, which with God’s blessing will result in kindness and benefit to all mankind, my people will be pleased to go elsewhere.*

Paramount Chief Juda of Bikini Atoll (Mason, 1954, p. 263)

These words by Chief Juda marked the beginning of a nuclear era that has changed the course of Bikinians' lives forever. The nuclear testing and the devastation it wreaked on peoples who lived peacefully in the remote atolls of Bikini and Enewetak in the Marshall Islands for hundreds, and perhaps even thousands of generations would mark a series of merciless and deceptive actions by the U.S. Government and its mighty naval force. The relocation and testing seemed to be a concerted effort by the United States to forsake the lives and livelihood of people in the pursuit of a national policy for self-defense and deterrence. The U.S. might have argued that it moved the people to protect them. Ironically, the same nation that provided the "protection" was the source of the danger. Dr. Robert C. Kiste an anthropologist whose interest lies particularly in Micronesia described the beginning of the fate of Bikini atoll and its inhabitants:

A pair of tests given the code name of Operation Crossroads was planned, and in November of 1945 a search for an appropriate site began. It had to be located in an area controlled by the United States and was to be uninhabited or have a small population which could be easily relocated. The site had to be in a climatic zone free from storms and cold temperatures, and have a large and sheltered anchorage for a fleet of target vessels...In late January, 1946, navy officials in Washington, D.C. announced that Bikini Atoll fulfilled all climatic and geographical conditions for Operation Crossroads. Ironically, some the same factors of geography and environment which had limited the Bikinians' contact with the outside world caused an abrupt end to their isolation and thrust them into the mainstream of events of the twentieth century (Kiste, 1974, p. 27).

Consequently Bikini and Enewetak Atolls and their people had become entangled in America's quest for military superiority and knowledge about newfound weapons to achieve that status—the atomic and hydrogen bombs.

The Marshall Islands are located about 2,000 miles southwest of Hawai'i, just north of the equator on the eastern edge of the Micronesian region. It is comprised of twenty-nine atolls and five single islands. The Marshallese archipelago is divided into two parallel chains: the

Easterly chain of islands is known as Ratak and the Westerly chain as Ralik. The Ralik chain is divided further into Northern and Southern seas. The Bikini atoll lies in the northernmost area of the northern sea region of Ralik. Among the northern region of the same area lies the Enewetak, Rongelap, Rongerik, Ailinginae, Wotho, and Kwajalein atolls (Kiste, 1974, p. 11).

Among the factors that were discussed for using Bikini as the test site, there was no consideration for the people who inhabited the islands in the affected atolls. It seemed that the favorable location and the relatively convenient access to equipment needed for the tests far out-valued the lives, culture, and livelihood of the indigenous people for the Navy's purposes.

Early deliberations favored one of the Caroline Islands, west of the Marshalls, partly because the target ships were readily available in the area and could be retained there and, as a Navy memorandum noted, "partly because evacuation of natives would not be a major problem" (Weisgall, 1994, p. 32).

The disregard for Bikinians was evident as American military officials were already making preparations to move "natives" before consultation with the islanders. Additionally, testing in the Marshalls assured that American citizens would not be exposed to radiation or kept to a minimum (Barker, 2000, p. 26). This would assert that there exists at least in the minds of American officials a class distinction between the "natives" and the Americans, the latter being superior and deserving of treatments not reserved for the former.

What motivated these officials into thinking that they would have no major problem removing the islanders from their homes and their land? There might have been a number of reasons for this thinking. For one, the Bikinians were looked upon as simple minded natives susceptible to easy manipulation. Also, having just won the hard fought battles – one of the costliest and fiercest battles of World War II was in the Pacific – American feelings of

superiority may have played a role as well. It was quite easy to see that Americans did possess a level of power that Bikinians perceived as greater than anything they had ever experienced. This perception and what Dr. Robert Kiste described as the natural tendency for Bikinians to see themselves as “culturally inferior” made them susceptible to easily accepting American demands and requests (Kiste, 1974, p. 19). The naval officials took advantage of the leverage that the unbalanced relationship offered and effectively used it to the benefit of the United States. This perceived power was instrumental in the Americans removal of Bikinians off their home atoll in the Marshalls. However, the Navy chose to hide its undeniable authority by approaching the issue as a choice of free will under the guise of Christian faith.

Naval officials knew that the Bikinian’s strong Christian beliefs would help them to secure a favorable decision for the United States. Ben H. Wyatt, Navy Commodore and military governor of the Marshall Islands, charged with gaining the approval of the Bikinians for relocation, took advantage of their Christian faith to garner a favorable decision. Jonathan M. Weisgal, a lawyer who had been investigating the atomic test operations at Bikini Atoll for nearly two decades described the Commodore’s meeting with the Bikinians:

[Wyatt arrived] right after church services on a Sunday [which] was no coincidence... [because he] knew how to appeal to the Bikinians. He drew upon the Bible, the common denominator between the Bikinians and the Americans, and delivered a short homily. According to Wyatt’s account, he “compared the Bikinians to the children of Israel whom the Lord saved from their enemy and led into the Promised Land”. He described the power of the atomic bomb and “destruction it had wrought upon the enemy,” and he told the people that the Americans “are trying to learn how to use it for the good of mankind and to end all world wars”. The Navy had searched the entire world for the best place to test these powerful weapons, and Bikini was it (Weisgal, 1994, p. 107).

This attempt to gain approval for the move through Christian favor was sought in spite of the fact that the Bikinians really did not have a choice in the matter. The Bikinians knew they had no power to face a formidable nation and deny their request.

[Wyatt's] description of the awesome power of the atomic bomb also led the people to believe that they were powerless to resist the wishes of the United States...The option of staying on Bikini and telling the United States to look elsewhere was simply not realistic...The Bikinians, though, knew they had to go. Wyatt knew it, too, but he still went through the motions (Weisgall, 1994, p. 108).

Once the Navy had “permission,” the relocation of the Bikinians was not a simple process. The 166 inhabitants of the island were self sufficient and depended on the bounties of the island to provide life sustaining resources. They were tasked in finding a suitable nearby island that would have provided the same resources. Not much thought went into the process however because the islanders were led to believe that the migration was to be a temporary measure. No Bikinian considered giving up land forever because it was not part of their cultural understanding. This further explains why the Bikinians gave up their land relatively easily. It would have been hard to imagine otherwise. Beverly Anne Keever, professor of journalism at the University of Hawai`i at Manoa noted:

Besides being an economic mainstay, land is also the basis of social organization and spiritual value. It was important for family and clan burial grounds and thus provided such an important link to ancestors that Marshallese would not willingly accept other land as a substitute. The concepts of selling, leasing or renting lands were introduced by outsiders and selling of lands to non-indigenous people was prohibited. As Wilfred Kendall explained at a 1999 meeting in Majuro, “The people here have tenaciously held on to land. The resource people treasure most is land. Lands speaks of your being, essence, reason for living. You relate to the world in terms of land...How do you put a value on something that people consider as a living thing that is part of your soul?” (Keever, 2004, p. 91).

The complex connections that the Bikinians held for their land and the relative ease in which they gave up their homes would suggest that they were indeed misled. Dr. Julie Walsh Kroeker notes that Bikinians were “accustomed to hierarchy and obedience” which all the more has lent credence to such an easy acceptance on their part. Given that the U.S. knew that the radioactive elements formed by the nuclear detonations could last as long as 48,000 years, there were no

possibilities for these people to return to their homes in the foreseeable future. Consequently the Bikinians became an exiled people. The islands involved in the nuclear testing that were not vaporized were still poisoned by the radiation.

A series of nuclear tests began in the Bikini and Enewetak atolls under the code name Operation Crossroads in 1946. For the next 12 years these Marshallese atolls were bombarded with atomic and hydrogen bombs. A total of 67 atmospheric, ground and underwater nuclear devices rocked the islands. Six islands were vaporized and large areas of the testing sites remained uninhabitable because of high radiation levels (Johnson, 1984, p. 11). Of these tests, codenamed Bravo was the most lethal shot. It became the focus for world-wide attention not only because it was the largest nuclear device ever unleashed in the world, but more importantly, for the devastation it caused to the indigenous people and their way of life. Moreover, the devastating weapons were clearly something that the United States wanted to show the world. “The US invited world-wide attention to show off its strength” (Stone, 1988)

Prior the Bravo shot, a number of smaller tests were carried out in the Bikini and Enewetak atolls and the inhabitants of those islands and surrounding atolls that were directly downwind from the proving grounds were evacuated. Rongelap, Ailinginae, Rongerik, Wotho, and Enewetak atoll communities were all evacuated. However, during the Bravo shot, which was to be the largest detonation of its kind, the Rongelapese were not evacuated. The United States redrew the evacuation zone to fall just outside the Rongelap area and left the people on their island. Although officially denied, many RMI government officials speculated that the United States did intend to leave the Rongelapese on the island to measure the effects of nuclear fallout. This was evidenced in their response to the fallout itself and the inquiries thereafter (McDiarmid

& Mealey, 1996, p. 4). Holly M. Barker, former senior advisor to the Republic of the Marshall Islands' ambassador to the U.S. and an anthropologist, described the account:

During the Bravo detonation, a US naval ship was anchored off the reef of Rongelap. When radioactive fallout from Bravo moved toward Rongelap, the boat chugged off, taking the US servicemen to safety but leaving the Marshallese behind in their highly contaminated environment, where they continued to ingest and breathe radiation. The people were given no instructions about how to reduce their radiation exposure by staying indoors, covering their food and water, and wearing long-sleeved clothing (Barker, 2007, p. 220).

The nearby island of Utirik was also exposed to the fallout, though not as extensively as Rongelap. However, occurrences of cancer and thyroid disease would soon match that of the exposed people of Rongelap. Soon thereafter the Rongelap and Utirik people were evacuated and enrolled in a secret experiment named Project 4.1 to study the effects of radiation exposure on humans. When inquiries arose about the Rongelapese being left behind the U.S. government's response to why the people were not evacuated emphasized the high cost and logistical complexity of doing so (Keever, 2004, p. 86). Through the evidence of previous successful evacuations during prior tests, the response only helped to support the notion that the U.S. government did leave these people on the island purposefully. Moreover, a U.S. Defense Nuclear Agency (DNA) report surfaced 30 years later confirming the fallout over Rongelap was not an accident. Test site officials knew hours beforehand that the winds shifting in the hours prior to the Bravo shot were heading toward Rongelap. The tests were authorized to continue in light of this information (Johnson, 1984, p. 12). What is just as disturbing was the United States' reasoning that complexity and cost were overriding factors over human life.

The people of Utirik and Rongelap evacuated to Kwajalein Navy base headquarters after the fallout showed severe signs of exposure. Shortly after arrival, the islanders were covered

with burns all over their bodies, feeling weak and dizzy with fingernails and hair falling off. Despite these horrors, the Atomic Energy Commission falsely reported that the Bravo test was merely a routine test and that some Marshallese and Americans who were exposed showed no signs of burns and was reportedly doing well (Johnson, 1984, p. 12).

Continued tests and questionable research methods persistently plagued the Marshallese people. Brookhaven National Laboratory scientists who were responsible for conducting radiation surveys allowed both the exposed and the unexposed Rongelapese to return to Rongelap three years after the Bravo test knowing that the island was still contaminated with radiation particles. The scientists wanted contamination effects data and were willing to endanger the lives of returning Marshallese. Although the intakes of radioactive elements were 20 to 60 times higher (in a seven day period) than any inhabited area in the world, they assured the people of Rongelap that it was safe to live on the island. It was discovered years later by outside medical groups that the island was not safe and people who previously were not exposed became exposed. The scientists themselves admitted that:

Greater knowledge of [radiation] effects on human beings is badly needed... Even though the radioactive contamination of Rongelap Island is considered perfectly safe for human habitation, the levels of activity are higher than those found in other inhabited locations in the world. The habitation of these people on the island will afford most valuable ecological radiation data on human beings (Johnson, 1984, p. 13).

With nuclear research in its infancy stage at the time and still ongoing, the confidence with which the scientists declared the safety of the contaminated island was suspect and highly questionable.

## Trust Territory

*We have the 'trust' the United States has the 'territory'.*

Senator Ataji Balos- Micronesian Congress during Interior and Insular Affairs Hearings, Ebeye, 13 July 1976 (as quoted in Gale, 1979, p. foreword)

In an ironic fashion, a sentiment for decolonization was sweeping across the globe toward the end of the period of nuclear testing in the Marshalls. Upon Truman's proposal and sanction by the U.N., Micronesia became the sole strategic trust of the United States in July 1947 and endured years of neglect despite the obligations and promises made. Former ambassador and U.S. permanent representative to the U.N. described the U.S. government's failure on its obligations:

The United States obligated itself to promote Micronesia's economic, social, educational and political development. However, during the first thirteen years of United States trusteeship, little progress was made except for limited advancement in local political participation. Critics in the sixties were to accuse the American administrators of the late forties and the fifties of maintaining an anthropological zoo. Micronesia was all but forgotten except for quaint stories about the removal of the people from their islands so that atomic weapons could be used (McHenry, 1975, p. 6).

Additionally, McHenry went on to argue that U.S. policy in Micronesia was not the same as the formal policy statements provided by United States officials and "has for the most part hidden from public eye" (McHenry, 1975, p. 12). It was clear that the U.S. failed to deliver on its part the necessary components needed to establish, maintain and perpetuate Micronesian's newfound desire to self-government and self-determination. It may have been argued that it never really was the intention of U.S. to develop any real element for self-government, self-determination, or most importantly, independence. This lack of any real development triggered a response from the United Nations more particularly from the newly independent nations in 1960 "for an end to government rule by foreign countries" (McHenry, 1975, p. 14). A Visiting U.N. Mission the

following year assessed the U.S. administration of the Micronesian region. They were “sharply critical” of the administration’s failure to provide the components of development in every area as promised and obligated under the trusteeship agreement. Ambassador McHenry described how the Kennedy administration responded to the criticisms of the international community:

According to one former Assistant Secretary of State, the report of the 1961 Visiting Mission and attendant publicity stunned the new Kennedy administration –all the more so because neither the Visiting Mission nor the Trusteeship Council, which endorsed the mission report, was dominated by anti-American countries or by the newly independent countries. Kennedy also realized that colonialism, even as sanctioned in the form of international trusteeship, was rapidly coming to a close. The times would soon come when pressures would build up in Micronesia and in the United Nations for self-determination. In his address to the General Assembly on September 25, 1961, President Kennedy expressed the position of the United States on Colonialism. “Within the limits of our responsibility in such matters, my country intends to be a participant and not merely an observer, in the peaceful, expeditious movement of nations from the status of colonies to the partnership of equals. That continuing tide of self-determination, which runs so strong, has our sympathy and our support. But colonialism, in its harshest form, is not only the exploitation of new nations by old, of dark skins by light, or the subjugation of the poor by the rich. My nation was once a colony, and we know what colonialism means: the exploitation and subjugation of the weak by the powerful, of the many by the few, of the governed who have given no consent to be governed, whatever their continent, their class, or their color (McHenry, 1975, p. 14).

Kennedy’s interpretation of what the colonial effects were in America was somewhat distorted. He claimed to know what colonialism was because the “liberation” of the original 13 colonies of the British Empire in America were historically celebrated. However, what he failed to identify is the displacement and disempowerment of the indigenous peoples of America often termed “Native Americans”, as a result of the European movement to the continent. What was lacking was his understanding of the resulting consequences of America’s dominance over the Micronesian region in regards to affected peoples, cultures, epistemologies and ways of living. These so called colonies of the British Empire shared many facets of a shared culture and did not

impede on a civilization thousands of years in the making. These colonies were established first by the peoples of the same nation who wanted to escape persecutions for differing beliefs in segments of worship and economy. More importantly, Kennedy's notion of "exploitation and subjugation of the weak by the powerful" failed to mention the plight of the indigenous people who were established in the American continent prior to the "discovery" by Europeans. The term Colonial America, which described the era prior to the movement toward nationhood, ironically, could be interpreted literally.

The beginning of the end of the Trust Territory was in place. Sweeping sentiment for independence in the international community had taken hold. It was a sentiment that the United States could not accommodate with its policy on Micronesia in 1961. Moreover, Micronesians were becoming increasingly aware of their right to self-determination and were progressively demanding more political representation. In September 1964, the Congress of Micronesia was established. It was questionable if the political entity was truly to develop self-government within Micronesia.

Kennedy knew that in light of his statements to the U.N., he had to develop a plan to maintain control over the region. In April 1962 the President issued National Action Security Memorandum (NASM) 145 which instated a US policy of moving Micronesia into a permanent relationship with the United States. He followed almost a year later with NASM 243 which created a nine-member group from the U.S. that was made responsible for developing a plan to insure that the new policy would take effect (Schwalbenberg, 1983, p. 1). This group lead by Anthony M. Solomon would present what would become known as the controversial "Solomon Report." This report presented to Kennedy shortly after its order described in detail how the U.S. could effectively retain sovereignty over Micronesia in the face of recent U.N. policy. The

Solomon Report in essence was looking to make Micronesia a United States territory and make it the choice that Micronesians desired, or at least make it look like it was the desired choice. It proposed in short to create dependency by pumping in large sums of money for development and then offering the region a “choice” of whether or not the Islands were in favor of entering a permanent affiliation to the United States. It should be noted that independence was never a matter for debate. Giff Johnson, freelance writer and newspaper editor, described the Kennedy administration’s view on the relationship it wanted with Micronesia:

But the Kennedy administration dramatically reversed past policies and in the early 1960’s millions of dollars and hundreds of federal programs began pouring into the islands. Reacting to pressure from the U.N. and anti-colonial sentiment sweeping the world, Kennedy instituted these changes. But according to National Security Memorandum 145, the goal was to bring Micronesia into a “permanent relationship” with the U.S. by accelerating “development of the area to bring its political, economic and social standards into line with an eventual permanent association”...Because of the Micronesians overwhelming dependency on American aid, they have been forced to accept a status that falls far short of independence” (Johnson, 1982, pp. 43-44).

The establishment of the Congress of Micronesia in 1964 could then be viewed as a top-down control mechanism by the U.S. due in large part to the prescription of the Solomon Report. The Solomon Report viewed a Micronesian political entity as a stone to kill two birds – first satisfying national interests, and second, global and local demands. Roger W. Gale, former instructor of political science at University of Guam and assistant professor of international relations in the Graduate School of Area Studies at the University of Tsukuba in Japan noted:

It viewed political development largely in terms of heading off the inevitable growth of a self-determination movement and recommended, among other things: ...A government organization for the Territory of Micronesia that gives, on the one hand, a reasonable appearance of self-government through an elected Micronesian legislature and a Micronesian Chief Executive nominated by and having the confidence of the legislature, but on the other hand retains adequate control through the continuation of an appointed United States High Commissioner (Gale, 1979, pp. 112-113).

Evidently, the Congress of Micronesia was not developed enough to provide representation for Micronesians or to foster political development, despite U.S. promises to fulfill its obligations to “promote self-government” under the trusteeship agreement.

The report recommended several additional actions that would give the persona of a self-governed, self-determined group and as such would make the choice aligning themselves with U.S. interests a self-made one. Of these recommendations, several stood out as evidence of U.S. governmental department’s quest to ‘Americanize’ Micronesia into a permanent association in clear and conscious defiance of its trusteeship obligations.

The recommendations include: 1) appointing a qualified American in each of the six districts (Micronesia separated itself into 6 districts under Trust Territory of the Pacific Islands (TTPI) in the negotiation breakdown prior to Compact negotiations) to develop and maintain continuous liaison with the various leaders of the three politically critical groups (Palau, Federated States of Micronesia (FSM) and Marshall Islands)... and develop in a gradual way, interest among these people in his district in favor of permanent affiliation. 2) Washington should facilitate the general development of Micronesian interest in, and loyalties to, the United States by various actions, three of which are: 1) Sponsorship by the Department of State of Micronesian leader visits to the United States. 2) Introduction in the school system of United States oriented curriculum changes and patriotic rituals, and 3) Increasing the number of college scholarships offered to Micronesians, a highly sensitive issue in the Trust Territory (Solomon, 1963, pp. S15-S19) (as noted in Gale,1979, p.113).

The culmination of the Kennedy administration’s work in Micronesia seemingly ended with the President’s assassination; however, through the Johnson and Nixon administrations’ the prescription recommended by Solomon and the Mission members trickled into policy. In the summer of 1964, almost a year after Kennedy’s death, the concept of Free Association for Micronesia was first mentioned. Assistant director of Micronesia Seminar, Brother Henry S. Schwalbenburg wrote in his class notes:

Frank Corner, chairman of the 1964 UN Visiting Mission, believed that the Cook Islands’ political solution of Free Association with New Zealand offered an attractive precedent for Micronesia. Throughout Micronesia he argued that a free association relationship

offered almost of the advantages of both political association and independence, and a minimum of the disadvantages of either status—while holding open options for closer association or independence in the future” (Schwalbenberg, 1983, p. 1).

## **Compact of Free Association**

In the fall of 1964, the Congress of Micronesia was established. By January 1965 elections were held to fill the important seats of the Congress. This body would be, for the first time in Micronesia’s post-war history, a political unit that would counter-balance in some measure the administering authority of the United States. This unit would collaborate to seek and establish the political status of Micronesia for the future. The following year the Congress of Micronesia petitioned President Johnson for a Status Commission to “ascertain the political desires of the people of Micronesia...and to lead to the attainment of such desires and determination of the political status of Micronesia” (Schwalbenberg, 1983, p. 2). In August of 1967, after much in-fighting between State and Interior, Johnson finally submitted a joint resolution calling for a status commission to the U.S. congress. The resolution was stalled by chairman of the Interior committee, Wayne Aspinall. The Congress of Micronesia, eager to get started and tired of the slow response from the U.S. administration, established its own status commission, the Future Political Status Commission. Shortly after President Nixon was elected to office and in the wake of the war in Vietnam, the Nixon Doctrine was announced. This brought to the forefront the focus on the Micronesian region. It saw Micronesia as a backup for the diminishing U.S. military presence in the Asian region. The Nixon Doctrine “seemed to foreshadow with withdrawal of American armed forces from major areas of Asia such as Korea, Japan, and the Philippines. It seemed likely that the U.S. might concentrate its forces in its fall-back positions in the Western Pacific, namely Micronesia” (Schwalbenberg, 1983, pp. 2-3). This

would play a major role in the Commission's final report to the Congress of Micronesia. The Commission "recommended free association" status to the Congress based on the assumption that Micronesia's region besides providing strategic denial would also provide land and sea access for U.S. military forces for future defense needs. The Congress of Micronesia accepted the new plan. It "accepted the report and created the Political Status Delegation empowered to begin direct negotiations with the U.S. for free association with the alternative of independence" (Schwalbenberg, 1983, pp. 2-3).

The negotiations proved to be a long drawn out process with demands from both sides being deliberated back and forth. The basic assertion of U.S. interests in Micronesia and the Micronesians' desire for autonomy were the driving factors of the many rounds of talks and negotiations between the two entities. On one side, U.S. interests relied on the security issue of continued strategic denial and authority for installation of military bases and training areas, and on the other, Micronesians desire for self-government, and self-determination. Independence, mutually agreed to some measure, was not desired by either side. Quite obviously the United States saw independence as not conducive to their interests in the region, and Micronesians did not see independence as the most effective avenue in building a stable and secure future for the islands.

Due to several factors, the Micronesian region, previously considered as a single entity, split into the 4 different politically identified entities and the negotiations continued as separate discussions. One of the major issues underlying the divisions can be attributed to the self perceived military or economic value each held. The Marshalls, Palau, and the Northern Mariana Islands each felt that it was more valuable because of U.S. interest in the geographical components they held for military purposes. Additionally, the Marshall Islands created about

two-thirds of the total tax revenues in Micronesia and wanted to keep a bigger share of the revenue.

Tax revenues in Micronesia about this time equaled roughly \$3.5 million. Well over \$2 million of this amount came from the Marshalls by taxing contractor workers at Kwaj. The Marshallese wanted to keep at least 50% of this income in the Marshalls. The Marshall Islands Legislature demanded that the Congress at its next meeting enact the desired 50% tax rebate legislation. If the Congress should fail to heed that demand, “the Marshall Islands shall...promptly commence separate negotiations with the United States on the future political status of the Marshall Islands” (Schwalbenberg, 1983, p. 13).

Furthermore, the Northern Mariana Islands, wanted a commonwealth status instead of sovereignty (Kiste, 1986, p. 132). This would leave the culturally diverse states of Yap, Kosrae, Pohnpei, and Chuuk, the remaining partners of the former Congress of Micronesia, isolated. These states banded together to form what is known currently as the Federated States of Micronesia (FSM). The Northern Mariana Islands eventually pursued a permanent relationship with the United States thus establishing its political status as a commonwealth of the U.S. The remaining three – the Marshalls, Palau and Federated States of Micronesia – completed and signed into effect the Compact of Free Association. Comparatively, the Compacts of Free Association between the U.S., FSM, Marshalls, and Palau are fairly identical. The basic premise of the Compact gave defense rights and responsibilities to the United States while the Island nations held all internal governmental rights, control over most of foreign relations, and both retain the right to unilaterally end the association. Additionally, the regional states were afforded financial assistance from the U.S. On October 21, 1986 the RMI entered into free association with the United States and the FSM entered the following month on November 3, 1986. CNMI’s status as a commonwealth also went into effect the same date as the FSM Compact. Palau, whose

compact is slightly different (the length of contract is 50 years instead of 15), entered into free association with the United States on October 01, 1994.

## **Opposition to the Compact**

The Compact of Free Association was signed into effect with the 3 political entities, but did not have the approval of all their citizens. There were groups and individuals who did not agree with the terms of the treaty or desired a different kind of relationship with the U.S. The most notable opposition to the Compact was in Palau. Delegations of traditional leaders opposing political factions and woman's organizations were opposed to the ratification of the Compact. The opposition was mainly based on Palau's constitutional nuclear ban clause and land use concerns. The conflict was severe as Palau saw the deaths of its first two elected Presidents during the chaotic battle for Compact ratification, and threats of harm and civil disputes were constant. During the initial plebiscites only 62% of the voters approved of the Compact. The Compact had been rejected because it needed a constitutionally mandated 75% voter approval to pass. The Compact's rejection was only the first in a series of 7 plebiscites and was finally passed with an amendment to the Constitution allowing a majority vote instead of 75% (Leibowitz, 1996, p. 175).

The Marshallese government also faced its share of opposition to their Compact agreement. There were Marshallese people who were demanding compensation for the damage that U.S. nuclear testing had done which the agreement severely limited.

Many of the Marshallese who have filed lawsuits seeking a total of about \$7 billion vigorously oppose the Compact, arguing that compensation and health care provisions

are less than adequate, particularly for future generations who may suffer from latent health problems but will be barred from pursuing redress under the terms of the agreement (Johnson, 1984, pp. 16-17).

Additionally, they felt as though they were being short-changed in the Compact agreement that provided limited compensation for the more than inconvenient living conditions that the U.S. had caused. The Compact insured that the U.S. had full access to Kwajalein atoll for ballistic missile testing, which made over half the islands in the atoll off limits to its inhabitants. Consequently, the nearest island to Kwajalein became overpopulated and living conditions became deplorable. In response to what a number of Marshallese considered failures of the Compact, they began a non-violent protest, occupying islands which were restricted. “In June 1982, more than 1000 Kwajalein Atoll landowners began a four-month resettlement of the 11 ‘off-limits’ islands at the missile range, protesting Ebeye living conditions and the Compact of Free Association” (Johnson, 1984, p. 27). In the FSM, Yap Governor John Mangefel was concerned over the permanent denial clause of the Compact, stating that it limited sovereignty and more importantly took away the rights of future generations of Micronesians (Johnson, 1984, p. 9).

## **Perceptions of the Compact and Obligations Unfulfilled**

America’s desire to maintain control over Micronesia through the Compact was carried over from the times of the Trust Territory and has played a major role in the current status of COFA migrants. It was clear to see that the abrupt development of Micronesia lead to a series of events that would enable the U.S. to create a permanent relationship based on dependency. It was

dependency that created a sense that the most powerful country on earth was willing to take on the responsibilities to maintain the welfare of the people.

Many scholars argue that the failure of initial efforts at substantive economic development led to an eventual abandonment of the effort and a resort instead to a massive infusion of federal grants and domestic services that had the effect of remaking the islands into little pockets of America in the Western Pacific.....A consideration of the complex swirl of issues in and around the debate over dependency underscores, I think, 1) the massive cultural redefinition ultimately required by the developmental agenda; 2) the changing, often conflicting variety of colonial plans and policies used to promote that agenda; and 3) the diversity and polyvocality of local Micronesian responses that worked to challenge the very meanings of development and dependency (Hanlon, 1998, p. 229).

The United States' desire to attain permanent affiliation with Micronesia was achieved by implying that the citizens of Micronesia would enjoy the same benefits as U.S. citizens under the Compact. The American education system employed in the region, with college grants offered to go to U.S. colleges, the establishment of an American style of government and visitations to America by Micronesian leaders ensured that people felt as though the affiliation would afford them the same protection and rights as ordinary U.S. citizens. It is through this influence that the U.S. garnered a favorable plebiscite for the Compact. Additionally the dependent Micronesian islands, as Hanlon speculated, were a result of cultural redefinition required by the developmental agenda. Development brought new perspectives to roles that individuals played in Micronesian society and to traditional land tenures. Customary leadership was replaced by elected leadership and many clan lands succumbed to private ownership. In essence, the United States, in its accelerated development policy to ensure dependence, unknowingly replaced the role and responsibility of the traditional leadership and took it onto itself. Consequently, Micronesians may have looked to the leadership of the U.S. as the 'chief' or 'king' responsible for their welfare within the framework of the Compact. Kristof, a reporter, notes:

Traditionally, the king receives fealty from his people but also has a responsibility for them. The Bikinians insist that by moving them off their island and promising to care for them, the United States entered that relationship so the American President is their king and is responsible for their welfare” (Kristof, 1997, p. 4).

The underlying events that helped to insure a “favorable” outcome for the superpower in terms of the Compact, led Micronesians to believe that they would be the recipients of benefits afforded under the agreement. However, what Micronesians were led to believe differed than what was actually agreed upon in legal documentation. This led to the implied rights of COFA citizens being denied.

The relatively recent loss of health security for Micronesians who desperately needed the medical services was a reflection of yet another U.S. policy shift that took back what was promised. Despite the absence of written provisions for medical care within the Compact, COFA citizens were eligible for the federally funded medical program, Medicaid, as qualified aliens under the agreement. However, ten years after the signing of the treaty, Congress made COFA migrants ineligible by changing domestic policy. Doctors Sheldon Riklon, Wilfred Alik, Allen Hixon and Neal Palafox whose interests lie in COFA medical issues, described the failure on the part of the United States:

At the time of the COFA signing in 1986, citizens of the COFA nations were categorized by the Immigration and Naturalization Service initially as “Qualified Aliens”, who have “Permanent Residence Under Color of Law” (PRUCOL), which means they are legal residents in the United States under administrative discretion. In 1996, through US administration action, Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) changed PRUCOL to “Non Qualified Aliens” status rendering COFA migrants ineligible for federal public assistance-making them ineligible for federal Medicaid assistance” (Riklon, Alik, Hixon, & Palafox, 2010, pp. 7-12).

This policy shift essentially denied the Micronesians the assistance promised to them under the Compact. The “promise” however was never technically included in writing within the agreement. (Waite, 2009, pp. B1,B4). The complexity of the vast associated documents

made it easy for the department of the Interior and Congress to adjust their policies congruent to U.S. interests. Although there were a number of subsidiary agreements made in conjunction to the Compact, there were none that addressed the issue of health access. The availability of health access was only expressed in legal terms under immigration statutes which were independent of policies in the Compact. The absence of a written agreement that explicitly detailed the parameters of health access allowed the Department of the Interior to justify its denial of responsibility. COFA migrants could have not foreseen that this incentive for the Compact approval had a time limit at the discretion of the United States.

The position that the US government was not responsible for COFA citizens' social needs was viewed by some of the common citizens from COFA nations as a complete denial of its obligations under the treaty (Sound-Kikku, 2011). The obligations on the part of the COFA states had been met, largely in part of US' control over Micronesian sovereignty in terms of land and sea access. This control gave the impression that the US administration was also responsible for the citizens of those Island states. David L. Hanlon, former director of Center for Pacific Islands Studies, speculated:

Buckley's comments on the restrictions and conditions of Micronesian sovereignty seem to be mirrored in those provisions of the Compact of Free Association that permit the United States to intervene in local government. Section 102 of Title I of Public Law 99-239 approving the Compact of Free Association between the United States and FSM and Marshalls governments stipulates the submission of economic development plans by both Micronesian governments (Hanlon, 1998, p. 229).

The United States' ability to intervene in local government would thus seem to have indicated that the powers it extended over the three Micronesian sovereignties paralleled its federal authority over the fifty states of the union. Thus the implications were that its

responsibilities to the U.S. citizens also extended to the citizens of Micronesia, which could not be ignored.

Another problematic issue with the Compact was the complexity of the language used in outlining the general and specific agreements made in the treaty. The language of the Compact that made it difficult to ascertain the exact laws of the treaty seemed to indicate the complexity of the agreement.

Professor Roger Clark of Rutgers University law School and a consultant to different Micronesian governments during the negotiations over the Compact of Free Association, likened the document to something designed by one of the more unscrupulous insurance companies. Speaking before the United Nations Trusteeship Council on 1 December 1982, Clark pointed out that what is given on the first page may be taken away by the small print in one of the eleven subsidiary agreements attached to the compact (Hanlon, 1998, p. 227).

As was evidenced by the legislative approval of the PRWORA, Micronesians were denied medical access through this legal channel. It seemed then that just as complex as the language of the agreement was the description of the benefits for the Micronesians to enjoy under the agreement. Micronesians understood that they had the authority to travel to the United States and to access social and educational services. It was understood that as legal residents they would be provided the same protection and rights as any U.S. citizen. It is evident now that they were not considered equals as they faced extreme illness and even death without legal rights to assistance.

The U.S. Administration has not fulfilled its unwritten promises, or they have maneuvered their way out of them through legal moves. There is also strong evidence that it has not fulfilled the written ones- ones that are legally binding and agreed upon by all parties involved. When the federal government made COFA citizens ineligible for federal assistance

and Medicaid, states like Hawai`i essentially took on the burdens and obligations of the U.S. government by providing the necessary social and educational services for the COFA migrants. (Hawai`i faced the bulk of migrating COFA citizens because of its relative closeness to the Compact states.) At the time of its decision to do so, the state expected the federal government to cover the costs incurred as guaranteed under Congress' legislative stated policy in the Compact. U.S. administrations have denied that there was either language or provision specifically promising health assistance. Knowing full well that the region lacked significant medical technology and expertise, it would be safe to assume that the U.S. and Micronesians fully understood that those services not available in the islands would be sought in America. Furthermore, U.S. leaders should have also known that the migrant COFA people would arrive in the affected areas without significant capital. The only logical reasoning would be that the COFA migrants would be relying on the federal and state programs to help give them a stable living structure as they began a new life in a new land.

Regardless of what the Interior and Congress have argued, there was language contained within the Compact that indicates indirect federal responsibility for services accessed by COFA citizens. Under section 104 subsection (e) statements 1, 4, and 6 of the Compact reads:

- (1) **STATEMENT OF CONGRESSIONAL INTENT-** In approving the Compact, it is not the intent of the Congress to cause any adverse consequences for the United States territories and commonwealths or the State of Hawai`i... (4) **COMMITMENT OF CONGRESS TO REDRESS ADVERSE CONSEQUENCES.-**The Congress hereby declares that, if any adverse consequences to United States territories and commonwealths or the State of Hawai`i result from implementation of the Compact of Free Association, the Congress will act sympathetically and expeditiously to redress those adverse consequences... (6) **IMPACT COSTS.-** There are hereby authorized to be appropriated for fiscal years beginning after September 30, 1985, such sums as may be necessary to cover the costs, if any, incurred by the State of Hawai`i, the territories of Guam and American Samoa, and the Commonwealth of the Northern Mariana Islands resulting from any increased demands placed on

educational and social services by immigrants from the Marshall Islands and the Federated States of Micronesia.

As stated, Congress was authorized to provide money to affected territories and states for educational and social services provided to COFA citizens. However, only ten percent of the actual costs had been made available by the legislators to Hawai`i, the most impacted state in the nation. Moreover, Congress had the opportunity to provide additional funding when the initial Compact expired but did not do so. This led to the current health access problem for COFA citizens.

In 2003, the Compact was renewed with the FSM and RMI (Compact renewal and renegotiations did not occur for Palau at this time as their agreement expired in 2010). The renewed Compact, known commonly as Compact II, provided \$3.5 billion in funding for both island nations over 20 years and extended the use of Kwajalein for missile testing in the RMI. This renewed agreement had an opportunity to alleviate the funding problem for the state of Hawai`i and thus alleviate the health access problem for Micronesians. In Compact II, Congress agreed to double the allocation of “Compact Impact” funds to states and territories affected by the significant migration to those areas. Unfortunately, that only meant \$30 million was provided to be shared by the three affected local governments (Hawai`i, American Samoa and Guam). Hawai`i’s share amounted to approximately \$11 million a year. This fell significantly short of the expenditure on social services provided to COFA citizens as claimed by the state. It was reported that Hawai`i spent over \$100 million per year on services provided to the low income Micronesian migrants. The state faced a shortfall of \$90 million dollars. The resulting response by the state was to cut down on direct services for Micronesians resulting in the current dilemma.

## **Conclusion**

From the time of acquisition of Micronesian islands from World War II to the present, US interests have superseded Micronesians'. The United States' enormous investment in the area was never meant to be altruistic, despite the perception that development would be good for the Micronesians. Regardless of the international sentiment of independence for all people, America's power and influence proved to be a formidable force in the development of the Micronesian islands. As evidenced by the complete authority over the region by U.S. administrations, Micronesians had to endure the betrayal of trusts despite the promises and obligations made in U.N. arenas. However, in light of this overwhelming American authority, Micronesian leaders and legislative entities have emerged, resisting the total assimilation of the islands into the realm of the United States. America's failure to fulfill its obligations under the trust not only highlighted its true views toward the area, but also sparked the movement that resulted in Micronesia's resolve to become self-governing, seeking the power of self-determination.

History tells a story of the Marshalls that succumbed to some of the manipulation and power of America. Fortunately the emergence of a Micronesian leadership and newfound political aspirations led island nations like the Marshall Islands from being totally victimized. Despite such opposition, US nuclear and defensive interests became the overriding factor for the loss of life and health for many Marshallese. Unlike the failures of the trust, the Marshalls did not suffer from neglect, but rather from direct manipulation of U.S. and Naval administrations towards their means and ways of life. The contamination and destruction of their homes and resources disempowered the Bikini, Enewetak, Utirik and Rongelap people, alienating them from their land, the source in which their identities are rooted. America's military interest was

paramount and deception was a common tool in maintaining this interest. This policy would continue in the negotiations of the Compact of Free Association.

The Compact of Free Association was founded on the notion that the U.S. would take care of the COFA citizens in exchange for defense rights. It was also founded on dependency that the U.S. purposefully created to ensure a permanent and favorable relationship. This relationship has changed the structure of Micronesian life forever and the consequences of U.S. action have made it responsible for carrying out those obligations under the treaty. The Compact, however, has become a focus for Micronesians in Hawai'i as they face critical health issues. Promises implied and promises written during the initial Compact period have met with resistance from current American administrators. For the COFA migrants who arrived with hopes and aspirations guided by promises of the Compact, their migration has forced America to reconsider and reject the obligations made by its former legislators. What COFA nations intend to do in response is very uncertain at this time. Economic packages from the U.S. to the affiliated islands seem to dominate in importance over issues concerning a population that no longer live in the region. COFA nations did not, as I assumed, want to approach these issues concerning the Compact that may have affected the continued capital flow into the islands which they were heavily reliant upon. The potential threat of losing a major capital resource proved to be an effective deterrent against the wishes of the Freely Associated States to pursue their rights written in the Compact. It was evident that the unequal relationship that has held the Micronesian region and its peoples to marginal benefits will continue. However, through local collaborative efforts and organizations, the migrant community has made progress in securing some interests of COFA citizens, highlighting Micronesian agency.

Micronesia's post-contact history is laden with influence from the continents. Spain, Germany, Japan and the United States all had a hand in ruling Micronesia far from their shores. Its solemn place in the world was discovered and so began a long and treacherous journey through the maze of globalization. The journey brought the islands onto a narrow path that they have been forced to walk. America's interest in the Micronesian region had been in most part about the security of the U.S. Though some altruistic attempts have been made, the people of Micronesia have had to deal with forces that desired more than the gratification of helping a fellow neighbor. Through influence and development, Micronesia has faced the long hard passage to make a place for itself in the international community. It has had to deal with powerful nations like the United States in its search to find a political identity in the global community. In this journey, Micronesians' relatively short relationship with the United States has proven to be a long compromise; a compromise made mostly by Micronesians.

Many in the Hawaii community have made disparaging and unkind remarks about Micronesians. Often, as in many cases of racism and discrimination, hurtful words are spoken out of ignorance and rooted in misinformation. As evidenced in this paper, Micronesians have had a long history of triumph and loss through the hands of foreign rulers. Through it all, the people of the COFA nations have never given up. Even in the face of great loss, my people, who have endured years of neglect, suffering, and compromise have contributed to the benefit of others. They have given up significant rights to land and ocean access in which their identities are rooted. More importantly, they have sacrificed precious lives whether through nuclear devastations or armed conflict for the sake of US security. I believe for the people who have enjoyed the privileges of being an American citizen, these rights have come at a great expense. It

is a cost that can never be reimbursed. At the very least, with so many sacrifices Micronesians have made, they deserve sufficient healthcare coverage.

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