

CHARLES H. MONSON ESSAY PRIZE

The Office of Undergraduate Studies administers the Charles H. Monson Essay Prize. This award honors Charles H. Monson Jr., who was a distinguished member of the University Philosophy Department from 1958 to 1974. Professor Monson earned both his bachelor's and master's degrees from the University of Utah, and received his Ph.D. from Cornell University. During his years at the University, he served as chair of the Philosophy Department and Associate Vice President for Academic Affairs. He received the University's Distinguished Teaching Award in 1970.

Professor Monson was a renowned teacher with a deep commitment to the understanding of social change. In his honor, an annual prize of \$600 is awarded to an undergraduate who writes an outstanding abstract and paper on social change. The abstracts are judged by a distinguished panel made of three members of the Undergraduate Council. The paper will consist of a thoughtful analysis on social change in a specific area of modern life.

The Office of Undergraduate Studies at the University of Utah is proud to announce:

Tori Ballif

Faculty sponsor Mary Dickson

As the recipient of the 2008 CHARLES H. MONSON ESSAY PRIZE

"Beyond Compensation: Inadequacies of the Radiation Exposure Compensation Act (RECA)"

Tori Ballif is a senior at the U where she maintains a 4.00 GPA, majoring in History with a double minor in English Literature and Documentary Studies. She currently co-chairs the History Student Advisory Committee and works in the Office of Undergraduate Studies as the Project Coordinator for Internationalization. Her love for writing and researching began in high school when her 2004 essay "What I Can Do For Freedom," was chosen as the national winner by the Freedoms Foundation at Valley Forge. This project has immense personal importance for Tori, many of whose family members were and are Downwinders.

Ms. Ballif continues to conduct her research under the direction of Mary Dickson Director of Creative Services of KUED channel 7, Downwinder and author of "Exposed".

Ms. Ballif was recognized as the 2007-2008 Afton B. Bradshaw Undergraduate Research Scholar in the Humanities. This research assistantship was made possible by friends and family in the memory of Afton B. Bradshaw.



2008 Charles Monson Essay Prize presentation, April 3, 2008. Undergraduate Research Symposium, Olpin Union.
Pictured, l-r: Jill Baeder, Karl Shatten, Sharon Shatten, Tori Ballif, Lynette Ballif, Todd Ballif and Mary Dickson

Beyond Compensation: Inadequacies of the Radiation Exposure Compensation Act (RECA)

Tori Ballif (Mary Dickson)
 Department of History
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"We scientists recognize our inescapable responsibility to carry to our fellow citizens an understanding of the simple facts of atomic energy and its implications for society. In this lies our only security and our only hope – we believe that an informed citizenry will act for life and not death."

-Albert Einstein, 1947

At 5:44.30 A.M. on January 27th, 1951, a B-50 bomber flying over the Nevada desert dropped an atomic bomb code-named "Able," releasing a nuclear cloud that traveled along wind currents up through Colorado and over Kansas and Missouri before mixing with a snowstorm in Rochester, New York.¹ Born out of America's Cold War defense mentality, "Able" marked the beginning of four decades of testing at the Nevada Proving Site, where more than 900 atmospheric and underground nuclear tests were conducted by the Atomic Energy Commission, and later by the Department of Energy. Countless people and animals were exposed to high levels of radiation. Immediately following detonations, US soldiers were routinely marched within miles of ground zero. Uranium miners and test site workers handled dangerously hot radioactive materials with little or no protective equipment. Throughout the United States, people living downwind of the testing were exposed to radioactive fallout from the dust they swept, the fresh vegetables they ate, the milk they drank, even the air they breathed. This contact with nuclear fallout resulted in high rates of cancer, birth defects, sterility, and other radiation-induced illnesses among exposed populations.

My grandmother was a downwinder. Her death in 2004 followed two battles with fallout-induced cancer that left her with degenerative brain disorder and esophageal stricture. This galvanized me to explore the radiation exposure she experienced. I chose to research the history of the Radiation Exposure Compensation Act because it is the most salient issue facing Downwinders today. Whereas previous writing considered RECA as a part of America's nuclear history, I felt by focusing on the history of the legislation itself, I could better understand RECA's inadequacies and identify ways to change the compensation system in the future. This investigative study examined the background, creation, and current developments of RECA, paying particular attention to the role local and national politics play in the issue of nuclear testing.

During the initial years of the nuclear testing, the Atomic Energy Commission was effective in controlling information surrounding America's testing program, assuring people living near the Nevada Test Site that they were not in any real danger, though some had been "inconvenienced by [the AEC's] test operations."² As death and illness grew more frequent among exposed populations, these American citizens began to realize exactly what kind of "inconvenience" they were facing. Fallout victims began to fight back – utilizing new studies linking radiation exposure and illness and the 1979 declassification of AEC documents to bring law suits against the Atomic Energy Commission.

In the 1984 landmark *Allen* decision, Judge Bruce S. Jenkins awarded \$2.66 million to two living claimants and the survivors of eight decedents.³ Though this decision was later overturned by the Tenth Circuit Court of Appeals on the claim that the federal government possessed discretionary powers to pursue federal programs regardless of injury, Jenkins' decision lent momentum to the Downwinders' cause. During roughly this same period, Senator Orrin Hatch (R-Utah) was pushing Congress for a compensation bill. An earlier compensation proposal presumed government responsibility, making damage awards the only issue a lawsuit would determine. Instead of assuming government fault, however, Hatch's legislation placed the burden of proof on the victims to show that their medical conditions were caused by test site radiation.⁴



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The politics behind the issue went deeper, as even Hatch's limited legislation was met with opposition from the Reagan Administration, concerned about the financial repercussions of compensation and the potential opposition of the nuclear industry.

In 1990, Senator Hatch finally saw the passage of his Radiation Exposure Compensation Act (RECA). Though this legislation was seen as a political victory for Hatch, it left exposed populations with little to celebrate. RECA allotted compensation to individuals living or working "downwind" of the test site, workers involved in the atmospheric weapons tests, and uranium miners, but claimants had to provide proof of exposure and duration, establish medical condition, and -- more significantly -- were limited to certain geographical areas. Though amended in 2000, the current Radiation Exposure Compensation Act extends only to persons able to adequately prove, through documentation:

- a.) that they lived in one of 22 approved counties in Southern Utah, Nevada, or Northern Arizona,
- b.) that they lived in those counties for at least 24 months between January 21, 1954 and October 31, 1958 OR the entire period from June 30, 1962 to July 31, 1962, and
- c.) that they were diagnosed with one of the 21 approved types of primary cancer.⁵

This legislation becomes problematic on many levels; RECA assumes the ability to geographically limit nuclear fallout, though the 1997 National Cancer Institute study revealed that Northern Utah received as much or more radiation exposure as Southern Utah. In fact, studies have shown that every county in the United States received some level of exposure to radioactive iodine 131. Furthermore, RECA disadvantages Native Americans, children, and others who might not have access to the extensive paperwork needed to prove residence or employment in an exposed area. Additionally, RECA does not include all of the cancers nor any of the autoimmune diseases caused by fallout exposure.

These inadequacies have led to renewed public pressure to expand RECA, yet political resistance continues to be a problem for Downwinders. Despite public hearings in St. George and Salt Lake City beginning in 2003, and the unanimous urging by the Utah State Legislature in 2005 to expand RECA, Congress remained silent on the issue until last year when Idaho and Montana senators teamed up to sponsor an amendment to expand RECA to include their respective states. Though numerous fallout studies have shown current RECA geographical boundaries to be completely arbitrary, Utah Senators Hatch and Bennett have refused to join this bill to extend compensation to Northern Utah. In a January 25th, 2008 letter, Senator Hatch explained that he is waiting for "additional studies and research" and will not support expansion at this time.⁶

Ultimately, the history of RECA is about a power struggle between the American people and their government. My research found two main sources of power: control of information and control of the political process. Traditionally, the government has dominated these areas, yet the public's recent success in stopping Divine Strake -- a high-explosive non-nuclear test originally scheduled for June 2, 2006 at the Nevada Site -- suggests that US citizens are not without the means to empower themselves. The key to change lies in cultivating public awareness and fostering active participation in the political process.

By providing a chronological narrative of the Radiation Exposure Compensation Act, I hope to expose the government's continued reticence to accept responsibility for its actions, whether in 1958 or 2008, effectively sacrificing the health and security of its people to pursue its own agenda. Atomic victims have been silenced by a military industrial complex and manipulated by local politicians. I believe that continued research on RECA will ignite awareness among a new generation and ensure that this issue no longer be ignored. In the end, the push to expand RECA is not about money. Monetary compensation does not bring back loved ones nor restore health. It is about the government accepting responsibility for its actions, ensuring that this kind of tragedy never happens again. It is about putting people before politics and returning dignity to those who were robbed of it.

¹Richard L. Miller, *Under the Cloud: The Decades of Nuclear Testing* (London: Collier Macmillan Publishers, 1986), 88-91.

²AEC Report, *Atomic Test Effects*, 1955, p. 1.

³Howard Ball, *Justice Downwind: America's Atomic Testing Program in the 1950's* (New York: Oxford University Press, 1986), 160-161.

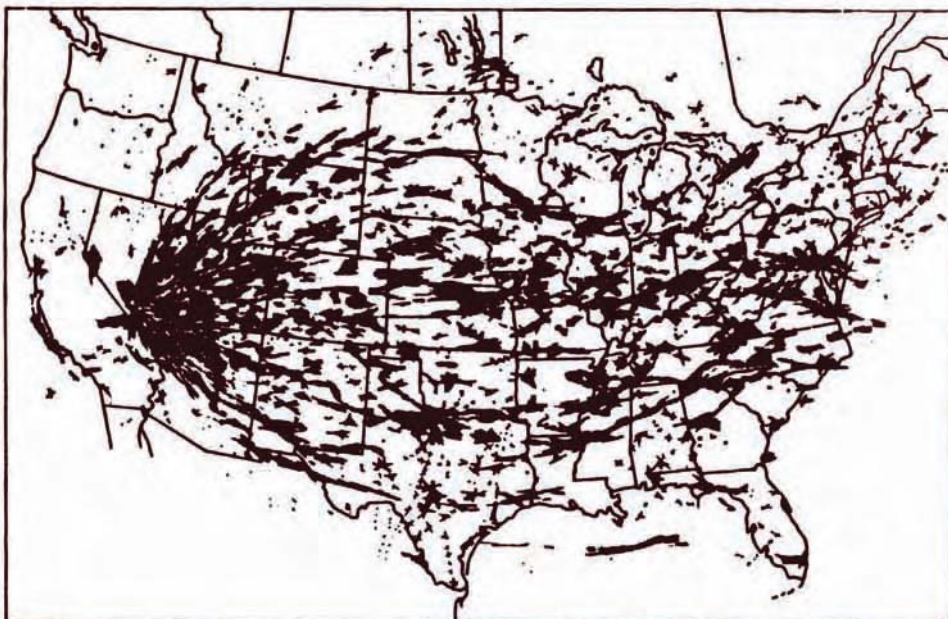
⁴Ibid, 188.

⁵US Department of Justice. http://www.usdoj.gov/civil/torts/const/reca/2claim_forms/Downwinder.pdf 13 April 2007.

⁶Senator Orrin Hatch, Letter to Mary Dickson, January 25th, 2008.



"Gable": above-ground atmospheric nuclear test conducted at the Nevada Test Site on May 25, 1953



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