

PUBLIC SAFETY

Sue U. S. to Stop A-Tests

A group that includes scientists, as well as a philosopher, an editor and interested laymen, has filed suit against the United States to seek a halt in our nuclear tests.

► A SUIT has been filed to seek a halt to nuclear tests by the United States. Similar suits are planned by the same plaintiffs against Russia and Great Britain.

Defendants in the American suit are Secretary of Defense Neil H. McElroy, and Chairman Lewis L. Strauss and Commissioners Dr. Willard F. Libby, Harold S. Vance, John S. Graham and John F. Floberg of the Atomic Energy Commission. They were named by the plaintiffs as "the six Government officials directly responsible for the tests."

At the same time the suit was filed in the Federal Court of the District of Columbia, a formal complaint was forwarded to R. A. Rudenko, Procurator-General of the U.S.S.R., in Moscow. The attorneys for the action will try to travel to Russia to press their case there.

Plaintiffs in the suit include three distinguished scientists, a world-famous philosopher, two leaders in the cause of peace, a world health expert, a housewife, an editor and three Japanese fishermen.

The complaint in the U.S. suit calls on the court to order the end of fallout-producing nuclear explosions on grounds that:

1. The defendants are acting beyond the authority granted by the Atomic Energy Act of 1954.

2. The Congress has unlawfully delegated legislative powers to the defendants.

3. The Act is unconstitutional because it violates the due process clause of the Fifth Amendment.

4. The Congress has no power to enact legislation by which human lives are endangered.

5. The Act violates the human rights provisions of the United Nations Charter, to which the United States is a party.

The plaintiffs point out that although international agreement is the most effective way of ending all nuclear explosions, in the absence of such agreement, "individuals affected by fallout have no recourse except to resort to the courts in the nations that continue detonations."

All the suits, which will vary in detail only as far as is necessary to conform to the different constitutional patterns of each country, "will prove that fallout causes immediate and future increase in genetic damage, tendencies to bone cancer and leukemia, and general shortening of the life-span in the world population."

None of the suits seeks compensation for damage from past detonations, nor do they aim at stopping further laboratory research.

Although Russia announced that it was willing to suspend nuclear tests, the plaintiffs explain there are loopholes in the announcement and only a final decree from the

highest court in the Soviet Union would assure a permanent halt to tests.

The idea of taking court action to end tests and subsequent fallout was initiated by a young Quaker from Pasadena, Calif., David Walden. Dr. Linus Pauling, Nobelist and professor of chemistry at the California Institute of Technology, expressed interest. So did a Bloomfield, Conn., housewife, Mrs. Stephanie May, a cofounder of the Connecticut Committee to Halt Nuclear Tests. Others joined and the suit, along with the two proposed, is the outcome. Each plaintiff is acting as a private citizen.

The U.S. suit charges specifically that nuclear detonations "resulted and will result in world-wide exposure of human beings to radiation in addition to that of natural background radiation and to the X-ray radiation resulting from the healing arts and industry. The past and threatened future acts of the defendants did and will cause a world-wide fallout of radioactive debris, did and will increase the radioactive strontium content of the soil and the amount of contamination of the food supply of the world and of the bones of human beings."

It alleges that the defendants' "past and threatened future acts of exploding nuclear weapons did and will cause the plaintiffs to be damaged genetically and somatically; will cause their progeny to be deleteriously affected because of the additional radiation brought about by the acts of the defendants, and, with high probability, did and will cause the plaintiffs to suffer various diseases which they would not suffer but for the additional radiation brought about by the acts of the defendants."

It also charges that nuclear explosions during the last seven years have produced "some thousands or tens of thousands of seriously defective children," with a similar number expected from the detonation of a single nuclear weapon of high yield. It considers a "high probability" that such explosions will produce cases of leukemia and bone cancer leading directly to thousands or tens of thousands of deaths.

The suit is expected to have a profound effect on international and constitutional law. Research on the part of the plaintiffs' attorneys has revealed that the legal systems of the U.S., U.S.S.R. and Great Britain contain, either in unwritten common law precedents or in statutory codes, a substantial basis for a suit against the officials directly responsible for the tests.

The plaintiffs, in addition to Dr. Pauling and Mrs. May, are: Dr. Karl Paul Link, professor of biochemistry at the University of Wisconsin; Dr. Leslie C. Dunn, professor of zoology at Columbia University; Norman Thomas, New York City, long-

time leader of the Socialist Party; William Bross Lloyd Jr., of Chicago, editor of *Toward Freedom*, a publication on Africa; Dr. Brock Chisholm of Victoria, British Columbia, former director of the World Health Organization; Toyohiko Kagawa, of Tokyo; Hiroaki Nakatani, captain of vessels that fish in the Pacific; Takaaki Tsurui, owner of the Eleventh Katori Maru; Yaeji Matsushita, chief engineer of the Eleventh Katori Maru; Bertrand Russell, Nobel-Prize winning philosopher; the Rev. Canon L. John Collins, of St. Paul's Cathedral, London; the Rev. G. Michael Scott, Church of England.

The suit was filed by Francis Heisler of Carmel, Calif., and A. L. Wirin of Los Angeles.

Science News Letter, April 12, 1958

SCIENCE NEWS LETTER

VOL. 73 APRIL 12, 1958 NO. 15

The Weekly Summary of Current Science, published every Saturday by SCIENCE SERVICE, Inc., 1719 N St., N.W., Washington 6, D. C., NORTH 7-2255. Edited by WATSON DAVIS.

Subscription rates: 1 yr., \$5.50; 2 yrs., \$10.00; 3 yrs., \$14.50; ten or more copies in one bundle to one address, 7½ cents per copy per week; single copy, 15 cents, more than six months old, 25 cents. No charge for foreign postage.

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Printed in U.S.A. Entered as second class matter at the post office at Washington, D. C., under the act of March 3, 1897. Acceptance for mailing at the special rate of postage provided for by Sec. 34.40 P. L. and R., 1948 Edition, paragraph (d) (act of February 28, 1925; 39 U. S. Code 283) authorized February 28, 1950. Established in mimeograph form March 13, 1922. Title registered as trademark, U. S. and Canadian Patent Offices. Indexed in Reader's Guide to Periodical Literature, Abridged Guide, and the Engineering Index. Member Audit Bureau of Circulation.



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