



## Guide to the Baneberry Nuclear Test Trial Records

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Persistent URL for this finding aid: <http://n2t.net/ark:/62930/f12s3s>

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## Summary Information

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<b>Repository:</b>	University of Nevada, Las Vegas. University Libraries. Special Collections and Archives.
<b>Creator:</b>	Foley, Roger Drummond, 1917-1996
<b>Title:</b>	Baneberry Nuclear Test Trial Records
<b>ID:</b>	MS-00019
<b>Date [inclusive]:</b>	1969-1989
<b>Physical Description:</b>	5.72 Cubic Feet (13 boxes)
<b>Physical Description:</b>	5.25 Linear Feet
<b>Language of the Material:</b>	English
<b>Abstract:</b>	The Baneberry Nuclear Test Trial Records (1969-1989) contain documents of a federal court case regarding a 1970 Nevada Test Site nuclear test and the resultant radioactive cloud which may have exposed and subsequently injured the test site workers. The consolidated suits, William Nunamaker vs. the United States and Harley Roberts vs. the United States, came to trial January 1979, in Federal District Court, Las Vegas, U.S. District Judge Roger Foley presiding. The materials in the collection consist of court documents, such as transcripts of the trial, briefs, findings and statements, an appeal, orders, defense and plaintiff exhibits, and indices to the exhibits and witnesses as well as a glossary of terms.

### Preferred Citation

Baneberry Nuclear Test Trial Records, 1969-1989. MS-00019, Special Collections and Archives, University Libraries, University of Nevada, Las Vegas. Las Vegas, Nevada.

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## Historical Background

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On December 18, 1970, a ten kiloton nuclear device code-named "Baneberry," was detonated underground at a depth of 912 feet at the Nevada Test Site. Three minutes later an explosion vented along a 315-foot fissure and spewed a large black radioactive cloud into the air. Wind currents carried the cloud downrange and over a worker's campsite known as Area 12, which

housed 900 people. Approximately 300 men were contaminated by the cloud, among them Harley Roberts and William Nunamaker. They later developed leukemia and filed suit against the federal government in February 1972, claiming that their leukemia was caused by excessive exposure to the radioactive cloud, which in turn resulted from government negligence.

Both Nunamaker and Roberts died in 1974, but their suits were pursued by their spouses. The consolidated suits, William Nunamaker vs. the United States and Harley Roberts vs. the United States, came to trial January 1979, in Federal District Court, Las Vegas, U.S. District Judge Roger Foley presiding. Foley issued his ruling in two parts; in part one, issued June 1982, Foley found the government negligent in its evacuation and decontamination procedures. In the second part, he found that the radiation exposure from the cloud was not sufficient to have caused leukemia. Therefore the plaintiffs proved negligence but not causation. The claimants filed motions in May 1984, requesting either a new trial or reopening the old one, in order to introduce additional evidence. Foley denied the motion and the case was closed.

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## Scope and Contents Note

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The "Baneberry" Nuclear Test, Trial Records (1969-1989) contain documents of a federal court case regarding a 1970 Nevada Test Site nuclear test and the resultant radioactive cloud which may have exposed and subsequently injured the test site workers. The consolidated suits, William Nunamaker vs. the United States and Harley Roberts vs. the United States, came to trial January 1979, in Federal District Court, Las Vegas, U.S. District Judge Roger Foley presiding. The materials in the collection consist of court documents, such as transcripts of the trial, briefs, findings and statements, an appeal, orders, defense and plaintiff exhibits, and indices to the exhibits and witnesses as well as a glossary of terms.

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## Arrangement

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The collection is divided into four series based on the materials contained in each box:

Series I. Reporters Transcripts of Court Trial, 1979 January-April;

Series II. Post Trial Briefs, Findings, and Orders, 1969-1989;

Series III. Trial Exhibits, 1969-1979;

Series IV. Indices, Glossary, and Miscellaneous, 1970s.

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## Administrative Information

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### Access Note

Collection is open for research.

### Publication Rights

Materials in this collection may be protected by copyrights and other rights. See [Reproductions and Use](#) on the UNLV Special Collections and Archives website for more information about reproductions and permissions to publish.

### Acquisition Note

Materials were donated in 1991 by Judge Roger Foley; accession number 19.

### Processing Note

Material was processed by staff in 1992. In 2016, Joyce Moore revised and enhanced the collection description to bring it into compliance with current professional standards.

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## Related Materials

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### Separated Materials

Some exhibits were removed before the collection was transferred to the UNLV Libraries; consult the Index to Defense Exhibits in Folder 2, Box 13 and the Index to Plaintiffs Exhibits in Folder 3, Box 13 for this information.

A large map of the Nevada Test Site [Plaintiffs' Ex. 1] was transferred to the Special Collection's Map Collection.

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## Names and Subjects

- Baneberry Nuclear Test, Nev., 1970
- Underground nuclear explosions -- Nevada
- Nuclear weapons -- Testing -- Accidents
- Radioactive fallout -- Nevada
- Radiation -- Physiological effect
- Liability for nuclear damages -- Nevada
- Leukemia, Radiation-induced -- Nevada
- Nevada National Security Site (Nev.)
- Nunamaker, Bill
- Roberts, Harley

## Collection Inventory

### Series 1. Reporter's Transcripts of Court Trial, January-April 1979

Physical Description: (approximately 5 boxes)

Title/Description	Containers	
Reporter's Transcript of Court Trial, Vol. I, Jan. 16-17, 1979 Physical Description: (pgs 1-244)	box 1	folder 1
Reporter's Transcript of Court Trial, Extract from Vol. I of Alice Stewart's testimony, Jan 16-17, 1979 Physical Description: (pgs. 112-214)	box 1	folder 2
Reporter's Transcript of Court Trial, Vol. II, Jan. 17-18, 1979 Physical Description: (pgs. 245-492)	box 1	folder 3
Reporter's Transcript of Court Trial, Vol. III, Jan. 19 and Jan 23, 1979 Physical Description: (pgs. 493-748)	box 1	folder 4
Reporter's Transcript of Court Trial, Vol. IV, Jan 23-24, 1979 Physical Description: (pgs. 749-1007)	box 1	folder 5
Reporter's Transcript of Court Trial, Vol. V, Jan. 25-26, 1979 Physical Description: (pgs 1008-1248)	box 2	folder 1
Reporter's Transcript of Court Trial, Vol. VI, Jan 26 and Jan 30, 1979 Physical Description: (pgs. 1249-1470)	box 2	folder 2
Reporter's Transcript of Court Trial, Vol. VII, Jan 31 and Feb 1, 1979 Physical Description: (pgs. 1471-1686)	box 2	folder 3
Reporter's Transcript of Court Trial, Vol. VIII, Feb 1 and Feb 6, 1979	box 2	folder 4

Physical Description: (pgs. 1687-1940)		
Reporter's Transcript of Court Trial, Vol. IX, Feb 7-8, 1979 Physical Description: (pgs. 1941-2203)	box 2	folder 5
Reporter's Transcript of Court Trial, Vol. X, Feb 9 and Feb. 14, 1979 Physical Description: (pgs 2204-2454)	box 3	folder 1
Reporter's Transcript of Court Trial, Vol. XI, Feb. 15-16, 1979 Physical Description: (pgs. 2455-2695)	box 3	folder 2
Reporter's Transcript of Court Trial, Vol. XII, Feb. 16, Feb 20-21, 1979 Physical Description: (pgs. 2696-2954)	box 3	folder 3
Reporter's Transcript of Court, Trial Vol. XIII, Feb. 21-22, 1979 Physical Description: (pgs. 2955-3180)	box 3	folder 4
Reporter's Transcript of Court, Trial Vol. XIV, Feb. 23 and Feb. 27, 1979 Physical Description: (pgs. 3181-3419)	box 3	folder 5
Reporter's Transcript of Court Trial, Vol., Feb. 27-28, 1979 Physical Description: (pgs. 3420-3658).	box 4	folder 1
Reporter's Transcript of Court Trial, Vol. XVI, Mar. 1-2, 1979 Physical Description: (pgs. 3659-3867)	box 4	folder 2
Reporter's Transcript of Court Trial, Vol XVI- A , Mar. 2, 1979 Physical Description: (pgs 3867-1 – 3867-43)	box 4	folder 3
Reporter's Transcript of Court Trial, Vol. XVII, Mar. 6-7, 1979 Physical Description: (pgs. 3868-4086)	box 4	folder 4
Reporter's Transcript of Court Trial, , Vol. XVIII, Mar 7 and Mar. 13, 1979 Physical Description: (pgs. 4087-4336)	box 4	folder 5
Reporter's Transcript of Court Trial, Vol. XIX, Mar. 13 and Mar. 15, 1979 Physical Description: (pgs. 4337-4635)	box 5	folder 1
Reporter's Transcript of Court Trial, Vol. XX, Mar. 16 and Mar. 20, 1979 Physical Description: (pgs. 4636-4889)	box 5	folder 2
Reporter's Transcript of Court Trial, Vol. XXXI, Mar. 21 and Apr. 3, 1979 Physical Description: (pgs. 4890-5171)	box 5	folder 3
Reporter's Transcript of Court Trial, Vol. XXII, Apr. 3-5, 1979 Physical Description: (pgs. 5172-5404)	box 5	folder 4
Index to Witnesses in Transcript, Vols. I-XX	box 5	folder 5

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## Series 2. Post-Trial Briefs, Findings, and Orders, 1969-1989

Physical Description: (approximately 1 box)		
Title/Description	Containers	
Plaintiff's Post-Trial Brief, Nov. 28, 1980 Physical Description: (pgs. I-ii, 1-184)	box 6	folder 1
Defendant's Post-Trial Brief, May 8, 1981 Physical Description: (pgs. I-vi, 4-308, 1-30)	box 6	folder 2
Plaintiff's Post-Trial Reply Brief, June 18, 1981 Physical Description: (pgs. I-iv, 1-104, 1-12)	box 6	folder 3
Finding the Fact and Conclusions of Law: Findings of Fact Negligence Issues, Preliminary Statement, June 14, 1984 Physical Description: (pgs. 1-118)	box 6	folder 4
Finding of the Fact and Conclusion of Law Regarding Plaintiffs' Motion to reopen action to take additional testimony and introduce documentary evidence or, in the alternative, for a new trial, June 24, 1987 Physical Description: (pgs. 1-17) 2 copies	box 6	folder 5
Order on Remand and Order of Dismissal, (pgs. 1-28), 2 copies, 1989 October 27, 1985 November 6	box 6	folder 6

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### Series 3. Exhibits, 1969-1979

Physical Description: (approximately 6 boxes)

#### Subseries 3.1. Defense Exhibits, 1971- (1979)

Physical Description: (approximately 3 boxes)

Title/Description	Containers	
Defense Exhibit A-1 to A-5: Five charts showing interagency Relationships re. Nuclear testing.	box 7	folder 1
Defense Exhibit B-1 to B-25: Photocopies of photographs and scientific articles introduced in evidence.	box 7	folder 2
Defense Exhibit B-26 to B-32: Photocopies of scientific articles introduced in evidence Physical Description: (Defense Exhibit B-27, "Illustrative drawing of U*d hole configuration..." is in a map tube housed separately). Physical Location: (In map tube housed separately).	box 7	folder 3
Defense Exhibit B-33: Photocopy to The Role of Chromosomes in Cancer Biology, by Peo C. Koller, 1972	box 7	folder 4
Defense Exhibit B-34 to B-36: Photocopies of two articles by J.D. Rowley and "Report of the United Nations Scientific Committee on the Effects of Atomic Radiation (UNCEAR)... Leukemia", 1977-1978	box 7	folder 5



<p>Defense Exhibit B-39: Roberts, Harley – Medical Records from Loma Linda (Plaintiff's Ex. 110)</p> <p>Physical Description: (Plaintiff's Ex. 110).</p>	box 7	folder 6
<p>Defense Exhibit B-40: Roberts, Harley – Medical Records from REECO. (Plaintiff's Ex. 74)</p> <p>Physical Description: (Plaintiff's Ex. 74).</p>	box 7	folder 7
<p>Defense Exhibit B-41 and B-42: Robert's Admission Report at Oak Ridge, dated Aug. 20, 1973 (Plaintiff's Ex. 73); and Nunmaker, William – Medical Records from Sunrise Hospital (Plaintiffs, Ex. 75).</p>	box 7	folder 8
<p>Defense Exhibit B-43: Nunmaker, William: Medical Records from REECO. (Plaintiffs' Ex. 77)</p> <p>Physical Description: (Plaintiffs' Ex. 77).</p>	box 7	folder 9
<p>Defense Exhibit B-44: Nunmaker, William – Medical Records from Dr. Russell Miller (Plaintiff's Ex. 76)</p>	box 7	folder 10
<p>Defense Exhibits in B-46 to B-69: Photocopies of various documents introduced in evidence</p> <p>Physical Description: Photocopies of various documents introduced in evidence.</p>	box 8	folder 1
<p>Defense Exhibits B-70 to B-85: Photocopies of various documents introduced in evidence</p> <p>Physical Description: Photocopies of various documents introduced in evidence.</p>	box 8	folder 2
<p>Defense Exhibits C-1 to C-73: Photocopies of various documents introduced in evidence</p> <p>Physical Description: Photocopies of various documents introduced in evidence.</p>	box 8	folder 3
<p>Defense Exhibits D-1 to D-12: Photocopies of various documents introduced in evidence</p> <p>Physical Description: Photocopies of various documents introduced in evidence.</p>	box 8	folder 4
<p>Defense Exhibits E-1 to E-22: Photocopies of various documents introduced in evidence</p> <p>Physical Description: Photocopies of various documents introduced in evidence.</p>	box 8	folder 5
<p>Defense Exhibit E-23: Teletype printouts of telemetered winds from SYSTRAC Network</p> <p>Physical Description: Teletype printouts of telemetered winds from SYSTRAC Network.</p>	box 8	folder 6
<p>Defense Exhibit E-24 to E-54: Photocopies of various documents introduced in evidence</p>	box 8	folder 7

Physical Description: Photocopies of various documents introduced in evidence.

Defense Exhibit F-1: Baneberry Summary Report (NVO-95) (Plaintiff's Ex. 62), January 1971 Physical Description: (pgs. 1-64) [Plaintiff's Exhibit 62].	box 8	folder 8
Defense Exhibit F-2 to F-3: Photocopies of various documents and folded charts introduced into evidence Physical Description: Photocopies of various documents and folded charts introduced into evidence.	box 8	folder 9
Defense Exhibit F-6 to F-13: Photocopies of various documents introduced into evidence Physical Description: Photocopies of various documents introduced into evidence.	box 8	folder 10
Defense Exhibit F-14: Photocopy of "Results of Exploration of Baneberry Site, Early 1971" (Plaintiffs' Ex. 37) Physical Description: (pgs. I-vi, 1-94), [Plaintiffs' Ex. 37]	box 9	folder 1
Defense Exhibit F-15: Photocopy of Generalized Geologic and Structure Contour Map of the Baneberry Area (Plaintiffs' Ex. 37A) Physical Description: (Fig. 1, NTS-235) [Plaintiffs' Ex. 37A]	box 9	folder 2
Defense Exhibits F-21 to F-27: Photocopies of various documents entered into evidence Physical Description: Photocopies of various documents entered into evidence.	box 9	folder 3
Defense Exhibits F-28 to F-46: Photocopies of various documents entered into evidence Physical Description: Photocopies of various documents entered into evidence.	box 9	folder 4
Defense Exhibits G-1 to G-10: Photocopies of various documents entered into evidence Physical Description: Photocopies of various documents entered into evidence.	box 9	folder 5
Defense Exhibits G-11 to G-31: Photocopies of various documents entered into evidence Physical Description: Photocopies of various documents entered into evidence.	box 9	folder 6
Defense Exhibits H-1 to H-5: Photocopies of various documents entered into evidence Physical Description: Photocopies of various documents entered into evidence.	box 9	folder 7
Defense Exhibits AC to AT: Photocopies of various documents entered into evidence	box 9	folder 8

Physical Description: Photocopies of various documents entered into evidence.

### Subseries 3.2. Plaintiff's Exhibits, 1969- (1979)

Physical Description: (approximately 3 boxes)

Title/Description	Containers	
<p>Plaintiffs Exhibits 1 to 27: Photocopies of various documents entered into evidence</p> <p>Physical Description: Photocopies of various documents entered into evidence (including Ex. 7, "Nevada Test Site Emergency Preparedness Plan," (Sept. 4, 1969).</p>	box 10	folder 1
<p>Plaintiffs Exhibits 32 to 35: Photocopies of various documents entered into evidence</p> <p>Physical Description: Photocopies of various documents entered into evidence.</p>	box 10	folder 2
<p>Plaintiffs Exhibit 37: Results of Exploration of Baneberry Site (Defense Ex F-14 to F-18)</p> <p>Physical Description: Results of Exploration of Baneberry Site [Defense Ex. F-14 to F-18]</p>	box 10	folder 3
<p>Plaintiffs Exhibit 38 to 41: Photocopies of documents entered into evidence</p> <p>Physical Description: Photocopies of documents entered into evidence.</p>	box 10	folder 4
<p>Plaintiffs Exhibits 43 to 61: Photocopies of documents entered into evidence</p> <p>Physical Description: Photocopies of documents entered into evidence.</p>	box 10	folder 5
<p>Plaintiffs Exhibit 62: Photocopy of "Baneberry Summary Report", January 1971</p> <p>Physical Description: (pgs. 1-64).</p>	box 10	folder 6
<p>Plaintiffs Exhibit 63: Photocopy of " Excerpts for the Baneberry Test (Test Evaluation Panel)"</p> <p>Physical Description: Photocopy of "Excerpts for the Baneberry Test (Test Evaluation Panel)."</p>	box 10	folder 7
<p>Plaintiff's Exhibits 64 to 69: Photocopies of documents entered into evidence</p> <p>Physical Description: Photocopies of documents entered into evidence.</p>	box 10	folder 8
<p>Plaintiff's Exhibit 71: Photocopy of "The Effects on Populations of Exposure to Low levels of Ionizing Radiation", 1972 November</p>	box 10	folder 9
<p>Plaintiff's Exhibit 73: Robert's Medical Records, Oak Ridge ( Defense Ex. B-39)</p>	box 10	folder 10

Physical Description: [Defense Ex. B-39]

Plaintiff's Exhibit 74: Robert's Medical Records, Sunrise Hospital (Defense Ex. B-39)	box 10	folder 11
Physical Description: [Defense Ex. B-40]		
Plaintiff's Exhibit 75: Nunamaker's Medical Records, Sunrise Hospital (Defense Ex. B-42)	box 10	folder 12
Physical Description: [Defense ex. B-42].		
Plaintiff's Exhibit 76: Nunamaker's Medical Records, Dr. Russell Miller (Defense Ex. B-44)	box 10	folder 13
Physical Description: [Defense Ex. B-44].		
Plaintiff's Exhibit 78 to 90: Photocopies of various documents entered into evidence	box 11	folder 1
Physical Description: Photocopies of various documents entered into evidence.		
Plaintiff's Exhibit 91 to 109, 111 to 122: Photocopies of various documents entered into evidence	box 11	folder 2
Physical Description: Photocopies of various documents entered into evidence.		
Plaintiff's Exhibit 123 to 126: Photocopies of various documents entered into evidence	box 11	folder 3
Physical Description: Photocopies of various documents entered into evidence.		
Plaintiff's Exhibits 127 to 149: Photocopies of various documents entered into evidence	box 11	folder 4
Physical Description: Photocopies of various documents entered into evidence.		
Plaintiffs Exhibit 110: Robert's Medical Records from Loma Linda (Defense Ex. B-1 and B-2)	box 12	folder 1
Physical Description: Robert's Medical Records from Loma Linda (2 vols.) [Defense Ex. B-1 and B-2]		

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## Series 4. Indices, Glossary and Miscellaneous, (1970's)

Physical Description: (approximately 1 box)

Title/Description	Containers	
Miscellaneous correspondence related to the case	box 13	folder 1
Index to Defense Exhibits	box 13	folder 2
Index to Plaintiffs' Exhibits	box 13	folder 3
Glossary of Terms	box 13	folder 4
Newspaper Clippings related to the Baneberry Case		

box 13    folder  
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