V. Rights and Wrongs

● **Rights and Wrongs**

To the Editor, *Arizona Daily Star* (24 April 1995):

> The *Star* is correct in relating the Graham County's bulldozing an endangered fish habitat to the similarly flagrant violation of federal law by a Nye Co., Nevada official who bulldozed a road into protected public lands ("Graham County bulldozes rare fish's habitat," *Arizona Daily Star*, April 23). These actions are also part and parcel of the sick mentality that has led to the bombing in Oklahoma City and is sweeping the West masquerading as a call for a "return to old-fashioned family values." Among other recent events, a bomb was also recently exploded in a US Forest Service office in Nevada, a sheriff in Idaho joined a mob of ranchers and others in Idaho to stop federal Fish and Wildlife officers from investigating violations of federal law, and latter-day cowboy types in Elfrida, Arizona, warned Cochise County planners that if they tried to come back to town the good citizens would meet them with guns.
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> Whipped up by hate radio, aided and abetted by big corporation funding, encouraged by an out-of-control Congress and sympathizers in state legislatures, and operating under cover of slogans like "get government off our backs" and "private property rights," pushing through so-called "takings" laws and busily deregulating business, these members of the self-styled "wise use movement" are in fact trying to take us back to a "good old days" that was characterized by the rule of ruthless men with guns. That's why law came to the West in the first place.
>
> Michael Gregory
> McNeal, Arizona

Not printed.

Fast forward to 2016 armed occupation of Malheur National Wildlife Refuge, Oregon, led by a God-inspired Arizona rancher, and subsequent not guilty verdict by jury of twelve good men and women.

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For most people, courts, legislatures and bureaucratic divisions are an institutional jungle of rules, regulations, statutes, legalities and judgments controlled largely for their own benefit by people who feel at home in such environments. Best avoided.

Similarly, most people in the US feel no need to question the ethical and environmental or spiritual legitimacy of private property *per se*. Most have little patience with arguments that there is no such thing as absolute private ownership but only a *holding* granted by social contract under conditions of collective will. At the same time, most people have no argument with the ancient common law doctrine of the "public trust," of properties held in common by the people and managed on their behalf by government. It's not surprising that the United States, a country (like many) established on genocide and slavery, known worldwide as the country most given to the most rigid ideologies of individualism and dog-eat-dog capitalism, while at the same time a country that advertises itself as the most free, generous and welcoming of countries, should also be a country most troubled with moral, ethical and political tensions regarding questions of public/private rights, including rights of use and ownership.

Our environmental laws are largely brain-children of the 60s and 70s, enacted under Nixon (sometimes over his veto by a Democratic Congress), put into effect through regulations and rules promulgated under Carter, subjected to deliberate disabling by a variety of means under Reagan and threatened with everything from dismemberment to repeal by succeeding administrations. Many of us in those days when our major environmental laws and regulations were being written found it difficult to make anything like traditional distinctions between civil rights, human rights, environmental rights and non-human rights; between justice and equity; caste and class; class war, race war and culture wars. Like the equality/liberty tension inherent in the Great Experiment, rights of private citizens and those of the public at large, rights of private corporations and of individuals, of republic and democracy, are dichotomies that inform a wide array of heated issues, such as (on the one side) the Sagebrush Rebellion and Property Rights movements, and (on the other) the environmental, animal rights and Occupy movements.

Some of the most difficult of these polarities were put into play by the 1886 Supreme Court decision in *Santa Clara County v. Southern Pacific Railroad*, arguably the Court's most environmentally-destructive ruling up until that time. In effect, *Santa Clara* established corporations as entities having many of the legal rights guaranteed to human citizens under the Fourteenth Amendment. In an era of concern about civil, human and environmental rights, the idea of the corporation as a person has a sci-fi ring to it; coupled with exaggerated expressions of individualism itself, it can become a frightening figure, a legal fiction that has produced a great many anti-environmental results, including the permitting (*sic*) of toxic substances into the environment based on the assumption that such substances, as products of corporations, are innocent until proved guilty—especially disastrous in a world where the economic gap between corporate bodies and individual citizens is enormous, as was the Bush Court's 2010 ruling in *Citizens United v. Federal Election Commission* that corporations are also protected as citizens under the First Amendment, meaning their financial contributions to election campaigns can swamp the necessarily more meager contributions from individuals (i.e., the corporations could now in effect legally buy elections: plutocracy institutionalized).

The corporate grip tightened persistently from President Eisenhower's warning about the military-industrial complex to former President Jimmy Carter's saying in response to *Citizens United*, "the United States is now an oligarchy. . .with unlimited political bribery." The increasing pressure has had telling effect on the environmental movement—from corporation lobbyists dominating the legislative, regulatory and judicial processes (often simply clogging them up with pettifogging and filibuster); to corporate "slap suits" (threatening individual activists with relentless and expensive legal battles in which "the little guy" (i.e., the real person) doesn't have much of a chance); to corporation executives on the boards of directors of environmental organizations; to corporate billionaires in executive branch seats in Washington.

Under such pressure, financially-strapped individuals and the very notion of individualism they embody exhibit signs of high stress which may, in a relatively democratic society, present as perverted notions and intense negative attitudinizing about the nature of the private property/public property issue. At some indeterminate stage above the lowest rungs of the socio-economic ladder (e.g., at the level sociologists call the rising middle class), the blame for failure to ascend further may be put not (as it was to great extent by the populist movements of the late 19th C) on the controlling elite the climbers want to join, but at what they now see (in this being more like their 19th C forebears) as the stagnating noxious mass left below—minorities, the urban working class, immigrants.

I'm not a social scientist or psychologist or a philosopher, but I believe there's a lot worth thinking about in the many studies of the past 100 years that (exhaustingly if not exhaustively) explore psycho-social entanglements of our hyper-acquisitive culture and which recognize that

alienated individualism may “naturally” lead to paranoid-type survivalist attitudes, and that notions of guilt intrinsic to aggressions of the “jungle” of competitive individualism may “naturally” engender demands for purgation or expiation, which in turn may find one of their “natural” outlets in scapegoatism—e.g., putting the blame both for one’s own personal lack of success and for the economic situation at large either on conventional victims (immigrants, Jews, et al); or on impersonal constructs like “the government”; or on foreign powers; or on even more abstract entities like “the evil empire,” “the system,” or “terror”.

Ideas about private property rights and individual rights behind much of society’s environmental degradation are based, like corporate demands for deregulation, on the 18th C ideology economics textbooks call "classical liberalism" (*liberal* in the etymological sense of “free from,” in this case free from government control), and is now known mostly in the variant called “neoliberalism”, as effectively instituted by Ronald Reagan and Margaret Thatcher and characterized (and caricatured) by privatization agendas meant to divest government of public assets and services in favor of control by private parties devoted to private profits. (The difference between “classical” and “neo-“ liberalism can perhaps be seen by comparing Adam Smith’s Enlightenment humanism in his *The Wealth of Nations* (1776) and F.A. Hayek’s condemnation of the welfare state in his *The Constitution of Liberty* (1960).

As its history shows, if unchecked by the powers of social restraints vested in government, liberal economics (classical and neo-) leads not to the "greatest good for the greatest number" (one of it’s earliest slogans), or to the more equitable goal of basic fundamental well-being of all (i.e., *economic democracy*, the point at which liberal *economic theory* meets liberal *social theory*, in the sense that neoliberals apply the term *liberal* to their social-democrats opponents), but directly to the horrors of the 19th C milltowns and sweatshops, the reign of the robber barons etc.

In this century it has led to an authoritarian society in which the most powerful legal, political, educational, productive, pedagogical and informational institutions are owned by the super-rich, a situation which aggravates cultural conflicts like political and legal equality vs economic inequality; mass equality vs personal liberty; justice vs fairness; care vs compassion; a situation in which economic conditions are created which bring into question the rights of traditional minorities’ rights vs rights of the hyper-rich (generally white male) minority; the right of individuals not to be poisoned for someone else’s economic benefit, etc.

As Carter noted, it is a condition of society of a type long ago described by Aristotle, a condition that can devolve fairly easily into what the Greeks called tyranny. It is a condition in which, in our times, the movement of predominantly western cattlemen in the 40s and 50s (dubbed the Sagebrush Rebellion by Bernard DeVoto) has morphed into a plethora of ostensibly populist associations and confrontations in which rural smallholders, predominantly white western ranchers, easily parodied (and frequently self-parodied) with images of rugged individualism, demand private control of public property (in the name of ethno-racial nationalism, fundamentalist Christianity, fundamentalist economics and all that is right) while being prompted and sometimes clandestinely supported financially by mega-corporations that have their own designs on the public lands, a long-standing desire (a right, say some) to log, mine, pump and graze them without the interference of government regulations. It’s hardly an accident that the 19th C agrarian populist call for regulation of the banks has devolved into the post-New Deal demand of banks and other financial corporations that business, especially financial businesses, be deregulated.

While there is a legitimate concern about court rulings that private property can be condemned and confiscated in order to build shopping centers and the like in the name of public good (*vide*

the 2010 Supreme Court decision in Kelo v City of New London, re Fifth Amendment "Takings Clause"); and while country people, many of whose families have lived close to the land for generations in an economy based on use of natural resources, have a just claim against the rampant corporate takeover and depletion of those resources, often in collusion with government; there is also a legitimate right of the public to lands that were never privatized but recognized as public domain and later designated as national parks, forests, rangelands and wildlife refuges. And while Native Americans from whom such lands were stolen certainly have a just claim to them, johnny-come-lately private enterprisers of the conquering European stock certainly do not.

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Many property rights and privatization advocates pay allegiance to rural "country" values that hark back to a traditional American mystique of individualism, yeoman self-sufficiency, puritanism and nationalism in which conservatism and conservation are seen as two faces of the same coin; many unabashedly express nostalgia for a life that never existed (or if it did, was an unsustainable aberration based on illusory faith in unlimited natural resources) and a capitalist libertarian economic ideology that privileged the few while condemning the majority to various degrees of degradation—beliefs not at all in synch with the economies of scale operative in today's explosions of population, technology and information; of Marlboro cowboys and ranchers not on horseback but in SUVs; a world where the Enlightenment notion of a "right to private property" has been perverted into privatization rights of international corporations; a world where, as Kenneth Burke noted, the "enlightened" combination of corporate business and technology finds it easy to achieve its self-serving brands of freedom—"freedom to waste, freedom to pollute, freedom not to give a damn."

The combination of greed, technology and corporate business mentality wields great power. But while greed is in a sense "natural", an outgrowth of our basic survival instinct, it has long been recognized that it must be curtailed in a society based on cooperation. And while technology, like words, has a life of its own, driven by our "natural" desire to see our dreams realized, our conceptions and creations brought to their fullest completion (their "perfection" as Aristotle called it), it is today (since the "perfections" of the A-bomb, the H-bomb, the Neutron Bomb, Agent Orange, smog, climate change, etc.) also widely recognized that we need to place societal checks on technology, and that the fatal combination of greed and technology we call business-as-usual is in particular need of supervision.

In these times when toxic pollution has been normalized, made to seem inevitable, almost natural and therefore unquestionable, when the carrying capacity of the environment—the ability of our natural life support system to maintain itself—is already stretched to, and in many cases beyond the point of recovery, our greatest threat is not efforts to protect the commons—whether air, water, wildlife or public lands—but the explosive growth of population, of billions of people indoctrinated by true believers in the cult of unlimited economic growth, encouraged by the relentless ancillary growth of our high-tech military and paramilitary industries; the insistent subdividing of our land into small parcels by self-interested individual and corporate landowners, the urbanized consumerist corporate TV mentality fostered by our public and private institutions and bought into by many of even our most ardent would-be defenders of personal liberty and private property rights.

If we want to protect what little we have left of our natural heritage—of the open space and biodiversity, productivity and peace and quiet upon which the very concepts of our quintessentially American notions of freedom and liberty depend—if we want to pass that heritage on to our children and grandchildren, we must give up some of our outdated fantasies

about rugged individualism, learn to curtail our inappropriate selfishness and our narrowly-conceived (often racist) definitions of person and community, to temper our "natural" drives of technological ability with rational and ethical restraint, to recognize that we are all in this global boat together, find ways to nurture a democratically-informed sense of individual dignity, and begin to act with common sense for the common good of all.

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how many in so long
the light alternating with shadows
on their faces recalling curtains
partly drawn against the sun
spectacles before their eyes
luminous with reflection
have become reluctant to scorn
any victim, no longer assuming
that since people get what they deserve
incompetence might account
for poverty as well as moral
inadequacy—biting their tongues
(wanting less to make a point
than a difference) when confronted
with ignorance and venality—
ready to give up the fiction
that institutions / practices /
mindsets are anything more substantial
than historically determined
vocabularies and grammars that lead us
to think in terms of universal
principles and divine truths,
encourage us to believe or hope,
the fiction that arguing over common sense
(intuitively plausible
platitudes or propositions
however logical they may be)
will bring us one whit closer
to knowing the nature of self and world
and relations between them—
in favor of seeing ourselves
participant in community
engaged in conversation
a dialectic tension on how
to increase individual freedom
while lessening cruelty and pain

from "Head Count"
Mr America Drives His Car

Law West of the Pecos (1979)

Michael Gregory, *Mule Mountain Observer* (13 December 1979), p.22

I was surprised the other day to hear someone agree with County Supervisors Bohmfalk and Thompson that public health officials should not monitor PD's pollution at the source, i.e., on the company's private property. I do not mean to be sarcastic when I say that such an opinion has a kind of quaintness about it, not unlike cowboy kitsch and other mementoes of the wild west foisted upon travelers in thousands of small western towns.

For all my longhair hippie pinko commie dupe upbringing, I am a firm advocate of our Constitutional right to hold and protect private property, just as I take very seriously a belief that the primary function of government is to sustain and, when possible, enhance our opportunities for life, liberty and the pursuit of happiness. I take it that this is the message of the majority of Americans when in the midst of our outcry for tax reform we insists that the cutbacks in government spending not be made in health services or environmental protection programs.

Even if I were not a landowner aware of property values of many kinds, I would recognize the wisdom behind laws designed to ensure our right to privacy. Such laws appear to me to be natural extensions of our body language—a language almost oriental in its elaborate schemes for expressing avoidance, taboo and possession. Though our home may be both castle and church, certainly no invasions of privacy seem so outrageous as those which violate our private persons.

A corporation is not a person except, perhaps, in the fantasies of business executives and government employees and their backers among the public. A corporation is not a person despite the tax breaks, loopholes, subsidies and regulatory exemptions that have tried to make them so.

If I throw my garbage over the fence into your yard against your will, you can either have it out with me then and there or avoid criminal proceedings by calling the authorities to investigate the complaint and to restore order, especially if the situation is a potential threat to public health and safety. By the same token, if PD, Apache Powder or some other corporate chemical farm throws its waste products onto my property—be it my fields or water or animals or lungs—I am left with few alternatives once I have made my objections known.

There is no question that the authorities—in whatever combination of city, county, state and federal agencies—have the right to inspect, monitor, regulate, de-license, etc., and to enter upon the premises of an admittedly polluting enterprise. They have both the right and the responsibility to prevent the invasion of the private sector by toxic wastes and byproducts from maverick individuals and outlaw industries. The question is, What do you do when the authorities refuse to act?

Toxic Substances and Deregulation (1981)

Michael Gregory, *Citizens National Forest Coalition Southwest/Southwest Alliance for Alternatives to Pesticides Newsletter* (1 October 1981)

Resource agencies like the Department of Interior are not alone in feeling the pinch of Reaganomics: Reagan forces are also advancing on three main regulatory fronts in regard to toxic substances control.

First, regulatory capabilities are being systematically crippled by drastic budget cuts emanating from David Stockman's Office of Management and Budget (OMB), a government office practically exempt from public input. EPA, for instance, is facing a 30% cut which will reduce by more than a third a staff already too small to carry ou the duties Congress has assigned to it.

Second, each of the three regulatory agencies chiefly responsible for protection of public health through environmental controls—FDA, OSHA and EPA—seem to have their own Watts in charge, executive appointees bent on dismantling the framework of rules their offices were created to administer, dedicated to subverting their offices to the benefit of industry.

Occupational Safety and Health Administration director Thorne Auchter for example, feels that textile workers and miners suffering from brown and black lung diseases are responsible for their own health problems. His job, he says, is to "clean up regulations."

The third front in the Reagan campaign is the legislative one, where majority leaders have already launched massive attacks on pubic interest laws like the *Clean Air* and *Strip-mine Acts*. One of the more frightening attacks currently underway is the so-called Hatch Bill (S.1442) which, if passed, would more or less eliminate consumer protection from carcinogens in food.

The 1958 Delaney Amendment to the *Federal Food, Drug and Cosmetic Act* (FFDCA) of 1938 is straightforward in wording and purpose:

> No additive shall be claimed to be safe if it is found to induce cancer when ingested by man or animal, or if it I found after tests which are appropriate for the evaluation of safety of food additives to induce cancer in man or animal.

There are some rather obvious loopholes in the rules (pesticide residues are exempt, so are additives recognized as safe by the FDA before the amendment, etc.), but the intent of the clause is clear.

The Reagan-backed Hatch Bill proposes that the Delaney Clause, long opposed by industry and avoided by FDA commissioners, be deleted from the law, and that the safety of food and feed additives henceforth be evaluated through cost-benefit analyses of the type that assign a dollar value to people's health and pit that in a statistical arena against estimated losses to industry profits should the chemicals not be marketed, including the losses incurred through developing the chemicals to the point where they could be tested.

Government cost-benefit analyses as required in previous years by the *National Environmental Policy Act* (NEPA) have been notoriously biased in favor of corporate industry, especially in evaluation of federal plans for pesticide use and nuclear power proliferation. Probable short-term corporate gain is commonly found by such analyses to statistically outweigh long-term deteriorations of such qualitative values as public health and welfare, and pro-industry, pro-

development results can almost be guaranteed by the simple device of undervaluing the human intangibles when the data is coded for the computer.

The cost-benefit process is strongly advocated by the current Administration for decision-making in the pubic health arena, despite the consensus of the medical community that such analyses are scientifically inappropriate in questions of health.

Administration attempts to introduce such economic considerations into worker health regulations were recently halted by the Supreme Court, much to the displeasure of OSHA director Auchter and his superior, Secetary of Health and Human Services Richard Schweiker. Another of Schweiker's employees, the chief of the Bureau of Foods at FDA, has said that "a rigorous cost-benefit test is intrinsically impossible with our present knowledge of food additives," but the Administration continues to push for such measures as the Hatch Bill in spite of itself.

Some chemical companies have cause to wish for an early overturn of the Delaney Amendment and similar amendments to the *Federal Insecticide, Fungicide and Rodenticide Act* (FIFRA). They are among the twenty-five to fifty businesses EPA says illegally falsified health data required for government registration of pesticides, drugs, additive, etc.

Officials of one company, IBT (Industrial Bio-Test), have already been indicted by a federal grand jury on several counts of fraud, and EPA says that some 47 more companies are known to have submitted falsified data or data that was grossly unsound according to standard scientific practices.

Dead laboratory rats have given birth, live rats have been autopsied, records have been destroyed so verification is impossible. . .and the list goes on. According to articles and editorials in *Science* and other prestigious journals, test falsification is a widespread phenomenon in scientific circles. IBT alone performed thousands of tests for industry and the government; the US Department of Agriculture toxicology laboratory at College Station, Texas, is also involved; no one knows for sure how many products now on the market contain chemicals that have been improperly tested.

How soon EPA will release this information, and how far they will carry out enforcement responsibilities against IBT and other companies is problematical. The situation does not seem promising. EPA has always been slow to enforce legal requirements against chemical companies. For instance, several years ago the Agency was sued by environmentalists for failing to meet regulatory deadlines called for by 1972 amendments to FIFRA; EPA lost the suit, and others since, but to date still has not completed any of the pesticide registration reviews according to stringent health standards as required by the FIFRA amendments.

Similar Court actions were necessary to prompt EPA into holding cancellation hearings on 2,4,5-T, hearings that have significant implications for the fate of other dioxin-containing or otherwise mutagenic pesticides. This summer, after private meetings requested by Dow Chemical, ostensibly to effect a settlement, EPA called a three-week recess in the hearings. Other parties to the hearings have been given no explanation of the Dow Chemical/government confab, and the recess has now stretched over eight months.

EPA chief Anne Gorsuch seems to be a James Watt clone, formerly a corporation lawyer for Mountain Bell and reactionary state legislator from Watt's own Denver territory. One of her first functions as Administrator was to fill seven of eight staff positions with other corporation lawyers. Then she called for a review on registration of Compound 1080, the predator poison

banned by Nixon in 1972 due to its devastating effect on rangeland ecosystems.

EPA evidently intends to spend a lot more time and money in court, a time-honored tactic which may be as effective in stopping legal regulation and enforcement as the utter inaction which has landed the Agency in court before.

Freedom of Information Act litigation may be prominent among public suits that summon the executive Agency back to judiciary review. FOIA requests have often been useful in publicizing data that tends to buried in EPA's memory vaults. The records on chemical testing falsification were first brought to light through FOIA inquiries. EPA has refused to issue lists of specific chemicals, products and companies involved in th testing scandal on grounds that such information is protected from disclosure as manufacturers' trade secrets, and therefore not subject to FOIA.

Lately this premise has been used in broad interpretation throughout the executive branch to justify denial of FOIA requests with increasing frequency. And recently the majority party in Congress has begin calling for the Act to be revoked, or at least amended to match the non-disclosure deregulation mood of the Administration. Non-compliance with FOIA requests and non-enforcement of existing FIFRA, TSCA, CAA and RCRA regulations are, like interminable court battles, strategic delays available to the Agency and currently excused by the Agency on grounds that regulatory enforcement policies had best be suspended until we see what laws emerge from the Reagan Congress. It is clearly a circular defense, unworthy of such high-priced attorneys, in service to a philosophy that fears public scrutiny and the verdicts of objective scientific research.

Meanwhile, IBT has predicably enough declared bankruptcy, farms and lakes and forests and rangelands continue to be sprayed with poisons, scientists continue to gather in excited symposia, drugs that have never been subjected to even minimum health tests continue to be routinely sold, and the Reagan forces step up their assault on public health and welfare legislation of the past twenty years.

Pollution and Human Rights (1983)

Michael Gregory, *Canyon Echo* 19(9) (1983)

More and more it seems, pollution issues have to be argued in terms of human rights. There is no question, for instance, that copper smelters dump tons of toxins onto us, some, like arsenic, carcinogens; others of them known mutagens or embryotoxins (the safe exposure to any of which is, by definition, zero); and there is no question that several existing laws were passed in order to prevent exactly this kind of poisoning.

Regulatory agencies like EPA, with computer games and statistical abstracts, tend to confuse the issues and to confound the very laws they are supposed to administer. But we are not abstractions. We are people being forced against our wills to breathe and drink and eat poisons. It is beside the point how much or how little: arsenic is arsenic, SO_2 is SO_2. Carcinogen: *safe dose = zero*.

It is just as far beside the point to argue about how much money our poisoning is worth to the poisoner and to his friends in and out of government.

The whole concept of acceptable risk, as illustrated in EPA's proposed arsenic regulations, begs the question of law addressed in the Bill of Rights and in the environmental laws of the past quarter century, which wee written and passed in order to extend Bill of Rights guarantees to include protection from the assaults of high technology.

Enforcement activities of EPA in regard to these laws have been, for want of a better word, under-endowed, a condition not much improved so far under Mr. Ruckelshaus. His proposed arsenic regs are a case in point: EPA tries to evade the difficult responsibility of enforcing credible health standards by proposing instead, standards that are based not on public health requirements, but solely on industry's profit margins. In effect, they are not health standards at all, but government permits for the copper industry to poison the public.

The difficulty of enforcing standards that might truly protect public health is no excuse for not setting them. The first step in solving any problem, including those addressed by environmental law, is to define it accurately. Medical science has done that: *safe exposure to genetic toxins*: zero. They are toxic in doses as low as we can measure.

Some of us who have to breathe smelter smoke do not find the proposed risk at all acceptable, and we object strenuously to the attempt by EPA to perpetuate current arsenic emission levels at Douglas and, similarly, to condone current or near-current levels at Arizona's other copper smelters. We begin to understand, perhaps, why the agency has had so often to be reminded of what is meant by "to the full extent of the law."

The situation is analogous to typical agency administration of FIFRA (which is one of the reasons we need a FIFRA Reform Act): standards and tolerances routinely set with minimal attention to environmental protection and even less to the rights of individuals not to be poisoned. Most pesticides have not been tested for cancer at all, or else have been registered on the basis of one experimental study.

As with pesticides, so with smelter pollutants: it is the job of EPA to set standards on the basis of health protection needs. How industry meets such standards is a problem to be dealt with after the standards are established. It is undoubtedly a wise use of tax money for EPA to anticipate

industry objections and avoid costly suits by helping industry adjust to new standards; but such industry assistance should come after standards are set, not before, and not, certainly, in the place of the standards, as was the case with the proposed arsenic regs. As usual, EPA's cart is before its horse, and the cart is full of unacceptable deaths.

Civil Rights and Environmental Protection (1989)

Michael Gregory, presented to the Prescott College “Public Forum" (8 November 1989)

There are three main points about civil rights and the environment I want to make tonight. First, we have the right not to be poisoned by unnatural toxins put into our air, water, soil, and food by private parties in pursuit of their own profit or by governments in pursuit of what they think is the public good.

Second, the simple ecological axiom that everything is connected to everything else: the junk you throw in the air or water there, comes down or turns up here, sometimes transformed with special horror movie side effects.

Third, we already have polluted the world to an ungodly extent, in some cases so badly that scientists seriously question whether it can ever recover. Love Canal may never recover from the hazardous waste dumped there. Chernobyl is likely to be radioactive for longer than homo sapiens has inhabited the earth. Closer to home, we have fish in the Gila River so contaminated from runoff years ago that they’re unfit to eat, wellwater in Yuma unfit to drink due to agricultural chemicals, groundwater in Bisbee contaminated with minewastes, and in Phoenix with industrial solvents. Etc. Every few days we hear about a new wildcat dump being discovered or another well contaminated, and we keep filling up our world with plastic diapers, styrofoam cups, pesticides and car exhausts. In short, my third point is, enough is enough.

The fact that at least for the foreseeable future we are going to have a lot of new toxic products and old toxic wastes to deal with, brings up a few questions; like: Who has the right to decide what level of risk we will be exposed to? Who gets to say how much is too much, or how much is ok? What is acceptable to one person may not be acceptable to another. Do we let the government decide? And if, because of the standard the government sets, you are the statistically unlucky one in a million, or one in one hundred thousand, who gets cancer from the chemical, are you still willing to say that the government should set standards?

And another important question is, What are we as individuals going to do about it? If we don't agree with the government's way of handling the situation, how do get the government to change? And what are we going to do in our own everyday lives, at home and at work?

What I’d like to do is sketch a little of the history of civil and environmental rights and then open the floor for questions.

Historical Background

Civil rights and *environmental protection* are both fairly new concepts in the history of western civilization. The roots of our civil rights go back to the Greeks and especially to the Romans when the notion meant primarily the rights of certain hereditary social elites to retain and exercise the perks of high social status. Sometimes they were part of common law, sometimes they were set down in political manifestoes and contracts like the Magna Carta, but what we mean by civil rights today didn't really get going until the 17th and 18th centuries, during the era known as the European Enlightenment. This year is the 200th anniversary of the French Revolution of 1789; that revolution and the American Revolt of 1776, mark the starting point for many of our ideas about civil rights today.

Similarly, what we think of as economics is really an Enlightenment invention. It isn’t really a

coincidence that the founding work of modern economic theory, Adam Smith's *The Wealth of Nations*, was published in the same year as the Declaration of Independence.

In the 18th C the word *liberty* was normally understood to have an economic connotation An early draft of Jefferson's Declaration of Independence, for instance, referred not to "life, liberty and the pursuit of happiness" but to "the pursuit of life, liberty and *property*," a notion that was echoed a few years later in the French Revolution's Declaration of the Rights of Man, which made it clear that "property is sacred" and that chief among the rights of man are property rights.

The main economic and political ideology of the 18th C middle class is what we call Classical Liberalism. From that evolved both civil rights and economics as we know them. The revolutionary demands for political power, constitutions, voting rights, elected judges, due process, equal standing before the law, etc., primarily grow out of the middle class demand for economic freedom, freedom to do business in a free market without government interference.

Politically speaking, the middle class that counted were the comfortable or well-to-do middle class: the bankers and financiers, the shipping magnates, the lawyers and high-ranking officials in government, the military and the church. Democratic rights—due process, assembly, religion, etc. (what in America we usually think of as First Amendment rights)—were strongly linked with economic liberty as major themes of 19th C revolutions.

By the end of the 19th C, political rights and economic rights were also being demanded by the masses. But the right to vote (still granted only to men in those days) continued to be limited based on economic status. Property rights before political rights. Classical or *laissez-faire* liberalism is closer to what we today think of as Conservatism or Neoliberalism, rather than what is usually called Liberalism today (which comes more out of the political rather than the economic side of 19th C Political Economy).

(It's sometimes hard for people today to get a feel for the social situation of that time. In the 18th C, the middle class was in the middle between two classes that don't exist in most western countries anymore, the nobility—the true conservatives of the time—and the peasants. Today, in a sense there is no middle class because everybody is middle class, at least in this country. Our farmers and ranchers are businessmen. The main business of many farmers and ranchers today is not agriculture but real estate. Even our homeless are middle class homeless.)

By the end of the 19thC, the middle classes had won revolution after revolution (the 19th C is sometimes known as the "Era of Revolutions") and began to consolidate their gains by directing their genius (and government treasuries) into economic development—public works projects, railroads, canals, tax breaks for investment capital, and most of all, in short, the Industrial Revolution. Fossil fuels, first coal and then petroleum, replaced wood and water: industrial pollution was born. The widely assumed "right to pollute" that we live with today comes from the concept of economic liberty developed in the 18th to 19th C.

It's also in the 19th C that the science of ecology was born as a science, and it's from the mixing of civil rights, economics and ecology that what we know as environmentalism comes.

By the beginning of the 20th C, research and development on petroleum had created the field of organic chemistry and the world started to fill up with plastic and other unnatural, synthetic chemicals. Production techniques (most notably, the division of labor and the assembly line Adam Smith had heralded) became so efficient that consumer products could be manufactured cheaply enough to sell to the new mass market of industrial and white collar workers who made and distributed the products they then bought from the companies they worked for with the

wages the companies paid.

The Industrial Revolution is still going on. We're presently in a high-tech phase. In the beginning steam power and mass production machines were introduced. In the next phase, petroleum became more and more important as iron and then steel replaced wood as a building material and the railroad revolutionized transportation. Modern medicine and modern science were born, encouraged by the business world that found increasing markets for the new technical advances.

Today, the pursuit of happiness is so much identified with the acquisition of goods, that millions of Americans feel they are enjoying the highest degree of constitutionally-guaranteed liberty when they exercise their freedom of choice by buying one brand rather than another. Consumerism is the liberal-democratic philosophy of the middle class masses today, and the malls in all the big cities are filled with people who identify spending with being free.

Environmental Laws

Which bings us up to the present when in the age of global pollution we are starting to think of civil rights in conjunction with human rights and what we're beginning to consider environmental rights.

Laws and rights are based on ethics. Environmental law and environmental rights are based on environmental ethics, an attitude of respect for the natural world, an attitude at odds with several dominant beliefs and doctrines.

Most environmental laws are fairly new, enacted only in the 60s-80s. And though I speak of rights they embody, it's important to note that they usually do so only obliquely, requiring protection of health and environment only indirectly, allowing legal action only after the fact and proof in court of harm.

Right to Pure Food

The earliest US laws we might think of as an environmental law were sanitation laws, requiring sewage systems and the like. One of the first was the *Federal Food, Drug & Cosmetic Act* (FFDCA), originally passed at the turn of the 19th -20th C as the *Pure Food Act*, which was intended to keep our food safe to eat by, for example, banning sawdust and other non-foods from bread. Like most environmental states, the FFDCA has been under constant attack since passage; currently, the part of the law known as the Delaney Clause, which since 1954 has prohibited cancer-causing substances in most foods, is under heavy lobbying assault in Congress, particularly by chemical pesticide companies.

Right to a Natural Environment

The *Wilderness Act* of 1964 is the original model for this kind of right. Its basic tenet is that we have a right to find solitude in nature, away from our own creations, and that nature has a right to exist in as close to a pristine state as we can manage, untrammeled by our activities.

Several laws of the 1970's followed the lead of the *Wilderness Act* in calling for protection of natural environments. The *National Forest Management Act* of 1974 (NFMA) and the *Federal Land Policy and Management Ac*t of 1976 (FLPMA), for instance, provide some protections for plant and animal communities in their own right. But like the *Wilderness Act*, NFMA and FLPMA are primarily concerned with environmental protection as a way of providing for human

needs, whether it is solitude or timber or mining or cattle or the other multiple resources of public lands.

Right to Know the Risks of Government Actions

The Right to Know is explicit in the *Freedom of Information Act* (FOIA) of 1966 and the *National Environmental Policy Act* of 1969 (NEPA), and is embodied explicitly or implicitly in most of the public lands resources laws that followed the *Wilderness Act*.

NEPA is the fundamental environmental law, requiring disclosure of, and opportunity for public comment on, the environmental consequences of proposed federal actions: costs and benefits, risks, assumptions, uncertainties, etc. Only the federal government is bound by NEPA requirement though some states (California and Michigan, e.g.), have enacted NEPA-type legislation; Arizona is not one of them.

NEPA says the public has the right to know, but the right to say yes or no is reserved to the government agency. The public has the right to know and the right to comment, but can prevent the government action only by going to court or to the press.

Some of our heaviest and most extensive release of toxic substances to the environment is done not by private businesses, but by the federal government itself, often in support of private interests: the USDA-Forest Service and USDI-BLM, for instance, spray thousands of pounds of herbicides and insecticides on thousands of square mile of public lands to control invertebrates and so-called "weed trees"; and the USDA's Animal Health and Plant Inspection Service (APHIS) sprays similar amounts of insecticides on thousands of square miles of both undeveloped and urban lands to control such insects as grasshoppers, bollworm and Mediterranean fruit flies. Legal actions to get these agencies to comply with NEPA have proved particularly difficult.

Right to Clean Air and Clean Water

By setting pollution standards based solely on public health protection, the *Clean Air Act* of 1970 affirmed that citizens have the right to breathe clean air. The *Clean Water Ac*t of 1972 (CWA) and the *Safe Drinking Water Act* of 1974 (SDWA) build on the principles established in the *Clean Air Act* to prevent water pollution, The *Clean Water Act* is generally more protective than the *Safe Drinking Water Act* because it is based on a standard of aquatic life and aquatic life is generally a more sensitive gauge of toxic contamination than human health standards.

In 1986, Arizona enacted (after a years-long struggle) the *Environmental Qaulity Act* (EQA), one of the strongest groundwater protection laws in the country; not surprisingly, it's been under heavy attack since then and has suffered from failure of the Department of Environmental Quality (which the law created) to enforce it against established lobbies like mining and agriculture.

Right to Know the Risks of Private Business

The *Occupational Safety and Health Act* of 1970 (OSHA) incorporates not only right to know but addresses the need to plan against, prevent, and respond effectively to hazards in the workplace, including hazardous materials. It gives employees the right to basic health and safety protections while on the job, including the right to know the risks presented by hazardous chemicals and the right to be provided with proper protective clothing and equipment.

Among the newest environmental laws, the *Emergency Planning and Community Right to Know Act* (EPCRA) of 1986, extends those protections to our communities on local, state, regional and national levels in regard to hazardous chemicals.

OSHA and EPCRA do not exactly provide rights to a safe workplace and community, but provide means to know how safe they are, what is being done to make them safer and to prevent or limit their potential for unsafe conditions.

Right to Protection Against Hazardous Substances

The Toxic Substances Control Act (TSCA) and the *Resource Conservation and Recovery Act* (RCRA) were both passed in 1976 in an attempt to establish procedures for "cradle-to-grave" tracking of toxic chemicals and other hazardous materials. TSCA deals with chemicals at the front end of the cycle, during manufacture and distribution, and RCRA deals with hazardous and other wastes. Together, the laws represent the first major attempt by the federal government to list and regulate the thousands of hazardous materials in commerce throughout their lifecycles from production to disposal..

The Superfund, or *Comprehensive Environmental Response, Compensation, and Liability Act* of 1980 is supposed to clean up hazardous waste sites like Love Canal, but as with some other environmental protection laws, EPA has been very slow about this, leading to several suits by environmental organizations.

In closing, I'll mention just two legal notions that may be pointing the way forward.

The Right to Say No

The right to know implies the right to do something to protect yourself once you know about the hazard you're facing, but except for EPCRA, most of our environmental laws don't provide for that logical corollary except through legal action. Neither self-defense nor eye for an eye tooth for a tooth are allowed. Local zoning ordinances are sometimes the closest thing to a right to say no.

Not only does remedy under the laws come after the fact, but it may not come at all. The right to citizen suit is important, but its usefulness usually depends on long, expensive and sometimes highly technical legal proceedings that the ordinary citizen doesn't have the resources to go through. What most citizens need is something quicker and cheaper than the referendum, court cases and superfund cleanups. I call that, the *Right to Say No*, and it is one of the hottest concepts in environmental politics.

When it comes to things like pesticides and hazardous waste, or water and air pollution, instead of saying *No*, the government tends to say *maybe*, or *a little*, or *sometimes*. In terms of real-life environmental regulation, that translates into something like, "Some is ok and if we find out later that was too much, we'll let you know, and if you complain long enough and loud enough you might be able to get us to stop the sale and/or production (but probably not export) of the stuff, and maybe clean up the mess it left behind; but meanwhile we're bringing on a couple of dozen new ones that we think are probably not as bad as the one you're complaining about, which we now agree was a terrible poison, even though before we swore up and down in agreement with the industry that the stuff was safe."

As with nuclear radiation, there is no safe level of exposure to genetic toxins. That's why

carcinogenesis is the standard measure for chronic toxicity. Carcinogens, like mutagens, teratogens and some other toxics are no-threshold toxins. Any dose can cause cancer, or birth defects, nerve damage, etc. No unnecessary, avoidable, exposure is acceptable without prior consent.

Rights of Non-human Species

While earlier laws require environmental protection because of mankind's utter dependence on the environment, some recent laws would extend constitutional rights to non-human species. The *Endangered Species Act* of 1973, for instance, gives protection to non-human species in their own right, regardless of their utility to mankind. While giving passing notice to web-of-life ecological health, the law gives non-human species a right to exist in and of themselves, even if in some cases their presence seems to be locally detrimental, as in the famous Snail Darter case.

Several major legal battles going on around the country involve the question of rights for non-human species. The animal rights movement, for instance, is based on a belief of many people that all animals have the right to life, not just the ones near extinction. A similar belief is involved in the struggle of wildlife activists to change Arizona law so that ranchers are no longer allowed to kill bears, lions, coyotes and other predators in order to protect livestock roaming on open rangelands or forests. Activists say that the rancher should be limited to killing only the specific bear or lion that is guilty of killing a cow or sheep.

Another wildlife issue is raised by the practice of trapping of animals for their skins. This morning about dawn I went out in the desert because I heard what seemed to be a hurt animal. What I found were two dogs and a coyote held by steel leg traps. They had evidently been there overnight. One of the dogs had broken his leg trying to get loose, and when I freed the coyote its leg was so mauled and bloody that I doubt if it will ever heal. I agree with many people that steel leg traps are cruel and unusual punishment and ought to be outlawed.

A bill now before Congress goes even further than animal rights. It would establish the right of whole ecosystems to exist in a healthy state: the new law would be called the *Biological Diversity Act* of 1990 and would give complex plant and animal communities the right to retain their vital complexity against human beings.

A few years ago an influential book was published with the catchy title, *Should Trees Have Standing?* Congress and the courts have tended to say that they do, and in legal terms that is an extraordinary step. In traditional law, “rights of non-humans is a self-contradictory phrase”: civil rights require a *civitas*, a city, and civilians; i.e., a human society. But civil rights for women and minorities were inconceivable to many people not too long ago, and civil rights for non-humans is not too different in concept from civil rights for non-whites or non-males, and we can probably expect more and more extensions of human rights to non-humans.

"Wise-use" Movement Triumphs with Arizona "Takings" Legislation (1992)

Michael Gregory, presented to Arizona Toxics Information activist mail list (5 June 1992)

Enclosed with this memo are several clippings about what may well be potentially the most damaging anti-environmental law in the country—Arizona's recently-passed "takings" bill.

SB 1053, signed into law by Gov. Fife Symington III last week, is evidently the first such bill to pass any state legislature. Similar bills have been defeated in some states and are pending action in others. Arizona has the dishonor of being in front of what could be a devastating wave of "environmental backlash" now sweeping the country.

Couched in vague and misleading language, and backed by such special interest groups as the Arizona Farm Bureau, the Arizona Cattlegrowers Assoc., the Home Builders Assoc., Ariz. Chamber of Commerce, Kaibab Industries (timber), AMIGOS (mining)—and, surprisingly, the Arizona wing of the AFL-CIO—SB 1053 will require the state agencies and the Arizona Attorney General (AG) to analyze every "action" of state agencies, including every rule and regulation, to determine see if it will "affect value or use" of private property.

Passed in an election year by large majorities in both houses of the lame duck state legislature (over 25 members are either resigning after this session or trying to switch seats) and signed by Symington despite vigorous opposition from environmental, public health, education, and other public interest groups, the bill would require that even "actions specifically to protect public health and safety" (e.g., regulations to control pollution, prevent accidents, protect the elderly or the young, provide health or child care, etc.—and, presumably, even police and fire codes) be run through painstaking, time-consuming and expensive reviews by the agencies and AG before implementation. If the reviews indicate a potential "taking" (which could be caused even by an agency's "undue delay in decision making"—e.g., a delay in issuing a permit), the state agency must also determine the dollar value of the private property loss.

Such an action would "require compensation regardless of whether the underlying authority for the action contemplated a taking."

In effect, the new law would allow right-wing, anti-government, anti-environmental groups or individuals to paralyze state government.

As is apparent from a reading of the enclosed clippings, the Arizona law is part of the nation-wide anti-environmental movement euphemistically called the "wise-use" movement. A better-funded, more politically savvy reincarnation of the old "Sagebrush Rebellion" from the James Watt era, the current movement is attacking public health and environmental legislation on a broad front, but generally focusing on real estate, public lands and natural resource issues.

Reagan's Executive Order 12630 signed 15 March 1988 (see enclosed first page), although lacking enforcement powers, clearly sets the tone and lays out the philosophy of the use/abuse movement, which continues to find strong support in the White House, as evidenced by the attack on rules and regulations by Quayle's Committee on Competitiveness.

It has been rumored that Quayle called Symington, convincing the Governor to act against the advice of his top advisors, including the directors of Game and Fish, Environmental Quality, Water Resources, and chiefs of staff. Symington vociferously denies any intervention by Quayle, but regardless of whether or not the reactionary Vice-President actually called, there can be little

question that self-styled "environmental Governor" has regressed to his pre-gubernatorial real estate developer mentality that meshes neatly with the Bush-Quayle-Reagan-Watt "get government off-the-back-of business" program.

For those concerned with the public interest, the question is, what now? The Secretary of State's says that several referendum forms have been taken out in the past few days. Rumors are flying about recall petitions, repeal legislation, suits to challenge the law's constitutionality, etc. Many groups reportedly are seeking funds to start some kind of campaign and alliances of various kinds seem to be coalescing throughout the state in response. It's not clear at this time what will be done, or by whom, but there seems to be a general agreement that the implications of the law go far beyond environmental issues and that recognition points the way towards some broad-based coalitions.

Between Kafka's *Trial* and Orwell's *1984* (2004)

Michael Gregory, presented to the Earth Day gathering, Bisbee, Arizona, 24 April 2004

Thirty-four years ago, on the first Earth Day, our country was also at war, a war much like the one we're in today: an unpopular war, an undeclared war, a "police action" (as they say) being carried out at great expense in terms of human lives, of economic, social and environmental destruction, by a Republican president many people, even before he was elected, thought was a monomaniac and liar, deranged with the power of office, taking us deeper and deeper into an armed conflict in a little Asian country where we could not ever really win no matter how many bombs we dropped or lives we wasted or puppet governments we put in place or environments we blasted and polluted.

Then it was Agent Orange, now it's radioactive bullets sprayed around the countryside exposing innocent children and civilians as well as our own troops to cancer and other genetic disorders.

That we were at war then as now is nothing unusual. For more than half a century we have always been at war, always engaged in military action someplace in the world, either openly, with our own troops, or covertly, paying some client nation or dictator or mercenary force to do the dirty work. The way we once paid Saddam Hussein.The way we once paid Noriega.

For those of my generation and those younger, war has been synonymous with the American way, the backdrop behind our lives, the standard we have either borne proudly or as a disgraceful burden, a cause we have either enlisted in patriotically or patriotically refused, argued against and dropped out from, trying to find a way to keep the madness, the slaughter, from being carried out in our names; disengaging as well as we could from the military-industrial machine—the socio-economic and psychological complex an earlier Republican president had warned us about as he left office (after an even earlier unpopular police action in another little Asian country where we could not win no matter what).

So what's going on today is in many ways not so different from what was going on the first Earth Day, with millions of people afraid that being dead might be the only way we'd ever be free of it.

But there is one big difference. It was during the watch of the man who was president in 1970 that all of the major environmental laws of our country were passed: the *National Environmental Policy Act*, the *Clean Air Act*, the *Clean Water Act*, the hazardous waste and toxic substance laws, the *Endangered Species Act*, the laws protecting our national parks, forests, seashores, and rangelands—these and others were adopted in relatively quick succession from 1969 through the mid-70s.

Not that Nixon was by any means an environmentalist: some of the laws in fact had to be passed over his veto or the threat of one; but the intent of Congress—backed up by a clear will of the people to protect the environment – was so strong that he had no choice.

Now, despite the continuing strong desire of the public for environmental protection, we have a president and Administration and majority in Congress all actively working to undermine and dismantle those very laws, as well as every environmental law and regulation we have passed since then.

Environmentally speaking, as in so many other ways, the Bush Administration heads up the

worst government in the past 100 years, not just throwing the environment to corporate polluters and developers like table scraps to the dogs—most governments do that—but actively and radically attacking and destroying the legal basis for environmental protection.

This Administration, aided and abetted by the majority in Congress, is engaged in not only a war in Iraq and a war in Afghanistan, but in a War on the Environment—a war on our domestic and international laws, regulations and policies, a war on the very civil rights and liberties that make environmental protection possible.

Terrorism is a real threat. But as carried out by the Bush Administration it's also a smokescreen and an excuse being used to push their pave and pollute agenda, their New World Order of greed, secrecy, economic domination, corporate theft, profiteering and other police-state tactics.

The Bush Administration and its support troops in Congress and Wall St. have been and are still pushing not only for more bombs and missiles, more atomic power and police power, more prisons and tax breaks for the rich, but for dirtier air and water, more production and less control of hazardous waste, more greenhouse gases and less open space, more pesticides and less choice in our food, more roads and subdivisions and fewer species of plants and animals—the list goes on and on. On every front you can think of, this president and this Administration and this Congress are at war against the environment.

War is always anti-environmental —not only because of the death and mayhem, the blasting and polluting of habitats and communities, but because of the pure wastefulness of using precious natural resources to make bombs and bullets and planes and ships—products whose only purpose is to destroy life and property. Weapons may in fact be the perfect corporate product: one that is subsidized by the government, earns huge dividends on the market, and then self-destructs, creating an instant demand for more of it.

But what we are seeing today is not the random violence of war and business-as-usual, but a programmatic assault on the natural world and our global resources. And the attacks are not always as obvious as mercury in our air and fish, kids with asthma, or checkpoints on our highways; often they're made behind the scenes—through rule changes that eliminate public notice and opportunity for public input; that lower standards by the one or two parts per million that make the difference between healthy children and birth defects; or budget cuts that prevent health and environment oversight agencies from doing their jobs; or through putting administrative hurdles like excessive cost-benefit studies in the way of health and environmental protection; or by re-defining radioactive wastes so they can be put on trucks to drive through our cities and put in products to be sold and put in landfills without labeling them as radioactive; or by blocking international agreements on global warming, biodiversity and toxic chemicals.

This is an Administration and congressional majority that does not believe in the rule of law except for monstrosities like the *Patriot Act* and *Homeland Security Act* written by right-wing fanatics and industry lawyers, and except insofar as the law can be used to further its agenda of corporate favoritism and profit over public rights; of economic fundamentalism over common decency and global well-being; of government snooping into our libraries, our medical and financial records, our homes and our bedrooms over rights of privacy and self-protection.

This Administration and this majority in Congress do not believe in our right to private lives: they want everyone to be subject all the time—to be *subjected* all the time—to their surveillance plan, to their work-yourself-to-death plan, their pay-as-you-go plan, their rich-get-richer scheme, their constant jitters national insecurity plan.

This is an Administration and congressional majority that exists and wants us to exist in a twilight zone somewhere between Kafka's *Trial* and Orwell's *1984;* that thinks justice means shutting down whoever disagrees, whoever wants to enjoy life, to enjoy the natural world, to have enough free time, free speech, to have places, like wilderness areas or our own homes, where we can get away from it and be free to think and be ourselves and live our lives free from government interference.

An Administration and congressional majority that doesn't want us to remember that this country was founded on the clear understanding that the greatest threat to liberty is not foreign nations or agents, but the abuse of power by our own government.

A diverse natural, healthful environment—clean water, clean air, non-toxic genetically-unmodified food, roadless mountains and undeveloped deserts, untamed plant and animal communities—now and in the long run, for us and for future generations, all this is a basic human right.

This Administration and this majority in Congress, for all their patriotic and moralistic rhetoric, do not believe in that right, any more than they believe in the civil rights, the democratic rights, the constitutional rights, that protect our basic human right to a sustained healthful global environs.

And because they do not believe in it, and because they are at war against it, because they are rapidly destroying it, they must be stopped.

And they can be. We stopped them when they wanted to destroy the Arctic National Wildlife Refuge. We stopped them when they wanted to allow more arsenic in the water. We stopped them in Seattle and we stopped them in Miami.

And we did it in the good old democratic way of making our voices heard, by telling our senators and representatives in no uncertain terms what to do. By reminding them that if we voted them in, we can vote them out.

And we have to keep doing that. Constant vigilance. We have to pay attention. We have to get involved.

We have to let them know that *we* know that what's good for Enron and Halliburton is not good for the country or the world. That it's time to end our dependence on oil, to move to an alternative energy economy. That war is an environmental issue, and that the war on the environment is a war against us.

And we have to not only talk among ourselves—bellyaching with our friends over coffee or beer or trading internet messages with those who think as we do isn't good enough. We need to reach out, build new alliances with those who agree with us on the major goal even though we may disagree on other things;

We need to spread the word: write letters to politicians and editors, put up signs, hold demonstrations—but most important, we need to vote the war party out of office.

We all know what that means. The two-party system stinks and having to vote once again for the lesser of two evils stinks, and we have to keep working to change that along with all the other things we have to change—corporate domination, police state mentality and apparatus, chauvinism, elitism, classism, racism, hypocrisy . . . . But meanwhile, here and now in the real

world of suffering and species extinction, we need to vote the war party out of office.