

# Law Conference Draws Legal Ecodefenders

Did It Portend Litigious Sabotage?  
by Daniel Conner

And you thought legal monkeywrenching was a contradiction in terms, didn't you? An oxymoronic absurdity, like *Jumbo shrimp*, or *Justice Rehnquist*.

If so, I am pleased to tell you of a hopeful sign — this year's Western Public Interest Law Conference, held at the University of Oregon School of Law in Eugene on March 3-5. Here hundreds of citizen activists gather annually to hone their skills and compare notes with lawyers about latest techniques to slow down the runaway industrial machine. This year's gathering was entitled "Community Activism and Global Preservation," and featured luminaries like David Brower, Brian Willson, and several wild-eyed EFlers. Everywhere was evidence that lawyers — usually a stuffy and conservative lot — are getting fed up, and are enlisting as warriors in the Earth's defense.

The Eugene public interest law conferences started modestly in 1983 with 75 attendees. But this year the registration exceeded 900, with some 100 panelists and participants from as far away as China and Australia.

Most law conferences are organized by bureaucrats for bureaucrats, with fat profits for the sponsors, and topics largely devoted to the minutiae of implementing existing law. At such gatherings no one dares talk about a fundamental rethinking of axioms.

This one is different. Organized by Land, Air & Water (LAW), a cadre of environmental law students at the University of Oregon Law School who are beholden to no one, it offers as much to activists as to lawyers and bureaucrats. And here, amazingly, lawyers can get Continuing Legal Education credits

for attending such non-conforming events as slide shows by Lou Gold or barn-burning speeches by Dave Foreman or Mike Roselle. (Don't tell my state bar association about this review, okay?)

Law students and recent graduates tend to be an idealistic and environmentally-sensitive lot who, alas, soon become entrapped by the intricacies of the tax code and sell their souls to the buttoned-up world of business practice. For them, this sort of gathering of the tribes is a chance to let out long-suppressed howls of protest.

Conferences like this also enlarge the vision of attending lawyers. We are inspired when Brian Willson delivers a fire-and-brimstone call to disobey unjust laws, and we soften our hard-ass legal logic a bit when Lou Gold leads us in a valedictory joined-hands chorus of "We Shall Save the Planet."

In conferences with multiple panels, people vote with their feet, going to the sessions that most interest them. If the numbers and enthusiasm of those who attended the various panels are indicative, then the civil disobedience wing of the environmental movement is on the verge of taking over the high ground from so-called mainstream environmentalism.

Especially well-attended was the civil-disobedience panel, where anti-war hero Brian Willson (who lost his legs in a 1987 protest when a munitions train ran over him) inspired us all. At this same session, EFl stalwarts Mike Roselle and Mary Beth Nearing issued rabble-rousing calls to action amid howls of approval.

Also well attended was the panel on intimidation lawsuits, where David Atkin, defender of the Sapphire Six [6 EFlers arrested for occupying equipment used to cut the Kalmiopsis], outlined the growing legal

hazards of direct action. Every dedicated activist is, of course, prepared to suffer criminal sanctions. But, as Atkin warned, the opposition is now using another weapon to silence us: civil suits designed to harass those who nonviolently exercise their constitutional rights. Atkin entreated lawyers to fight the mystification that the law too often engenders (i.e., to *eschew obfuscation*), and he urged eco-defenders to make the courts part of their direct action, by using them as a forum to air their beliefs.

In the interest of "balance," and because the conference is supported by public funds, every year forest industry apologists and Forest Service bureaucrats must be invited to present their point of view. So with polite applause we welcome industry apologists, but during the question-and-answer sessions we hold their feet to the fire. Of course, in a conference of this type, the quality of presentations varies widely. (I was disappointed with the keynote speech of Brock Evans of the Audubon Society, which was meant to inspire, but was riddled with the arrogant language of anthropocentrism: "We can do whatever we want; nothing can stop us.")

Last year's conference eulogized David Brower as the retiring "dean of the environmental movement," and conference sponsor John Bonine wondered aloud who might qualify as his replacement. This year Brower was back, at 77 showing no signs of retirement; and in his choice of a successor, Bonine announced the growing democratization and world-wide scope of the movement. "It's Meenakshmi Raman," he said pointing to the charismatic environmentalist lawyer from Malaysia. "It's Silvana Graf, Lou Gold, it's ... all of you."

The students of LAW and their spon-

sors John Bonine and Mike Axline are to be commended for providing a real public service, a forum for environmental activists free to the public, and cheap to lawyers. (For a directory of lawyers practicing environmental law in Western states, send \$5 to LAW, U of OR Law School, Eugene, OR 97403. Better yet, watch future issues of EFl for information about a directory of lawyers who will defend apprehended eco-defenders at cost or at substantially reduced rates. See my bulletin in this issue.) There was, however, one important oversight at the Law Conference. Speaker after speaker reminded us of what we already know, that overconsumption lies at the root of the environmental crisis. Though this is undeniably true, it is myopic to make it stand alone. It ignores a far greater threat to the planet's future.

Ten days after the conference, I attended a lecture at Oregon State University that was devoted to the other side of the ecocrisis equation. Stanford ecologist Paul Ehrlich, perhaps the world's most articulate and visible proponent of population control, provided a welcome contrast to the lawyers. He insisted that, even more than overconsumption, overpopulation lies at the root of worldwide habitat destruction. Ehrlich was gloomy about the future. "Within 30 or 40 years," he said, "it'll all be over but the shouting."

Why can't we get both sides of the equation together into one irreducible expression? Perhaps next year the students of LAW and the Western Natural Resources Law Clinic will invite someone like Ehrlich who can instruct us on the more intractable side of the problem — overpopulation.

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## Exxon Kills Prince William: A Cost of the Infernal Combustion Engine

At 12:04 AM on Good Friday, March 24, Mother Earth suffered another blow to her ecological integrity when the supertanker Exxon Valdez, carrying 1.2 million barrels of North Slope crude oil, was driven on the rocks of Bligh Reef (named for the infamous Captain Bligh), spilling over 10 million gallons of toxic goo into the pristine waters of Prince William Sound in south-central Alaska. Despite an alleged "oil spill contingency plan," Alyeska Pipeline Service Company's "Oil Spill Response Team" did not arrive at the scene 20 miles away until 14 hours after the spill.

The Exxon Valdez ripped open from bow to midships, spilling oil into Prince William Sound at a rate of 22,000 gallons per hour. When clean-up crews finally arrived at 2:30 PM, there was more oil on the water than all the oil skimming equipment in the world could handle, and only a tiny fraction of that equipment was in Valdez.

The crews accomplished little of substance, due to a lack of planning and inability of Alyeska management personnel to coordinate the minimal response capability at their disposal. Needed equipment had lain unprepared for the previous six weeks. Offers of assistance from the local fishing fleet were refused. By nightfall on Friday, stinking crude oil covered the water over a foot thick. Helicopters stabbed the darkness with searchlight beams. Caustic smells, engine noise, ship's horns, marine radios penetrated the normally peaceful night air, in what been the most biologically productive area in Alaska.

Saturday night, after two days of calm, the winds rose to over 70 miles per hour, driving the oil throughout the islands and bays of the western edge of Prince William Sound. Within hours, hundreds of miles of shoreline were despoiled, including critical habitat for Sea Otter, Harbor Seal, Stellar Sea Lion and countless shore and water birds. Orcas and sea lions were seen surfacing in the slick and reports of dead animals poured in to the Bird and Mammal Rescue Center, established on the campus of Prince William Sound Community College.

The otters were the most immediately impacted, since they live on the surface of the water where the oil was most concentrated. The oil destroyed the natural buoyancy and insulation of their thick coats and they drowned and died of hypothermia by the hundreds. Those that didn't succumb immediately are now dying of kidney and liver failure caused by ingesting the toxic oil as they try desperately to clean their fur. Hundreds of sea birds died in the

first few days and thousands more will die in the months to come. Migratory wildfowl in the millions will soon be entering their nesting grounds around Prince William Sound, where they will find oil soaked shorelines and pools of mayonnaise-textured petroleum. The food supplies for these huge flocks will be tainted with oil for years to come.

Researchers from the National Oceanic and Atmospheric Administration have expressed fear that the delicate food chain in these frigid waters may succumb entirely to the oil toxins and the entire ecosystem may collapse. No one knows the effects of a disaster of this magnitude on the phytoplankton at the base of the food chain. If they are eliminated for even one season, the basis for life in Prince William Sound may be totally removed. It will be at least ten years before the extent of the damage can be assessed and even longer before conditions may return to what they were before.

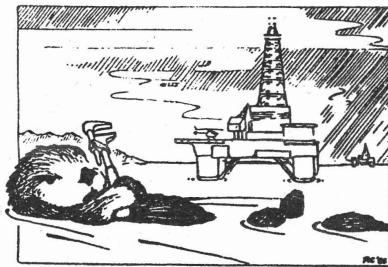
This disaster, comparable to the burning of the Amazon and species extinction in Africa, reveals the lie the oil companies have been feeding us since they proposed the Trans-Alaska Pipeline and the Terminal in Valdez. They promised they could safely develop and transport crude oil through these environmentally fragile areas.

The recriminations, charges and counter charges will fly through the courts for years, lining the pockets of lawyers and allowing Exxon and the other oil companies to continue their slimy deeds unchecked. The price of oil has risen, "due to the interruption of oil supplies to the Lower 48," and Exxon will end up profiting, even after paying hundreds of millions of dollars for a token clean-up.

Responsibility for this tragedy starts with Exxon Shipping President Frank Larossi and the Captain of the Exxon Valdez. The ripples of blame spread outward to Alyeska Pipeline Service Company, the United States Coast Guard, the state of Alaska, the government of the United States and ultimately each individual in the industrialized world.

We all make decisions day to day that create the demand for oil, giving companies such as Exxon Oil an excuse to drill for or transport oil in some of the biologically richest and most fragile areas of the world. Our consumer decisions are holding us hostage to these multi-billion dollar corporations.

Individuals throughout the world have been shocked by the carnage, but the media have moved on to other titillations;



Prince William Sound is already old news. We must keep the image before the people. We must write and call President Bush and demand that oil exploration in ANWR (Arctic National Wildlife Refuge), Bristol Bay and the Chukchi Sea be stopped. We must flood Congress with letters, telegrams and phone calls, demanding a halt to oil development in Alaska and all environmentally sensitive areas.

We must all change our lifestyles to decrease our impact on the planet and take the pressure off the oil industry to develop new resources. We must examine every consumption and purchase decision. We must live the alternatives, to lessen our own impact and show the way to others.

The image of a lifeless Prince William Sound must guide our actions for the rest of our lives. We must remember Prince William Sound every time we start our cars, picture oil-soaked loons as we buy plastic-wrapped produce. We can only stop Exxon and their cohorts by refusing to buy the products they wrench from the Earth.

**WHAT YOU CAN DO:** Walk, ride a bike, use public transportation, live close. Refuse to buy plastic. Use it up, wear it out, do with less, do without!

Contact your local, state and national government representatives and tell them how angry you are about the death of Prince William Sound. Insist that oil development in ANWR, Bristol Bay and Chukchi Sea be stopped. Ask them to support Wilderness designation for the Arctic National Wildlife Refuge.

Write or call these Alaska officials. They are still considering development in ANWR.

Governor Steve Cowper, POB A, Juneau, AK 99811  
Ted Stevens, US Senate, Washington, DC 20510

Frank Murkowski, US Senate (same)  
Donald E. Young, House of Representatives, DC 20515

—Michael Lewis, Valdez, AK

### ATE/SFEH Plan Huge Rally

The Alaska Task Force has started its first campaign. The trashing of the Prince William Sound has been the catalyst. Twenty years ago Alaska foolishly fell for oil corporation propaganda. Now oil drenched corpses wash up by the thousands on once pristine shores. Herring, sable fish, salmon ...

Alaska's most productive fishing waters are all but lost. Bristol Bay is next; and once it has been despoiled, Alaska will have no choice but to turn to oil as an economic base, just as Senators Murkowski and Stevens and Representative Young have always wanted. To ensure that ANWR is opened to oil development, the trio have requested \$1.5 million — public money — to lobby in Washington DC. Alaska Senate bill 107 will give them this. Already, Alaska's entire north coast outside ANWR has been leased to oil companies, Bristol Bay and the Chukchi Sea soon will be, and Prince William Sound is awash in oil; these account for virtually the entire coastline of the state. The Alaska Task Force and San Francisco Earth First! are planning a march and a direct action against corporate polluters such as Exxon for the end of May. A press conference was held April 12 in front of Chevron headquarters to announce the campaign. To get involved, to plan a congruous action, to donate funds, or to get a press packet, write or call the Alaska Task Force or SFEH! (see EFl Directory).

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