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Environmental Protection in the Developing World

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KEYNOTE ADDRESS

SAMUEL LaBUDDE
Founder, Endangered Species Project
Goldman Prize Recipient, 1991

MS. WILSON: Hello. Greetings. It is my pleasure to introduce to you Samuel LaBudde, biologist and Goldman Prize-winning environmental activist, whose keynote address today it is our honor to hear.

When Sam LaBudde learned about the dolphin slaughter associated with tuna fishing practices, which by 1988 had killed over several million dolphins, he drove across the border to Mexico and managed to get hired by the owner of a Panamanian fishing boat. Once aboard, he surreptitiously videotaped the dolphin slaughter. LaBudde's footage provided the first graphic evidence that tuna fishermen were indiscriminately slaughtering dolphins. LaBudde testified before the United States Congress in the months that followed and the footage was shown on national television, provoking outrage across the country.

LaBudde worked with the Earth Island Institute and the Marine Mammal Fund to launch the most successful consumer boycott in United States history. By spring of 1990, the three major tuna brands agreed to process only dolphin-safe tuna, resulting in a 95 percent reduction in dolphin kills.

Months later, LaBudde returned to sea, this time to document open ocean drift netting, a destructive fishing method using nets 50-to-60 kilometers long. With this video footage, LaBudde led a campaign that resulted in a 1992 United Nations Resolution banning the use of drift nets.

Later, he also lobbied for the passage of legislation, which banned imports of tuna that is not dolphin-safe into the nations of the European Community.

LaBudde continued to expose other forms of wildlife slaughter, including the illegal killing of walrus in Alaska for the ivory trade.

He used his Goldman Prize money to establish the Endangered Species Project (ESP) to prevent species extinction and to foster

preservation efforts for wilderness habits. ESP also distributes portable video cameras to environmental and human rights activists around the world.

In 1994, LaBudde and ESP spearheaded efforts to expose Asia's illegal black-market trade in endangered species, which resulted in the U.S. implementation of trade sanctions against Taiwan for illegal commerce in rhino horn and tiger bone, and the passage of legislation in China, South Korea, and Hong Kong to ban the trade.

LaBudde and ESP also helped to establish and fund the Siberian Tiger Sanctuary in Eastern Russia.

He is currently working to create bioreserves in wilderness areas for endangered species, including a project for chimpanzees and lowland gorillas in Africa's vanishing forest. He is also working right now developing a campaign fighting the coal industry in the United States.

Without further ado, I turn the floor over to him.

MR. LaBUDDE: Thank you.

I think it was in 1991 — I had gone to Europe to try and transplant the tuna-dolphin campaign that we had been successful with in the United States to Europe, because at that time the dolphin-deadly tuna, which had been effectively shut out of the U.S. market, which was at that time half the world market for canned tuna, was being sucked up by Europe, which comprised about another 40-to-45 percent of the global market for canned tuna, and we realized that if we could do in Europe what we had done in the United States, that we would effectively have sounded the death knell for a fishing practice that had killed some 8-to-12 million dolphins in thirty-five years and reduced several species populations by up to 75 percent.

So I had a two-fold strategy. I was being paid to run a legislative agenda at the European Parliament, which was to try to get them to implement legislation along the lines of what the U.S. was considering, which was banning imports of what we called dolphin-deadly tuna. But what I wanted to really do was run a shadow campaign on the back of that, which was to create boycotts, in Italy primarily and also Spain, against canned tuna, sort of my insurance policy, given the caprices of trying to advance any sort of legislation through any congressional or sitting political body.

And so I left Strasbourg and the European Parliament and went down to Milan, Italy, where I had been told there was someone who might be helpful in terms of showing me the ropes as far as advancing a public policy campaign in Italy. Her name was Julie Cordara

[phonetic], and she was former marketing director for Esprit Clothing in Southern Europe.

I got off the train. She had picked me up in her little beat-up Fiat, or whatever. We went to her apartment. I took a shower, came out, and started expostulating about why we needed to do a tuna boycott in Italy and what this would accomplish. She didn't understand English very well and I didn't speak any Italian.

After about fifteen minutes, she looked up at me and said, "I understand perfectly. It's like selling shampoo." I thought, "I've made a terrible mistake." And after about twenty seconds, I realized that she had articulated precisely what it was that I do.

My formal training is in biology, and I did a little bit of graduate work in evolution and ecology before I got hungry for the wider, wild real world, but I don't do any biology. I haven't done any honest biology since I graduated from college. I have never published a technical paper on biology. And yet, somehow, at the risk of blowing my own horn, I have probably saved more dolphins than every biologist in history put together. And I say this to you because the only thing I can share with you is my own experience and my own allegiance.

My allegiance is to what works. You are lawyers, or aspiring to be lawyers. You are advocates. Now, there is a lot that you can do as lawyers outside the courtroom, which I think could probably advance your causes and your cases much more than anything you can do inside the courtroom. Just entertain that potentially, hypothetically, for a moment.

I didn't know how I was going to frame this when I got here, but after listening to the panelists, I've had several ideas.

There is an organization called Doctors Without Borders, which I am sure you have all heard about. I don't think there is an organization called Lawyers Without Borders, and after —

PARTICIPANT: There is.

MR. LaBUDDE: There is, okay.

I think that should be as infamous and as well-funded and even more visible than Doctors Without Borders.

Certainly, if the people in Bolivia had had some sort of recourse to an early response, if they had had the help of legal advocates — not even those with jurisdictional standing or the ability to argue in courts in Bolivia or Peru or wherever it was — but just somebody to come down and give these people a sense of what equates to justice in other parts of the world, give them a friend, give them a voice, someone to bring them back to the United States to shareholders'

meetings and courthouse steps and Senate steps and give them their place in the sun.

It was my understanding that the best lawyers were always the ones who were able to resolve suits without ever going to trial, who, by virtue of their cleverness and what have you, were able to adjudicate justice for their plaintiffs without having to ever enter a courtroom.

My experience with my fellow biologists and academics is that we tend to adjudicate a lot of these things on paper and they never really see the light of day. You don't see 500 members of the Union for Concerned Scientists assembled on the White House steps demanding that they acknowledge the reality of global warming or the degradation of the ozone layer. That doesn't happen.

I think I read eighteen months ago that there are now over a million lawyers in the United States. That's a formidable subset of our population. I think if what you are interested in is results, I think it would behoove you to start thinking as much as possible outside the box. Think about what you can do as a lawyer that doesn't require you going to the courtroom or writing opinions or filing briefs. In spite of all the bad lawyer jokes that there are out there in the world, you are a very respected professional body of people in the United States and you have a power that is in my estimation hugely untapped.

I think as far as securing justice or advancing progress on a number of these issues that you are talking about or looking at, you should entertain the thought that there might be more that you can do speaking publicly, speaking before the media, speaking in protest, than you can in speaking in a courtroom. Think about that.

One of the other things that occurred to me and that I was thinking before I got here is that so much of what we are trying to do overseas as far as environmental policy we're not even able to do here in the United States.

You heard about the stunning figures in China as far as premature deaths caused by coal combustion, 178,000 a year. It might interest you to know that 30,000 people a year die in the United States prematurely because of coal combustion. That is just from fine particulate emissions.

I don't know if you realize that the U.S. still draws over 50 percent of its power on the national grid from coal combustion. This is basically 19th century technology, a lot of it.

There are scores of plants in the United States that have nothing but the most basic pollution abatement controls, and some that don't

have any. These are dinosaurs of plants that were under construction and built about the same time a lot of us were. They are operating now in defiance of the Clean Air Act because the Bush Administration's EPA has seen fit to basically dismiss or not prosecute lawsuits against these companies, where they went in and basically replaced entire boiler units when they were supposed to shut down or retrofit the plants to comply with the Clean Air Act.

That's 30,000 deaths a year. Think about that. That's a 9/11 event each month. It's one thing to talk about external threats to the U.S. security, but we have internal threats which in terms of human life are more robust and much more insidious.

In Indiana, where I lived until I was eighteen or nineteen, 100 percent of the streams and waterways have hazardous fish advisory consumptions against them for mercury. That means if you are a woman of childbearing age or a child, you are simply not supposed to eat the fish. I guess for men, whatever doesn't kill us makes us stronger, so the advisories aren't as strict.

But Indiana is not unique. If you look at virtually every state east of the Mississippi — except for West Virginia, which hasn't issued any advisories and is probably as bad or worse than any of them — upwards of 50 percent of streams and waterways in every state east of the Mississippi have hazardous fish advisory warnings for women and children for fish consumption, and that's all from mercury deposition primarily.

If we cannot adjudicate and solve problems in the United States, which is still the model for the world in terms of a lot of things, although environmental policy seems to be lagging behind now, how can we ever hope to foment and advance these agendas in other countries? How can we ever hope to expect justice and good behavior out of corporations doing business in other countries when they get away with literally bloody murder in the United States? I don't think that we can realistically.

In considering your role as advocates and lawyers without borders, imagine what happens when, if there is an early response network when there is an environmental disaster unfolding or some sort of tragedy, a small-scale Bhopal or Bolivia-type oil spill thing happening, if those people have immediate assistance and shortly thereafter some articulate members of that affected community are brought back to the United States and a media tour. You may not get justice in an international court of law, but what you can get is something very strong out of the core of public opinion.

Politics in this country — in every country — is about perception. There was a question earlier about reality and what is the reality. Reality is consensual. The reality that we enjoy largely as human beings, politically, culturally, and otherwise, is consensual, it's what we agree to. It is not anything rigid; it is not set in cement. It is something that public policy people and campaigners and reformers change. They mold it like clay; they shape it.

There is a sense in Washington, D.C., for instance, that there is a political reality, and a lot of environmental groups think that there is this political reality and they have to work within that. I hail from San Francisco and, in what we loosely characterize as “the West Coast offense,” if you don't like the reality, you change it, you change the way the wind blows, because politicians are flags that blow in the wind, and if the public blows in an appropriate direction, the politicians are going to go, “Oh, I hear my constituency. I think I have to answer to them, I have to be accountable to them.” Corporations are the same way.

The good campaigners I know in environmental work — and again, you are lawyers, so I am speaking from my own experience, but I think some of this is applicable to you, especially if you start thinking outside the courtroom — a lot of what advances their causes is willfulness and tenacity.

If I had a group of affected victims in a developing nation — or as we like to call them on the West Coast, “soon-to-be overdeveloped nations,” because we feel like there are overdeveloped nations and soon-to-be overdeveloped nations who have been hit with some sort of toxic spill or something like that-- if you were willing to put the time and energy into it as an individual or a small group of individuals, even without a lot of funding, you could beat a corporation to death for poisoning people, for causing birth defects in children, for creating ridiculous asthma rates in a community. In the newspapers, in the broadcast media, in their shareholders' meetings, in their parent companies' shareholders' meeting, you could beat them to death. You could hurt them on the New York Stock Exchange. You could hurt their shareholders. You could change the consensual reality. You could change the way they respond to mitigating the problem that they are responsible for, and you could damn sure go a long way toward them making sure that they don't repeat the same sort of mistakes in the future.

If you could get enough of these sort of small cases together on the steps of the Senate Building, you could find senators like Barbara Boxer, or Congresswoman Nancy Pelosi or some of the other pro-

gressive Democrats, who would consider putting legislation on the congressional docket to make U.S. corporations accountable for their activities overseas. That type of legislation does not exist yet.

When Christine called me up about six weeks ago and asked me to come and speak about environmental policy in the developing world, I thought, "this is about morality." All environmental work is about morality. Right now our morality is pretty compromised. I think every great religion in the world, and even most of the not-so-great ones, have an expression that runs along the lines that "faith without works is not faith." I always translate that into "knowing and not doing is not knowing."

In terms of our own morality, as far as environmental sensibilities in this country, we are not doing what we know. Certainly, when you've got 30,000 Americans dying because of fine particulate inhalation from coal combustion, hundreds of thousands of children in this country developing asthma because of their exposure to reproductive and developmental toxicants, when you've got half-a-million newborn children and 6 million women in this country right now, at minimum, incubating mercury levels that are in excess of the EPA's conservative notions of what represents a health risk, we are not doing what we know.

And yet we are going to presume, if we can ignore for a moment this travesty, that we are going to be able to make a real difference in developing nations, which don't enjoy certainly our level of public participation, exposure, education, financial resources. It's not saying that the efforts that are taking place in developing nations are not Herculean and noble and accomplishing some really good things at times, but we have to think about doing better, because in my view as a biologist we're kind of getting our butts kicked.

I mean, if the information that Barbara has shared with us about advancement of the coal combustion in China is any indication, that could be the endgame right there. We are already looking at extreme effects from greenhouse gases and global warming that are going to continue escalating, even if we stopped all emissions tomorrow. We haven't even begun to see the top of the curve.

So we have to do more, faster. We have to be willing to, I think, get down and get dirty with these issues and start thinking about what really works.

I just spent two weeks going to two different conferences on the coal industry, one in Washington to talk about the legislative agenda, and one in Chicago to talk about the litigative agenda. Very dedicated people, good at what they do. It struck me as the classic tor-

toise-versus-the-tortoise race. I mean, some of these lawsuits against the power utility industries have been in court for four or five years now and haven't even gone to trial yet. The legislative calendar is basically for show right now, because there's not a snowball's chance of advancing anything through this Congress or across the White House desk, given the current political climate.

So where does that leave us, in a no-win situation? No. It means we have to change our tactics. You cannot expect to argue with the likes of the Peabody Coal Company and be reasonable. They are not going to respond to logic; they are not going to respond to scientific evidence. The only thing they are going to respond to potentially is outrage, indignation, mothers and children protesting loudly about the fact that they have elevated, life-threatening levels of mercury in their bodies.

In the work that I have done over the years, there have been a lot of instances where corporations and multinationals and politicians and CEOs and countries have characterized myself and my colleagues as terrorists-- basically "eco-terrorists," that's what they like to call us. It makes it sound sometimes as if we're the ones out there slaughtering dolphins and clear-cutting forests and dumping neurotoxins and heavy metals into the air and the water and people's food.

That is not the case at all. I like to think of my colleagues and I as patriots, not so much patriots in the sense of — I mean, we have seen an agenda lately that has sort of hijacked patriotism on behalf of this Administration. It has wrapped itself in the American flag in order to take a domestic agenda and basically put in the thrall to the utility companies and the military to a large extent. It has basically, by executive order and rule change, completely subverted the Clean Air Act.

It has told us that as Americans the best thing we can do for this — I think the initial response from the Bush Administration about what Americans could do after 9/11 was to go shopping, to be good consumers; that was our role. That was a potential turning point in U.S. history. If we had had a visionary president at the time, an individual could have outlined a shift, because of the willingness on the part of the U.S. public to do something about it, that could have led us to complete energy independence within ten or twenty years.

That didn't happen. Instead, what we have seen is basically this recommitment to fossil fuel sources, and possibly even the rehabilitation of the nuclear industry, which has been on the shelf for about twenty years in this country. Basically, anybody who has tried to

put their head above the firing line and question these policies has basically been cast as not being a patriot.

I think all of us in this room are patriots. I know that everybody in the environmental community is a patriot. But it is a different kind of patriotism, because when we work to save dolphins we're not working to save our dolphins, we're working to save the ocean's dolphins; and when we work to stop the degradation of the ozone layer, it's not our ozone layer, it's everyone's ozone layer.

I mean, globalization is the reality; it has already happened. In a way, from a natural history standpoint, globalization has always been the rule. We all breathe the same air, share the same water, the same food sources, rely on the same ozone layer to protect us from the sun's deadly ultraviolet radiation. That globalization is real.

I think what George Bush missed, among other things, is the possibility that what we need to do is stop thinking about being American patriots and start thinking about being global patriots, because the arbitrary divisions, however relevant they are in terms of legal jurisdiction in courts of law, don't have any reality in the global environment. They certainly don't have any reality in terms of trying to delimit or define the limits of justice. So that's something else to consider.

Mostly, though, I think the notion of working more like advocates and less like lawyers might be the most effective thing that I could offer you in terms of the possibility for advancing your issues and your causes.

You have all heard what Margaret Mead said years ago about "never doubt that a small group of dedicated individuals can change the world; indeed, it's the only thing that ever has." Well, you are those individuals, if anybody is.

I think that one of the things that I encountered years ago in Washington — aside from my first meeting with a U.S. congressman, where I had just finished testifying and I went up to start telling him about why we had to stop the dolphin slaughter; and after about twenty seconds, he put his hand on my shoulder and said, "Son, you have to realize that facts have nothing to do with politics." That was really the beginning for me in some ways.

I think that in this country, truly a lot of times the facts don't have anything to do with justice. A lot of times the right things happen for the wrong reason. I have been involved in several lawsuits where we got decisions not based on the merits that we felt were important, but by other legal things that basically allowed us to make our case.

If your allegiance is to results — and it always should be — then think about whatever works. Within limits, that's all good, whatever works. That's the bottom line. I mean, we can talk about this and we can talk about that, but at the end of the day you have to ask yourself: Are we saving any dolphins yet?

Paul Kantner and Grace Slick with Jefferson Airplane once had a line in a song where they said, "It doesn't mean shit to a tree."

I mean, we have to do things that really mean things. We just can't afford to engage in futile exercises and win pyrrhic victories. We have to get results, and to get results you have to do what works. If that means as a lawyer going to a place like Nigeria, where Shell has made a huge travesty of justice and compromised the lives for tens of thousands of people, if that means going over there as a lawyer and empowering some people and getting deported as a lawyer and grabbing some headlines, well go do it, go do it. That could work. That could lead to something. That could turn up the volume. That's what really needs to happen.

If I could appeal to you as lawyers, make yourself heard outside the courtroom. You are a potent, respected, educated, as close to a brilliant subset of American population as exists. And so why don't we hear from you publicly? Why do we have to listen to the likes of the pundits on Fox News and Oprah and Martha? I mean, you people have real issues.

If you take your plaintiffs in hand — women, children, people from all walks of life, indigenous peoples — that have been poisoned, beaten, tortured, plundered, pillaged -- and you put them on prime time, you're going to advance your issue.

And that leads — I mean, you can grow these things. That's my sense of public policy reform, it's growing things. It is very easy to make a splash in a pond. It takes a little more tenacity and perseverance to create that sort of standing wave — not just a splash, but a wave that comes up and starts moving and changes the political landscape.

The great thing about making noise and insinuating a little bit of chaos theory into our normally staid political policy reform process is it unsettles things, it gets them up in the air, it gets them off-balance, and they are much more easily influenced when things are not set in stone, when they're not set in cement, when reality is subject to conjecture, when it is subject to debate.

You can create that, you can institute that, because of who you are, because of what you know, because of your knowledge, your power,

and your credibility. Credibility is enormous. You have it. Don't limit your use of that credibility to the courthouse.

I think I would like to answer some questions if you have any, so go ahead and shoot holes in my theories.

QUESTION: I just had a question. You spoke about perception and outrage. In your experience, do you think that as people we can get more outraged at the plight of dolphins than we can at the plight of people, or is it just that it is something that is not done as much?

MR. LaBUDDE: They both work. I remember the beluga whales in the St. Lawrence Seaway have so much hazardous waste in them that if they wash up on the shore, the guys in the hazmat suits have to come out and dispose of them. That's how toxic they are. You can get people to write checks for that much more easily than you can get people to write checks for, say, fifty-sixty-year-old men who got cirrhosis of the liver because of their exposure to environmental toxicants or workers in a plutonium enrichment plant. I guess those fifty-year-old workers with potbellies and receding hairlines just aren't as good in the direct-mail solicitations as the dolphins are, I suppose.

But I think where you can make up the difference in that in my experience is that those people need to have a voice. That's why advocates are so essential, because you can give these people the credibility and the backbone to speak and be heard.

Seventy or eighty miles from Evansville, Indiana, where I lived until I was eighteen — I hesitate to say I grew up there, because I wasn't very grownup when I left — there is a plutonium enrichment plant in Paducah, Kentucky. They went in and did tests after twenty-three years of operation and there was plutonium dust on the lunch countertops in the lunchroom. If you drive through Paducah, Kentucky, it is extraordinary. You're driving down the main street through the city and there are all these oncology clinics and cancer rehabilitation and cancer — it's like this cottage industry in Paducah, Indiana. I'm serious.

When these people were having their discussions with the government, I don't even remember seeing anything on TV. It was in the print media. I mean, this was a travesty. I don't ever remember any remarks from lawyers telling these people, "Hey, you know what, we're going to do a class action suit here against the Defense Department, the Energy Department, and the private owners of this company, if there were any."

It doesn't matter so much if you go to trial. It doesn't matter so much whether you get a decision even. What matters is that these types of things start to move into the public debate.

To me the single next greatest social environmental/human health/women's rights/ environmental justice campaign is coal combustion. This is like Stone Age technology. We throw a bunch of carbon that has been sequestered and has made life as we know it on earth possible, because if you put all that CO₂ back in the atmosphere, we don't have life as we know it, we have something completely different. I mean, that coal is under the ground. It ought to stay there. It's not as bad as uranium, but it is still vile stuff.

You have to understand we're messing with the baseline parameters that have allowed life on Earth to evolve. If we burn, I think, even 20 percent of the world's remaining available coal supplies, I think that's probably like the endgame. It's a no-sum game after that. I don't know that we can withstand that. Certainly our life as we know it and the reality of life as we know it will become something completely different. And we don't need this. We could do without the coal.

Water use, for instance, in California is less now than it was thirty years ago in California. That's extraordinary, given that the population has probably trebled or quintupled in that time.

There is no reason we couldn't do the same thing with energy. If we had to, if we wanted to, if we had the will to, we could shut down every coal-fired power plant in this country in five-to-ten years. And we need to do that. I mean, our livelihood, our health, our children's health, our survivorship, is tied to that inextricably. We cannot deny that.

China is a harrowing thing. China is a standalone proposition. I don't know what will happen there.

But you have to focus on what you can do and what we could do if there was a will for it in this country to get rid of coal combustion. That would save tens of thousands of lives immediately, and it means that in our lifetimes we could go back to eating fish out of the rivers and lakes and streams of the eastern United States, which we should really think about doing, because everything in the world's oceans is going to be way too toxic, as far as mercury and heavy metals go, if things continue as they are in a couple of decades. So that's something to consider.

Long answer. Sorry.

QUESTION: Just from a tactical level, you spoke about the perception of eco-terrorists. I have to confess I have a very superficial

understanding of environmental activism and stuff like that, but I get the impression that they are unnecessarily radical.

I draw the parallel to the civil rights movement and Dr. King and his actions in the south. There you had the dichotomy that you have laid out — you had a judicial system that was trying to seek a remedy, you know, through the NAACP, for about twenty years, which had been unsuccessful. You had a radical movement, the Panthers and various other Nation of Islam groups, that weren't getting people's attention. But then you had the Southern Leadership Christian Conference that did it, and they did it not through radicalizing and not through the court, but just through a very mainstream conscience-driven mechanism.

So I just wonder, how does that perception feed into how you go about what you want to do?

MR. LaBUDDE: I think as far as the radical elements, if my understanding is correct, of the civil rights movement, they didn't come until much later. I mean, I know that the year I was born, 1956, was the year that the lunch counter sit-ins occurred and Rosa Parks took a seat on the bus.

Certainly I made a trip to Montgomery, Alabama, a couple of years ago and was at the Civil Rights Museum in downtown Montgomery, and I was looking at some of the rhetoric that was employed by Dr. King and other people and thinking to myself that this is the caliber of discussion that we need in the United States on this issue.

There has not been an emergent Dr. King within the environmental community right now, but I think part of the reason for that is that there has not been the requisite level of outrage, indignation, harm, popularized through the media that in many respects people in the Midwest and the eastern seaboard are subject to in terms of exposure to toxics.

I think when and if that changes, when you actually see — I mean, what I'd like to do right now — I'm working on trying to get Greenpeace or some other environmental group in Washington to start doing free mercury testing in the field, just going into communities and testing women and children for mercury exposure levels, and attaching faces and voices to the people that are victims of these things.

I think when that starts happening you're going to see a groundswell, and out of that I expect that some spokesperson of Dr. King's caliber and some council of the type of the Southern Christian Coalition, or whatever, that you indicated will emerge.

The thing the civil rights movement had that the environmental community or that the American public does not enjoy right now is a

unified sense of dissatisfaction, outrage, indignation, what have you, with the current status quo. I mean, right now in Evansville, Indiana, asthma rates for teen-agers are 500 percent higher than they are just 100 miles to the north in Fort Wayne, Indiana — which is not exactly the garden spot of the Midwest, I can tell you; it's in the shadow of Chicago. A lot of people in southern Indiana think that dying of cancer is death by natural causes. It's not.

Like I said, a lot of these things you have to grow. I think as far as the radical elements in the environmental community, they are very slight. I mean, you've got the Animal Liberation Front — they're not environmentalists. They're not. Okay, they are, but they are a fringe aspect. They represent less than one-tenth of 1 percent of the environmental community in this country. Earth First gave up spiking trees a decade ago.

Get over it. I mean, who are we terrorizing? We're not poisoning anybody. We're not destroying any habitat. We're not toxifying the environment for basically hundreds or thousands of years. We're not doing deep injection of toxic waste into aquifers. Who are we terrorizing? We're terrorizing corporations whose status quo is predicated on poisoning people, killing people, and basically engaging in a resource extraction that is wholly unsustainable. I mean, who are we terrorizing?

QUESTION: I was wondering, in the course of the various campaigns you have worked on over the years, how much oppositional work have you done in terms of protests, boycotts, direct action, tar-and-feathering, versus collaborative efforts with these corporations? I'm wondering what you find to be most effective, whether it's a combination of both?

MR. LaBUDDE: We always put the velvet glove out first. I have never in my experience had anybody seriously take it and say, "All right, let's work on this, let's do the right thing." I mean, I am looking at going back to the Midwest and taking on basically the heart and soul of the U.S. coal industry right now. These guys are — come on.

If I could take NRDC and Greenpeace and the Clean Air Task Force and Clean Air Network and Wilderness Society and Friends of the Earth, and we could all go in and have a meeting with the Peabody Coal Company and say, "You know what? We'd really like to talk to you about retrofitting all your plants to put pollution abatement equipment on and bring them up to the highest standard for the Clean Air Act, because people are dying and they're sick, and it's compromising our way of life and it's poisoning the heartland of

America,” what do you think is going to happen? They’re going to go, “Well, we’re doing that. We fully intend to comply with Bush’s Clear Skies Initiative when Dreary Skies — I mean Clear Skies — goes into effect.”

You think they give a shit? Who has made them care yet? Nobody. Nobody. It’s not until somebody like me goes back there and says — I mean, I have a very elegant campaign strategy for this. I’m going to pick a fight with these guys. I’m going to start a campaign that talks about the “Dead Body Coal Company.” That they’ll listen to.

In spite of my reputation, I am not a confrontational person. It’s like that button that used to be out in the 1970s, “I refuse to be an impossible person so long as those around me remain possible.” It’s kind of like Charles Manson — “you made me what I am.” You know, you have to do what works. I don’t think that sitting down with the Peabody Coal Company is going to work.

Now, there are some companies now — I guess British Petroleum is trying to put on the white hat and the white gloves and do a little more, commit themselves to renewable energy sources. But to make that wheel turn faster, to make it more real, you have to make it squeak so it gets the grease. I really feel like that.

I mean, look at where we are right now. The wheel is not even going forward. For the last three years we have been sort of retrograde evolution, or devolution, as far as environmental policy and human health and civil rights in this country.

So what does it take to turn that around? It takes people out in the streets being loud and proud, standing tall, and talking straight, I think. I think that’s the only sure thing that will work. Everything else to me is conjecture.

QUESTION: One of the problems facing the campaign would be that people feel that this is the cost of industrialization, because even the President is victim of the same pollution and the same mercury in the fish, but Americans just view it as a cost of industrialization for the benefits they feel they reap from industrialization.

MR. LaBUDDE: I’m sorry. So if I understand correctly, you’re saying that this is all part of the sacrifice we have to make?

QUESTIONER: No, I’m not saying that. I’m saying that’s the way people view it. People don’t view it that coal companies are killing people. If they did, then it would be a much easier platform to present.

MR. LaBUDDE: Right.

QUESTIONER: They view that a certain amount of this is just the cost.

MR. LaBUDDE: So you're saying that their perception is such that this is what they believe and what the perception is?

QUESTIONER: No. I'm just saying how would you change their perception?

MR. LaBUDDE: Perception is extremely malleable. It can change overnight, given the right circumstances. I mean, reality is consensual to the degree that perception is. That's why environmental groups run full-page ads sometimes in the West Coast Edition of *The New York Times* or *The Washington Post*. It's to basically begin the notion of creating a new consensus, of creating a new perception, of evolving the existing perception, or enhancing a trend. It's to set down a marker, because it's like once it's published, once it's on the air, it's true. There is some element, at least in terms of politics and policy and perception, that is a very true statement more than not.

When my colleagues and I have gone after campaigns, we sort of run what I have referred to as like a circular vector equation. It's like if you imagine a circle made up of lots of arrows all pointing in the same direction, and every little arrow represents a vector, something that energetically allows a certain dynamic to continue.

If you've got, say, killing dolphins in tuna nets, you've got: well, the public buys the tuna, which gives the fishermen the money to go out and catch more tuna and kill more dolphins; the law allows it because it's got a loophole in it; people are completely ignorant about it; the corporations are making lots of money — I mean, it's basically all these things that conspire to allow a dynamic to continue.

Our approach to campaigning is to go out and roadblock simultaneously. You attempt to roadblock every one of those different discrete things. That is why when we started the tuna dolphin campaign in 1988, within the course of two weeks we testified before the congressional committee on Commerce, Science, and Technology; we filed a lawsuit against the federal government for failure to uphold the law; we launched a national boycott against consumption of canned tuna; and we started a fervent media campaign just to get the word out publicly. I mean, those were four things that we were running simultaneously. It was just what we could do at the time.

We knew that if any one of those things succeeded — whether we were able to stop it politically, commercially, publicly, or legisla-

tively — the whole thing stopped. We didn't have to win all of them. We only had to win one of them.

The one that caved first was the commercial one, the boycott against the tuna industries. And in short order we won the lawsuit and we got congressional legislation advanced. You know, maybe we won it in the hearts and minds of the American public first, that's probably what happened, because I knew that the *Heinz* decision, which came a week before Earth Day in April of 1990, was a foregone conclusion a couple of months before.

I knew we had already won before it happened because I picked up the paper one day and in one of the great icons of American culture, "Calvin and Hobbes," the cartoon strip which is no longer published about the little boy and his pet tiger, Calvin was in a shopping cart with his mother and she was pushing him through the aisles and she picked up a can and said to Calvin, "Would Hobbes (his stuffed tiger) like some tuna?" He says, "No, no, Hobbes doesn't eat tuna. They kill dolphins." I thought: "That's it, we've reached saturation as far as American culture goes. This is done. I could walk away now and this thing would be finished." And ten or twelve weeks later it was over, at least in the United States, for all intents and purposes.

QUESTION: Do you have any theory for why the general media has a resistance to certain putting these stories out there about the things you've mentioned?

MR. LaBUDDE: They have a sense that they are not important to people. There is nothing, nothing, in my experience that is more newsworthy than people out in the street with injustice in their hearts and on their tongues. That is always worthy of news. And we don't have a lot of people out in the streets these days. That's why we want to do the mercury testing for women and children. It's one thing to see a bunch of 1970s people who are perceived as fringe groups protesting globalization or free trade or the war in Iraq or something like that.

What we need are rank-and-file, meat-and-potatoes, bread-and-butter, hard-working, God-fearing, corn-eating, Sons and Daughters of Pioneers out there with their arms linked, talking loud and proud. That, the media will pay attention to.

It's easy for them to dismiss fringe protesters as being sort of perfunctory — it's automatic, it's *de rigueur*, it happens every time there's something that the liberal left thinks is politically incorrect.

What we don't have is the heartland of America out there engaged in these issues. And we don't need all of them. We don't even need

5 percent. We just need 2 or 3 percent. That would be more than ample.

QUESTION: I'd like to think your plea is very impassioned and very sincere.

MR. LaBUDDE: And completely unrealistic.

QUESTIONER: No, I'm not going to say that. But you made a very poignant point for the NGOs that conduct campaigns and information-gathering for purposes of public dissemination: perception is whatever you want it to be; politics is not reality. And there is no concept — at least I don't hear any from you — of balance, of substantive debate rather than rhetorical debate, and I truthfully don't see scientific facts that can be debated at the substantive level. I mean you're speaking before a scientific subcommittee, but you don't have the science to back up your claims.

I think you are right, in some cases some businesses [inaudible]. In other cases, businesses do want to do the right thing, but if they're subject to unilateral, rhetorical, untrue, non-credible claims based on emotion rather than reason, rather than earnest attempts to debate this substantively, you're not going to get the news media to listen to you because they don't want to pass on this misinformation.

MR. LaBUDDE: I actually would agree. Have I said one thing today that you can point to that has been untruthful or unscientific?

QUESTIONER: Well, I do think you are taking liberties with some of the facts.

MR. LaBUDDE: Like for instance?

QUESTIONER: Your science.

MR. LaBUDDE: The 30,000 deaths from coal combustion? That's a Harvard epidemiological study.

QUESTIONER: From whom and what activities from which companies?

MR. LaBUDDE: This is the entire U.S. coal industry. This is from the Harvard epidemiological study.

PARTICIPANT: Can I answer this question?

MR. LaBUDDE: Yes.

PARTICIPANT: In *United States v. Ohio Edison*, August 7th of last year, EPA had a wonderful victory against the Midwest power companies, New York, New Jersey, Pennsylvania, Connecticut. The Eastern District of Ohio found that Ohio Edison and its subsidiaries were in violation of the Clean Air Act.

Two weeks later, one of those same subsidiaries was responsible for the blackout. Six months later, the current Administration allowed the regulations to change so that for upgrading for pollution

control or upgrading to improve your plant or to add construction you no longer needed a permit. Now, that is something that is in our law.

And there certainly is scientific evidence that establishes that the Midwest power plants clearly impact all of the eastern states, but those states are not under a lawsuit.

QUESTIONER: That is public information. That should be disclosed if you're going to make that [inaudible].

MR. LaBUDDE: I am a biologist by training. My mother and father are doctorates in biochemistry and botany, respectively. I have the highest allegiance for factual truth.

In spite of my saying that the facts have nothing to do with politics in terms of quoting the U.S. congressman — which I was horrified by, by the way — I have never spoken or published anything that I could not back up and annotate publicly.

I mean right now, I guess, yes, when I came in here I was expecting to be taken at my word. I am very happy to furnish scientific, credible, researched, published, accepted standards and evidence for anything I have ever said and my colleagues say. We don't have to take recourse to fabrication. The truth is terrifying enough.

If I take those facts and amplify them with my rhetoric about Peabody Coal Company being the "Dead Body Coal Company" it's because in my experience as a campaigner and in doing public policy reform you cannot have gray area in the midst of important policy debate and expect to achieve your goals. You need to distill the issues into black and white, right and wrong, good guys and bad guys.

In my estimation — and you are totally happy to disagree with me and try to find facts to dispute the contrary — the Peabody Coal Company is the "Dead Body Coal Company." They kill people. Their business as it stands is predicated on making people sick, killing people, toxifying the air, water, food, and the planet.

I sort of feel like I don't want to be reasonable about that. I mean, what's to be reasonable about? What's to talk about? "You guys are guilty. What are you going to do? Do you want to do anything?" I mean it's like I have to do that in order — if I want to just say, "Gee, you know" — I'm sorry, I'm not demeaning what you're saying — but if I put myself forward —

I mean, I agree there's a time for constructive debate, but I think with a lot of at least the adversaries that I have met up with, they are not going anywhere unless they are dragged kicking and screaming,

and they are not going to sit down at the table in good faith until they've got a compelling reason to.

The only compelling reason most of them have is that people start saying bad things about them, that the consensual reality, the perception, comes that they're the bad guys, that they're doing something wrong. That gets them honest. That gets them to the point where you can sit down and talk to them, like we did with the CEO Tony O'Reilly of the H.J. Heinz Corporation.

QUESTIONER: I see the [inaudible]. The European NGOs, because that's really where [inaudible] U.S. NGOs [inaudible] they are more influential there than they are here [inaudible] based on the fear factor, instead of an intelligent discussion about which regulation —

MR. LaBUDDE: Wait a minute. The European NGOs are what, they're more —

QUESTIONER: They are more politically influential in Europe, have more of an impact on regulation, than they do here, and that frustrates U.S. NGOs.

MR. LaBUDDE: It depends on which issues you're talking about, I suppose. As far as toxics in air and —

QUESTIONER: I'm talking about health, safety, climate change [inaudible].

MR. LaBUDDE: Well, do you think that's because of the approach that the NGOs take, or is that because European culture is a little more sophisticated than the population that by and large put George Bush in the White House?

QUESTIONER: The industry in Europe is [inaudible] still not enough. So the question becomes: what risk threshold gives the [inaudible] NGOs?

MR. LaBUDDE: What risk threshold?

QUESTIONER: Risk threshold.

MR. LaBUDDE: We're looking for something better than what is currently status quo.

QUESTIONER: Well, in New York they went almost to zero and that's still not good enough.

MR. LaBUDDE: A zero for what?

QUESTIONER: For environmental remedial [inaudible] in legislation.

MR. LaBUDDE: In legislation. What about the implementation?

QUESTIONER: Implementation? Well, they have companies now that are denied market access [inaudible].

MR. LaBUDDE: All right. I'm not sure I understand. So what you're implying is that the reason that we haven't advanced the environmental agenda more in the United States is because the NGO community is too outspoken and what?

I mean, there are so many aspects of the NGO community. There are very reasonable organizations that all they do is sit down and talk to politicians and corporations, and then there are people out on the far left who are much more kind of — I mean there's a whole gamut. I don't think you can make a generalization about the NGO community.

I'm just sharing with you what to me works, okay? I mean, if you can point to a better model for what works, then by all means put it out there.

My experience in Europe was when I was there in the early 1990s that there was almost zero presence in the European Parliament and the Council of Europe by environmental groups. Maybe that has changed.

I don't know if you remember what got the European environmental organizations to where they are in Europe, but the protests that took place by Greenpeace in Germany and Holland and Denmark and other nations were every bit as voluble and outspoken as anything that has ever happened in the United States. I think that reality was what made possible the current reality that you're referring to, because when those people started they had no credibility.

I mean, we were starting to get some credibility in this community not too many years ago, and we have lost a lot of that. We have to earn it back now, and I think we have to do it with something that is representative, that affects everybody, like the coal issue.

QUESTIONER: [Inaudible.]

MS. WILSON: Let's continue this discussion over lunch.

[Adjournment: 12:47 p.m.]