

Pace University

DigitalCommons@Pace

Pace Law Faculty Publications

School of Law

2007

Keynote Address: We Must Take America Back

Robert F. Kennedy, Jr.

Elisabeth Haub School of Law at Pace University

Follow this and additional works at: <https://digitalcommons.pace.edu/lawfaculty>



Part of the [Environmental Law Commons](#), [Law and Politics Commons](#), and the [Law and Society Commons](#)

Recommended Citation

Robert F. Kennedy, Jr., Keynote Address: We Must Take America Back, 22 J. Envtl. L. & Litig. 201 (2007), <http://digitalcommons.pace.edu/lawfaculty/583/>.

This Conference Proceeding is brought to you for free and open access by the School of Law at DigitalCommons@Pace. It has been accepted for inclusion in Pace Law Faculty Publications by an authorized administrator of DigitalCommons@Pace. For more information, please contact dheller2@law.pace.edu.

ROBERT F. KENNEDY, JR.*

Keynote Address

We Must Take America Back**

I'm really happy to be here. I want to talk about what is happening in the United States, and the connection between the environment and democracy, and the corrosive impact of excessive corporate power and the impact to democracy everywhere. But particularly I want to focus on American democracy.

We're not protecting the environment for the sake of the fish and the birds. We're protecting the environment because we recognize that nature is the infrastructure of our communities. And if we want to meet our obligation as a generation, as a civilization, as a nation—which is to create communities for our children that provide them with the same opportunities for dignity, enrichment, prosperity, and good health as the communities our parents left us—we've got to start by protecting our environmental infrastructure: the air we breathe, the water we drink, the wildlife, fisheries, public lands, wandering animals, rivers and wa-

* Robert F. Kennedy, Jr. is a graduate of Harvard University. He studied at the London School of Economics and received his law degree from the University of Virginia Law School. Following graduation he attended Pace University School of Law, where he was awarded a Masters Degree in Environmental Law. Mr. Kennedy serves as Chief Prosecuting Attorney for the Hudson Riverkeeper and President of Waterkeeper Alliance. He was named one of Time magazine's "Heroes for the Planet" for his success helping Riverkeeper lead the fight to restore the Hudson River. The group's achievement helped spawn more than 130 Waterkeeper organizations across the globe. Mr. Kennedy is also a Clinical Professor and Supervising Attorney at Pace University School of Law's Environmental Litigation Clinic and is co-host of Ring of Fire on Air America Radio. Earlier in his career he served as Assistant District Attorney in New York City. He has worked on several political campaigns including the presidential campaigns of Edward M. Kennedy in 1980, Al Gore in 2000 and John Kerry in 2004.

** To further explore the issues addressed in the speech, please see Mr. Kennedy's published works: *Crimes Against Nature: How George W. Bush & and Corporate Pals are Plundering the Country and Hijacking Our Democracy* (HarperCollins 2004) and *The Riverkeepers: Two Activists Fight to Reclaim Our Environment as a Basic Human Right* (Simon & Schuster 1997), available on his website at <http://robertfkennedyjr.com/books.html>.

terways that connect us to our past and history and provide context to our communities, and the ultimate source of our values and virtues and our character as a people.

For twenty-three years as an environmental advocate, I have been disciplined about being nonpartisan and bipartisan in my approach to these issues. I don't think there is any such thing as Republican or Democrat children. The worst thing that can happen to the environment is that it becomes the province of a single political party. I wrote a book very critical of President Bush. Sean Hannity called it a partisan book, but it's not partisan. Partisanship is if I wrote it because I'm a Democrat and he's Republican. If Bush were a Democrat, I would have written the same book about him. Partisanship is a disaster for our country. You see it on Fox News and elsewhere: if you're a Democrat you're wrong; if you're a Republican you're wrong. These arguments should be addressed on the merits. I have criticized President Bush not because he's Republican, but because he did despicable things. You can't talk honestly about the environment in any context today without speaking critically of this president.

This is the worst environmental president we've had in American history. If you go to the Natural Resources Defense Council's website,¹ you'll see listed there more than 400 major environmental rollbacks that have been promoted or implemented by this White House over the past six years as part of a deliberate, concerted effort to eviscerate thirty years of environmental law. It's a stealth attack. The White House has used all kinds of ingenious machinations to conceal this radical administration from the American public, including Orwellian rhetoric. When they want to destroy the forests, they call it the Healthy Forests Act. When they want to destroy the air, they call it the Clear Skies Bill.

Most insidiously, they have put polluters in charge of virtually all of the agencies that are supposed to be protecting America from pollution. They appointed a timber-industry lobbyist to oversee the U.S. Forest Service—Mark Rey, who is probably the most rapacious in American history. As head of public lands was mining industry lobbyist Steven Griles, who believes that public lands are unconstitutional. As head of the air division of the EPA was utility lobbyist Jeffrey Holmstead, who has represented

¹ See <http://www.nrdc.org> (last visited Apr. 8, 2007).

nothing but the worst utility air polluters in the country. The head of Superfund was a woman whose last job was teaching corporate polluters how to evade Superfund. The second in command at the EPA was a Monsanto lobbyist. If you look at all of the departments relevant to the environment, it's the representative of the worst of the worst of the worst within the polluting industries who have been running the agencies that are supposed to be regulating their own companies. In June 2005, the *New York Times* reported about this character, Phil Cooney, who was the President's number one environmental advisor. He was the Chief of Staff for the White House Council on Environmental Quality. His job was to advise the President on the environmental implications of every decision he makes. Cooney's last job was as chief lobbyist at the American Petroleum Institute on climate change. As it turns out, his primary preoccupation throughout his four years in the administration was combing through every federal scientific document issued by the agencies and altering or removing inculpatory information, damaging statements about the oil and the coal industries, and suppressing federal studies on global warming that you and I, the federal taxpayers, paid for. His job was to lie to the American public. After all this came out, he was fired, or he had to leave. Two days later he was hired by the ExxonMobil Corporation. He never stopped working for Exxon, it's just that we were paying him.

There's nothing wrong with having business people in government. It's a good thing if your objective is to recruit competence and expertise. But all of these individuals I refer to have entered government service not to serve the public interest, but rather to subvert the very laws they're now charged with enforcing in order to enrich the President's corporate paymasters. They have imposed huge diminution on the quality of life of the American people over the past six years. Most Americans don't know about it—they don't connect the dots.

We have a negligent and indolent press in this country that has simply let down American democracy. You hear people talking today about the liberal media. There is no such thing. That's what Joseph Goebbels used to call the "big lie." If you just keep saying it, people start believing it. We have *The Nation* magazine, *Rolling Stone*, *Mother Jones*, and Air America Radio, and that's pretty much it. But you do have a right-wing media in this country, and disproportionately, that's where most Americans

are getting their news. According to a 2003 Gallup poll, thirty percent of Americans say their primary source of news is talk radio, which is ninety percent controlled by the Right. Twenty-two percent turn to cable news, mainly Fox News. Ten percent say their source of news is the Sinclair Network, the most right wing of all and the largest television network in America, run by a former pornographer, who once required all seventy-five of his local affiliates to take a pledge that they will not report critically about this President or the war in Iraq or a number of other issues. According to the State of the News Media 2004 report, these are the data on newspaper readership: "Today, just more than half of Americans (54 percent) read a newspaper during the week, somewhat more (62 percent) on Sundays, and the number is continuing to drop. Overall, some 55 million newspapers are sold each day, 59 million on Sunday."²

Different surveys come up with slightly different numbers for how often people read newspapers. The broadest measure, which the Pew Research Center for the People and the Press has used, asks if a person reads a newspaper "regularly" without specifying weekday or Sunday and found 63% in 2002. Pew also has a survey question it has used for several years that asks if people read a newspaper "yesterday" and found in 2002 41%. Scarborough Research asks whether people read a newspaper "in an average week" and finds the numbers we used above. As this number comes closest to household penetration and sits between the two other ways of asking the question, it seems the safest number to use.³

The rest of us get our news from the traditional corporate-owned media—CBS, ABC, NBC, and CNN—which have no ideology but their own pocketbooks, which is always co-terminus with the interests of the party in power, and particularly the Republican party, which wants to encourage all these consolidations. But these are big, huge companies that have hundreds of subsidiaries and they're all doing deals with the government and they're all looking to consolidate, and they need government permission to do that. And with the corporate control you can't get an advertisement on. I tried to get an ad with Laurie David a

² JOURNALISM.ORG, THE STATE OF THE NEWS MEDIA 2004: AN ANNUAL REPORT ON AMERICAN JOURNALISM, http://www.stateofthenewsmedia.org/narrative_newspapers_audience.asp?cat=3&media=2.

³ *Id.* at n.1.

couple of years ago. We had \$5 million. We wanted to put an ad on that was critical of the automobile industry for not creating fuel-efficient cars. We had money. We didn't want PSA time. They would not air it on ABC, CBS, NBC, or CNN. Les Moonves, head of NBC, laughed us out of his office. He said, "We have three buying offices—New York, Detroit, and Los Angeles—and there is no way we are going to put something on our station that offends our largest advertiser."

It's the government and the corporations that are dictating what we see on the news. Instead of informing us, their job is to entertain us. That's what their occupation is. The decline of the American press began in 1987 when Ronald Reagan abolished the Fairness Doctrine. We had a law passed in 1927 at the dawn of commercial radio that said the airwaves belonged to the public. If you own a printing press, you can write anything if you want. But if you're broadcasting on the airwaves, those belong to the American people. The broadcasters could be licensed to use them, but only with the proviso that they use them to promote the public interest and advance American democracy. There were three rules. First, they had to air issues of public importance. That's why all the television networks of the six o'clock news hours didn't want to put the news on at six; the news departments were chronic money losers. They were forced to do that under the Fairness Doctrine. Second, if they were going to give opinions they had to tell both sides. You wouldn't have had a Fox News under the Fairness Doctrine. You couldn't have had Rush Limbaugh. In fact, Rush Limbaugh started in 1988, the year after the doctrine was abolished. You could have had Rush for his four hours, but you'd have to have a countervailing voice for four hours. That was abolished by Ronald Reagan. Third, they had to avoid corporate consolidation. There had to be local control and diversity of control of the American news media. Congress wanted to make sure that farmers in Kansas could get crop reports, that people in North Dakota could get tornado warnings, and that people in the South could get country music. And you weren't going to have programming and content dictated by a couple of corporate epicenters in a couple of isolated areas of the country.

But Ronald Reagan abolished the Fairness Doctrine in 1987 as a favor to the Christian right that was already plotting a takeover of talk radio and as a favor to the big studio heads who helped

him get elected who were already plotting a takeover of all media. Today, as a direct result of the abolishment of the Fairness Doctrine by Ronald Reagan, there are five giant multinational corporations that control most of the 14,000 radio stations in America, all 5000 television stations in America, eighty percent of our newspapers, most of our billboards, and most of the large internet providers. So there are five guys who are deciding what Americans hear as news. And the news departments have become corporate profit centers. They've gotten rid of their investigative reporters, the people who can connect the dots between the children who have asthma, the money the President took from the coal companies, and the rollbacks that were engineered as a result.

I get my fishing license every year for thirty bucks. My fishing license says you can't eat the fish from any river in New York state because of the mercury. I look at my fishing license and say, "That son of a bitch George Bush." But the typical fisherman who reads this just doesn't make that connection, because there are no investigative reporters—almost half have lost their jobs over the past fifteen years. They also abolished their foreign news bureaus, which is why we cannot get foreign news here unless you go to the BBC, which is why the American people accepted this neo-conservative fantasy that we were going to be met in the streets by rose petals, which the neoconservatives were able to sell to the American public and the gullible press.

Because the media have no obligation to serve the public interest, their obligation is to their shareholders. They serve that obligation not by telling us about the difficult issues we need to understand to make rational decisions in democracy—about Social Security, the national debt, how we got in this war in Iraq, and what happened to the \$18 million, stuff they're not interested in any more—but by entertaining us by appealing to the prurient interest we all have in the reptilian core of our brain for celebrity gossip and sex. How many of you have heard of Anna Nicole Smith? Was that a complete waste of time? Molly Ivins died last month,⁴ one of the great progressive leaders in our country, that didn't make a single national news report. We saw Anna Nicole Smith and we saw Britney Spears shaving her head. They give us Michael Jackson, Laci Peterson and Kobe Bryant.

⁴ [Editor's Note: Molly Ivins died January 31, 2007.]

It's just selling pornography and celebrity gossip. If they get the two in one story, that's what they're going to do. The decision of what you see on the news is no longer made by a news director. That decision is made by a bean counter in the accounting office of the General Electric Corporation who says, "I'm watching these Nielsen ratings come in every six minutes in real time, and it spikes when you see Michael Jackson hanging a baby out the window and it flattens when you see global warming."

In the old days you had to tell people about global warming whether they wanted it or not, or you would lose your broadcasting license. We had to forcibly inform the American people; that's what Jefferson recognized. That's why when we had the Thirteen Colonies and there was a big battle between Jefferson on one hand who wanted a universal mandate, and Hamilton, Adams, and Madison on the other, who said the vote should only belong to the landed gentry, not because they were snobs, but because they said the mob would be easily misled to give up their own civil rights. Jefferson himself said the uninformed public would trade 100 years of hard-fought civil rights for a half-hour of welfare to the first demagogue, or religious fanatic, or tyrant who comes along and gives them a \$300 tax break. He didn't say the last part but he said the first part. But Jefferson said the remedy for that is not to deprive the public of the power, but to forcibly inform them. That's why the Thirteen Colonies did something never before done in history, which was mandatory public schools, because democracy cannot survive without an educated public. And then, when the radio entered American homes in the 1920s, all of the Congress—Republicans *and* Democrats—recognized that this would be the new place where the public got their information. Its primary obligation was to inform the public whether they wanted to be informed or not. But Reagan abolished that. So now we're the best entertained and the least informed people on the face of the earth, and it's very easy for us to be led by the nose by politicians who know the only thing we're paying attention to is Tom and Katie, and Brad and Angelina, etc. This is terrible for democracy.

I do forty talks a year in red states to Republican audiences, and I get the same reaction from Republicans that I do from Democrats: outrage and indignation when I tell this story. The difference is that Republicans come up to me afterwards and ask why they have never heard this before. And I say it's because

you're getting your information from Rush Limbaugh and Fox News. I've said this for a long time, that eighty percent of Republicans are just Democrats who just don't know what's going on.

The Program on International Policy Attitudes at the University of Maryland confirmed my own independent anecdotal observations with a survey they did right before the 2004 elections, when they surveyed people based on their party affiliation and their knowledge of current events. What they found was that there was no values gap between the red states and the blue states, as the pundits on television—in my house we call them the Saturday morning gasbags—talk about. The pundits are always talking about the red states having the monopoly on morality and good behavior, and the blue states as dissolute and degenerates. As it turns out, it's not true. If you look at the data, the highest abortion rates, the highest teen pregnancy rates the highest porn rates, the highest murder rates—all those things are in the red states. The values thing does not exist.

But what they did find was that there was a huge information gap. They found that seventy percent of respondents who said they were voting for George Bush in the 2004 election believed that Saddam Hussein had bombed the World Trade Center. Seventy percent said they believed that weapons of mass destruction have been found in Iraq. Sixty-eight percent said they believed that an American invasion of Iraq had strong support by Muslim nations and our traditional allies in Europe. And fifty-one percent believed that George Bush strongly supported the Kyoto Protocol, and strong labor and environmental standards in our treaties. The Program on International Policy Attitudes went back to the same people twice, the first time to determine where they were getting their news. Invariably the people with the bad information said they were getting their news from talk radio and Fox News. The Program on International Policy Attitudes went back a third time to determine what peoples' basic values were. They asked a series of hypotheticals. For example, what if there were no weapons of massive destruction in Iraq? What if Saddam Hussein had nothing to do with the World Trade Center? What if the invasion of Iraq was mainly opposed by Muslim nations and our traditional European allies? Should we have gone in? The Program on International Policy Attitudes reported that while Americans were divided on numerous questions related to

the Iraq war, there was a consensus that if, before the war, Iraq did not have WMD and was not providing substantial support to al Qaeda, the US should not have gone to war with Iraq. Seventy-four percent overall have this view. Even a majority of Bush supporters (58%) agree, as do nearly all Kerry supporters (92%) and 77% of the uncommitted.⁵ There was no difference in the values. The only difference was the information. That's why the failure of the American press is such a critical failure of American democracy.

I can tell you, in my own area of concentration, how this disconnect between perception and reality has really disabled American democracy. And I'll talk tonight just about one industry, which is coal-burning power plants. In my book I talk about all these different industries: corporate agriculture, factory meat farms, the chemical industry, the nuclear industry, and others, who all have a chokehold on this administration. But tonight I'll just talk about one industry, which is coal-burning power plants.

I have three sons who have asthma. One out of every four black children in Harlem has asthma. We know that the asthma events themselves are triggered by bad air, primarily by ozone and particulates, and the principal source of those materials in our atmosphere are 450 coal-burning power plants that are burning coal illegally. It's been illegal for eighteen years. The Clean Air Act said you have to clean them up. Many of the plants did clean up. There are 1100 of them altogether. For example, in Massachusetts all of them installed technology to remove those discharges. And in many of the other blue states, the same thing happened.

But in the red states, where the large corporations can easily dominate the state political landscape, they were allowed to escape the application and implementation of the law. The Clinton administration was prosecuting the worst fifty-one of those plants and investigating hundreds of other violators.

One of the first things Bush did when he came to office was to order the Justice Department and the EPA to drop all those lawsuits. The top three enforcers of the EPA—Bruce Buckheit, Sylvia Lowrence, Eric Schaeffer—all resigned in protest. These are

⁵ PROGRAM ON INT'L POLICY ATTITUDES & KNOWLEDGE NETWORKS, AMERICANS AND IRAQ ON THE EVE OF THE PRESIDENTIAL ELECTION 3 (October 28, 2004), available at http://www.pipa.org/OnlineReports/Iraq/IraqPresElect_Oct04/IraqPresElect_Oct04_rpt.pdf.

not Democrats. These were people who had worked through the Reagan administration and the previous Bush administration. The top Justice Department attorney said that this had never happened before in American history, that a presidential candidate accepts money from criminals under indictment, then orders those cases dropped when he achieves office.

Immediately after doing that, the President abolished the New Source Review rule, the heart and soul of the Clean Air Act and the most important provision in that statute. That's the rule that required those plants to clean up eighteen years ago. Now there's no requirement that they ever have to clean up the ozone and the particulates. The companies in Massachusetts and elsewhere who invested in that technology are now at a competitive disadvantage in the marketplace, and I'm going to be able to watch my children gasping for air on bad air days because somebody gave money to a politician.

When you go home tonight, go to the EPA's website,⁶ not the Natural Resources Defense Council's website, and you'll see that that single decision alone by President Bush to abolish New Source Review kills 18,000 Americans every year—six times the number of people who were killed in the World Trade Center attack. But not just once, year after year after year after year. This should be the front-page headline of every newspaper in this country every day. But you won't read about it in the American press.

About twenty months ago, the EPA announced that in nineteen states it is now unsafe to eat any freshwater fish caught in those states because of mercury contamination. Mercury is coming mainly from those coal-burning power plants, although in some western states it's coming from mining operations. But primarily it's coming from those same plants. In forty-nine states now (Alaska recently joined list), it's unsafe to eat at least some of the fish in those states because of mercury contamination. In fact the only state where it's safe to eat all the fish is Wyoming, where the Republican legislature refused to appropriate the money to test the fish. But in all the other states, at least some, most, or all of the fish are unsafe to eat.

We know a lot about mercury that we didn't know a few years ago. We know, for example, that according to the EPA, one in

⁶ See <http://www.epa.gov> (last visited Apr. 8, 2007).

six women has so much mercury in her womb that her children are at risk for a grim inventory of diseases: autism, blindness, mental retardation, brain damage, and kidney disease. I got my blood tested recently. Every woman of childbearing years should have her blood tested. Go to Riverkeeper's web site and send us a little lock of your hair and we'll send you your mercury levels.

My mercury levels, just from eating fish, are more than double what the EPA considers safe. I was told by Dr. David Carpenter, who is a national authority on mercury contamination, that a woman with my levels would have children with cognitive impairment (permanent brain damage), probably as much as an IQ loss of five to seven points. Today, according to the EPA, there are 630,000 kids born in America every year who have been exposed to dangerous levels of mercury in their mothers' wombs.

The Clinton administration, recognizing the gravity of this national health epidemic, reclassified mercury as a hazardous pollutant under the Clean Air Act. That triggered a requirement that all of those plants remove ninety percent of the mercury within three and a half years. It would have cost them less than one percent of plant revenues. A great deal for the American people but still billions of dollars to the industry. That's the industry that gave millions of dollars to this President. Three years ago the White House announced it was abolishing the Clinton-era rules and instead substituting rules written by the utility industry lobbyist that will require the industry to never have to clean up the mercury. The new rules were written by a law firm called Latham & Watkins, which does a lot of good but also had some bad people working for it defending the utilities. The chief lobbyist of that law firm until 2001 was Jeffrey Holmstead, who left the firm to serve as the Assistant Administrator of the air division at the EPA. The language was written by his old colleagues at Latham & Watkins for his old clients who are really just his regular clients. And then he saved them billions of dollars by imposing tens of billions of costs on the American people. Two days after he passed that rule, his two top deputies quit in order to work for the Southern Company, which was the primary beneficiary of the mercury rule. Holmstead is now a partner at law firm Bracewell & Giuliani, which is the lobbying representative for the Southern Company, which had been the primary mover behind the rule.

We've living today in a science-fiction nightmare. When my kids and the children of most Americans can no longer engage in a seminal primal activity of American youth, which is to go fishing in the local fishing hole with their mother or father and then go home and safely eat the fish, because somebody gave money to a politician.

I live two hours south of the Adirondack Mountains and I take my children fishing, hunting, hiking, swimming, and canoeing in the Adirondacks. This is the oldest protected wilderness on the face of the planet. It has been protected as "forever wild" since 1885. We had a right that generations of citizens would be able to enjoy those pristine landscapes and waterways as unspoiled. But today, one-fifth of the lakes in the Adirondacks are sterilized from acid rain that is coming from those same coal-burning power plants, and which has also destroyed the forest cover on the high peaks of the Appalachians from Georgia all the way up into northern Quebec. This President, having accepted millions of dollars from that industry, has put the brakes on the statutory requirements that they clean up the acid rain. As a direct result of those rollbacks, in 2004, for the first time in the thirty-year history of the Clean Air Act, the EPA announced that the sulfur dioxide levels in America's atmosphere went up an astronomical four percent in a single year.

Two years ago, I flew over the coalfields of the Appalachian Mountains and saw something that if the American people were to see it, there would be a revolution in this country. We are cutting down the Appalachian Mountains. This historical landscape is where Daniel Boone and Davy Crockett roamed and is so much a part of our cultural heritage. We are cutting down the Appalachians with these giant machines called draglines that are twenty-two stories high. I flew under one in a Piper Cub. The draglines cost a half-billion dollars and they practically dispense with the need for human labor, which indeed is the point.

When my father was fighting strip mining in the Appalachians back in the 1960s, I recall a conversation I had with him when I was fourteen years old. He said, "They're not just destroying the environment but they're permanently impoverishing these communities because there's no way that they can regenerate an economy on these barren moonscapes that are left behind." He said they were doing it to break the unions. And that's exactly what happened. When he told me that, there were 120,000 un-

ionized mine workers in West Virginia taking coal out of tunnels in the ground. Today there are fewer than 15,000 miners left in the entire state and almost none of them are unionized because the strip industry isn't.

They're using these giant machines and 2500 tons of explosives that they explode every day—just in West Virginia, a Hiroshima bomb every week. They're blowing the tops of the mountains to get at the coal seams beneath. They take the rock and debris and rubble, and with these giant machines they scrape it into the adjacent river valley and bury the hollows and flatten the landscapes. They have buried 1200 miles of America's rivers and streams. By the time this President leaves office we will have flattened an area of the Appalachians the size of Delaware. It's all illegal. You cannot, in the United States, take rock and debris and rubble and dump it into the waterways without a Clean Water Act permit. But we all know that because those are the kind of cases you bring. You can't do that in this country. You could never get a permit to do such a thing.

So some friends of ours sued. Kentuckians for the Commonwealth, with our help, went in front of a conservative Republican federal judge in West Virginia, Judge Charles Haden. He said the same thing I said: it's all illegal, and it's been illegal since day one. He enjoined all mountaintop mining. Two days from when we got that decision, Peabody Coal and Massey Coal met in the back door of the Interior Department with Steven Griles, and they rewrote the interpretation of one word of the CWA, the definition of "fill," which changed thirty years of statutory interpretation to make it legal as it is today, not just in West Virginia, but in every state in the nation—including Oregon—to dump rock, debris, mining waste, tailings, construction waste, garbage, any solid material into any waterway in the United States without a CWA permit. All you need now is a rubberstamp permit from the Army Corps of Engineers, which in some jurisdictions you can get over the phone or through the mail.

So this is what we're dealing with today. It's not just about the destruction of our environment. It's about the subversion of American democracy. The polluting industries and their indentured servants in the political process and the public relations firms, the snakes in Washington, these paid-for-hire phony scientists that we call biostitutes, they have in the corporate toadies and stooges like Michael Crichton and Rush Limbaugh and other

skunks, they have been very adept over the past couple of decades at marginalizing environmentalists as radicals or tree huggers.

But there is nothing radical about the idea of clean air and clean water for our children. And we're not protecting the environment for the sake of the fishes. We are protecting it for our own sake because we recognize that nature is the infrastructure of our community. If we want to meet our obligation as a generation, we have to invest in the environmental infrastructure. On Capitol Hill, if you ask why our federal lawmakers are supporting these environmental rollbacks and say "You have children, too," they invariably say the time has come where we have to choose now between economic prosperity on the one hand and environmental protection on the other. And that is a false choice.

In 100% of the situations, good environmental policy is identical to good economical policy. We can measure our economy, which is how I think we ought to measure it, based on how it produces jobs and the dignity of jobs over the long term, over generations, and how it preserves the value of the assets of our community. If on the other hand we want to do what they have been urging us to do on Capitol Hill, which is to treat the planet as if it was a business in liquidation, convert our natural resources to cash as quickly as possible, and have a few years of pollution-based prosperity, we can generate an instantaneous cash flow and the illusion of a prosperous economy. But our children are going to pay for our joy ride. They're going to pay for it with a denuded landscape and poor health and huge cleanup costs that will amplify over time and that they will never be able to pay. Environmental injury is deficit spending. It's the way of loading the costs of our generation's prosperity onto the backs of our children.

One of the things I've done since 1995, since the Newt Gingrich Congress came in and started this whole anti-environmental deal with the wise-use movement, is to constantly confront the argument that an investment in our environment is a diminishment of our nation's wealth. It doesn't diminish our wealth. It's an investment in our infrastructure, the same as investing in telecommunications and in road construction. It's an investment we have to make if we're going to ensure the economic vitality of our generation and the next generation.

All “sustainability” means is that God wants us to use the things we’ve been given, the bounty of the earth, to enrich ourselves, to improve our quality of life, to serve others. We can’t use them up. We can’t drain the pond to catch the fish. We can’t sell the farm piece by piece in order to pay for the groceries. We can’t cut off the mountaintop to get at the coal. We can live off the interest, but we can’t dip into the capital, because that belongs to our children. That’s who we represent as environmental advocates. Not the fishes and the birds, but the future generations. The future whispers, the present shouts. Politicians have short horizons; they don’t look beyond the next election. Industrialists don’t look beyond the next quarterly report. Our job is to amplify the voice of those future generations and bring those concerns against that political dialogue. We are trustees for them.

There is no stronger advocate for free market capitalism than myself. I believe that the free market is the most efficient and democratic way to distribute the goods of the land. And the best thing that could happen to the environment is if we had true free market capitalism in our country, because the marketplace promotes efficiency. Efficiency means the elimination of waste, and pollution is waste. And the free market—if we had one in the United States or anywhere else, which we don’t—would encourage us to properly value our natural resources. The undervaluation of our natural resources has caused us to use them wastefully.

But in a true free market economy, you can’t make yourself rich without making your neighbors rich or without enriching your community. But what polluters do, they make themselves rich by making everybody else poor. They’ve raised the standard of living for themselves by lowering the quality of life for everyone else. They do that by escaping the discipline of the free market. You show me a polluter, I’ll show you a subsidy; I’ll show you a fat cat using political clout to escape the discipline of the free market and the public to pay for his pollution costs. That’s what all pollution is. Corporations are externalizing machines. They’re constantly devising ways to get somebody else to pay for their production costs. If you’re in a polluting industry, the easiest way is to shift your cleanup costs to the public and poison us in order to make yourself rich. That’s what they do when the Southern Company puts mercury into the air in the Ohio Valley

and it drops onto New York state and poisons our children's brains, when it makes it so we can't fish in New York state. As I said, I buy a fishing license every year. But I can't eat the fish. The New York Constitution says the fish in New York belong to the people of the state and everybody has a right to use them. Nobody has a right to use them in a way that will diminish their enjoyment and use by others.

This is ancient law. The Republicans and the big industries say these are a bunch of new environmental laws. These laws are 2000 years old. In ancient Rome, the Code of Justinian said that those assets that are not susceptible to private ownership—the air we breathe, the water we drink, the wildlife, the public lands, the fisheries, the wandering animals, the aquifer—they belonged to the people. Nobody can take more than their fair share. If you were a citizen of Rome—rich or poor, young or old, European or African—you had an absolute right to pull out your share. The Emperor himself couldn't stop you; it was a fundamental right. During the Dark Ages, the Roman law broke down in Europe. What always happens when constitutional government and democracy is replaced by tyranny are immediate efforts to privatize the commons. This happened all over Europe, where feudal lords and local kings began stealing the commons from the public. In England, King John said the deer no longer belonged to the people, when deer had been an important food source for the poor, and only the nobility could hunt. That's what got him in trouble with Robin Hood.

King John also erected navigational tolls on the rivers of England and began selling monopolies to the fisheries to favored powerful people. So the things that were once free to the public became privatized by powerful entities. This caused the public to rise up, confront him, and force him to sign the Magna Carta. That was the beginning of constitutional democracy on our planet. The Magna Carta has all of our bill of rights in it. In addition, it has guarantees of free access to navigable water, fisheries, air, and the public trust resources, and those rights descended to the people of the states when we had the Revolution in this country. Those rights were eroded during the Industrial Revolution.

The twenty-eight major environmental laws that were passed after Earth Day 1970 were just an effort to restore ancient environmental rights that had always belonged to the people. It's a

theft when they privatize the commons. When the Southern Company puts ozone and particulates in the air that steal the air from my children's lungs. When they put the mercury in that steals the fish that we own. Now we don't, the Southern Company owns it. The New York Constitution says the people of the state own the fishes, but they've been privatized by the Southern Company. And when they put particulates in the air, they're privatizing the air in my children's lungs so it's too poisonous for them to breathe, and they're privatizing the waterways of the Adirondacks, and the public and private timber stands, privatizing by dumping their acid rain. And all of those impacts pose costs on the rest of us that in a true free market should be reflected in the price of that company's product when it makes it to the market. But what all polluters do is they use political clout to escape the discipline of the free market.

What we have to understand in this country, is there is a huge difference between free market capitalism, which democratizes a country and a society and makes us more prosperous and more efficient, and a kind of corporate-crony capitalism, which has been embraced in Washington, D.C., which is as antithetical to democracy, efficiency, and prosperity in America as it is in Nigeria.

There is nothing wrong with corporations; they are a good thing. They encourage us to assemble wealth and then to risk it. They create jobs, and they have driven the prosperity in this country. But they should not be running the government in our country. The reason is that corporations want different things for America than Americans want. They do not want democracy, and they do not want free market capitalism—they want profits. Oftentimes the best way for them to gain profits is to use our campaign financing system, which is a system of legalized bribery, to get their hooks into a public official, and then use that public official to dismantle the marketplace, to give them a monopolistic control, to get them a competitive edge to get rid of the little guys, steal our commonwealth from the rest of us. It's a corrosive impact of excessive corporate power.

We have to remind ourselves in this country that corporations are not allowed to do good things under the law. When you see Wal-Mart bringing bottles of water down to the Katrina victims, they are not doing that to be nice guys. They are doing it because they believe it's going to strengthen shareholder value or

dividend size over the long run. If they have a different motive for doing it, they can be sued by their shareholders, and they will lose that lawsuit. It's called wasting corporate assets. They are not allowed to be philanthropists. They are not allowed to do good things for Americans or for our communities or for the poor unless they can prove that their initial motive and the results were to benefit their shareholders first. So that's fine, but we would be nuts to let entities like that anywhere near our government.

I just wrote an introduction for Barry Goldwater for the reissue of his book, the 1960 classic *The Conscience of a Conservative*, and he said the same thing: corporations are economic entities that are designed to plunder. If we let them near our government they are going to plunder the American people. And that's what they've done. That's why you need laws, honest governments and democracies, and a vigorous press. That's why from the beginning of our national history our greatest political leaders, Republican and Democrat, were warning the American public against the excess of corporate power. Teddy Roosevelt, a Republican, said the American government would never be destroyed by a foreign enemy like Osama bin Laden, but he warned that our treasured democratic institutions would be subverted by malefactors of great wealth who would steal from within. Dwight Eisenhower, another Republican, in his most famous speech ever, warned Americans against the domination of the military-industrial complex. Abraham Lincoln, the greatest Republican in our history, said, during the height of the Civil War, "I have the South in front of me and I have the bankers behind me. And for my nation I fear the bankers more." And Franklin Roosevelt, during World War II, said that the domination of government by corporate power is the essence of fascism. Benito Mussolini, who had an insider's view of that process, said essentially the same thing. He complained that fascism should be called corporatism, because it was the merger of state and corporate power.

What we have to understand in our country is that the domination of business by government is called by communism. The domination of government by business is called fascism. Our job is to walk that narrow trail in between, which is free market capitalism and democracy, and hold big government at bay with our right hand and big business at bay with our left. In order to do

that we need an informed public that is able to recognize all of the milestones of tyranny. We need an aggressive, vigorous independent press that is willing to stand up and speak truth to power. We no longer have that in the United States of America. That is worrying to all of us.

I'd like to make one final point that I started off with. And that is we are not protecting the environment so much for the sake of the fishes and birds, but because we recognize that nature enriches us. It enriches us economically, yes. It's the base of our economy and we ignore that at our own peril. The economy is a wholly owned subsidiary of our environment. But it also enriches us aesthetically, recreationally, culturally, historically and spiritually, and human beings have other appetites besides money. If we don't feed those appetites we are not going to grow up. We are not going to become the kind of beings that our Creator intended us to become. When we destroy nature we diminish ourselves; we impoverish our children.

We're not fighting to protect these ancient forests in Oregon and Washington, as Rush Limbaugh says, to save the spotted owl. We're preserving these forests because we believe the trees have more value to humanity's standing than if we'd cut them down. I'm not fighting for the Hudson River for the sake of the shad or the sturgeon or the bass, but because I believe my life will be richer. My children and my community will be richer if we live in a world where there are shad and sturgeon and stripers in the Hudson.

My children will be richer where they can look out on the river and see the small-scale commercial fishermen that I have spent twenty-three years of my life defending—their livelihoods, their property values, their capacity to earn a living on the river. The fisherman I represent, many of them come from families who have been fishing the river continuously since Dutch colonial times, using the same fishing methods that were taught by the Indians to the original Dutch settlers of New Amsterdam. I want my kids to be able to look out on the river and see those men and women in their tiny open boats with the ash poles and gill nets, and touch them when they come to shore to wait out the tides or repair their nets. In doing that, my children connect themselves to 350 years of New York state history and understand they are part of something larger than themselves. They are part of a continuum. They're part of a community.

I don't want my children to grow up in a world where there are no commercial fishermen on the Hudson, where it's all Gorton Seafood and Unilever in 400-ton factory trawlers 100 miles offshore strip-mining the ocean with no interface with humanity. And I don't want my children to grow up in a world where there are no family farmers in the country, where it's all Cargill and Smithfield Foods and Premium Standard Farms raising animals in factories and treating their stock and their workers and their neighbors with unspeakable cruelty and dumping their waste using our landscapes and rivers as waste-disposal sites, and emptying the landscapes of human beings including America's family farmers, driving the final nail into the coffin of Thomas Jefferson's vision of an American democracy rooted in tens of thousands of independent freeholds owned by family farmers, each with a stake in our system of government.

I don't want my children to grow up in a world where we've lost touch with the seasons and the tides and the things that connect us to the 10,000 generations of human beings that were here before there were laptops and that connect us ultimately to God.

I don't believe that nature is God or that we ought to be worshipping it as God. But I do believe that it's the way that God communicates to us most forcefully. God talks to human beings through many vectors—through each other, through organized religion, through wise people, through the books of those great religions, through art, literature, music, poetry, and architecture, but nowhere with such force and detail, clarity, texture, grace and joy as through creation. We don't know Michelangelo by reading his biography, we know him by looking at the ceiling of the Sistine Chapel.

We know our Creator best by immersing ourselves in creation, and particularly wilderness, which is the undiluted work of the Creator. If you look at every religious tradition throughout the history of mankind, the central epiphany always occurs in the wilderness. Buddha had to go to the wilderness to experience Nirvana. Mohammad had to go to the wilderness at Mount Harrod and climb to the summit in the middle of the night and wrestle an angel there to have the Koran squeezed from him. Moses had to go for forty days to the wilderness summit of Mount Sinai to get the Commandments. The Jews had to spend forty years wandering the wilderness to purge themselves of the 400 years of slavery in Egypt. Christ had to go into the wilderness for forty

days alone to discover his divinity for the first time. His mentor was John the Baptist who lived in a cave in the Jordan Valley and dressed in the skins of wild beasts and ate locusts and honey. And all of Christ's parables were taken from nature: I am the vine, you are the branches; the mustard seed; the little swallows; the scattering of the seeds on the fallow ground; the lily fields.

Christ called himself a fisherman, a farmer, a vineyard keeper, a shepherd. That is how he stayed in touch with the people. Like all of the prophets, he was a revolutionary. All of them came out of the wilderness, whether it's the New Testament, the Old Testament, the Talmudic prophets, the Koranic prophets, all the way back to the pagan prophets like Aesop. All of them came out of the wilderness. All of them used allegories and parables and fables drawn from nature to teach us the difference between right and wrong, as a morality play to teach us what the face of God looks like. The reason they did that was because, like Christ, they were all revolutionaries. Christ was a revolutionary. One of his principle missions was his challenge to religious fundamentalists. He was constantly rebuking the Jerry Falwells and the Pat Robertsons of his time, the Pharisees and the Sadducees and the scribes for binding up heavy burdens for other men to carry. And he was saying to his followers, if you pay attention to all the rules and regulations in these books, you're going to lose the whole point of religion. He said you can ignore the Sabbath and those rules, and you can ignore the rules of what you can and can't eat. It's not what you put in your body that makes you unclean, it's how you behave, whether you love your neighbor as yourself, whether you love your enemy as yourself, whether you meet the world with kindness and patience and tolerance and openness, and whether you embrace poverty and the impoverished. And that religion is the search for existential truth, and fundamentalism is the end of that search. It's just an exercise in power. It's somebody who says all the knowledge you need to know is in this document, and I'm going to tell you what it means. Ultimately we have to remember today that it was the fundamentalists who murdered him. Christ used these parables and allegories to stay in touch with the people. He was saying things that contradicted everything they had heard from the literate sophisticated people of their time. They would have dismissed him as a quack, but they were able to confirm the wisdom of his parables through their own observations of the fishes and

birds. They were able to say he's not telling us something new, he's simply illuminating something very, very old, messages that were written into creation by the Creator at the beginning of time, and we haven't been able to discern or decipher them until the prophets came along who had immersed themselves in wilderness, learned its language and then came back to the cities to teach us the wisdom of God. This is where our most essential values come from—American values, too. Our greatest political leaders, philosophers, and cultural leaders from the beginning of our national history were telling the American people that you don't have to be ashamed that you don't have the 1500 years of culture that they have in Europe, because you have this relationship to land and particularly to wilderness, and that's going to be the source of your values and virtues and character. And Frederick Johnson Turner, our greatest American historian, said that in America, democracy came out of the forest. Without these vast tracts of wilderness, we wouldn't have evolved the defining political and cultural institution. If you look at every valid piece of classic American literature, art, and poetry, the unifying theme is that nature is the critical defining element of American culture. We have a government now that has been able to fool a gullible press into believing that it is a government of values. But it seems to me that all the values that they claim to represent are these hollow Hollywood facades that conceal the one value that they really consider worth fighting for, which is corporate profit-taking. They say they are conservatives, but they have torn the conserve out of conservatism. They say they like free markets, but they despise free-market capitalism. What they embrace is crony capitalism, and corporate welfare and capitalism for the poor, but socialism for the rich. They say they like law and order, but they are the first ones who let the corporate lawbreakers off the hook. They say they like property rights, but they only like it when it is the right of the polluter to use his property to destroy his neighbor's property or to destroy the public property. They say they like local control and states' rights, but they only like those things when it means sweeping away the federal barriers to corporate profit-taking at the local level. My cousin, Arnold Schwarzenegger, recently signed the toughest automobile emissions bill in fifty states, to protect the people of California—classic states rights. The Detroit automakers are suing him. And the federal government is now saying it's going to come into that suit

on the side of the automakers. I see this all the time. When Steve Fleischli and I are fighting the corporate hog farmers in North Carolina, or when we're fighting the mountaintop miners in West Virginia, and the local people try to erect zoning ordinances, the first person they hear from is Ted Olson in the White House saying that's an interference with the federal commerce, and we're going to come down there and beat you up if you violate it. They say they love Christianity, but they have violated every one of the manifold mandates of the Christian faith—that we care for the environment, that we treat the Earth as stewards, and that we treat our future generations with respect.

This may be unfair, but I look at this White House and I say to myself, "How did they get so many draft dodgers in one place?" The President. Dick Cheney, six deferments. John Ashcroft, seven deferments. Paul Wolfowitz, Richard Perle. All these people who planned this war and are now planning the damming projects. Paul Wolfowitz has just changed the policy of the World Bank so that they're going to bring big dams back, and he's going to dam the Ganges River. And all their buddies including Dennis Hastert, Tom DeLay, Rush Limbaugh. There are a lot of people who evaded the draft during the Viet Nam War, but most of those people are people who had moral qualms about the war. They thought it was a bad war for us to be in, and that's how they showed their displeasure. But not these guys. These guys were all, without exception, war hawks and warmongers who loved that war. They just wanted somebody else to fight it. These are people who don't understand what it is that makes this country worth fighting for and worth dying for. Our country is worth fighting for and dying for, as these kids are demonstrating every day in Iraq. But it's not corporate profit-taking that gives value to our country. It's all these other values that for two centuries we've cultivated and been proud of. When I was a little boy I went to Europe with my father. We went to Czechoslovakia, Italy, Poland, Germany, and France. Everywhere we went we were met by hundreds of thousands of people who came out because they wanted to be near to an American politician, because they loved our country. They looked to us for moral leadership. They were starved for our leadership and our moral authority. They proudly named their streets after our American presidents: Washington, Jefferson, Jackson, Madison, Lincoln, Roosevelt, and Kennedy. I remember the day after 9/11, the

headline on the biggest newspaper in France, *Le Monde*, was "We're All Americans Now." For two weeks every night in Tehran, there were spontaneous candlelight vigils involving tens of thousands of people who came out in the streets to show their solidarity and their love for the United States of America. We were the most beloved nation in the history of this planet. And it took 230 years of disciplined visionary leadership by Republican and Democrat presidents to build up those huge reservoirs of public love and respect and moral authority in the United States. In six short years through monumental arrogance and incompetence, these terrible people in the White House have drained that reservoir dry and hemorrhaged the biggest asset our country ever had. That to me is the bitterest pill to swallow, because I remember the hope that I saw for American leadership to do good things for all the people of this planet, and the faces of those men and women who came out by the tens of thousands of people who came out to see us when I was a little boy.

I would leave you with this thought: It's time for those of us who know what it is that makes this nation worth fighting for to stand up and fight back and take it away from those who don't. Thank you.