



# Department of Justice

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REMARKS

BY

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One of the topics you have addressed this week -- "The Environment as a Crime Victim" -- is a telling indication of how far we have come as a nation and as legal professionals in our concern for the environment. It recognizes the environment, not as a detached, theoretical thing, but as a living entity which can, and unfortunately does, suffer from criminal behavior.

The befouling of our oceans and waterways is not conjecture but a fact that carries with it deadly prospects for thousands of aquatic creatures and sickening consequences for Americans who seek to enjoy the beauty and recreation to be found on the shorelines of America's streams, rivers, lakes, and oceans.

Toxic waste is not simply a theorem of chemistry but a frightening reality as these poisons leech into aquifers and contaminate acres of ground threatening the health of man and beast alike.

And pollution is not just an unfortunate by-product of an industrialized America -- it is not something that just happens -- it is a crime.

The concept of "The Environment as a Crime Victim" puts the issue of pollution in its proper context. It says that we believe as a nation and as prosecutors that a polluter is a

criminal who has violated the rights and the sanctity of a living thing -- the largest living organism in the known universe -- the earth's environment.

There was a time, not so long ago, when to many pollution was a "so what" crime. So what that rivers were so polluted by municipal and industrial wastes that no fish could survive in them and that no child could swim in them? So what that our air was dirty? So what that tons and tons of garbage were being dumped at sea? And so what that dumps and landfills were contaminating soil and water alike?

For businesses, for governments and for most citizens it seemed a small enough price to pay, both in terms of the cost to the environment and in terms of whatever legal action resulted from their behavior.

It was cheaper to dump industrial wastes illegally and be fined for it than it was to properly process those wastes. It was cheaper for cities to release raw sewage into rivers and harbors than it was to build the necessary water treatment facilities. It was cheaper for citizens to take the waste oil from their cars and pour it on the ground than it was to have it recycled.

In point of fact, it was a small enough price to pay. Small enough until miles and miles of beaches were closed because garbage and medical wastes had washed ashore. Until supplies of fresh water became undrinkable. Until radioactive wastes threatened the health of entire communities. Until vast bodies of water were changed from cradles of life into crucibles of death for innumerable, and once-thought inexhaustible, species of aquatic life. And until governments, at all levels, began to respond forcefully to the crime of pollution.

That is where we are today: both conscious of the threats to our environment and committed to its protection, preservation and restoration. And, most important as prosecutors, we must stand at the ready to respond forcefully to all those who have no conscience and would abuse the fragile, indefensible life that is our air, land and water.

Make no mistake, that is not rhetorical overstatement. This administration has a sincere and substantive commitment to preserving the health of our environment through the actions of every appropriate department and agency, with the Department of Justice at the forefront of many of those efforts. In fact, for the Department of Justice, as well as for me personally, the fight for the environment is not so much a new one as it a continuation of battle that has been long-waged.

Indeed, for my part it is with a great deal of pride that I say I have long been an environmentalist. As U.S. Attorney for Pennsylvania's Western District in the 1970's, we dusted off the 1899 Rivers and Harbors Act to prosecute polluters and help clean-up Pittsburgh's Three Rivers area. And as Pennsylvania's governor from 1979 through 1987, we spent more than \$10 million to reduce agricultural runoff that was harming the Chesapeake Bay and allocated nearly \$1.5 billion for the construction and operation of sewage plants in our state.

So it is with an appreciation for what can be accomplished on a statewide scale, that I now have the opportunity to work with our Lands Division to accomplish environmental goals on a national scale through the strict, unstinting enforcement of the laws of the land, sea and air.

And let me assure you, they are laws with teeth. Since the Department's Environmental Crimes Section was established in 1982, more than 400 defendants have pled guilty or been convicted of environmental crimes, over \$23 million in fines have been levied, and more than 250 years of jail time imposed.

Criminal enforcement is one of the most rapidly expanding areas of environmental law with the use of criminal sanctions becoming one of the most effective means of deterring deliberate

non-compliance. In fact, to give you an idea of how quickly these efforts are growing, of the 400 convictions I mentioned a moment ago, 81, or fully 20 percent of them took place in fiscal year 1989, since I assumed office.

And I discovered an even simpler way to quantify the level of our work in fighting polluters when, in preparing these remarks, I asked to see copies of recent public announcements of our Lands Division's activities.

What I received was a stack of documents over an inch thick reporting on case after case, indictment after indictment, conviction after conviction and consent decree after consent decree from across the country dealing with pollution cases -- all from just the last 12 months.

Twenty lawyers in our Lands Division's Environmental Crimes Section prosecute cases and advise U.S. Attorney's Offices and other investigative agencies to ensure successful and consistent prosecutions, throughout the country. This, combined with the Environmental Protection Agency's 50 criminal investigators and the Federal Bureau of Investigation's expanded role in not only supporting but initiating environmental crime investigations has made for a potent and productive legal force standing guard over our environment.

But even all those enforcement elements are not the whole story of our national environmental protection efforts. There are our U.S. Attorney's offices which often take the lead in environmental cases. And there are the added elements of state and local government support as well as the efforts of private citizens who often bring cases to our attention.

In fact a large part of our record of success in bringing polluters to justice can be traced to a very gratifying level of cooperation between not only federal agencies themselves, but cooperation as well between the federal government and state and local governments.

I say gratifying because I have seen both cooperative efforts and uncooperative efforts, and I can tell you, cooperative is better.

As a former governor, I know, first hand, the importance of coordinating the initiatives of state, local and federal agencies because the better that coordination, the more effective can be the efforts of each. There is no room, and no need, for adversary relationships between agencies and people who share the same goals, particularly in matters of environmental protection.

We carry out our work based on the principle that when fully coordinated, the whole of disparate efforts truly can be greater than the sum of the individual parts, and that is a principle which will continue to guide us in the years ahead.

That is also the principle we used in responding to the problem of ocean pollution by establishing what I have called our environmental SWAT team.

Operating since last fall, this team of lawyers and regulatory experts has prepared enforcement strategies that coordinate the authority of the EPA, the Department of State, the Coast Guard, the National Oceanic and Atmospheric Administration, the FBI, the Department of Justice, and state and local governments in efforts to track down, prosecute and convict those who illegally use the ocean as a dumping ground. This team also has plans to provide draft pleadings and other information to states for use in efforts to combat ocean pollution.

And as you may have read in last Sunday's New York Times this effort is paying off. As I'm sure you all remember, last year New York's Jones Beach was closed at the beginning of July because of medical wastes that had washed ashore and 50 miles of Long Island beaches were closed by greaseballs and other sewage debris.

But this year, thanks to a cooperative effort between the EPA, the Coast Guard, the Army Corps of Engineers, the New York City Sanitation and Environmental Departments and the environmental departments New Jersey and New York State, those shores have remained clean; and, two weeks ago, allowed nearly 160,000 people to enjoy a day at Jones Beach, more than double the number of beach-goers from the same time last year.

Between agreements reached on ocean dumping practices, the indictment of illegal dumpers, ongoing support for legislation to control pollution and punish polluters, and, again, the cooperation that has allowed for an effective counter-attack on pollution in New York Harbor; the success in cleaning up these beaches and in keeping them clean has been impressive.

In this effort cooperation and coordination have been the watchwords of its success and when combined with the Justice Department's continuing policy of sharing information and pooling our legal and investigative resources with the states, we will begin to see even more efficient and effective legal action to stop the plague of pollution in this country.

Stopping that plague remains, however, a very tall order. First, because of the size of the problems that we know exist. But second, and possibly more disturbing, our task remains

difficult because of the size of problems that we only suspect exist, and because of the size of the polluting bombshells that periodically explode and wreak havoc in the environment.

Take the terrible spill in Prince William Sound by the Exxon Valdez. That unexpected disaster stands as this nation's worst oil spill and as such demands from us a response, which for the Justice Department means we are pursuing civil as well as criminal investigations of Exxon and its employees.

And revelations at the Rocky Flats nuclear weapons plant near Denver, Colorado has the FBI, EPA and the Department of Energy all involved in responding to what may be criminal negligence as well as out-an-out criminal acts against the environment and the health of area residents.

But here again, while such cases are very, very bad news in terms of damage, the good news is that no one any longer says "so what?" Indeed, far from a lack of government and public response, there has been a huge public outcry and swift and sure legal reaction.

And this is the overriding point to be made on the topic of "The Environment as a Victim of Crime." With a callous disregard for our actions and an almost hostile view toward the

environment, for nearly 200 years we seemed not to care and America took a very long journey down the road of indiscriminate pollution.

But now, thankfully, we do care. And even though it will take a very long time to undo the damage we have done, and even though it will be hugely expensive, and even though our success will be measured in increments -- we are on a new course from which we shall not retreat.

Which means that as a government and as a people we must, and will, remain vigilant. It means that as legal defenders of the health of the land, water and air we must and will investigate, prosecute and convict polluters. And it means that as individuals we must never again say, "So what?" to environmental crimes.

That is where we've been and where we are. And while we have compiled a laudable record of accomplishment and commitment, let me suggest that there is one final element to be added to the equation of responding effectively to pollution and to environmental crime, both now and in the long term.

We have, to be sure, set a new standard for defining a clean environment. In everything from litter tossed out of a car

window to industrial pollutants pumped out of a factory, we have set a higher standard as to which acts of pollution are permissible and which are not, both socially and legally.

But if we are to continue to move forward in our efforts to restore our environment and return it to as near a pristine condition as possible, we must continue to raise that standard.

To raise it to a level where no citizen thinks it's okay to throw trash from his car or boat. To raise it to a level where no factory finds greater reward in polluting than in not polluting. And to raise it to a level where no corporate executive thinks that the illegal dumping of toxic waste is a good business decision.

That must be our long term goal. To continue to set an ever-higher standard of protecting our environment from criminal violence.

We have made a start, a very important and successful start, in setting today's standard and we are on our way to upping that standard.

\* through such efforts as the President's call for tighter controls on automobile emissions,

- \* through the success we have had in reaching agreements to phase out ocean dumping,
- \* through proposed amendments to federal statutes which increase the punishments and penalties for violation of our environmental laws,
- \* and through new legislation such as the administration's proposed Oil Spill Liability Act.

Through all of these means we are moving to ever-higher ground in our stand to defend the environment and in our sense of respect for and responsibility to it. And in that we should take pride and take heart.

But let us not fool ourselves, either with complacency in thinking that we have won out in this struggle or with overconfidence in thinking that we have reduced its scale.

The challenges that exist today and those that lie ahead cover a wide and disturbing spectrum and include challenges both small and isolated, massive and widespread.

I believe the vast majority of Americans share the dream of a clean and healthy environment. But for anyone who doesn't, rest assured that the United States Department of Justice will use every resource at its disposal to prosecute those who would victimize our environment and punish those who would harm this fragile and beautiful place we call home.

We welcome your participation and cooperation in this effort.

Thank you.