Public Needs, the committee which conduited the funding for court reform and other projects.

Barbara Babcock: Assistant Attorney General for the Civil Division. This division litigates suits brought or initiated by the United States or government officials in their official capacities. Levi created a special section within the division, the Economic Litigation Section, which has been increasingly turned against U.S. corporations and has assumed a major workload in "product liability cases," the legal grounding for the consumer's law movement. Babcock was associated at Stanford University with the Anthony Amsterdam, National Lawyers Guild grouping, where she became an expert in "sex discrimination." Her earlier training includes work for the Wall Street special operations law firm of Williams, Connelly, and Califano.

Drew Saunders Days III: Assistant Attorney General, Civil Rights Division. Days is a former attorney with the NAACP Legal Defense Fund in New York and served on projects for the Rockefeller Foundation. He and Bell claimed to have discovered the existence of the nation's Hispanic population and will concentrate heavily on affirmative action in a new round of civil rights tensions, probably interfacing with Cesar Chavez's United Farmworkers slave labor union.

Benjamin R. Civilette: Assistant Attorney General, Criminal Division. Civilette, an expert in tax law and the Fifth Amendment, has been brought into the Justice Department primarily through a political deal with Congressman Paul Sarbanes of Baltimore. Civilette is a Sarbanes political protégé. His emphasis will be on white collar crime and watergating of U.S. corporations.

Michael J. Egan: Associate Attorney General. The Carter forces have split the former responsibilities of the Deputy Attorney General under the Justice Department reorganization plan provided by Rockefeller operative and former Attorney General Elliot Richardson. Egan will be chief advisor to Bell on Justice Department appointments, appointments of federal judges and U.S. Attorneys. Egan is part of the Atlanta Mafia, serving as a guest lecturer at Emory University, the nesting place of the Peter Bourne drug crew. He was formerly associated with the law firm of Sutherland, Asbill and Brennan, lawyers for the Institute for Policy Studies southern counterinsurgency project, the Institute for Southern Studies.

Bell has retained two Levi appointees, *Richard Thornburgh*, former head of the Criminal Division, and *Donald I. Baker*, head of the Antitrust division. Baker's usefulness has been proven. He has initiated more anti-trust suits against U.S. corporations than any head of the division since "trust-buster" Thurman Arnold. Bell is proposing court reform measures for "speedy criminal prosecution and jailings" of antitrust violators.

Thornburgh, who controlled terrorist network operations for the Justice Department throughout his association with Levi, has been promoted to a new special attorney general's post on espionage investigation. This role for the Justice Department's foremost thug forecasts the deployment of the Democratic Party's standard operating procedure in economic crisis: mobilize the population for war against an "external enemy."

Peter J. Flaherty: Deputy Attorney General. This is usually acknowledged as the most powerful post in the Justice Department. According to sources, Flaherty's appointment is the result of a Carter political deal with the former mayor of Pittsburgh. Flaherty worked closely with Thornburgh in Pittsburgh, when Thornburgh was U.S. Attorney and Flaherty was an Assistant Attorney General, to watergate that city's traditional political machine. He describes himself as an "efficiency expert" and was cited by the Rockefeller
foremost "austerity mayor" in the nation. According to sources, Flaherty has a curbing psychological effect on the rabid Thornburgh. Bell has specified that Flaherty will handle all "criminal justice" matters and the "streamlining of the Justice Department."

Courts Rule Snail Darter More Valuable Than U.S. Industry

In a series of rulings issued since the Carter Administration took office, the Supreme Court and various lower federal courts have declared themselves a rubber stamp for the Administration's de-industrialization programs. Rather than carrying out its designated role as the defender of the Constitution, the Supreme Court has placed its imprimatur on the Administration's insurrection against a republic based upon industrial development and technological progress.

The major court rulings, coinciding with Carter's own programs of energy "conservation" and cutbacks in nuclear energy development, are the following:

—The Feb. 23 ruling by the U.S. Supreme Court which gives the Environmental Protection Agency sweeping powers to impose industry-wide anti-pollution regulation, which could lead to a shutdown of an estimated 10 percent of the U.S. chemical industry over the next two years.

—The Feb. 16 ruling voiding $1.1 billion in offshore oil leases, made by Judge Jack Weinstein of the Eastern District Federal Court in New York.

—The 6th Circuit Court of Appeals ruling on Jan. 31, 1977, which ordered a halt to construction of the TVA's Tellico Dam and Reservoir Project because it endangered the habitat of a recently-discovered three-inch species of perch.

"Snail Darter"

The Court ruling in the Tellico Dam case* pitted "a $100 million project against a three-inch fish." En-

**Hill v TVA*, 76-2116, U.S. Court of Appeals for Sixth Circuit, Decided Jan. 31, 1977.

vironmentalist fanatics had already made two unsuccessful legal attempts to shut down the Tellico Dam and Reservior project, which will provide electrical energy, navigation, flood control and recreational benefits to the surrounding area. In 1973, when the project was already 50 percent completed, the snail darter was discovered. (There are about 130 species of darters, members of the perch family. An average of one or two new species are discovered every year in Tennessee.) After having heard testimony concerning the snail darter, and after the snail darter had been placed on the Endangered Species List of the Interior Department, Congress directed the TVA to complete the Tellico project and appropriated additional funds in summer of 1976. Despite this unequivocal statement of congressional intent, the Sixth Circuit Court of Appeals ruled that the TVA was violating the law by continuing with the project, and ordered construction, which is now 80 percent complete, halted.

It is particularly significant that one of the three judges who ruled on the TVA case is Judge Wade McCree, President Carter's nominee for U.S. Solicitor General. The Solicitor General plays a key role in representing government agencies (such as the TVA or the Nuclear Regulatory Commission) before the Supreme Court. His potential for mischief is indicated by one recent example, when Solicitor General Bork and the Justice Department refused to support the position of the Nuclear Regulatory Commission in seeking Supreme Court review of a particularly atrocious District of Columbia Circuit Court ruling in the Midland, Michigan case. Here Judge David Bazelon of the U.S. Court of Appeals for the District of Columbia, ordered the NRC to consider "reducing consumer demand" as an alternative to continuing construction on a nuclear power plant*.

Off-Shore Oil

A case of flagrant disregard for the energy needs of the country was the Feb. 17 ruling by Judge Jack Weinstein in New York which voided $1.1 billion of leases for offshore drilling off the New York and New Jersey coasts. The suit was brought against the Department of the Interior by Laurance Rockefeller's Natural Resources Defense Council and the State of New York. Weinstein, an evidentiary expert who is considered a legalistic technocrat by the legal profession, ruled that former Interior Secretary Kleppe had failed to comply with the National Environmental Policy Act (NEPA) because the Environmental Impact Statement prepared by the Interior Department did not deal with every last detail of the oil drilling and pipeline process to Weinstein's personal liking. As a result, Weinstein halted a program which could supply 1.4 billion gallons of oil and nine trillion feet of natural gas.

At last week's Governors' Conference in Washington,Governor James B. Edwards of South Carolina characterized Weinstein as "someone who doesn't know a dipstick from a drillpipe," and called for an investigation of judicial interference in the nation's energy program.

**Consumers Power Co. v Aeschliman*, U.S. Supreme Court 76-528, *Aeschliman v NRC*, 73-1776, 1867, U.S. Court of Appeals for District of Columbia, decided July 21, 1976.

EPA Straightjacket for Industry

The Supreme Court's ruling on the DuPont case* gives the EPA broad powers, to impose industry-wide regulations, in what the Baltimore Sun called "a significant victory for environmentalists."

A suit brought by Du Pont and seven other chemical

'You Can't Put Industry In A Straight Jacket'

The following are excerpts from an interview with Robert C. Barnard, attorney with Cleary, Gottlieb, Steen and Hamilton, Washington, D.C. Mr. Barnard represented DuPont and other chemical companies in the EPA case before the Supreme Court.

EIR: What will be the effect of the Supreme Court's ruling?

Barnard: We were arguing that under Section 304 of the Federal Water Pollution Control Act Amendments, the EPA should fix a range of standards, rather than one straightjacket. You can't put U.S. industry into a straightjacket; this is not what Congress intended. There are a variety of conditions pertaining to U.S. plants, and Congress knew this when they passed the 1972 amendments.

All of the regulations for the inorganic chemical industry have either been overturned in court or withdrawn by the EPA. But when they are reissued, it will be as industry-wide, straighjacket regulations. And the way the law is written, these regulations will then be enforceable through criminal proceedings.

EPA issues 5-year permits for water discharges; during 1978-79 nearly all industries will be repermitted...there is no suggestion of any extension of the July 1, 1977 deadline for reducing discharges.

EIR: Will these regulations then be used to shut down industries?

Barnard: Some industries will be shut down, through EPA enforcement proceedings. About 10 percent of industry won't make it...the 10 percent figure is an EPA estimate, which is actually very conservative.

EIR: Do you think that this decision marks a qualitative change in the Supreme Court's attitude?

Barnard: There is no question that this is a benchmark decision...This opinion represents a very clear statement that EPA will be given its own way. They've now got the authority to issue single-number, straightjacket regulations. Between this and the Leventhal* decision, EPA has got everything they wanted.

**Environmental Defense Fund v EPA*, 75-2259, U.S. Court of Appeals for the District of Columbia. Judge Leventhal's opinion of Nov. 10, 976, affirmed the action of the EPA in suspending the registrations of the pesticides heptaclor and chlordane.

**DuPont v Train*, 75-798, decided February 23, 1976:

producers challenged the EPA's right to impose such industry-wide regulations, contending that under Section 304 (b) of the Water Pollution Control Act Amendment of 1972 the EPA is authorized to issue guidelines which should be used as a basis for permits issued by the states. EPA argued that under Section XX 301 (b) it can establish effluent limitations for classes of plants. (In fact, because of an NRDC lawsuit, EPA had compressed a two-stage process of issuing guidelines into one single stage.) Despite clear language in the Senate Report on the 1972 amendments which require the establishment of "a range of the best practicable level" the Court ruled that EPA could establish a single standard for categories of discharges within an industry, without regard to the circumstances of individual plants.

While an attorney for the industry warned that these are "straightjacket" regulations which could lead to a shut-down of an estimated 10 percent of the industry (see interview), EPA officials boasted that "we will enforce the penalties vigorously."

Industrial Gestapo

Carter's scenario for imposing EPA's straightjacket powers was made clear a few weeks ago when EPA agents summarily shut down assembly lines in two Ford automobile manufacturing plants, citing the 1970 Clean Air Act. Under the provisions of both the Clean Air and the Water Pollution Act, anyone who "deliberately or negligently" violates EPA's standards can be fined up to $45,000 per day and imprisoned for up to a year. With the FBI and Justice Department being retooled for corporate watergating and "white collar crime," Carter and Attorney General Bell have a well-stocked arsenal with which to attack any industrialists who fails to surrender to the de-industrialization of the United States.

To beef up EPA's industrial strike force, Carter recently asked Congress to add 900 employees to EPA's existing roster of 5,300 grey-flanneled "Nader's raiders." Carter is also demanding that Congress appropriate an additional 411 million for EPA's warchest against U.S.industry; this is in contrast to the action of President Ford who wisely proposed that Congress cut the EPA budget before he left office.

Distortions of R and D

The Clean Air and Water Pollution Acts are the correlates of the National Environmental Protection Act of 1969 (NEPA). NEPA requires "Environmental Impact Statements" for federally licensed or federally financed projects, and has been the major weapon of the Naderites to obstruct particularly energy and transportation development. EPA, on the other hand, enforces "environmental" legislation against all private industries, no matter how small or localized the firm.

The EPA's "anti-pollution"regulations have forced an insane distortion of the R and D priorities of industry. Rather than concentrating on the development of new, higher efficiency industrial processes, firms are forced to backfit nonsensical "scrubbers" onto existing industrial processes. In the principal industries affected by EPA water pollution standards — steel, chemical, metal, finishing, and pulp-and-paper — between 10 and 15 percent of current investment for plant and equipment is allocated to "anti-pollution" devices. The EPA estimates that the steel industry could be forced to invest up to 43 percent of its capital investment in anti-pollution devices over the next ten years.

'We'll Press Hard To Shut Them Down'

The following are excerpts from an interview with Ridgeway Hall, EPA Office of General Counsel.

EIR: What is your reaction to the Supreme Court's ruling in the DuPont case?

Hall: It's a complete victory for us...the language of the law is clear; this was just an attempt by industry to delay the regulations.

EIR: Do you think the Supreme Court was affected by the climate of the time, by the push in the Carter Administration in favor of the environment and for conservation?

Hall: No, this was a craftsmanly decision, they just compared the statute to what we are doing. They weren't swayed by the environmental movement ... of course it might have been in the background. Some decisions have been influenced by this...there were feelings in the background of the need for this kind of thing. I think they realized that Congress was coming to grips with a major problem...Yes, you can read some of this into it. I think I would have to modify my earlier statement about them not being influenced by it.

EIR: How will you go about implementing this ruling?

Hall: There are 42,000 industrial permits now issued. We have the July 1 deadline coming up. If anyone is dragging their feet, we will enforce the penalties vigorously. We'll be pressing hard to shut them down if there's any deliberate stalling.

Abolish the EPA

The legislative remedy for Carter's anti-industry Gestapo has already been proposed by the U.S. Labor Party's Technology and Environmental Policy Act of 1977. This proposed bill, besides repealing NEPA, will also abolish the EPA and repeal the Clean Air Act and the Federal Water Pollution Control Act. The only sections of the latter acts which would be left standing are those pertaining to research and development programs which would be incorporated into large-scale government sponsored R and D effort designed to develop higher-efficiency industrial processes which would automatically reduce the emission of pollutants while raising social productivity.

Meanwhile, the Supreme Court has agree to review a number of important cases arising under NEPA and related environmental legislation. On Feb. 22, the Court said that it would review the Midland case (see above) and the related *Vermont Yankee* case, which involves nuclear waste disposal issues under NEPA. And on Feb. 28, the Court said that it will review the ARCO case*, in which the State of Washington has attempted to pre-empt federal oil tanker regulations by imposing its own stricter regulations which have had the effect of barring ARCO supertankers from Puget Sound.

**Ray v Atlantic Richfield Comp.*, No. 76-930.