

Speech by  
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(Delivered by Carroll Leggett)

ENVIRONMENTAL CONCERN IN NORTH CAROLINA

It is a good thing, I think, to call together a group such as this one to discuss problems of the environment and their importance in the activities of both government and developers.

Although the sad story of the destruction of our environment has been told many times and is continuing to be expressed in newspaper, magazine, and television reports, I do not think that such an important topic as man's survival can be over-emphasized. The most recent issue of Saturday Review is titled "Can We Afford Tomorrow." A report on national needs and resources and is devoted to the same issues discussed here today.

You have seen the television special on the Great Lakes which were once centers of recreation--great natural playgrounds--that are now referred to as "dead lakes." In Lake Erie, for instance, fish no longer swim and wildlife cannot live there and people who once flocked to settle beside its waters now find themselves bounded by a cesspool.

Rivers and streams which once were made immortal by romantic poems and sentimental songs no longer roll merrily along--they flow at a sluggish pace, clogged by the litter of industrial waste, human sewage and garbage, soil erosion and other injurious substances. And we need not kid ourselves into believing it can't happen in North Carolina--for we all know it is happening in our precious State.

We are polluting the air of the Tar Heel State, we are littering the atmosphere of North Carolina from the mountains to the coast and it is encouraging to see that at last there is public concern about it.

In a very real way, we are engaged actively in biological and chemical warfare against ourselves. Because we are a prosperous people, we have enough excess to waste, to litter, and we have abused our surroundings. We have reached the point where writers refer to our ~~situat~~ion as environmental decay, or "man's inhumanity to man."

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"Not too many years ago there was a couple who liked to be called Adam and Eve. They lived together in this place full of fruit, flowers, birds, trees and animals and they danced a lot and ate a lot and took naps. There was no traffic, no war, and no neon signs. It was a very good scene.

"However, Adam's head was full of ideas and ambition and he was always tinkering and fooling with things and one day he suddenly put together an internal combustion engine.

"Wow, he said, I did it--I put together this - ah - internal combustion engine.

"From there on it was easy. In no time he had banged out a frame, worked up tires, a little upholstery and a rearview mirror.

"Adam moved to Detroit. He got together a bunch of guys and began turning out a fantastic

number of cars. He was an overnight success and was quickly accepted, as a community leader.

"Acclamation flowed in from all sides. He was voted Mr. VIP by the Jaycees. He was made a full colonel in the National Guard. He was given a lifetime subscription to TV Guide. He dated film stars, and important columnists wrote in-depth studies of him entitled "What Makes Adam Run?" Twice he appeared on the Johnny Carson Show.

"Years passed and pressures began to mount on Adam. He felt obliged to come up with ever greater triumphs. So he built larger cities, planes, stadiums, missiles, and Disneylands. He covered the planet with outdoor billboards, four lane highways and drive-in restaurants. He conceived the quantum theory and perfected the inner spring mattress in the same afternoon.

"But his public grew ever more demanding. More, they screamed, more. So Adam gave them computers, parking meters, TV commercials, mapalm, paper plates,

shuffleboard, yoga, iced tea, artificial grass,  
and finally people began to notice something.

"There weren't any trees left. Or flowers, birds,  
ants, butterflies, bears, seashells, frogs, fish,  
meadows, mountain streams, marshes, or gentle summer  
rains...or rainbows.

"There was a lot of pavement, buildings, traffic  
signals, noise, litter, garbage, exhaust fumes,  
vapor trails, and crowded, jumbled, nerve rattling  
confusion.

"Things are getting out of hand, people fretted.  
It's a shame, they would say. But finally everyone  
sort of got used to the litter and noise and all  
the rest...That's progress, they said. That't the  
price we pay. And no one really seemed to mind..."  
And the fable ends.

Well I believe that at last people are beginning to  
mind and it is obvious they are making themselves heard.

Although environmental problems exist in all areas of  
the State, they are becoming very critical in the coastal zone.

With the increased migration toward the coast in every state fortunate to possess this characteristic, North Carolina, which ranks third in total estuarine land can expect a large share of this coastal migration.

Thus far, we have been fairly resourceful with the seas, but I am afraid that we have reached the point where there is growing conflict between private ownership and development and the interest of the people in preserving natural spawning grounds for fish, in preserving areas which are the natural habitat of the many varieties of seafood which our State produces.

We have reached the point where the State of North Carolina is going to have to become increasingly active in order to make sure that the seafood industry does not perish and that food from the seas continues to be in good supply. It is just as easy to litter the ocean and to destroy its life as it is to pollute an inland stream or lake. This is difficult for many of us to grasp but it is a glaring reality to the oyster fisherman who sees areas declared off-limits because the waters are polluted-- or to the scallop fisherman or shrimper who is now forced to steer clear of former fishing grounds because the seafood there is contaminated.

As a result of all of these problems, I believe that you will see increased activities from civic and citizen groups

to curtail some, and guide other, activities relating to the environment. You will see the emergence in North Carolina of stronger and stronger conservation forces who will speak in the public interest. You will see legislators, beginning with the recently convened session of the General Assembly, pass significant legislation to protect the environment of this State and to insure that North Carolinians will never so abuse their environment that it becomes a hostile force rather than an attribute of this region. The people will demand it.

The fact is that the people are demanding it now. Many citizen and conservation groups have instituted legal proceedings against industries, governments, and individuals to stop and prohibit the discharge of air and water pollutants, and the alteration of land masses which could damage the environment. Let's look at some of these cases.

A. Conservation Groups already have gone to court.

The Isaak Walton League instituted an action against federal and state officials and two private defendants. The suit seeks to determine the right, title, or interest of the two private defendants and at the same time seeks to enjoin the federal defendants from granting mineral exploration and removal rights in an area of the National Wilderness Preservation System in Minnesota, inconsistent with federal statutes

and regulations. A Federal District Court has already denied the federal defendants' motion for dismissal as to them and has permitted the matter to go to trial on the merits to determine whether the conservation group has a legitimate claim.

The Sierra Club has asked the U. S. District Court for injunctive relief restraining federal officials from issuing an "annual" or "revocable" special use permit for the construction and operation of a private ski resort on 13,000 acres of national forest land in California. Development plans include 9 miles of road which will cross the Sequoia National Park. \$22,000,000 in state and \$3,000,000 in federal funds will be spent to provide easy access for vacationers to the mountain-valley private resort. The district court judge already has granted a preliminary injunction prohibiting the project, and the case is presently pending in the Court of Appeals for the Ninth Circuit.

B. Citizen Groups also are coming forward.

In Alexandria, Virginia, a citizens association and two conservation groups have filed suit to block an apartment development that would require filling about nine acres of the Hunting Creek Estuary, one of a number of estuaries that shelter wildlife along the Potomac River. The suit, brought on constitutional grounds, contends that the development would damage a valuable natural resource of the people.



C. Individuals are making their voices heard.

In Phoenix two university professors and their wives are seeking \$2 billion in damages from six copper smelters in Arizona. The suit charges that smoke from the smelters not only is injurious to health but also restricts visibility and "damages the natural beauty of the environment." The plaintiffs are asking that the damages be divided among the 700,000 residents of the Salt River Valley, which includes Phoenix.

Another suit, filed in federal court in New York on behalf of "all the people of the United States" including "generations yet unborn," demands a colossal \$30 billion in damages from eight producers of DDT for damage allegedly done to the environment by the pesticide. The suit was filed by the wife of a lawyer who has been active in environmental causes.

D. Government Agencies through their Attorneys General are filing actions.

Crawford C. Martin, the Attorney General of Texas, has asked the United States Supreme Court to block spraying of toxaphene pesticide over two million acres of caterpillar-infested New Mexico range land in the Canadian River watershed. At the same time, he is preparing to ask the United States court of Appeals in Denver for an injunction to block the

spraying while the dispute is in the courts. He contends that the pesticide is persistent and, if there was a heavy rain, would be washed into Lake Meredith, from which eleven northwest Texas cities get their water.

In what he believes to be an unprecedented legal action, Attorney General Louis Lefkowitz of New York began a lawsuit against the United States Army to compel it to comply with the National Environment Policy Act of 1969 in the regulation of its own Corps of Engineers when permits are granted for the dumping of sewage, sludge and dredge in waters just outside New York harbor.

"There will be an immediate public benefit in that the Army will be compelled to take a long, hard look at both the effects of dumping in the New York Harbor area and the alternatives to this method of waste disposal. This should help bring about a speedy and constructive answer to the continuing pollution of the harbor area," Attorney General Lefkowitz said.

Another potentially huge claim was filed by the State of California last March against the four major auto makers

and the Automobile Manufacturers Association. Charging that the companies and the trade association conspired to halt development of auto smog-control devices, the suit asks redress for damages caused in the state by auto exhaust pollution. The amount is unspecified, but state officials say it could run into billions of dollars.

The U. S. Justice Department is active also.

The Justice Department recently filed a civil suit against Florida Power & Light Co., charging that the utility is creating thermal pollution of Biscayne Bay with heated water discharged by two of its power plants. Contending that the thermal pollution is "rapidly ruining marine life," the suit asks a court order requiring the company to set up and adhere to a schedule for ending the pollution.

In the March 26, 1970, issue of the Wall Street Journal, it was pointed out that:

"There's ample evidence that the suits filed so far are just a start. The battle is increasingly taking on the character of a well-organized campaign coordinated by various environmentalist groups.

"The defendants in environmental suits are nearly always corporations, and the specter of an explosion of such litigation has confronted

U. S. industry with a huge potential for damage liability. Corporate executives also are worried about the decay and disruption of planned expansions that are challenged by environmentalists.

"The potential cost to industry in existing claims is already sizable. 'The amount in litigation over the country is staggering,' says Frank L. Seamans, a Pittsburgh lawyer who has defended such companies as U. S. Steel, Alumimum Co. of America, Sun Oil Corp., and Monsanto Chemical Co. against pollution damage suits."

It is not my intention to imply that all of these claims are justified or that they will be successful, but merely to point out that people whether through citizen groups, conservation groups or as individuals are demanding that action be taken to protect our environment against destruction. A 1970 Michigan case has held that a nonprofit conservation association was entitled to institute proceedings to eliminate pollution in one of the state's lakes. There appears to be a growing trend in the United States to allow such suits; and as was pointed out in the Wall Street Journal, there is the clear indication that there will be many, many more suits seeking to protect the environment in the future.

Thus it is imperative that governments and developers take a hard look at traditional habits of dealing with the environment. The government must seek logical and rational legislation to prohibit destruction of the environment, and developers must form a new type of thinking in their use of the environment. Developers must strive to blend with nature rather than attempt to change it.

I want North Carolina to have conservation and development, but both together and not one alone. We want our economy to grow and our people to prosper in an environment which conserves our countryside, streams, rivers, ocean and air.

We want our citizens to realize now and our children to learn early that "The earth can be an abundant mother...if we learn to use her with skill and wisdom, to heal her wounds, replenish her vitality and utilize her potentialities."  
(John F. Kennedy) We want our people to understand that we are interdependent, that we share the same air, the same water, the same environment--that one cannot abuse the environment without abusing the rights of his neighbors. We want our people to understand the beauty is a requisite to the good life, that man amidst dismal surroundings becomes a dismal creature himself.

We want our people to take renewed pride in a common heritage and to recognize one and all that this nation cannot survive as a great nation, strong and proud, unless her natural resources are used with wisdom and discretion and unless her beauty is preserved for all to enjoy and draw strength from.