

The Road Not Taken:  
Freeing Michigan's Environment and Economy from Corporate Control

30<sup>th</sup> Anniversary Lone Tree Council  
& Citizens for Alternatives to Chemical Contamination

June 8, 2008

Let me say one thing right away:

It's good to be home. So good.

Michigan will always be my home, no matter what my address is at any given time.

I love this place on Earth. And you know why? Not just because I was born and spent most of my life here – but because Michigan is like no place else. In so many ways, it's better than any place. I know sometimes that's hard to remember – especially when the economy is down and those in positions of power don't seem to have a clue – but it's true.

Michigan is special.

I am a major cheerleader for this state. Not its political leadership class, or its overbearing special interests. But just about everything else.

Whenever I come back here, I'm reminded of a Native American elder that Gary Snyder quotes in *The Practice of the Wild*:

“You know, I think if people stay somewhere long enough -- even white people -- the spirits will begin to speak to them. It's the power of the

spirits coming up from the land. The spirits and the old powers aren't lost, they just need people to be around long enough and the spirits will begin to influence them.”

Whenever I'm here, I feel the spirits of Michigan. I can even sense them when I'm looking at photographs of my beloved home state.

I had a chance recently to write a foreword to a book of beautiful photographs of Michigan. It's called *Of Woods and Waters*. The photographers are Ron Leonetti and Christopher Jordan. The book will be published by Indiana University Press this fall. I was asked to look at the photographs, talking to the photographers, and set forth a few thoughts.

I found myself thinking of the gorgeous landscape of Michigan and comparing it to the people of Michigan. Here's what came to mind:

- **Michigan is tough and muscular.** Like the men and women of the Motor City who put Americans on wheels, wild Michigan is powerful. Its Great Lakes waves sometimes thunder against the shore. Its towering forests sometimes roar in the wind. Tempered but not defeated by time, its cliffs, waterfalls, moraines and alvar persist in beauty that is often craggy and stern.
- **Michigan is vulnerable.** Two of the state's natural icons illustrate this. The Kirtland's warbler, a 6-inch-tall bird whose almost exclusive

summer breeding ground for 40 years has been the jack pine forests of northern Lower Michigan, at one time numbered only in the hundreds and is still vulnerable to extinction. The dwarf lake iris, a petite, subtly beautiful wildflower 90% of whose global population occurs close to Michigan's Great Lakes shorelines, is now the official state wildflower. It, too, faces an uncertain future – in its case of climate change and continuing human development of its attractive habitat. The settlers of the 1800s surveyed mammoth forests and thought Michigan's natural wealth inexhaustible, only to liquidate the overwhelming majority of it in two generations. Today it is impossible to think of even the scenes of grandeur in this book as invulnerable to the hand of humankind.

- **Most of all, Michigan is resilient.** Throughout its more than 170-year history, Michigan has weathered catastrophe again and again but recovered. The year of its birth, 1837, was the year of a national economic panic that bankrupted Michigan government. The Great Depression paralyzed the automobile industry. In the early 1980s the state's unemployment rate topped 17%. But each time its people awaited and contributed to new prosperity.

Similarly, after the last glaciation ended approximately 10,000 years ago, the crust of Michigan and adjacent areas, formerly depressed from the

weight of the ice sheets, rebounded. Today Michigan's waters, renewed by more than a generation of strict pollution controls, are visibly healthier than they were, signaling that natural processes can heal if they are just given the chance to work.

Tough – vulnerable – resilient. I'm old enough now to think that's not only a good way for a state like Michigan to be, it's a necessary and good way for a human being to be.

I look around this room and see many tough, vulnerable, and resilient people. Like Terry Miller. Like Michelle Hurd Riddick. Like Kay Cumbow. Like Ann Hunt.

People who are tough enough to go toe to toe with those who would pillage Michigan's natural beauty and our own communities, and leave a wasteland behind.

People who are vulnerable enough to feel deeply – and maybe even weep now and then over how we treat – the majesty and grandeur of their favorite places, forests, rivers, lakes and fields.

Most of all, people who are resilient enough never to surrender. Never to surrender to those with vast wealth and the ear of the news media and government officials who try to exploit, rather than conserve. The people in this room, like Michigan, are resilient. You may lose a battle or

two but you get up the next morning and you defend what you love all over again.

So it is an honor to be invited to here to speak to you, to listen to you, and to learn from you. And to celebrate 30 years of greatness – great action and passion and commitment – by the people of Lone Tree Council and Citizens for Alternatives to Chemical Contamination. I salute you. I thank you. And even more, I love you for what you stand for, and what you do.

It's great to have a chance to celebrate with you.

One of the few benefits of moving away from Michigan – other than gaining a fiancée whom I'll marry in less than two weeks (in Michigan) – is that you get a little perspective. The biases that became wallpaper while I lived here are now gone. The friends and adversaries I used to know are seen in starker perspective, with more compassion and less judgment. And – the state of things in Michigan, my Michigan, is startlingly apparent.

And when it comes to conservation, environmental protection, and public health, what is the state of things?

I asked a couple of friends working at the grassroots here in Michigan (who for obvious reasons shall remain nameless) what they see. Here are some of the more memorable observations.

“It appears the emphasis from our state government and governor is JOBS, JOBS, JOBS with little recognition about how our most valued treasure is the state’s wealth of natural resources....specifically our diverse water resources. Rather than keep her campaign pledge to protect natural resources, the Governor has been soft on Nestle and other corporations who have their own plans for using Michigan's natural resources.”

And from another, even more succinctly:

“The Granholm administration is in the grip of corporate power. Her attitude is arrogant: going anywhere and ‘doing anything’ to bring jobs to Michigan, and she says this with no sense of irony. There's a terrible cost to not just natural resources but to communities of color.”

To any of you in this room who are diehard supporters of Governor Granholm, I apologize. I was one once. I actively worked for her in 2002. And, to be fair, she is a vast improvement over her predecessor, who did his best to ravage all the things that made Michigan a great state.

But I expected a lot more of her. And obviously I’m not alone in that sentiment.

I didn’t come here, though, to criticize the Governor. What I did come here to do is to analyze and diagnose a problem that I see far more clearly than I did when I lived and worked her – the degree to which powerful giant

moneyed interests are wrecking Michigan. I also came here to give you some ideas, and encouragement, about turning that around.

I would be wasting your time if I recited in detail all of the examples of corporate misbehavior related to Michigan's environment in recent years. And I won't even bother to go into the horror story of how our biggest manufacturer – the auto industry – fought our community in the 1990s when we sought stricter fuel efficiency standards. It would be the death knell for jobs in Michigan if we forced them to make something besides gas-gulping SUVs, they said. Now we have \$4 a gallon gasoline and that industry is fighting for its life.

There are plenty of other examples.

Like Meijer, which didn't get exactly the big box store approval it wanted from Acme Township, near Traverse City. To fix that, the company broke campaign finance laws and secretly funded a recall campaign against the trustees who opposed the Meijer big box. Now the company has been hit with the biggest campaign finance fine in the history of the state.

Like Whirlpool, which through allies in and out of government is seeking to convert a public park on Lake Michigan in Benton Harbor into a country club for the rich. To do that, they seek to break a 90-year-old covenant between the family that donated the land and the city. The family

wanted it to be a public park forever in honor of their beloved deceased daughter, Jean Klock. Whirlpool wants it to be an amenity for the wealthy.

Or like Dow. The company whose advertising and environmental stewardship just don't match up. The company that imposes a fiscal and health tax on every resident of the Saginaw Bay watershed, externalizing the costs of its toxic pollution onto the public. Instead of spending money on cleanup, Dow spends it on public relations, lobbying, community philanthropy and campaign contributions. It's cheaper for them – it's far more expensive for the rest of us.

What's going on here? Is there anything we can learn from these examples?

The common denominator in all these cases is the money and power brought to the table by those who want to exploit, rather than conserve the best of Michigan. And the all-too-predictable weakness and lack of vision on the part of those who are charged with protecting the public trust.

I'm being charitable, actually. I don't know if it's weakness and lack of vision by people in government I'm describing – in some cases it's active collusion. We deserve better from our public officials.

In short, looking at Michigan conservation and environmental policy from the outside in, I've come to the conclusion that the system is broken.

That is, the problem is systemic. It's not just Dow, or Whirlpool, or Meijer, or 100 other examples. It's a systemic problem that will require a systemic solution. Or several of them. This is where I want to propose a new road for us to take.

Let's look at the system as a whole – and let's fix it.

- *Let's fix the campaign finance system.*

We will never have clean air, water and land in this state until we diminish the role that special interest money plays in electing and re-electing the Governor and legislators. Whenever Dow Chemical Company dislikes a decision that may be coming out of our DEQ, it can go right to a politician who will do whatever it asks to delay or deny that decision. One of the reasons the politicians respond is because companies can shower them with campaign contributions and other support.

There's only one way to solve that. Our community must make campaign finance reform a priority. We must join forces with our public interest constituencies and clean up the corrupt mess that allows Dow and others to buy money and access, and distort decisions. This has to be a major mission of ours in the next few years. My preferred solution is public financing – but I'm not wedded

to any one idea. I just know we must curb the corrupting influence of special interest money.

- *Let's fix Michigan's judicial system.*

In 1970, Michigan's legislature passed the Environmental Protection Act and Gov. Milliken signed it into law. Last year, the Michigan Supreme Court repealed it. Were you paying attention?

Yes, it's true. By a 5-4 vote, the state Supreme Court decided the 1970 legislature never really had the power to give any citizen standing to sue to prevent or stop damage to the air, water or other natural resources of the state. Basing their ruling on theories spun by the right-wing Federalist Society, the court majority took away one of the major tools we have had for almost two generations now to protect Michigan.

It is no accident that the court majority consists of justices appointed and elected with the help of special interest contributions from the corporations that seek to evade their environmental responsibilities, protect themselves from consequences resulting from their faulty products, and run roughshod over local governments. We don't have a Supreme Court anymore, we have a Supreme Corporation.

This year, one of the principal architects of a series of dangerous rulings, Clifford Taylor, is up for re-election to an eight-year term. If fixing the campaign finance system or the method of choosing Supreme Court justices seems too big a mission for you, I recommend one simple thing: vote Clifford Taylor out of office. That's one step toward righting the balance of the public and the private interest.

- ***Let's fix the environmental decisionmaking system.***

For almost 70 years, Michigan had one of the best conservation programs in the nation. Beginning in the 1920s, we built a 4 million acre state forest system, a 90-unit park system, and strong defenses against air and water pollution.

For the last 20 years we've often gone backwards in the laws, policies and practices that define Michigan conservation.

I don't think it's a coincidence that in those 20 years, we also effectively dismantled the system of public oversight and citizen decisionmaking that prevailed during the previous 70 years. A system of citizen commissions and public meetings in which you could speak your mind and heart on a controversial air or water permit decision, and see how the decisionmakers voted. A system

that was open and transparent. Governor Engler ended all that with one stroke of the pen.

In 2002, candidate Jennifer Granholm promised to restore citizen oversight and transparency to the environmental decisionmaking process. Specifically, she pledged to our community that she would create a commission to oversee and make the key decisions affecting policies and permits issued by the Department of Environmental Quality.

Six years later, she hasn't yet kept that promise. At first there were other priorities. Later she said it was because the legislature, controlled by the opposition party, would overrule her. But now that her party controls one house of the legislature, that's not likely. So why hasn't she kept the promise? And why aren't we demanding she do so?

It may seem a petty or technical thing to argue for a citizen commission for the DEQ. But just remember, sunshine is the best disinfectant. I urge you to move on this Governor's promise now –

- Ask her to keep her promise to create a commission to oversee the DEQ.

- Ask her to appoint an environmental ombudsman to provide the same access to the decisionmaking process that the state government's many business ombudsman shops provide to corporations.

There is no reason why this can't happen before Labor Day. It's up to the Governor – and it's up to us.

- *Let's fix the economic system.*

Now even I have to admit this is an ambitious undertaking.

Fixing an economy is not like tinkering under the hood. It's a mammoth job. But we need to start.

We need to break the grip that giant corporations hold on our political process and our politicians. We need to do it not solely by opposing, but also by proposing. Here are a few notions:

- We need to form an alliance with small business. You've probably all heard the news that small business is responsible for 80% of new jobs. We should reach out to small businesses and their representatives and talk about our common agenda, especially in those new and flourishing green business sectors.

- We need to articulate a new economic vision for the state – most of all, we need to break the news to the news media and the

public that good conservation does not mean a faltering economy. I find Michigan, more than other states, still in the thrall of those who argue that environmental protection slows the economy. Nothing could be farther from the truth. In the 21<sup>st</sup> Century, the two can and must go hand-in-hand.

I asked a friend to put it in plain terms and here's what he said:

“We have the Great Lakes; Oh My God -- the vital link of human-kind -- the lifeblood of life, industry/business and tourism/recreation; and we can't find the political will to protect it; be innovative about it; be proud of it; and to love it!

“Do you think they would appreciate it in Atlanta; or Phoenix?”

“We should be saying – ‘Come to Michigan and the Great Lakes states -- We've got what you want;

-- Beautiful landscape;

-- Four great seasons;

-- Lots and lots of water; very few tornados; hardly any earthquakes; and no hurricanes; skiing, boating, hunting, fishing, hiking, camping, and so much more.

“But, listen up, if you come here you're gonna respect it; and protect it; and yes, you're going to pay for it. We're going the extra thousand miles

to make sure what we do is right -- no shoddy development and the toughest environmental and land use regulations in the world.”

Sounds like a pretty good program to me. I'd vote for him. But why in God's name do we never hear this from anyone who actually practices politics in Michigan? Is it really that unthinkable in Michigan's political culture to say, 'As an elected official I will put protection of the state's greatest asset – its natural resources and especially its water – before anything in my speeches, in my values and most importantly, in my votes?'"

I hope I live long enough to see that happen here in Michigan.

Let's talk now a little more about water, the Great Lakes, and Michigan's future.

In the Great Lakes Basin, we are stewards of nearly one-fifth of the world's available surface fresh water.

That's right – about 18% of the world's surface fresh water – but only about 0.5% of the world's population. We may have only about 1/200<sup>th</sup> of the globe's people, but we have close to one-fifth of humankind's responsibility for freshwater.

What responsibility do we have as Great Lakes stewards to all of humanity? How do we exercise that responsibility with care?

And where are we today when it comes to considering the husbandry of the lakes?

I'm afraid we're still mostly talking about whether the Sunbelt, or corporations, or wealthy foreign markets will get our water. And we're still debating whether our laws or policies or practices will meet that goal. Those are legitimate issues, but they overlook the biggest consideration of all.

It's called water scarcity, and it's coming to a continent near you...no matter what continent you live on.

You've probably heard the news. By the year 2025, it is predicted, one in three human beings will be affected by water scarcity.

Now I'd like to point to a few words in the pending Great Lakes compact that have a lot to do with global water scarcity. And practically nobody is talking about them.

Those words are: "To use in a non-commercial project on a short-term basis for firefighting, humanitarian, or emergency response purposes."

They're found in section 4.13, "Exemptions," page 21 of the Great Lakes Compact. The half-sentence defines exemptions to the compact's ban on water exports.

In other words – without any definition – the states are saying it is permissible to take water out of the Lakes “on a short-term basis” for “humanitarian or emergency response purposes” that are “non-commercial.”

Think about that a moment.

In 2005, when Katrina walloped New Orleans and the adjoining Gulf shore, the Great Lakes water commercialization industry smelled an opportunity. We all watched as helpless thousands of our fellow citizens lived in bestial conditions for days. In the late summer heat, elderly and vulnerable refugees slowly died awaiting medical attention, air-conditioning, food—and water. Major water bottlers were happy to pitch in, shipping planeloads and truckloads of water to address the suffering. Here in Michigan, Governor Granholm temporarily lifted a state ban on new bottled water exports in a symbolic gesture of humanity.

Would Michigan or any of the Great Lakes states have been as quick to relax a Great Lakes export restriction for sufferers in South America, Africa, or Asia?

Water scarcity abroad—threatening human survival—is likely to be a persistent theme of the twenty-first century. And such scarcity could last much longer than the post-Katrina weeks in which New Orleans residents

languished. How will we respond? How much if any will we share? How long will it last? Who will decide?

We might want to start thinking about those questions. In fact, it's our responsibility to do so.

To anyone who might object to sharing Great Lakes water with suffering or starving people elsewhere, I ask:

Why might it be unthinkable to give away Great Lakes water to the distressed – but fine to *sell* water to those who are *not* distressed?

Or how it can be ecologically unsound to ship 300 million gallons a year of water out of the Great Lakes in tanker trucks or vessels – but perfectly permissible to ship 300 million gallons a year of water out of the Great Lakes in 16-ounce plastic bottles? That's the logic or illogic behind the Great Lakes compact. And I'm worried that it betrays a fatal gap in our thinking and feeling.

We have begun, I believe, to allow the Great Lakes to be converted to a product. And this we must never do.

In treating water as the common heritage of mankind, we have plenty of law and plenty of poetry – some of it in court rulings – that stands behind us.

In a landmark public trust case, *Collins v. Gerhardt*, the Michigan Supreme Court ruled in 1926 that the rights of citizens to fish, swim, boat and enjoy public trust waters “are protected by a *high, solemn and perpetual* trust, which it is the duty of the state to forever maintain.”

This all stems from an ancient Roman code, and an equally venerable human belief, which holds that some natural resources are not ownable – they cannot in the end be private. They are the property of all humanity. It is called the public trust doctrine. And as the Michigan Supreme Court said in 1926, protecting this public trust is a high...solemn...and perpetual duty.

And yet here we are, 82 years later, and our governments are abdicating their police power and they *are* surrendering the public’s rights in the Great Lakes. For even if you don’t think there’s anything wrong with putting the public’s water into bottles and selling it, don’t you think the public should be asked to decide whether that’s OK? But the public has not yet been asked that question – and large-scale commercial capture and sale of water is now happening in the Great Lakes Basin. Without any open debate, any law authorizing it, or any clear public affirmation that this is consistent with the public trust.

It's absurd, and it should be stopped. We are giving humanity's water to private interests, who are selling it at an outrageous profit and benefiting the public almost not at all.

The one thing we must *not* do as brothers and sisters of humankind is the one thing we have done so far this century – sanctioning the privatization of our water.

Do we really want water to be, literally, the oil of the 21<sup>st</sup> Century?

Do we really want water to be subject to the same erratic, exploitative control and pricing that petroleum is subject to? Imagine a 20 cent per gallon price rise in one day for water. It wouldn't be a mere inconvenience – it could kill.

Water is different.

Water has a spiritual value.

Water is life.

I want Michigan to be the last best defender of fresh water. If not us, who? If not now, when?

If it does happen, it will be because people like all of you continued to fight to defend the greatest freshwater state on Earth. Because you were active. Because you emboldened those in office or seeking office to follow

their heart, rather than pursue their political safety. To do what's right by this and the next seven generations.

You know, when I wrote *Ruin and Recovery*, I did so at a time when I had a crisis of confidence in my work as a Lansing-based advocate for the environment. I needed to step back and look at over 100 years of conservation history and see what was there, and try to make sense of it.

And you know what I found?

Hope.

I found people who, more than a century ago, with no conservation tradition backing them up, who organized, advocated and won the first victories in fish, wildlife and forest protection.

I found lone individuals who helped contribute to the national and state ban on DDT...the clean up of the Great Lakes, the passage of the same Environmental Protection Act that Clifford Taylor gutted. People with courage, intelligence and most of all, persistence – to protect this land we all so love.

If they could do it, so can we.

Throughout Michigan's conservation history, it has been people like you – the citizens – who have led government to do the job of healing and restoring our Great Outdoors. And you will again.

So let me say once more:

It was an honor to be invited to here to speak to you, to listen to you, and to learn from you. And to celebrate 30 years of greatness – great action and passion and commitment – by the people of Lone Tree Council and Citizens for Alternatives to Chemical Contamination. I salute you. I thank you. And even more, I love you for what you stand for, and what you do.