The Interlake Affair

by Alexander Polikoff

In June, 1968, a steel worker was crossing a river on a railroad bridge on his daily walk to work. From the bridge he saw a pipe, extending from the steel plant, spewing a black discharge into the river. He telephoned the U.S. Coast Guard to report what he had seen.

So began a skirmish in the fight to save Lake Michigan, sixth largest of the world's fresh water lakes, but well on its way to the degradation of Lake Erie. What has happened in the two-and-a-half years since that phone call is the ire-raising story of how our anti-pollution agencies turn themselves off while the remaining years of Lake Michigan's life slip inexorably away.

Alexander Polikoff is Executive Director of Businessmen for the Public Interest. This is an excerpt from a forthcoming book on Lake Michigan pollution.

The steel company is Interlake, Inc. It has been around for 65 years. Its $355 million of property includes plants on the Grand Calumet River in Chicago and on the Little Calumet River in suburban Riverdale, Illinois. Stockbrokers call Interlake a "fully integrated steelmaker" and the "largest factor" in the pig-iron market. It makes steel stripping, pipe, storage rack systems, and much more. It owns 90 per cent of a Belgian producer and is a partner with French and German firms. In 1969 its sales were $325 million and its operating income over $42 million.

Interlake prides itself on being a leader in the fight against pollution. In one of his speeches on that subject Interlake's president, Reynold C. MacDonald, said it seemed "mighty important" to him that industry

"demonstrate by deeds, as well as words and desires, a willingness to. . . take the actions necessary to meet its [pollution] obligations. Obviously," he added, "our first job must be to clear up our own company's pollution."

MacDonald described how Interlake went at the problem through a pollution control project team of specialists, and he told of one of Interlake's proudest achievements in pollution control:

> . . . a technique we developed with DuPont to neutralize waste hydrochloric acid pickle liquor. . . . This latest development completely eliminates all pollutants from waste pickle liquor.

MacDonald also talked of honesty:

> Every company must act candidly and openly, in this, and all areas. If we in industry are to generate the confidence, trust, and goodwill that we must have from our partners in this massive campaign, we have to be honest and open. Interlake's public policy is to report both good and bad news with dispatch. I wouldn't have it any other way.

Interlake, it seemed, was an anti-pollution exemplar for all of industry.

The steelworker is Frank Jacklovich, 29, who lives with his wife and three children on the Chicago side of the Little Calumet River, an eight-minute walk from Interlake's Riverdale plant. The river, an important shipping artery, flows into or out of Lake Michigan a few miles away, depending on whether the O'Brien locks, just up the river from Interlake's plant, are open or closed.

The route that Jacklovich walked to work every morning took him across the quarter-mile-wide Little Calumet River on a railroad bridge leading into Interlake's sprawling Riverdale plant. From the bridge he could see, quite plainly, a large pipe, over two feet in diameter, extending from Interlake's mill and overhanging the river. He could also see, quite plainly, the steady coal-black stream which poured from the pipe and fell to the river three feet below. And Jacklovich began to report what he saw to the Coast Guard.

Gunk Goes to Court

The Coast Guard is the first of the many government agencies involved in this story. One of the Guard's duties is to check on violations of the venerable Refuse Act, a criminal law passed in 1899. The Refuse Act was originally designed to deal with harbor and navigation matters. But with the emergence of environmental concerns, the Supreme Court interpreted the act to cover pollution problems as well. With Biblical simplicity, the Refuse Act says, in effect, Thou shalt not dump refuse in navigable waters.

The Coast Guard did check up on Jacklovich's reports. On June 3, 1968, the Guard took water samples from the pipe near the bridge (officially called Interlake Outfall No. 18) and delivered them to the Chicago District Office of the U.S. Army Corps of Engineers. The Corps, which is the principal administering agency under the Refuse Act, in turn had the samples analyzed by a private laboratory. The results were positive—or maybe negative, depending on the point of view. The samples showed that oil and mill scale (flaked steel particles produced in the steel-making process) were spewing from Outfall No. 18. The deposit of either substance in the river is a violation of the Refuse Act, so the Corps passed its information on to the U.S. Attorney in Chicago, the local official responsible for legal enforcement of the act. In December, 1968, just three months after President MacDonald's industry responsibility speech, the U.S. Attorney charged Interlake with violating the Refuse Act. The case was assigned to Chief Judge Edwin Robson of the Federal District Court in Chicago.

Interlake pleaded not guilty, and its lawyer, Henry Pitts, first vice president of the Illinois State Bar Association and a senior partner in a large and prestigious Chicago law firm, attacked the whole idea of prosecuting Inter-

lake. Pitts said that the U.S. Attorney couldn't bring the law suit because he hadn't been asked to by the Corps. (The Refuse Act says U.S. Attorneys should "vigorously" enforce the prohibition against dumping, but Pitts argued that the U.S. Attorney could do nothing unless somebody else asked him to.)

Pitts also argued that the Refuse Act was "superseded" by a newer law (even though the newer statute expressly said it was not to "affect or impair" the Refuse Act). Finally, Pitts said the U.S. Attorney shouldn't be allowed to proceed against a defendant who was "all the while in compliance with the modern, up-to-date standards for water pollution control set by another arm of government." He was referring to standards set by an agency of the state of Illinois, the Sanitary Water Board, and his argument implied that Interlake was meeting those standards. (The fact was that Interlake was not. Indeed, the next year the Water Board would ask the Illinois Attorney General to sue Interlake for *not* meeting its standards.)

In March, 1969, Chief Judge Robson brushed Pitts' arguments aside and ordered Interlake to go on trial on May 26, 1969. Precisely on that date, with the trial ready to go on, Interlake changed its plea to *nolo contendere*, meaning it wouldn't fight the charges but neither would it plead guilty. Interlake also filed an affidavit by Frank Armour, its vice president of engineering, saying, yes, Interlake had discharged mill scale into the Little Calumet River from Outfall No. 18 on June 3, 1968, but that it was all an accident. Armour said that Interlake's system removed mill scale and oil before discharging water into the river but that a drain leading to Outfall No. 18 had broken open and the break had caused the accident. The affidavit also said that the drain problem had been corrected "by reblocking the drain with a heavy steel plate sealed into place and supported by the pouring of a concrete base and providing additional bulkheading." Armour added, "This installation has corrected the problem, as evidenced by the fact that there have been no further incidents."

The affidavit also advised the court that Interlake was in the midst of a $30 million pollution abatement program, that it was co-developer of the "pickle liquor" treatment process for handling waste acids to which President MacDonald had referred, and that Interlake was "attempting to cooperate fully with all federal, state, and local pollution control agencies." MacDonald's speech was included as an exhibit to the affidavit, along with an Izaak Walton League citation for "great progress" in water pollution abatement which called Interlake "an outstanding example of industry in action and forward motion." Also included was a letter Interlake had received from the Cook County Clean Streams Committee. The committee's letter said it had been "very disturbed" to read of the charges against Interlake since Interlake was "the Chicago area leader" in progress against pollution.

Despite all this, Judge Robson found Interlake guilty and fined it $500, the minimum permitted by the Refuse Act (the maximum is $2,500). He also ordered that Jacklovich be paid $250 because the Refuse Act says half the fine should be paid to a citizen who supplies information which leads to conviction.

A Shifty System

At this point, everybody seemed to be happy and one would have thought the system was working well. The U.S. Attorney had obtained a conviction, showing he was interested in enforcing the antipollution laws. The laws themselves had been strengthened by Judge Robson's opinion. Jacklovich had played a useful citizen's role and had received $250 for his effort. And Interlake, although convicted, had gotten off with a minimum fine. (It had also had a chance to protect its corporate image by publicly express-

ing its concern about pollution and making the point that the incident for which it had been convicted was accidental and would not be repeated.) But that was what one would have thought.

As it turned out, everybody was not happy and the system was not working well. The mill scale and oil continued to flow from Outfall No. 18 even after the drain was blocked (notwithstanding Interlake's affidavit that the seeping had been a one-time accident). Pollution continued to flow from other Interlake outfalls too, including the one from the highly touted "pickle liquor" facility.

In his daily walks across the bridge Jacklovich saw what was happening and continued to phone the Coast Guard and Corps of Engineers. He called in June, one month after the conviction, and he called many times in July, in August, and in September.

After one such complaint, which Jacklovich made on September 3, 1969, the Corps made arrangements to use the Coast Guard's 17-foot fiberglass speedboat to take water samples from the river alongside Interlake's plant. The results of the sample proved, as usual, that Interlake was polluting the river.

Finally, more than five months later, the Corps got around to reporting the results, and on February 12, 1970, Charles W. Wyant, district counsel in Chicago, stated that the incident appeared to be a violation of the Refuse Act, and concluded: "Prosecution is recommended."

Wyant's report then went through channels: to Wyant's superior in Chicago, then to his superior in the general counsel's office of the Chief of Engineers in Washington, and then, presumably, to the Department of Justice in Washington, which should in turn have told the U.S. Attorney in Chicago to prosecute. Once again, nothing happened.

Why? It was the same kind of pollution for which Interlake had been convicted just a few months earlier (swearing it was a one-time accident—a misstatement about which apparently nobody even probed Interlake), and it came from exactly the same outfall. Nor was the September 4 incident just another accident; there were all those other Jacklovich phone calls, many of which had been investigated and confirmed by the Coast Guard and Corps. Finally, the Corps had recommended prosecution. Why, then, didn't the U.S. Attorney prosecute Interlake?

A Deferment for Refuse

The precise answer is shrouded in bureaucratic mystery, but a clue may be found in the attitude of the Justice Department in Washington. In early 1970, the Justice Department began to develop its "deference" policy: the policy of deferring in pollution matters to another federal agency, the Federal Water Quality Administration (FWQA). FWQA was set up under the Federal Water Pollution Control Act (FWPCA, passed in 1948 and since amended several times) as the federal agency to develop and enforce water quality standards in cooperation with state antipollution agencies. The mechanism for doing this under the FWPC Act is called the "enforcement conference," which is a Rube Goldberg administrative nightmare in which federal and state officials are supposed to sit down together and agree on water quality standards and how to enforce them. There is an ultimate right to go to court to force polluters to adhere to the standards, but the administrative procedure which must precede court action is so time-consuming and involved that court action has hardly ever been used in the history of the FWPC Act.

The first federal-state enforcement conference with respect to Lake Michigan wasn't even convened until 1965. By that time the peril to Lake Michigan was not exactly a secret, especially with the grim reminder of Lake Erie only a few hundred miles away.

Five-and-a-half years and thou-

sands of pages of enforcement conference proceedings later, a report was issued in November, 1970, by a technical committee of the conference. The report contained high praise for all that everybody had accomplished in the previous five-and-a-half years. Buried in the praise were two questions and answers: First, what had happened to water quality in the five-and-a-half years of enforcement conference work? Answer: In most places no better and in many places "deteriorated." Second, what would be the water quality when the conference's clean-up programs were completed? Answer: The waters would still be polluted.

This was the agency and procedure to which the Justice Department was going to "defer" in pollution matters. A concerned Congressman who got wind of the new policy, Henry Reuss of Wisconsin, immediately wrote to Attorney General John Mitchell to find out what was going on.

Gnarled in the Outfall

Reuss got his answer on June 2, 1970, in a letter from Mitchell's assistant, Shiro Kashiwa. In bureaucratese Kashiwa told Reuss that the Department was *not* going to "vigorously enforce" the Refuse Act as Congress had said it should, but would "defer" to FWQA and the states. "The policy of the executive," Kashiwa declared, would be to "fit" the Refuse Act into the "regulatory scheme devised by Congress to combat pollution. . . ." This meant, said Kashiwa, that the Refuse Act was not to be enforced where it would have "a disruptive or devitalizing effect upon programs designed or approved" by FWQA, or where a company was spending "significant amounts of money" to abate pollution under a FWQA program.

An incensed Reuss responded, "The law doesn't exempt polluters who spend money to clean up their mess. . . . The Justice Department should obey the law." Reuss also said, "If the Justice Department winks at

the industrial polluter who violates the 1899 Refuse Act, there will be no incentive to... comply with water quality standards as the law requires."

But Reuss was ignored and on July 10, 1970, the Attorney General issued "guidelines" to all U.S. Attorneys which in effect told them not to enforce the Refuse Act against industrial pollution "of a continuing nature resulting from the ordinary operation of a manufacturing plant." The guidelines acknowledged that such pollution posed "the greatest threat to the environment" but said that the FWQA had been created to handle that kind of pollution. (The guidelines failed to mention that the law creating FWQA had said it was not to "affect or impair" the Refuse Act.)

The result of all this was that the Refuse Act was to be substantially a dead letter with respect to continuous industrial pollution—the field was to be left to FQWA and the states—and Jacklovich got no action from all of his phone calls. Angrily, Reuss called the Attorney General "a scofflaw where water pollution is concerned," and said that according to the Justice Department's "absurd doctrine" a polluter could continue to violate the Refuse Act if someday he were going to abate his pollution under a program of the FWQA.

Although FWQA's performance hardly seemed to warrant benching the Refuse Act through the "deference policy," perhaps the Refuse Act could stay in the ball game to "coordinate" part of the enforcement scheme. In April, 1970, Jack B. Schmetterer, then first Assistant U.S. Attorney in Chicago, told the Chicago Bar Association that the U.S. Attorney's office had reviewed its position on pollution enforcement and had decided that an aggressive prosecution policy under the Refuse Act "would prove a powerful incentive to corporate managers and officers" to cooperate with FWQA.

Schmetterer said that his office had received permission from Washington to proceed with an "incentive" program and had received excellent cooperation from the Coast Guard and the Corps of Engineers. He went on:

> I regret to report to you, however, that the one federal agency that has sophisticated technical staff and information sufficient to help us move forward against major water problems... has refused to give us that aid .... [The] absolute refusal of the Interior Department to permit the Federal Water Pollution Control Administration office [as FWQA was then called] to supply us any information or technical advice defies understanding.

Schmetterer said that his requests for specific information on specific companies had gone unanswered, that his requests for general advice as to which companies posed the most critical problems had gone unanswered, and that his final request for "just such information as would be made available to any member of the public" had not been complied with. "Perhaps," he concluded, "that attitude is due to the view of an Interior Department official who called me from Washington to ask why I wanted to prosecute 'those nice people.' "

Schmetterer's speech might have had some effect, for on paper at least FWQA in Chicago agreed that continuous discharges would be prosecuted under the Refuse Act where a firm was not in compliance with FWQA standards.

But it was not to be so. To illustrate, in September, 1970, a Jacklovich complaint was sent over to FWQA by the Corps after the Corps had been told to get FWQA recommendations. Further action, said the Corps, would be held in abeyance pending FWQA's advice.

An FWQA staff member was assigned to review the file. He concluded the evidence showed, as usual, that periodic discharges from Interlake's Riverdale plant violated the Refuse Act. His report said that prosecution under the Refuse Act "might be helpful in persuading the company to eliminate their remaining problems

promptly." His written recommendation to that effect made its way to the desk of the FWQA boss in Chicago, Francis Mayo. At this writing it is still there. The Corps request, now over four months old, is still unanswered, and action (on an incident now over nine months old) is still held in "abeyance." Schmetterer had left office after a change in administration and there was no one around, apparently, to remind Mayo of his agreement that if a firm were "not in good cooperation" with FWQA schedules, it was a "fit subject" for Refuse Act prosecution.

Highly Coordinated Waste

Could it be that all this federal inaction was justified because Illinois was taking good care of the Interlake problem? (That wouldn't have been an excuse for non-enforcement of the Refuse Act—which Congress had said was to be "vigorously enforced"—but FWQA might legitimately take a back seat if a state were really doing an effective job.)

Way back in September, 1968, the Metropolitan Sanitary District of Chicago issued an order giving Interlake until September 30, 1969, to comply with its antipollution rules. That day came and went and Interlake was not in compliance, so the Sanitary District filed a suit which sounded as if it meant business. The lawsuit said that the District's efforts to bring voluntary compliance had failed and that Interlake's pollution posed a "grave, ever-present and great danger and immediate threat to the health, safety, and well-being" of the people of Illinois. The suit asked that Interlake be ordered to stop violating the Sanitary District rules and be fined.

Brave words. . . followed by no action. Interlake's lawyer, Henry Pitts, filed a motion which said that the Sanitary District had no right to sue Interlake at all (for the reason, among others, that it was itself a polluter!). The District did nothing to get the motion decided by the judge to whom the case was assigned and for a full year took no action at all. Then, on September 30, 1970, something was finally done—the Sanitary District requested a *delay* because "the case is not ready for trial." When asked about the suit in the fall of 1970, District officials said they hadn't pushed their law suit because they had "understood" Interlake was correcting the problems (although they couldn't be specific about exactly what was being done and what effect it would have). But, they said, they had now become disillusioned with Interlake's lack of progress and were going to push their law suit vigorously.

Meanwhile, another state agency had gone after Interlake. The Illinois Sanitary Water Board had also ordered Interlake to comply with its water quality rules by September 30, 1969. Interlake failed to comply, so the Water Board asked the Illinois Attorney General, William Scott, to sue Interlake.

Scott's suit was filed on March 2, 1970, five months after the Water Board's deadline date. A curious fact was that Scott's office didn't file a summons for five more months, meaning that Interlake wasn't formally notified of the suit until July, 1970, 10 months after the Water Board's deadline date.

At that point Interlake's lawyer, Henry Pitts, filed another motion which, among other things, questioned Scott's right to sue Interlake (nobody, it seemed, had that right) and also argued that Illinois law had been changed during the time Scott had neglected to have a summons served so that Scott was now operating under the wrong law.

Once again Pitts' motion went unanswered. This time, however, Judge Nathan Cohen, to whom the case was assigned, called for a "progress report." A new Illinois agency, the Environmental Protection Agency, prepared the report, which included the Riverdale plant as well as the others. The report, dated November 10, 1970, said that Interlake was

making some progress but that all five of the outfalls at Riverdale were discharging pollutants in violation of the Agency's rules. The pickle liquor outfall in particular was a major offender, discharging visible amounts of oil and solids, including lead and zinc.

Judge Cohen entered an order requiring that a "final report" be filed on December 14, 1970. Ten days before then, on December 3, Pitts' law firm went to a different judge and asked that the Scott suit be "consolidated" with the moribund Sanitary District suit. It was; the case was taken from Judge Cohen; and to this date that "final report" has not been filed. The latest word at this writing is that the staff of the Environmental Protection Agency had talked to Interlake and reached the less than earth-shaking conclusion that "We don't think they've solved the problem yet." Similarly, a Sanitary District official reported that Interlake was "still having problems." (Note that the official felt it was Interlake, not the Sanitary District, or the people of Illinois, that was having the problems.)

So the circle of inaction was complete. The Refuse Act was not enforced out of "deference" to FWQA and the states. FWQA's enforcement of the law against Interlake consisted of learning that the Metropolitan Sanitary District had sampled Interlake. The Sanitary District and Attorney General Scott couldn't even get up enough steam to argue Henry Pitts' motions, and neither talked to the other about their respective law suits. When a judge did get tough, and one of the law suits finally seemed about to move forward, it was quickly consolidated with the suit that was going nowhere. This consolidation occurred exactly two-and-one-half years after the incident for which Interlake was convicted under the Refuse Act and more than two years after the deadline dates Interlake had been given by the Sanitary District and the Water Board—hardly prompt attention to the "immediate threat to the health, safety, and well-being" of the people of Illinois.

Nixon Chooses Effluent

There was, however, one effort to break out of the circle. On July 30, 1970, the Corps announced a new policy—permits would be required for all industrial discharges into navigable waters. Under the new policy Interlake would need a Corps permit to discharge any refuse and couldn't get one without Sanitary District and Water Board approvals. Presumably these agencies would decline to give approvals until Interlake complied with their orders.

The new policy looked promising on paper, and Congressman Reuss congratulated the Corps on its "progressive step," adding a hope that the Corps would implement its new policy promptly and not just issue a press release. But again it was not to be so.

Congress only appropriated half the money that the Corps had requested for its new program. On top of that there was yet another jurisdictional struggle with the recently created President's Council on Environmental Quality. At a meeting in late 1970 to try to resolve the issues, Justice Department lawyers objected to the proposed Corps program and—incredibly—walked out when the Corps insisted that the program proceed promptly. And if that weren't enough, another new agency (yes, still another), the Environmental Protection Agency, felt that it, not the Corps, should control the new program.

So even though President Nixon's announcement on December 23, 1970, of "more activist utilization of the Refuse Act" sounded good, as usual, it seemed to mean simply that one more program would be trapped in the FWQA-type administrative maze.

Nixon's statement seemed promising. He said that Corps permits would be immediately required for any new discharges on navigable

waters and that industry would have to file for permits on existing discharges by July 1, 1971. "In the meantime," the President said, "violators of water quality standards would not be exempt from prosecution under the Refuse Act."

Moreover, Nixon referred to requiring "effluent data" for industrial discharges, a key point. If enforcement of a permit system were tied to exactly what came out of the end of a discharge pipe, it would be a lot more precise than under water quality standards—applicable to the condition of the receiving waters as a whole. One Illinois official, referring to water quality standards, said, "Because of this trick, and that's all it is, we've got U.S. Steel dumping 150 pounds of cyanide per day into the lake. . . ."

The Pickle Liquor Pipe

But implementing the permit program was a different matter, as we shall see. Accompanying the Nixon statement was an order which assigned administrative responsibility to the Corps, but also said the Corps should accept the determinations of the Environmental Protection Agency on water quality matters. On the last day of 1970, the Corps published its proposed permit regulations and allowed a 45-day public comment period, after which the regulations might be made final.

Comment was not long in coming. Reuss, who had gotten a draft of the regulation before it was made public, said the draft was inadequate and inconsistent with existing law. There followed 14 single-spaced pages of detailed objections. He suggested the proposed permit regulation be revised.

It was not. Two leading environmental organizations, Friends of the Earth and the Natural Resources Defense Council, also objected. They said the proposed administration program would actually hinder water pollution abatement. They objected to the fact that the Administration had violated one of its own environmental protection laws in the very issuance of the new regulations in that it did not prepare and submit to the public an "environmental impact statement" as required by law.

More importantly, said the Defense Council, the new program was susceptible to administrative delay, EPA's role was vague, effluent standards were not mentioned, there was no clear-cut method to insure compliance with permit conditions, and public participation provisions were vague. The permit program seemed designed to transform the simple, effective Refuse Act into another Rube Goldberg, FWQA-type administrative maze.

A proposed memorandum of understanding between the Corps and the Environmental Protection Agency spelled out the role of the two agencies a little more but did not change the proposed regulations in any significant respect. There was still no suggestion that Refuse Act court actions would be used as the enforcement mechanism. The Justice Department was not even mentioned.

Meanwhile, back at Interlake's Riverdale plant, nothing has happened except that Jacklovich was fired and the Little Calumet River continues to receive Interlake's discharges. On May 26, 1970, one year to the very day after Interlake's conviction, Interlake discharged, according to Corps files, "an orange liquid at the rate of 500 gallons per minute which covered approximately 300 feet in length and half the width of the Little Calumet River." Samples and photographs were taken, and the Corps report says that the facts showed a violation of the Refuse Act. A copy of the report was mailed to the U.S. Attorney. Presumably out of "deference," nothing was done. The discharge was from the waste pickle liquor outfall.

On November 19, 1970, a weary Jacklovich himself sued Interlake. His theory was that since the Refuse Act entitled him to half the fine, and the U.S. Attorney wasn't doing anything,

he was entitled to bring a citizen's action to recover his half of the fine and enforce the Act.

As might have been expected, Henry Pitts vigorously opposed Jacklovich's right to sue. It remains to be seen what the court will do with Jacklovich's theory. And what the people will do with John Mitchell's.

Friends Can Be Poison

What conclusions can be drawn from the Jacklovich Interlake story? Interlake may be one of the *better* companies in dealing with pollution. Although its concern with its corporate image has led it to be less than candid, and although it has been painfully slow in remedying its pollution problems, it may still—incredible though it seems—have moved faster than many if not most companies. It is difficult to fault Interlake for not being willing to spend pollution control dollars faster than its competitors are required to, and they were not, of course, forced to comply with the law any more effectively than was Interlake.

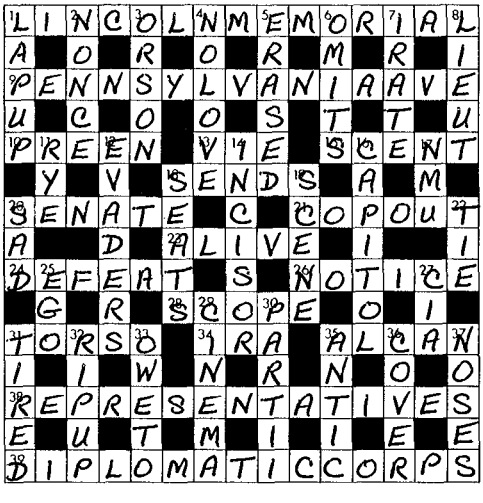
The result has been that literally years have gone by without adequate enforcement of existing antipollution laws—years during which increments of Interlake pollution have been added to the public's waters long after the pollution should have ended. Uncounted dollars and hours of government time have been spent in useless activity and buck-passing. Letters, reports, conferences, sampling, lawsuits, more conferences—everything has happened except the one thing that would have been effective: an injunction order under the Refuse Act. The Coast Guard, the Corps, the Justice Department, the FWQA, the Sanitary District, the Water Board, the Illinois Attorney General—all have been involved in one way or another, largely without cooperation, or even communication, and indeed frequently justifying their own inaction because of what other agencies were supposed to be doing.

Meanwhile, the life of Lake Michigan is edging toward irreversible degradation. Three years ago, then Secretary of the Interior Stewart Udall said, "Delay means death to Lake Michigan." One year ago, a scientist working under an FWQA grant said that the lake was at the "break point" of drastic changes in the ecosystem.

There should be no "deference" to anybody unless and until the states and FWQA (now called the Office of Water Quality and a part of the Environmental Protection Agency) impose specific and adequate pollution-ending requirements and set firm dates for compliance. Until then, the Refuse Act should be "vigorously" enforced, as Congress said. The injunctive power should be used to impose specific, pollution-ending schedules on a plant-by-plant basis. If and when the states and FWQA get around to imposing adequate schedules, the Refuse Act should be used to enforce them. A comply-or-close-down court order will deliver a much clearer message than a dozen FWQA enforcement conferences.

Until some such program is worked out, we can anticipate continuations and repetitions of the Interlake story, and worse. Lake Michigan might still be saved from its enemies if given half a chance. The question is whether it can survive its friends. ■

Answers to February's puzzle:



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PROFITS AND THE PUBLIC INTEREST

Angry demonstrations, outbreaks of unparalleled bitterness, and even a macing incident marred annual meetings across the country last year. A Bank of America office was burned to the ground. Students attacked Dow Chemical recruiters because the company produced napalm. Picketers gave the Chase Bank a lot of publicity for doing business in South Africa. And James Roche learned that many of the nation's major institutional investors may vote their shares *for* "Campaign GM" this year if General Motors doesn't respond to the objections of the Project for Corporate Responsibility.

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A PARTIAL LIST OF THE SPEAKERS

EILEEN ADAMS authored the Nader report on false and misleading advertising in TV;

CLIFFORD L. ALEXANDER JR. is the former chairman of the Equal Employment Opportunity Commission who has a lot to say on hiring practices of major corporations;

JOSEPH A. CALIFANO, JR. is the former White House assistant who acted as the Coca-Cola/Minute Maid counsel in the recent migrant worker dispute;

ROBERT B. CHOATE is the former assistant to the director of The White House Conference on Food, Nutrition & Health who appalled the nation — and changed its eating habits — when he told how low common cereals are in nutritional content;

PHILIP ELMAN is, as a former Commissioner of the Federal Trade Commission, in a perfect position to tell what consumers and corporations can expect out of the Federal Government;

JOHN C. ESPOSITO wrote *Vanishing Air,* the Nader-team book that highlighted the specifics of air pollution by corporations;

SENATOR PHILIP A. HART is on key committees dealing with public issues such as ecology and anti-trust and has been a leading Congressman in the battle for corporate public responsibility;

NICHOLAS JOHNSON has made himself famous as the member of the Federal Communications Commission who can't be kept quiet on the ominous power — and how it is used — of tv broadcasters;

DANIEL LUFKIN is a partner of the Wall Street firm of Donaldson, Lufkin & Jenrette and has long been a spokesman on the subject of corporate responsibility and how investors should influence the corporations;

PHILIP W. MOORE JR. is executive director of the Project on Corporate Responsibility that has caused General Motors to hire a special man to handle public-responsibility image, and to put a distinguished black member of the public on its board;

ROGER MURRAY is the former director of investments for the powerful College Retirement Equities Fund who has spoken out firmly on the need for large institutions to use their power to effect social change;

E. HAYES REDMON is the executive assistant Dr. Edwin Land used to represent Polaroid-Land Company in its recent struggles over Polaroid's future in South America;

JOHN D. ROCKEFELLER IV is the Secretary of State of West Virginia who led the fight against the ravages of strip mining in that state and who was also a leading spokesman for Campaign GM;

CONGRESSMAN BENJAMIN S. ROSENTHAL is the author of the 1970 consumer protection agency bill;

ALICE TEPPER heads the Council on Economic Priorities which has received nationwide TV and magazine coverage for its authoritative report on the pollution of the paper industry — and has forced several companies to speed their pollution control efforts as a result;

JAMES S. TURNER is author of the Nader report *The Chemical Feast* which revealed the extent to which meaningless and sometimes poisonous additives are corrupting our food.

America the Featherbedded

by Suzannah Lessard

Finding your way around Long Island potato patches these days isn't exactly difficult but you do have the sense of working through a childishly anglophilic maze-puzzle: right on Churchill, left on Oxford, left on Cambridge, right on Guinevere, left on Arthur's Court. Though the little houses in rows yield no sign of trauma, those fairylands of yore are suffering a rude awakening. Pentagon money, the magic stuff that brought them *poof* out of the nowhere into the here, has suddenly vanished: the fairy godmother has turned fickle, and no Rex Futurus appears on the horizon. The quicksilver running thin, suburban glamor is beginning to look drab and trinkety to the stunned children of the realm, who, unequipped for rougher atmospheres, retreat into their obscurity, drawing their white collars closely around them, persevering in the old rituals and niceties. Blind faith? Shock? "You punch a guy in the eye and you don't see anything right away. But slowly it will get bluer and blacker and then you have an egg. It's a slow process."

Although defense work by no means monopolized employment in Nassau and Suffolk Counties, providing roughly 60,000 of 150,000 jobs in industry, it is the foundation on which the Long Island boom was launched and the repercussions of massive layoffs by the defense-oriented companies have reached all areas of economic life. Architects, accountants, and delivery boys—even a priest—have been registered among the jobless by the Nassau Employment Task Force. Few small businesses have not felt the chill. Yet silence is the order of the day. Local officials are mum, the Defense Contract Administration acknowledges no crisis, much less responsibility, and the people themselves, the unemployed and those threatened with unemployment, are withdrawn and secretive. Behind the silence lurks the unacceptable suspicion that a fundamental American myth is finally tearing at the seams.

Ironically, many of the people who work in the defense industry went into their fields not because they were particularly attracted to the work but because they were led to believe that security was one of the sure rewards of those professions—for instance, that a country absorbed in the demanding work of progress would always have a thirst for engineers. The larger theorem behind this corollary was that in America, if you get an education—a white collar—and are reasonably industrious there will always be a place for you. Consequently, for a believer there is a deep shame implicit in being unemployed: Despite the fact that the situation is far beyond the defense engineer's

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