

“The Natural City” Symposium: Keynote speech



Fig. 1: Dinner held at Hart House Great Hall, University of Toronto, on 23 June, 2004, preceding the keynote address by Robert F. Kennedy Jr. From left to right: Carolyn Tuohy (former Vice President at the University of Toronto); with Ingrid Leman Stefanovic to her left; then Robert F. Kennedy Jr.; then Pekka Sinervo, Dean, Faculty of Arts and Science; Don Cormack, Vice-Dean, School of Graduate Studies; Michael Marrus, Dean, School of Graduate Studies; and Alexander B. Leman, President, World Society for Ekistics. (Source: Tina Singal).

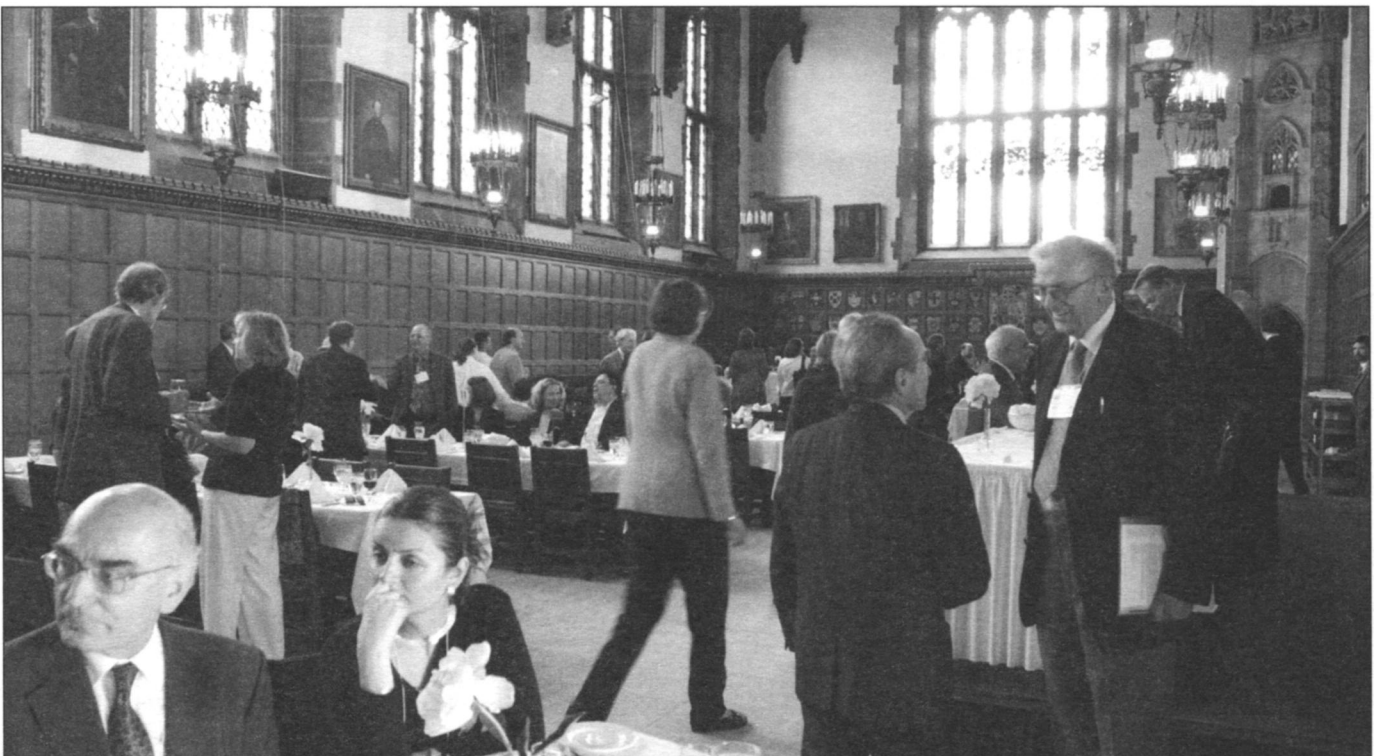


Fig. 2: View of the participants at the dinner at Hart House Great Hall, University of Toronto.

A contract with our future

Keynote Speaker: Robert F. Kennedy Jr.

Recently lauded by *Successful Meetings* magazine as a man whose message supersedes his golden name, Robert F. Kennedy Jr. maintains a reputation as a resolute defender of the environment. His litany of successful legal actions includes: prosecuting governments and companies for polluting the Hudson River and Long Island sound; winning settlements for the Hudson Riverkeeper; arguing cases to expand citizen access to the shoreline; and suing sewage treatment plants to force compliance with the Clean Water Act. Mr Kennedy serves as chief prosecuting attorney for the Hudson Riverkeeper, senior attorney for the Natural Resources Defense Council, all while serving as the President of the Waterkeeper Alliance. He is also a clinical professor and supervising attorney at the Environmental Litigation Clinic at Pace University School of Law in New York. He has worked on environmental issues across the Americas and has assisted several indigenous tribes in Latin America and Canada in successfully negotiating treaties protecting traditional homelands. He is credited with leading the fight to protect New York City's water supply. The New York City watershed agreement, which he negotiated on behalf of environmentalists and New York City watershed consumers, is regarded as an international model in stakeholder consensus negotiations and sustainable development. The following are excerpts from the Keynote Address by Robert F. Kennedy Jr. at Convocation Hall, University of Toronto at the international symposium on "The Natural City," Toronto, 23-25 June, 2004, sponsored by the University of Toronto's Division of the Environment, Institute for Environmental Studies, and the World Society for Ekistics, and are reprinted with kind permission from *Idea&s: the Arts and Science Review*, of the University of Toronto, Autumn 2004, vol. 1, no. 1, pp. 10-12.

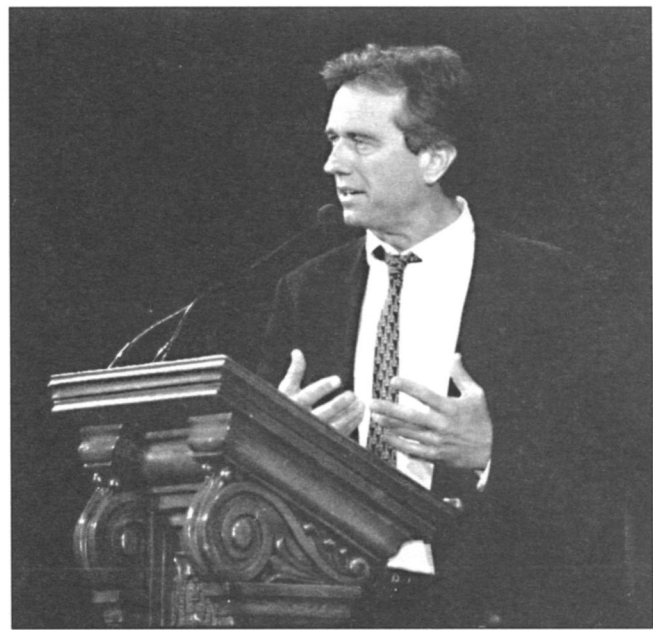


Fig. 3: Robert F. Kennedy Jr. (Source: Rebecca Pinkus).

- I remember a time when my father was campaigning for president – when Oakland was burning, when Watts was burning – intellectuals across the country were saying it was the end of the era of cities. Cities were no longer viable places in our country. They were places people were fleeing from. They were going bankrupt.

- Asthma rates have doubled over the last five years. Fifty percent of asthma attacks are prompted by ozone and particulates, two components of air pollution. Over 50 percent of those components on the eastern seacoast of America are coming from a tiny handful of coal-burning power plants, most of them in the Ohio Valley, which are burning coal illegally. The Clinton administration was prosecuting 75 of the worst companies for failing to upgrade and for lying to the federal government. This is the industry that gave \$48 million to the Bush campaign during the election, and has given \$58 million since. And one of the first things the Bush administration did when it came to power was to order the justice department to drop all of those lawsuits and it rewrote *The Clean Air Act*.

- I live three-and-a-half hours from the Adirondack Mountains, the oldest [declared] wilderness area on the planet. We had a right to believe that generations of Americans would be able to enjoy its pristine lakes and forests. One-fifth of the lakes are sterilized – no life – because of acid rain, which has also destroyed the forest cover on the high peaks of the Appalachians from Georgia all the way up into Canada. That acid rain is coming from those same coal-burning power plants, and the Bush administration has put the brakes on statutory requirements that they clean it up.

- This is the battle we're fighting. Environmental advocacy is not about protecting fishes and birds for their own sake. It is about recognizing that nature is the infrastructure of our communities and that if we want to meet our obligation as a nation, as a civilization, as a generation, which is to create communities for our children that provide them with the same opportunities for dignity, for enrichment as the communities our parents gave us, we've got to start by protecting our environmental infrastructure.

- We have the Hudson River, one of the oldest commercial fisheries in North America. Many of the people I represent come from families who have been fishing the river since Dutch colonial times, using the traditional gear fishery, the small boats, the ash poles and gill nets – the same methods that were taught by the Algonquin to the original Dutch settlers of New Amsterdam and passed on down through the generations. One of the enclaves is a village called Croton, 30 miles north of New York City. The residents are not the prototypical environmentalists. They are factory workers, carpenters, electricians, lathers; half the people make their living crabbing or fishing. For them the environment was their back yard: the bathing beaches and the swimming and fishing holes of the Hudson.

In 1966, Penn Central Railroad began vomiting oil from a four-and-a-half foot pipe in the Croton rail yard. It blackened the beaches, poisoned the fish. Three hundred people got together that night at the legion hall. These are people whose patriotism is rooted in the bedrock of our country. That night they started talking about violence because they saw that something they thought they owned, that their parents had been exploiting for generations – the purity of the Hudson waters – was being robbed from them by large corporate entities and the government agencies that were supposed to protect them. Bob Boyle – the outdoor editor for *Sports Illustrated* who was a marine and Korean vet, a great fly fisherman – stood up. He had come across an ancient navigational statute called the *1888 Rivers and Harbors Act* that declared it illegal to pollute any waterway in the US. There was a bounty provision that stated anyone who turned in a polluter got to keep half the fine that was to be paid. The law had never been enforced, but it was still on the books. He stood up and said we shouldn't be talking about breaking the law; we should be talking about enforcing the law. They resolved to start a group that later became the Hudson Riverkeeper. Eighteen months later they collected the first bounty under this statute. They shut down the Penn Central pipe for good. In 1973 they collected the highest penalty in US history against a corporate polluter, and used the money to construct a boat, the Riverkeeper, and in 1983 to hire a riverkeeper, John Cronin. He hired me a year later as prosecuting attorney with bounty money.

We have brought hundreds of lawsuits against Hudson polluters and forced them to spend billions of dollars remediating the Hudson.

- Today the Hudson River is an international model for ecosystem protection. In 1966, it was dead water for 20 mile stretches north of New York City, south of Albany. It turned color; it caught fire. Today it is the richest body of water in the North Atlantic. It produces more pounds of fresh fish per acre, more biomass per gallon than any waterway in the Atlantic north of the equator. It has strong spawning stocks of all its historical migratory species. It is a Noah's ark, a species warehouse. The miraculous resurrection of the river has inspired riverkeepers across North America, among them the Lake Ontario Keeper.

- They say we have to choose between environmental protection and economic prosperity. This is a false choice. In 100 percent of situations, good environmental policy is identical to good economic policy, if we measure economy based on how it produces jobs, the dignity of jobs over the generations and how it preserves the value of the assets of our community. But if we treat the planet, as they say we should in Capitol Hill and in Ottawa, as if it were a business in liquidation... in order to enjoy a few years of pollution-based prosperity, we could generate an instantaneous cash flow and the illusion of a prosperous economy, but our children are going to pay for our joyride. They are going to pay for it with denuded landscapes and huge health and cleanup costs that will amplify over time and that they'll never pay. Environmental injury is deficit spending; it is a way of loading the costs of our generation's prosperity onto the backs of our

children, and if you don't believe that, look at the nations who didn't invest in their environment like we did in the 1970s. All our environmental investments began on Earth Day 1970.

- In 1970, that accumulation of insults drove 20 million Americans into the street – the largest public demonstration in American history – demanding that our political leaders return the ancient environmental rights that had been stolen from our citizens over the previous 80 years. And the political system responded. Democrats, republicans got together and passed over the next 10 years 28 major environmental laws to protect our air, water, endangered species, wetlands, food. And those laws became the model for 120 nations around the world who had their own versions of Earth Day, and they began making their own investments in their environmental infrastructure.

But there are a lot of nations who do not and invariably those were the nations which did not have strong democracies. Because democracy and the environment are intertwined. You cannot get sustained environmental protection under any system except locally based democracy. And the main reason for that is the fishes and birds and future generations do not participate in the political process. Their interests are not represented. The future whispers, the present shouts. The constituencies today are the ones getting fed. Politicians have short horizons as do industrial officials. The easiest thing is to liquidate the trust assets that belong to the next generation. The environment is always on the auction block.

- Environmentalists are injecting the long view, the trustee obligation, into the political process.

- If you look around the world there is a direct correlation between the level of environmental injury and level of tyranny of their governments, regardless of whether they're right-wing tyrannies, like Brazil during the 1970s and Saddam Hussein's Iraq in the 1980s and 1990s, or left-wing tyrannies in Eastern Europe and China and Russia who are facing economic catastrophes because of their failures to invest in their environmental infrastructure. They did not have NEPA [*National Environmental Policy Act* – Ed.], which the Bush administration is now eviscerating.

- There is no stronger advocate for free market capitalism than myself. In a true free market you get efficiencies, you eliminate waste – and that is pollution. ... You show me a polluter, I will show you a subsidy. I will show you a fat cat who escaped the discipline of the free market by forcing the public to pay for his production costs. In every instance of pollution it is the same thing.

Environmental advocates do law enforcement. We go out into the marketplace and catch the cheaters, force them to internalize the costs like they internalize the profits.

- Teddy Roosevelt said that America would never be destroyed by a foreign enemy. We are too powerful. But our democracy would be subverted by malefactors of great wealth who erode our institutions. And from the beginning of time, our greatest political leaders have warned our people about domination by large corporations. At the height of the Civil War, in 1863, Abe Lincoln said, "I have the South in front of me and the corporations behind me, and for my country I fear the corporations more."

- From the beginning of our colonial period, our great cultural and spiritual and literary leaders have been telling our people, "You don't have to be embarrassed because you don't have the 1,500 years of culture that they have in Europe, because you have this relationship to the land, and particularly to wilderness, which is the undiluted work of the Creator, and that will be the source of your values, your virtues, your characters, throughout time." ... Nature is the defining element of our culture. That is why we preserve it.

● I am fighting for the Hudson River because I believe my life will be richer and the lives of my children and my community will be richer if we live in a world where there are shad and sturgeon and striped bass. And where my children and I can watch the fishers out in the tiny boats using the same methods they were taught by the Indians, and my children can touch them when they come to shore as they wait out the tides and repair their nets, and in doing so connect themselves to 350 years of New York State history and understand that they are part of something larger than themselves. They are part of a continuum. They are part of a community.

● When we destroy our relationship with nature it is a moral issue. It is like tearing the last pages out of the Bible, the Torah, the Talmud, the Upanishads, the Koran. It is a cost I do not think we ought to invoke, or that it is prudent to impose upon ourselves or our children. That is what environmental advocacy is about. It is about recognizing that we have an obligation to the next generation and that obligation is expressed by the term "sustainability." And all that word means is that God wants us to use the

things that we have been given, the bounties of the earth, to enrich ourselves, to improve the quality of our life, to serve others – and we cannot use them up. We cannot sell the farm piece by piece in order to pay for the groceries. We cannot drain the pond to catch the fish. We cannot cut off the tops of mountains to get at the coal. We cannot cut off our waterfront to make the highway go faster. We can live off the interest; we cannot go into the principal. That belongs to our children. ... All our environmental laws that we are fighting to protect have just restated the ancient law that protects the public trust assets.

● We force our way [into the courtrooms and back hallways of Capitol Hill], and we say we are emissaries for the future. And we demand an accounting. We want to know what you are doing with things that do not belong to you, the things that belong to our children.

I will close with a proverb from the Lakota people that says, "We didn't inherit this planet from our ancestors. We borrow it from our children." I would add, if we do not return to them something which is roughly the equivalent of what we receive, they will have the right to ask us some really tough questions.



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Figs. 4, 5 and 6: Participants at the dinner held at Hart House Great Hall, University of Toronto, prior to the lecture by Robert F. Kennedy Jr.

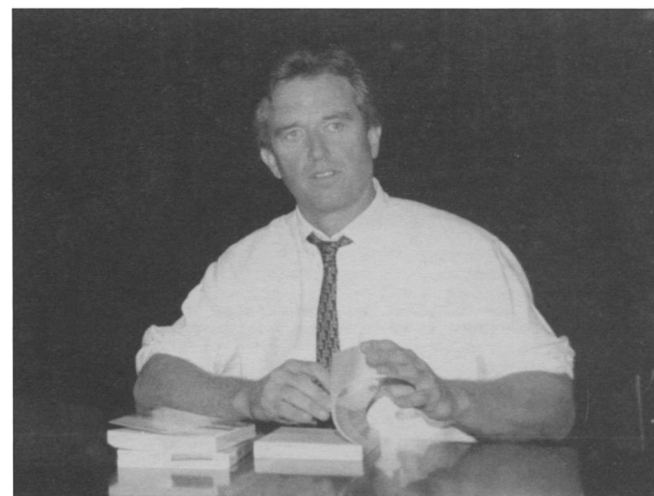


Fig. 7: Robert F. Kennedy Jr. in Convocation Hall after his lecture, signing his book entitled *The Riverkeepers*, co-authored with John Cronin and published by Simon and Schuster in 1997