

DDT on Trial: The Wisconsin Chapter

On Dec. 2, 1968, reporter Whitney Gould left the Capital Times newsroom to cover what she and her editors thought would be a simple and quick challenge to the chemical pesticide DDT.

By the end of the day, Gould, now an editorial writer with the Milwaukee Journal, had a grip on the kind of story most reporters dream of. "What was happening," she realized, "was the development of a national, really international, debate over pesticides."

Convened in the assembly chambers of the Capitol by the state Department of Natural Resources (DNR), the Wisconsin DDT hearing was a showdown between corporate promoters of DDT and opponents of the pesticide, represented by the Environmental Defense Fund (EDF) and the Citizens' Natural Resources Association (CNRA). By the time it was over five months later, the opponents, led by flamboyant EDF lawyer Victor Yannacone, had snared DDT in a web of almost irrefutable scientific evidence.

Among the witnesses were some of the world's top experts in biology, and Yannacone was the concertmaster for the carefully orchestrated attack. The story goes that the evening before individual scientists were scheduled to testify, Yannacone put them through grueling mock cross-examinations (referred to by one chronicler as "Yannacone's prepping hell"). By comparison, actual testimony was like a walk through the park.

"[Yannacone] irritated lots of people because of his flamboyance," says Gould. "His philosophy was 'Sue the bastards!' but he was also a bright person who could assimilate a lot of complicated knowledge."

Tactics adopted by proponents of the pesticide played into Yannacone's hand. Ill-prepared to meet the scientific arguments head on, DDT's defenders tried personal attacks. In one instance Yannacone was able to read into the record excerpts from an article in BioScience by Louis McLean, one of the lawyers defending DDT. McLean wrote that the opponents of pesticides were concerned excessively with sexual potency, and were mostly health nuts and/or food faddists.

"For an industry that had so much money and so many resources, it was only marginally competent at defending its position," observes Gould. "They didn't take their opponents seriously until it was too late."

Yannacone's idea was to put DDT on trial before the public and the press. And nuggets like the BioScience article certainly made good newspaper copy. But reporters covering the hearing, Gould in particular, didn't lose sight of the scientific merits of the case. Some observers believe Gould's reporting—much of it trumpeted under banner headlines in red ink—was instrumental in

getting the legislature to ban DDT. "Our legislature banned DDT even before the hearing examiner came out with his ruling," recalls CNRA president Lorrie Otto, one of the driving forces behind the coalition that brought DDT to trial. "The only reason they did that was because of Whitney Gould's reporting."

Wisconsin's DDT hearing was one of the first attempts to use scientific testimony to make environmental policy. "A lot of this was extremely technical," says Gould. "What was interesting to me was the intersection of science



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Whitney Gould.

and public policy. The hearing showed that there isn't and can't be a gap between science and the rest of the world."

The hearing, which was held against a backdrop of student activism, riots and tear-gassings, also had its side attractions. One notable event was a visit to the hearing room by the "DDT Commandos." The commandos were the action arm of the Conservation Research and Action Project (CRAP), which in turn was a spinoff of the University Science Student Union.

CRAP sicced the commandos, armed with squirt guns allegedly filled with DDT, on the hearing. The water pistols, however, were confiscated at the door and the hearing was subsequently moved from the Capitol to a location more distant from the University of Wisconsin campus.

Levity aside, the upshot of the hearing was of extreme importance. For the first time, a mainstay of the agricultural industry was put on public trial and convicted. Eventually DDT was banned for use in Wisconsin and the nation.

The chilling irony, however, is that the substance is still sold and used extensively in other countries. And once released into the environment, DDT respects no boundaries. It drifts across the Mexican-U.S. border and returns here as residue on foreign-grown crops. The final chapter in the case against DDT has not yet been written. ■