

The public interest in environmental litigation is in large measure the direct result of Yannacone's answer to a series of rhetorical questions posed on September 30, 1967 at the National Audubon Society Annual Convention.

“What can you do when a municipality decides that the highest and best use of a mighty river is the city sewer?”

“What can you do when government agencies seriously consider drowning the Grand Canyon or much of Central Alaska, or when a combination of government agencies and private speculators act in concert to destroy the delicate ecological balance of the entire state of Florida?”

“What can you do when the United States Department of Agriculture publicly states that it does not consider the possible adverse effects of chlorinated hydrocarbon pesticides such as DDT on non-target organisms, but permits them to be sold and used even after their toxic environmental effects become generally known?”

“What can you do when timber and paper companies cut down entire forests of Redwoods and other exotic species in order to “reforest” the area with faster growing pulpwood trees?”

“What can you do when real estate speculators insist on dredging estuaries in order to fill marshes or strip the topsoil from irreplaceable prime agricultural land in order to plant houses?”

“Just what can you do?”

Yannacone went on to say,

“The time has come for you who are committed to the preservation of our environment to... enter the courtroom to protect our natural resources....

“It is time to assert your basic rights as citizens. Rights guaranteed by the Constitution and derived from *Magna Carta*. It is time to establish once and for all time that our natural resources are held in trust by each generation for the benefit, use and enjoyment of the next. Today, while there is still time, you must knock on the door of courthouses throughout this nation and seek equitable protection for the environment. You must assert the fundamental doctrine of equity jurisprudence. A doctrine as old as the *Talmud* or the *New Testament* or the Roman Law. A doctrine as old as civilization, yet a doctrine as topical as today and as advanced as tomorrow: *So use your own property as not to injure that of another*—in particular that which is the common property of all mankind, the air we breathe and the water we drink. ...

Experience has shown that litigation seems to be the only civilized way to secure immediate consideration of such basic principles of human rights. Litigation seems to be the only way to focus the attention of our legislators on these basic problems of human existence. \* \* \*

The major social changes which have made the United States of America a finer place in which to live have all had their roots in fundamental constitutional litigation....

Our adversary system of litigation as the means of presenting evidence to the conscience of the community has been the touchstone of Anglo-American jurisprudence since *Magna Carta*, That adversary system of litigation survives today as the hope of citizens seeking redress of a public wrong.

If you the citizen do not forsake your Courts, they will not forsake you in your hour of need. Thomas Becket and Thomas More are only two of the many men who have given their lives that you the citizen may have your day in Court.”