

river without the consent of Congress. A U.S. district judge, ruling that this statute applies, has decided the case in the Sierra Club's favor. The defendants have appealed.

In another suit, the Sierra Club is trying to keep the U.S. Forest Service from allowing Walt Disney Productions, Inc., to build a ski resort in Mineral King Valley in the Sierra Ne-

vada. As in the expressway case, the club's attorneys have searched the statutes and come up with provisions which they contend make the proposed development illegal. They also say that pub-

## Environmental Defense Fund: Yannacone Out as Ringmaster

The Environmental Defense Fund (EDF), a unique conservation organization that has done much to stimulate interest in environmental law among scientists and others, has been known especially through the activities of its ebulliently aggressive ringmaster and general counsel, Victor J. Yannacone, Jr. Now, however, it appears that Yannacone either will be merely one member of a team of EDF attorneys or will have no role whatever with EDF, which is adopting a broader legal strategy and a quieter demeanor than it has had in the past.

Last winter, Charles F. Wurster, Jr., one of EDF's founders and chairman of its Scientists Advisory Committee, spoke warmly of Yannacone. "Vic really thinks he can save the world," Wurster said. "He's a brilliant guy. If you aim him in the right direction, he'll raise hell." Recently, however, EDF concluded that it could no longer guide Yannacone in the manner desired and decided to replace him as its general counsel, although Yannacone may continue to represent EDF in certain litigation, such as EDF's air pollution suit in Missoula, Montana.

EDF was established in the fall of 1967 as the outgrowth of an anti-DDT suit in a Suffolk County (Long Island) court. The prime movers were Yannacone, a 31-year-old Patchogue, Long Island, attorney, and Wurster, an assistant professor of biology at the State University of New York at Stony Brook (*Science*, 22 December 1967). There were other conservation law groups already in existence, but EDF was something new—a scientific organization dedicated to use of the courts for environmental protection.

Its Scientists Advisory Committee, on which Wurster now says more than 200 scientists have accepted membership, was set up in order that EDF might draw on the best talent in the scientific community. EDF soon became widely known, especially for its suits and petitions in the Midwest against use of hard pesticides, and it began receiving numerous appeals from around the nation to intervene in environmental controversies. EDF has received much of its financial support from funds raised by local groups, such as the Citizens Natural Resources Association of Wisconsin, which a year ago petitioned the Wisconsin Department of Natural Resources to ban use of DDT. The Ford Foundation also has supported the Wisconsin action, although it has chosen to do so indirectly, through the National Audubon Society's Rachel Carson Fund.

Yannacone is a bustling, flamboyant lawyer with a brash style ("sue the bastards" has been his slogan), a love of rhetoric and the center stage, a confessed distaste for preparing briefs, a quick grasp of scientific information, and a gift for examining (and cross-examining) scientific witnesses. Over the last 2 years few if any young attorneys have received more publicity than

Yannacone. He generally has scorned the usual legal approaches (such as the bringing of conventional nuisance suits against polluters) and has sought to have the courts declare that citizens have a constitutional right to protection from pollution and other environmental insults.

Now, the board of trustees and staff of EDF feel that, while the effort to establish constitutional safeguards should not be abandoned, other available legal strategies also should be pursued. EDF is acting accordingly—for example, with its October petition to the Secretary of Agriculture, stating that the law requires him to ban all use of DDT. Earlier, EDF had rejected as unpromising Yannacone's proposal to bring a \$30-billion damage suit against DDT manufacturers as a "class action" on behalf of all citizens of the United States; Yannacone finally filed this action with his wife as plaintiff.

The Long Island *Press* recently quoted Yannacone as attributing his problems with EDF partly to this suit, which he said some trustees regarded as an embarrassment to EDF in its efforts to obtain a grant from the Ford Foundation. However, according to Reginald C. Smith, an attorney EDF hired several months ago to represent it in its dealings with its general counsel, the suit had nothing to do with the "strained relations" between EDF and Yannacone. The trouble, he said, grew out of Yannacone's "evident lack of respect [for] the EDF trustees" and his failure to take direction.

Roderick A. Cameron of Stony Brook, an attorney and executive director of EDF, told *Science* that EDF was getting a "bad deal" and that Yannacone, who, besides representing EDF, has carried on a private law practice of his own, had not been doing enough work for EDF to earn his \$5,000-a-month retainer. Yannacone's written agreement with EDF included the provision that any time his work took him more than 100 miles from home for more than 3 days at a time, he was entitled to take his wife and son with him, and that accommodations for travel, meals, and lodging were "to be first class at all times."

EDF's new general counsel is Lee Rogers, a 37-year-old Oregonian who has been a tax attorney for the U.S. Department of Justice. EDF has set up a legal advisory committee and is establishing a network of attorneys around the country which it can call on for advice and courtroom work. For his part, Yannacone, whatever his future relations with EDF, plans to continue his practice of environmental law. He is presently one of the attorneys in a suit in Colorado raising allegations of environmental hazards against the U.S. Atomic Energy Commission and its Project Rulison, in which a 40-kiloton nuclear device was detonated 8000 feet underground in September to allow recovery of natural gas from a rock formation.—L.J.C.