

A Letter to Help our 25th Year End
December 1995

Of Disasters and Miracles

Dear Friends,

For twenty-five years, since we were founded in the midst of the Indochina War, friends have asked, "Why don't you give it up? The forces you are fighting are too powerful, the odds too much against you. You can't win. Why won't you recognize that and let it go? In a world where most people are 'out for theirs,' why keep swimming against the stream?"

It has never been possible to really explain that we feel we are in fact trying to swim *with* the stream--the river of justice--and that it is much of the rest of the world that is fighting against that righteous flow.

Worldmending. *Tikkun olam*. Our twenty-fifth year was spent much as was our first, working overtime. Since the world is so torn, so in need of mending, for those who attempt to be "repairers of the breach" the hours have always been long and the burdens not insignificant. We fight against powerful forces, with a tremendous imbalance in the resources available.

In the fight over the proposed Ward Valley nuclear waste dump near the Colorado River, for example, the nuclear industry has spent in excess of sixty million dollars to date trying to force the dump's opening. We, with resources about one thousandth of that, have, in concert with others of similarly small financial assets, succeeded so far in fighting the industry to a draw. Even David did not face a thousand-to-one weight disadvantage with Goliath. Yet, the dump is still not open, and it clearly would have opened several years ago were it not for what we and others have done.

A dozen times so far it seemed to all sane observers that we had lost the struggle. Disaster after disaster would occur. Only a fool would continue to fight, given the unmistakable writing on the wall. Yet fools we are, and the fight we continued; and lo and behold, a miracle would come when least expected, and hope would return. To be followed by another disaster, and another miracle.

We have no idea on which the battle will finally end--disaster or miracle. It is not for us to know. It is merely for us to keep on with the work, to try to do the right thing, to fight the good fight, and be there, ready, should we be blessed with the opportunity for another miracle.

The Ward Valley dump--composed of unlined trenches, to be operated by a company whose previous radioactive waste dumps in other states have leaked--was all set to be approved when we issued a report about the nature of the wastes that would go to the dump and the risks associated with it, completely changing the picture of the project. (Up until that time, it had been

sold as a medical waste dump; the new data showed the waste was largely coming from nuclear power plants, far more toxic. Our study also identified new data showing the potential for rapid migration of radionuclides at the site.) The revelations in our report were cited by the California Senate in insisting that the Wilson Administration hold an adjudicatory hearing on the project, which Wilson eventually promised to do. Miracle.

Three months later, the Wilson Administration reneged on the commitment. The nuclear industry, supported by Governor Wilson, went to court to block the hearing he had promised to hold. A year later the court ruled that Wilson could hold or not hold the hearing, as he saw fit. Shortly thereafter, he announced he would not hold the promised hearing. Disaster.

Then, Interior Secretary Babbitt said he wouldn't transfer the land to Wilson until the promised hearing was held. Miracle. Wilson thereafter announced he had agreed to hold such a hearing some time in the future, but went ahead and issued the license for the project the same day, making the promised subsequent hearing a complete sham. Disaster.

We and others went to court to overturn the license. And, lo and behold, the court, voided the license and remanded the matter back to the State, enjoining further work on the project. Miracle, indeed. Then the appeal court overturned the lower court--disaster. And now we have asked the California Supreme Court to review the appeal court's decision. The clerk of the Supreme Court discovered that the Appeal Court had refused to accept receipt of the administrative record in the case before ruling. It has now been revealed that the Appeal Court--which had ruled that the record was adequate--had not even possessed the record, let alone reviewed it. Blind justice indeed. We will see what the Supreme Court does with this discovery.

In the last days of the Bush Administration, Governor Wilson asked outgoing Interior Secretary Manuel Lujan to bypass environmental laws and transfer the Ward Valley land to California just before he left office. Disaster. We and other groups went to federal court to block the transfer; hours before Bush and Lujan departed their posts, a federal judge renewed a restraining order preventing the land from changing hands. An absolute miracle.

When the new Interior Secretary, Bruce Babbitt, turned out to be a tremendous disappointment to the environmental movement, and was on the verge of approving the land transfer himself, we managed to gain access to and made public a memorandum to Secretary Babbitt from the primary experts on Ward Valley in his own U.S. Geological Survey (USGS), raising serious questions about the project and its potential to contaminate groundwater and the nearby Colorado River. Interior had suppressed the memorandum, until we made it public. Senator Boxer--who has been a walking miracle on this issue, one of the rare breed of political figures willing to spend political capital in a morally important fight--managed to press Interior into letting the geologists prepare a more detailed report, which identified five separate pathways connecting the Ward Valley aquifer to the Colorado River. It was this report by courageous federal geologists that convinced the state judge to stop the project. Miracle upon miracle.

But Babbitt was committed to approving the project, come hell or high water. He asked that a special panel be established to review the geologists' work; that panel was stacked with people with long associations with the nuclear industry. Indeed, they refused to even hear formal presentations by any experts associated with groups opposed to the project. Disaster. Yet, when

their report was issued, the panel could not reach consensus on the safety of Ward Valley; a divided panel, with two strong dissents. Not quite a miracle, but a mitigation of disaster.

Then Babbitt announced he was breaking his word and would transfer the land without the promised hearing. But he promised to impose some binding safety conditions, like limits on the amount of waste and successful completion of certain tests. Wilson then refused to accept those conditions, and Babbitt caved in and dropped them. But Wilson said that still wasn't good enough and asked the Republican Congress to pass legislation giving him the land without any safety conditions at all. To top it off, the legislation purports to exempt the land transfer from all laws of the United States and prohibit review of the transfer by the federal courts. To prevent debate, amendment, or filibuster, they attached it as a rider to the 7000 page budget reconciliation bill. An absolute disaster.

Senator Boxer went to the Senate Parliamentarian and he agreed that the rider violated the requirements of the Congressional Budget Act which prohibit riders that have ancillary budgetary implications and whose primary purpose is policy. The rider was declared out of order. Miracle again. But two weeks later the Republicans went to the Parliamentarian and at least implicitly reminded him that he was hired by the Republican Senate majority (and could be fired by them as well). This supposedly nonpartisan official then reversed himself, permitting the provision to be attached again to the Budget bill, which subsequently passed. But then President Clinton, who had heard from people all around the country about the issue, vetoed the budget bill, miraculously citing Ward Valley as one of the prime reasons, up there right after the proposal to open the Arctic Wildlife Refuge to oil drilling and mining "reform" as the key environmental reasons for the veto. But it isn't over yet; Clinton and the Congress are negotiating over the bill, and it is not clear whether Clinton will stand firm.

As the bill was working its way through Congress, and just as Babbitt was all set to transfer the land administratively, we learned of data a USGS scientist had kept secret for over a year, showing that a Nevada nuclear dump--a virtual twin of the one proposed for Ward Valley, was already leaking. Ward Valley proponents had claimed it would take tens of thousands of years for radioactivity to migrate at arid locations like either the Ward Valley or Nevada sites; now there was proof positive that they would leak in less than 35 years. We released the new data to the press, and now Interior says it won't transfer the land until the significance of the new data has been analyzed. Yet it has asked USGS, which suppressed the data in the first place, to do the analysis!

And now, just as Congress passed the budget bill with the Ward Valley rider attached, the new data about the leaking twin facility in Nevada stimulated the San Bernardino County Board of Supervisors into passing an emergency ordinance which would block the Ward Valley project.

Disaster followed by miracle, miracle by disaster. We have no way of knowing what the end will be; that is why one must keep on fighting, until the fight is finally over. If we at Bridge the Gap have learned anything in the last quarter century, it is that.

In twenty-five years, we helped shut the UCLA reactor and the plutonium-production "N" reactor at Hanford, Washington; outlaw the practice of ocean dumping of radioactive waste; halt the use of nuclear power sources in space, including plans for space reactors to power "Star Wars" battle stations; prohibit the use of weapons-grade uranium in civilian reactors; and stop all

nuclear activity at the Department of Energy/Rockwell International nuclear facility in Santa Susana and force its cleanup, with community oversight. And last year, our effort, in concert with other groups, to kill off the new generation of plutonium-producing "breeder" reactors was successful--an astonishing victory.

The odds were not good for success in any of these endeavors; no one in their right mind would undertake them, we were told. And they were probably right.

We keep on working because miracles do happen, but only through human hands like yours and ours.

In addition to the Ward Valley work, we are currently fighting to kill off exotic new nuclear technologies designed to make it easier to separate weapons-usable plutonium from spent nuclear fuel. We also have a project attempting to reduce nuclear risks in the Former Soviet Union and Eastern Union.

No matter the odds, we'll just keep on keepin' on.. Like a stubborn mule for justice, we just keep plodding on. Trying to help prevent the next disaster, trying to squeeze out the next miracle.

Peace,

Daniel Hirsch
President