

# High Country News

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## Suckling responds: Cashing in? Nope, just saving species every day

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by Kieran Suckling - Executive Director - Center for Biological Diversity

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**Note: This is a response to a Writers on the Range column by Ted Williams, head-lined "Extreme Green."**

Industry-funded zealots are angling to prevent nonprofits from protecting veterans, children, workers and the environment. With the absurd argument that nonprofits are getting rich by making the government follow its own laws, they want to ensure that only the truly rich are able to take the government to court.

Even those who should know better are drinking the Kool-Aid on this one, including outdoor writer Ted Williams, whose recent essay in High Country News' Writers on the Range accused the Center for Biological Diversity of "shaking down taxpayers." Cribbing from the Internet like a Fox News intern,

Williams serves up industry propaganda with a side of his own trademark use of "anonymous" sources and dubious quotations.

Laws to make working conditions safe, ensure our water is clean, and protect the rights of veterans and children only work when they are enforced. But often they are not because of industry pressure. Witness the complete dominance of the U.S. Department of Interior's Minerals Management Service by the oil industry in the run-up to BP's catastrophic oil spill in the Gulf of Mexico.

American democracy guards against corruption by allowing citizens to sue the government. Now, taking on the government isn't cheap. You have to go up against the entire Department of Justice. That's easy for the

oil industry, Wal-Mart and developers who have money to burn. Not so easy for the rest of us.

To level the playing field, the federal government pays the legal fees of individuals, small businesses and nonprofit groups -- but only if they win. If they lose, they pay their own way.

In its campaign to revoke this essential equalizer, industry has launched a public relations war hinged on the big lie that nonprofits -- especially environmental groups -- are getting rich by ensuring that environmental laws are followed.

The current darling of the propaganda machine is Ted Williams, who accuses the Center for Biological Diversity of filing petitions to protect hundreds of endangered species and then

suing the government when it inevitably fails to rule on the petitions within 90 days. In Williams' tightly scripted anti-environmental message, it's a racket producing "a major source of revenue" for the Center.

Nonsense. Between 2008 and 2011, the Center received legal fee reimbursements for an average of one case per year challenging the government's failure to process endangered species protection petitions within 90 days. The average yearly total was \$3,867; much less than the Center spent bringing the cases. Not exactly a get-rich quick scheme.

Rush to court? Every one of these suits was filed after the government missed its 90-day protection deadline by months, and in some cases by over a year. I would submit that spending \$3,867 of the federal government's money to save the Mexican gray wolf, walrus and right whale from extinction is a bargain and a half.

Williams dives completely into the propaganda sewer when he quotes an "anonymous" government official complaining of a

Center petition to protect 404 rare southeastern plants and animals. The alleged "anonymous" source is allegedly outraged that the Center will file a slam-dunk nuisance lawsuit because the government can't possibly study all 404 species in 90 days.

In fact, the Center didn't sue, even after the government missed its deadline by 420 days. Instead we developed a plan with the U.S. Fish and Wildlife Service to ensure all these rare species get reviewed for protection in a reasonable amount of time.

The 1,145-page petition, by the way, was written by three Center ecologists with contributions by a dozen academic scientists and scientific societies specializing in aquatic ecology. The \$75,000 research project took a year of hard work and set the standard for state-of-the-art regional biodiversity assessments. Far from a nuisance, it is a massive contribution of critical scientific information to be used by state and federal wildlife agencies.

Without providing any supporting data -- not even an "anonymous" source this time -- Williams goes on to charge

that the Center is raking in the cash by suing "for missed deadlines when the agency can't keep up with the broadside of Freedom of Information Act requests."

Hmm. In the past four years, the Center received legal reimbursements for exactly one Freedom of Information Act deadline suit and the amount we received (\$3,031) was far less than we spent forcing the Department of the Interior to come clean with the public over its offshore oil leasing program in the wake of the Gulf of Mexico disaster.

The Center for Biological Diversity will keep expending vastly more resources ensuring the government follows its own wildlife protection laws than we'll ever recoup. That's fine with us, because making sure bald eagles, wolves, wolverines and owls have a place to live and grow is more important than money.

It's why we do what we do.