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GRASS ROOTS ACTIVISM: TERRY TEMPEST WILLIAMS OFFERS A MODEL FOR CHANGE

KRISTEN POTTER FARNHAM*


I. Introduction

"Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever does."

Margaret Mead

Although the American political establishment and commercial culture seem to have a tight grip on the management of our country, there is room in our system for activism and change. Grass roots organizations serve an important function in challenging the process of government regulation and legislation. Through focused effort and persistence, these activists can effectuate changes in national policy.

In An Unspoken Hunger: Stories from the Field, Terry Tempest Williams provides an agenda for grass roots activism which is influenced by her political beliefs and personal history. Williams is a scientist by training and is the naturalist in residence at the Utah Museum of Natural History, where she educates the community about the natural surroundings. She is a former member of the governing council of the Washington, D.C.-based Wilderness Society, where she helped establish the Women, Health and the Environment Network to educate communities about the connection between physical health and the natural landscape. She recently assisted the Southern Utah Wilderness Alliance in its efforts to enact federal legislation that will designate as

* Staff Writer, BOSTON COLLEGE THIRD WORLD LAW JOURNAL.
1 Barbara Dority, Civil Liberties Watch: Compassion in Dying, THE HUMANIST, July-Aug. 1993, at 25, 26 (quoting Margaret Mead).
2 See generally TERRY TEMPEST WILLIAMS, An Unspoken Hunger: Stories from the Field (1994).
3 Stephanie Mencimer, A Storm from the West: Terry Tempest Williams, Doing Battle to Save the Land She Loves, WASH. POST, Apr. 18, 1994, at C4.
4 See id.
wilderness 5.7 million acres of land in Utah now owned by the U.S. Bureau of Land Management.\(^5\)

Williams’s family background has greatly contributed to her work on environmental issues. Williams’s family, members of the Mormon Church, have lived in Utah since 1847. They are considered “downwinders,” or residents of Southern Utah exposed to open-air nuclear tests in Nevada in the 1950s.\(^6\) Her family consequently has been ravaged by cancer, which killed her mother, grandmothers, and aunts, and left Williams the matriarch of her family at age thirty-six.\(^7\) These experiences caused her to question the political powers under which the testing was conducted, as well as the religious institutions that promoted complicity with the government and an inability to question authority.\(^8\) She summarizes the motivation for her current activism and civil disobedience: “[A]s a fifth-generation Mormon woman I must question everything, even if it means losing my faith or becoming a border tribe among my own people. Tolerating blind obedience in the name of patriotism or religion ultimately takes our lives.”\(^9\) Williams’s writing thus is informed by her background as a Mormon environmentalist from Utah, whose family has been diminished by cancer; these factors provide the basis for her biases of gender, geography, and culture.\(^10\)

These biases are evident in the eighteen narrative non-fiction essays which comprise An Unspoken Hunger.\(^11\) Overall, the stories describe Williams’s life in Utah and the importance of preserving the natural environment of the desert Southwest.\(^12\) Various critics have identified the themes she explores: “the power of place in forging a

\(^5\) See id.

\(^6\) See id. The term “downwinders” refers to the citizens who literally lived downwind of the Nevada Test Site in southern Nevada, Utah and Arizona, and thus were subjected to the greatest nuclear fallout from atmospheric testing. See Carole Gallagher, American Ground Zero: The Secret Nuclear War xxiii (1993). Downwinders were described by the Atomic Energy Commission as a “low-use segment of the population,” reflecting the government’s opinion that these people were expendable and insignificant. See id.

\(^7\) See Mencimer, supra note 3, at C4. Williams describes her family as a “clan of one breasted women.” Id. In an essay with that title, she shares her family’s experience with breast and ovarian cancer, her recent realization that she witnessed a nuclear explosion in 1957, and her own biopsies and borderline malignancy. See generally Terry Tempest Williams, The Clan of One Breasted Women, in Circle of Women: An Anthology of Contemporary Women Writers 362-71 (Kim Barnes & Mary Clearman Brew eds., 1994).

\(^8\) See Williams, supra note 7, at 367.

\(^9\) Id.

\(^10\) See Mencimer, supra note 3, at C4.

\(^11\) See generally Williams, supra note 2.

\(^12\) See id.
connection between women, spirituality, and the earth;”13 "environmental activism as the invention of women;”14 and the “need to preserve wilderness as essential to the health of the body and spirit.”15 The subject matter of the essays varies from biography, to a description of natural landscapes, to a recounting of activist events, and generally may be classified as either personal or political in focus.16

The first several essays focus on the importance of certain personal relationships and places in Williams's life.17 In several mini-biographies, she profiles "individuals who are quietly subversive on behalf of the land,"18 such as artist Georgia O'Keeffe19 and environmentalists Edward Abbey20 and Mardy Murie.21 She champions their independence and accomplishments, which she attempts to emulate in her own life.22 Williams also writes about her personal connection with the land and landscape.23 Although her primary focus is on the desert Southwest, she also describes natural environments as varied as the Serengeti Plain in Tanzania, Pelham Bay in New York, and the Yellowstone ecosystem in Wyoming.24

In later essays, Williams's focus becomes more overtly political.25 The intersection of activism and politics in Williams's own life is ex-

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15 Mencimer, supra note 3, at C4.
16 See WILLIAMS, supra note 2, at 67, 89, 97. For example, Mardy Murie: An Intimate Profile is a biography, Stone Creek Woman describes the natural environment of the Grand Canyon, and A Patriot's Journal recounts the author's activities as an activist. See id. at 67, 89, 97.
17 For example, see The Architecture of a Soul (relationship with grandmother), The Village Watchman (relationship with uncle), In Cahoots with Coyote (canyons of southern Utah), and Winter Solstice in the Moab Slough (Colorado River wetlands). Id. at 13, 17, 27, 61.
18 Id. at 78.
19 See id. at 17.
21 See WILLIAMS, supra note 2, at 89. Mardy Murie, 91, a long-time resident of Jackson Hole, Wyoming, has lectured, written, and lobbied on behalf of wilderness preservation, and has served on the council of the Wilderness Society. See David Wilck, Mardy Murie Links Past, Present Environmentalists, CHRISTIAN SCI. MONITOR, Dec. 4, 1984, at 72. A recipient of the Audubon Medal in 1980 and the Sierra Club's John Muir Award in 1981, she provides a link between the older generation of conservationists such as John Muir and her husband Olaus Murie, and the current leaders of the environmental movement. See id.
22 See WILLIAMS, supra note 2, at 76.
23 See id. at 81.
24 See id. at 3, 40, 81.
25 For example, see the essays entitled All That Is Hidden and The Wild Card. Id. at 115, 133.
explored with greatest specificity in two pieces, *A Patriot’s Journal* and *Testimony*. These essays outline most clearly her political strategy for change: “activism grounded and carried out in the place you call home.” Examination of these two essays also provides insight into the process and impact of political activism on the American legal and legislative process.

II. *A PATRIOT’S JOURNAL*

In *A Patriot’s Journal*, Williams illuminates the current tenor of one branch of political activism—nuclear protest. The essay catalogs her protest of United States nuclear policy in an atmosphere of strong patriotism at the start of the Persian Gulf War in January 1991. She describes her participation in the International Mass Demonstration and Nonviolent Direct Action sponsored by Greenpeace and American Peace Test at the Nevada Nuclear Test Site on January 5, 1991, and her protest later that month outside the Nuclear Test Ban Conference, held at the United Nations in New York. Her participation in and portrayal of these events provides a window through which we can view the progress of nuclear protest in the United States.

The United States’s history of nuclear testing at the Nevada Nuclear Test Site began on January 27, 1951, when the first of 126 atomic bombs was detonated into the atmosphere. Under the direction of the Atomic Energy Commission (AEC), these tests continued until 1963, when the United States, the Soviet Union, and Great Britain signed the Partial Test Ban Treaty prohibiting tests in the atmosphere, outer space, and underwater. These nations continued underground testing until 1994, rationalizing that it was necessary to ensure the safety and reliability of the weapons. In 1993, the United States and Russia decided to actively support a comprehensive test ban, which may be achieved by late 1995.

The demise of nuclear testing and the nuclear industry was not a spontaneous occurrence. It was fueled by years of protest from indi-

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26 See id. at 97, 125.
28 See WILLIAMS, supra note 2, at 99.
29 See id. at 98–99.
30 See id. at 99–113.
31 GALLAGHER, supra note 6, at xv.
33 See id.
34 Id.
35 Keith Schneider, Foreword to GALLAGHER, supra note 6, at xvii. Schneider asserts that the
viduals such as Williams who were either affected by or greatly concerned with the testing. These protesters generally can be separated into four categories. The first three groups include the people whose health was affected by radiation: downwinders, Nevada Test Site workers, and atomic veterans. Since the 1950s, these groups have endured high rates of radiogenic illnesses such as cancer, heart disease, neurological disorders, immune system-related illnesses, reproductive abnormalities, sterility, birth defects, and diseases from genetic mutation that would appear in later generations. The fourth category of protesters includes neutral parties who are philosophically opposed to atomic testing and its effects.

Williams's family history and protest activities place her in two of the above-named categories. As indicated earlier, Williams is a downwinder, since her family was exposed to radioactive fallout in the 1950s. Her participation in nonviolent rallies since 1988 and her activism clearly place her within the fourth category of protesters who oppose the practice and policies of nuclear testing. In A Patriot's Journal, Williams writes from both of these perspectives, providing the reader with a personal springboard into the process and result of nuclear protest.

A. The Activism of Downwinders

In Bulloch v. United States, downwinders brought the first legal challenge to the government's program of nuclear testing. Ironically, the plaintiffs sought compensation for harm to animals and not for harm to humans. Ranchers filed suit to recover for the abnormal losses of sheep and lambs after their exposure to radioactive fallout from a series of nuclear detonations. The ranchers offered evidence that the animal deaths were proximately caused, or substantially contributed to, by radiation. Plaintiffs asserted that damage was caused as a matter of law through the negligence of employees of the federal national movement that forced the closure of the nuclear weapons industry in the late 1980s was born in the desert around the Nevada Test Site, and drew strength from some stubborn and proud Mormon people who considered it a sin to challenge the government, but did so because not challenging the government became a bigger sin. Id.

Atomic veterans are the groups of veterans who were exposed to atomic bombs at close range by military order when they were active-duty soldiers. See id.

GALLAGHER, supra note 6, at xxv.
See WILLIAMS, supra note 2, at 97.
See id.
See id.
Id. at 826.
government, acting within the scope of their authority and not by exercising a discretionary function, and that the Government was liable by virtue of the provisions of the Federal Tort Claims Act (FTCA). 43 Judge A. Sherman Christenson, United States District Court Judge for the District of Utah, found that recovery was not barred by the discretionary function exception to the FTCA, 44 but denied recovery nevertheless because the plaintiffs’ sheep had died from causes unrelated to radiation from the atomic tests. 45 This decision demonstrated that in 1956, the federal courts were unwilling to establish any causal connection between the testing program and death by radioactivity. 46

In 1980, the issue was reopened when the House Committee on Interstate and Foreign Affairs investigated the sheep deaths, concluding that the AEC had suppressed facts concerning radiation from atomic testing and the effects of this radiation, in order to protect the testing program. 47 This finding prompted some of the original plaintiffs to seek a new trial in 1982. 48 Judge Christenson ordered the 1956 judgment set aside, concluding that the AEC had perpetrated a fraud on the court by pressuring witnesses, withholding information, and giving misleading answers to interrogatories. 49 The victory for the downwinders was short-lived, however, since the Court of Appeals for the Tenth Circuit reversed this decision in 1983, asserting that the showing made by plaintiffs in the Bulloch II trial fell short of proof of fraud on the court or any other kind of fraud. 50 Thus the holdings in the Bulloch decisions ultimately rested on evidentiary issues. Subsequent cases,

43 See 28 U.S.C. § 1346(b) (1982). The Federal Tort Claims Act is a limited waiver of sovereign immunity which authorizes suits against the United States for damages for personal injuries suffered by a private person which are proximately caused by certain torts of federal employees acting within the scope of their employment. See 28 U.S.C. §§ 1346(b), 2674 (1982). Such a suit is not available, however, when the act or omission complained of is based upon the exercise or performance of, or the failure to exercise or perform, a discretionary function or duty on the part of a federal agency or an employee of the government, whether or not the discretion involved is abused. 28 U.S.C. § 2680(a) (1982).

44 See Bulloch I, 145 F. Supp. at 826.

45 Id. at 828.

46 See id. at 828.

47 Schneider, Foreword to Gallagher, supra note 6, at xvii. Schneider claims that the AEC was willing to sacrifice the government’s credibility for the testing program, as evidenced by memoranda discovered by investigators which indicate that the AEC suppressed findings of lethal doses of radiation in animals. Id.


49 Bulloch II, 95 F.R.D. at 145.

50 Bulloch v. United States, 721 F.2d 713, 719 (10th Cir. 1983) [Bulloch III].
however, acknowledged causation but established the government's limited liability under the FTCA.\textsuperscript{51}

\textit{Allen v. United States} illustrates an alternative rationale employed by courts for denying plaintiffs a remedy in nuclear testing cases: sovereign immunity under the FTCA.\textsuperscript{52} \textit{Allen} was brought as a class action suit by 1,200 civilian downwinders, twenty-four of whom were selected by the court as representative or test cases, since the 1,200 cases would be too burdensome to adjudicate individually.\textsuperscript{53} In a 225-page opinion, the district court found that the FTCA's discretionary function exception did not provide immunity to the government.\textsuperscript{54} The court stated that the government had a duty of care to "prepare and conduct tests carefully with full regard for public safety,"\textsuperscript{55} which was violated by the government's failure to warn residents of potential consequences from exposure to fallout.\textsuperscript{56} Further, the court found that ten of the twenty-four test cases established a sufficient causal relation between the plaintiffs' illnesses and the radiation to which they had been exposed.\textsuperscript{57}

This victory for downwinders was also short-lived, however, since the Court of Appeals for the Tenth Circuit reversed, denying recovery to the civilian victims.\textsuperscript{58} The court held that the government's actions were protected by the discretionary function exception to the FTCA, since conducting atmospheric tests was a policy judgment exercised by the government.\textsuperscript{59}

Although Williams does not write about the \textit{Allen} case in \textit{A Patriot's Journal}, she discusses the case in an essay published in 1991. In \textit{The Clan of One Breasted Women}, she declares that the government should not have hidden behind the doctrine of sovereign immunity, because it is an archaic idea derived from the days of the absolute


\textsuperscript{52} See \textit{Allen}, 588 F. Supp. at 248.

\textsuperscript{53} The twenty-four test cases included four children who had died of cancer and nineteen adults, five of whom were still alive at the time the case went to trial. See \textit{Schneider, Foreword to Gallagher}, \textit{supra} note 6, at xviii.

\textsuperscript{54} See \textit{Allen}, 588 F. Supp. at 336.

\textsuperscript{55} Id.

\textsuperscript{56} Id. at 392. The court found that "as a direct and proximate result of such negligent failures, individually and in common, defendant unreasonably placed plaintiffs or their predecessors at risk of injury." Id. at 447.

\textsuperscript{57} Id. at 429–47.

\textsuperscript{58} \textit{Allen}, 816 F.2d at 1424.

\textsuperscript{59} Id. at 1418.
monarchs in England. As she further articulates, the judiciary acts in a way that protects the government from liability: "To our court system, it does not matter whether the government lied to its citizens or that citizens died from nuclear fallout. What matters is that our government is immune. 'The King can do no wrong.'"

Although the downwinders' various legal challenges and protests were not individually successful, their cumulative effect prompted Congress, in 1990, to pass a law acknowledging that leukemia and other cancers among Nevada residents were caused by living downwind of the test site. In the Radiation Exposure Compensation Act, the government accepted some responsibility by offering a public apology and establishing a trust fund for some of the injured parties. The overall effect of the Act is limited, however, since it excludes many affected geographic areas as well as numerous radiation-related cancers and other illnesses.

B. The Activism of Atomic Employees and Atomic Veterans

Atomic employees are the second category of protesters to whom recovery has been denied. A representative case is Prescott v. United States, which consolidated fifteen cases brought by 216 former Nevada Test Site workers. The employees or their surviving family members charged that they contracted various diseases as a result of occupational exposure to radiation. Under the Warner Amendment, the United States became the substituted defendant in place of the Nevada Test Site contractors who employed the various plaintiffs.

Again, the court denied recovery to the radiation victims. Its rationale was two-fold. First, the court held that the evidence presented did not establish the necessary causal relationship between the exposures to radiation experienced by the individual plaintiffs and the cancers they suffered. Of greater importance for future suits, how-

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60 See Williams, supra note 7, at 364.
61 Id.
62 See Gallagher, supra note 6, at xxvii.
63 See id.
64 See id.
65 Prescott v. United States, 858 F. Supp. 1461, 1464 (D. Nev. 1994) [Prescott II]. This decision affirmed Prescott v. United States, 973 F.2d 696 (9th Cir. 1992) [Prescott I].
67 Id. at 1464 n.1. The Warner Amendment succeeded in consolidating cases under the leadership of the Department of Justice, thereby effectively eliminating the contractors from the suits and preparing the way for dismissal when the United States asserted its sovereign immunity. See 42 U.S.C. § 2212 (1984).
ever, the court held that it lacked subject matter jurisdiction under the discretionary function exception to the FTCA. Therefore, *Prescott II* extended the application of the sovereign immunity doctrine and the absence of government liability to cases brought by atomic employees.

The doctrine of sovereign immunity also thwarted the recovery efforts of atomic veterans, a third group of plaintiffs who have challenged the federal government's nuclear testing program. The 1950 case, *Feres v. United States*, barred all claims against the United States or its officers for damage suffered by active duty servicemen. The Supreme Court reasoned that sovereign immunity was necessary to maintain both military discipline and the unique federal relationship between service members and the government.

This judicial barrier to recovery was not overcome until Congress passed the Veterans’ Dioxin and Radiation Exposure Compensation Standards Act in 1984. The Compensation Act provides an administrative remedy through the Veterans’ Administration. The Act mandates that the veteran must show his or her presence at the test site, the extent of his or her exposure to radiation, and the causation of his or her injury through radiation exposure, but it has lowered the standard that must be met to prove these factors. Although the Compensation Act forces veterans to satisfy significant administrative requirements, its passage provides some hope for people affected by atomic testing. The Act demonstrates the federal government’s willingness to partially acknowledge its responsibility for the consequences of its nuclear testing. Furthermore, the fact that the Act became law indi-

69 Id. at 1480.
70 Id.
71 340 U.S. 135 (1950). The so-called ‘Feres doctrine’ extended the combatant activities exception of the FTCA to apply to any injuries which arise out of, or occur in the course of activity incident to, military service. See Christopher C. Williams, *Atomic Veterans Tort Claims: The Search for a Tort Remedy Dead Ends With the Veterans’ Administration*, 61 Notre Dame L. Rev. 819, 822 (1986).
72 See Christopher C. Williams, supra note 71, at 823. Under the FTCA, the government is only liable under those circumstances where a private citizen would be liable. 28 U.S.C. § 1346(b) (1982). Since regular citizens do not operate military units, the soldier and his or her superior have a "special relationship" that exempts the superior from any tort liability. See *Feres*, 340 U.S. at 141–42.
74 Id.
75 Christopher C. Williams, supra note 71, at 832.
76 See id.
77 See id.
icates that persistent and patient activism can eventually change policy and legislation. 78

C. The Activism of Neutral Parties

The activism of neutral parties, the fourth category of protesters, also has contributed to the decline of the nuclear weapons industry and the demise of U.S. nuclear testing. As Williams explains in A Patriot's Journal, the activists at nuclear protest rallies represent many nations, religions, political parties, and ages. 79 In particular, Williams notes the presence and effect of one female activist, "Lorna," at the January 4, 1991 demonstration, whose activism illuminates the process of nuclear protest and the potential for its success. 80 Williams writes of the protest:

One of four British women who spent three days walking towards Ground Zero at the Nevada Test Site, undetected until minutes before a scheduled nuclear test, rises on stage. Lorna. I did not catch her last name, as the crowd is deafening. 'No. No completely,' she said. 'No. Shut 'em down and clean them up. You are not doing this in my name, with my consent!' Her trial is scheduled for next week. 81

The "Lorna" described by Williams is Lorna Richardson, aged twenty-five, a Greenpeace activist from London. 82 On November 14, 1990, Greenpeace reported that Richardson, two female British protesters, and their male American guide from Rocky Mountain Peace Center had infiltrated the Nevada Nuclear Test Site in order to reach ground zero and stop the test of a British nuclear weapon. 83 The Energy Department denied the presence of the protesters until they were spotted on November 15th by video cameras at ground zero.

78 See id. at 834.
79 See WILLIAMS, supra note 2, at 101–06. At the protest at the Nevada Nuclear Test Site on January 5, 1991, participants included Shoshone elders, a Dominican sister from England, a film crew from Hiroshima, a Republican state senator from Utah, a member of the Supreme Soviet from Kazakhstan (where the main nuclear test site was closed in 1989 due to public protests), a Polynesian native activist, and a group of Canadians who call themselves the "Raging Grannies." Id.
80 Id. at 104.
81 Id.
83 British Protesters Reported Inside Nuclear Site, L.A. TIMES, Nov. 14, 1990, at A22. Ground zero is the point on the surface of the ground or water directly below which, above which, or at which the explosion of an atom bomb occurs. WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY 1004 (G. & C. Merriam Co. 1976).
zero, six minutes before detonation.\(^8^4\) The test was delayed, the protesters arrested, and the test conducted two hours behind schedule.\(^8^5\)

The protesters were charged with trespassing on the grounds of the federal test site.\(^8^6\) They replied that they were issued permits to enter the area by the Western Shoshone Council, which contends that the Shoshone tribe still has the rights to the land on which the Nevada Test Site is located.\(^8^7\) However, the Federal Magistrate hearing the case ruled that this evidence was inadmissible.\(^8^8\) On January 15, 1991, the protesters and their guide were convicted and sentenced to pay fines of $1,000 each, which they claimed they would not pay "for reasons of conscience."\(^8^9\)

In the wake of this incident, Greenpeace made expansive claims of victory, stating that the protesters were heroes and that they did more for world peace than any government.\(^9^0\) Greenpeace asserted that the protesters stopped the explosion of a British bomb on American soil.\(^9^1\) The reporting of these acts of civil disobedience in numerous major newspapers and wire services publicized not only the government's atomic testing program, but also the protesters' anti-nuclear message and zealous commitment, and therefore made the protest a success for the anti-nuclear cause.

The activism of downwinders, atomic employees, atomic veterans, and neutral protesters outlined above has effectuated real change in the United States nuclear testing program. The legal challenges and protest activities have shifted the public perception of nuclear testing and increased the accountability accepted by the government for its effects. Although the damaging effects of past testing cannot be eradicated, this tenacious and persistent activism has helped to create the possibility that the future may be free of these harms.

\(^8^4\) See Protesters Delay Test of Atom Bomb, supra note 82, at B22.
\(^8^5\) See id.
\(^8^7\) Nuke Protestors Fined, supra note 86.
\(^8^8\) Id.
\(^8^9\) Id.
\(^9^1\) Id. Some opponents argue, however, that the protest was not successful, since the test was not actually stopped, but only delayed. See id. Opponents also argue that a protest intended to stop or delay a test is misdirected, since the United States needs to test its weapons stockpile for purposes of reliability until it eliminates nuclear weapons. Families Spend Holidays in Desert Protests of Nuclear Tests, Reuters, May 21, 1987, available in LEXIS, Nexis Library, UPI File.
III. 

**Testimony**

As in *A Patriot’s Journal*, Williams brings her own history to bear on her support for a particular piece of federal legislation in *Testimony*. This essay focuses on the effect of activism on federal legislation. It provides insight not only into the process of legislative lobbying and environmental protection, but also into the connection between personal experience and political activism.

*Testimony* provides a transcript of the author’s testimony concerning the Pacific Yew Act before the Subcommittees of the U.S. House of Representatives Agriculture Committee and Merchant Marine and Fisheries Committee. The Pacific Yew Act was passed by Congress in 1992 to provide for the management of the Pacific yew tree on federal lands, including harvesting and conservation, in order to ensure a sufficient supply of taxol, a cancer-treating drug made from the tree. Scientists discovered in 1979 that taxol could stop uncontrolled cell growth in certain cancerous tumors. By 1991, the National Cancer Institute (NCI) had developed a five-year Cooperative Research and Development Agreement with Bristol-Myers Squibb Company, which agreed to supply the drug and funding for research to the NCI, in exchange for exclusive rights to both the clinical and pre-clinical data and the yew bark harvested on federal lands.

The passage of federal protection for the Pacific yew was influenced by the aggressive lobbying efforts of medical researchers and environmentalists such as Williams. Medical researchers proclaimed the merits of taxol, labeling it a "wonder drug." The Director of the NCI called taxol the “most important new drug for the treatment of cancer to come along in the last ten or fifteen years,” since it caused the

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92 See Williams, supra note 2, at 125–31.
93 See id.
94 See id. at 125–27.
96 See 16 U.S.C. §§ 4801–4807. The Pacific yew is a small or medium irregularly branched evergreen tree (Taxus brevifolia), native to the Pacific coast. See Webster’s Third New International Dictionary, supra note 83, at 1617.
100 William Boly et. al., Wishing on a Falling Star: The Drug Taxol, HEALTH, Sept. 1993, at 62.
101 Id.
shrinkage of cancerous tumors in patients whose first-line or subsequent chemotherapy had failed.\textsuperscript{102} Environmentalists and researchers supported protection of the Pacific yew, noting that the yew is representative of the untapped chemical and medicinal potential of all untested plants.\textsuperscript{103} These groups, as well as some politicians, also favor a strengthened Endangered Species Act, which would help to prevent plants such as the Pacific yew from disappearing before they can be tested.\textsuperscript{104}

These varying interest groups were present when Williams testified before Congress in 1992.\textsuperscript{105} Although some of the groups may have had commercial, medical, or political reasons for supporting or criticizing protection of the Pacific yew, Williams’s advocacy had both personal and political origins.\textsuperscript{106} As demonstrated in her book, her activism reflects her own experiences and beliefs, combining her background as an environmentalist with her personal understanding of the destruction caused by cancer.\textsuperscript{107} In the opening of her testimony, Williams describes the impact of cancer on her family, thus grounding her professional and scientific testimony in her personal history.\textsuperscript{108} She lobbies for the protection of the Pacific yew because taxol provides hope and options, especially for people like her mother, whose ovarian cancer was not cured by any type of chemotherapy or surgery.\textsuperscript{109} Williams asks the congressional lawmakers, as the “guardians of justice,” to consider the impact of forestry practices, such as clear-cutting and slashing and burning, on the Northwest’s forests,\textsuperscript{110} and on the survival of the yew as an instrument of hope.\textsuperscript{111} Finally, she advocates for a

\textsuperscript{102} See id. In contrast, some groups of cancer patients claim that the taxol story has been misrepresented by researchers, commercial developers, and the media. Id. at 65. They assert that the Pacific yew has never been in danger of extinction, that there was never a shortage of bark during 1992, and that taxol was never likely to prove much of a treatment advance. Id.


\textsuperscript{104} Id. Representative Gerry Studds, Democrat of Massachusetts, is an outspoken advocate of protecting endangered species, even if it limits certain private property rights. See id.

\textsuperscript{105} See Event: House Agriculture Subcommittee, supra note 95. Participants included Representative Rosa DeLauro, Democrat of Connecticut (who is a cancer survivor and outspoken advocate for women’s health research), and representatives of the NCI, Bristol-Myers Squibb Company, New England Medical Center, the United States Forest Service, the Bureau of Land Management, the National Forest Products Association, and the Environmental Defense Fund. Id.

\textsuperscript{106} See WILLIAMS, supra note 2, at 125.

\textsuperscript{107} See id. at 125–26.

\textsuperscript{108} See id. at 125.

\textsuperscript{109} Id. at 126.

\textsuperscript{110} Id. at 130.

\textsuperscript{111} Id. at 130.
legislative decision that considers the preciousness of human life and hope, and entreats the legislators to “make a decision from this place of heart, from the place of compassionate intelligence.”

IV. Conclusion

Due in part to the efforts of activists, our federal policies regarding nuclear testing and the protection of the Pacific yew have changed. As the stream of cases since the 1950s demonstrates, the fight against nuclear testing has not been easy for downwinders, atomic veterans, atomic employees, or neutral activists. Until recently, the government had resisted acceptance of responsibility for the effects of nuclear fallout. In the fight for the protection of cancer research and treatment options like the taxol-rich Pacific yew, the results of activism have been simultaneously frustrating and rewarding.

As described in A Patriot’s Journal and Testimony, Terry Tempest Williams has grounded her activism in two particular causes that directly impact her life. In her protest of nuclear testing, she advocates for an end to the source of her family’s cancers. In her congressional testimony regarding the Pacific Yew, she advises legislators to protect both the environment and the potential cure for the disease that has ravaged her family and others.

The success of these examples of activism is summarized in one critic’s description of Williams’s work:

She is a partisan writing with conviction and grace for an end to nuclear testing, clear-cutting, and war; for a love of the wild; for a rekindling of the empathy and awe in which we once held the land. And then she goes out and practices what she preaches.

Williams has changed her corner of the world, by merging her personal commitment and passion with a pragmatic agenda for political change. In her writing and her life’s activities, she provides a useful model for other grassroots activists to emulate in synthesizing and accomplishing their own personal and political goals.

112 Id. at 131. Ironically, there is a diminished need for protection of the Pacific yew in the wake of the passage of the Pacific Yew Act. See Hauser Chemical Research Announces Third Quarter Results, PR Newswire, Mar. 12, 1992, available in LEXIS, Nexis Library, PR Newswire File. Bristol-Myers Squibb Company has been searching for alternative sources of taxol, so reliance on yew bark collected in forests may be reduced substantially. Id. If this effort is successful, taxol may be produced from alternative species of yew, such as common ornamental varieties and shrubs. Id.

113 An Unspoken Hunger: Stories from the Field, Kirkus Reviews, supra note 13.