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Video Interview: Plater Book *Snail Darter and the Dam* Details Tennessee Valley Authority v. Hill

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Interviewed by Joan Shear, BC Law Legal Information Librarian and Lecturer in Law

Newton, MA--The case of the snail darter, officially known as *Tennessee Valley Authority v. Hill*, is iconic among modern Supreme Court decisions. Lauded as an environmentalist triumph by some, condemned and ridiculed as tree-hugging extremism by others, the realities of the case have been buried under editorializing of dubious integrity.

Now, BC Law professor Zygmunt Plater, who successfully argued *TVA v. Hill* before the Supreme Court, has written *The Snail Darter and the Dam: How Pork-Barrel Politics Endangered a Little Fish and Killed a River* (Yale University Press) to tell the story behind the case—and how the snail darter, far from being the totem of irrational extremism, was an avatar for common sense.

The Tellico Dam, Professor Plater says, was never a hydro-electric project. Rather, it was a corrupt collusion between government and powerful moneyed corporate interests seeking to condemn hundreds of small family-owned farms, mostly for resale to a Boeing Corporation “Model Industrial City” development plan that died aborning. Using the snail darter’s plight to create a cause of action under the Endangered Species Act, Plater led a coalition of students, farmers, Cherokee Indians, local environmentalists, and trout fishermen in a six-year battle against the TVA and its corporate supporters, ultimately winning the injunctive relief that stopped the Tellico Dam project in Court. They subsequently won a unanimous economic
verdict against the dam in an unprecedented Cabinet-level economic review, before losing the river to a late-night congressional maneuver by pork-barrel legislators.

Despite all the political dysfunction faced by the plaintiffs—jaded congressional tribalism, monolithic Capitol Hill lobbying, and public opinion skewed by thoughtless infotainment—The Snail Darter and the Dam remains a story of grassroots accomplishment, the likes of which could only happen in America, where a small group of citizens sorely lacking in financial and political support could carry their battle against an economically irrational, environmentally destructive pork-barrel project through all three branches of national power including the highest court in the land.

Professor Plater has taught courses on land use, property, administrative and environmental law at BC for 30 years, writing numerous law review articles on those subjects. He has also co-authored one of the leading textbooks on environmental law, along with fellow BC Law faculty member David Wirth. In addition to serving as lead counsel on TVA v. Hill, he has been involved with many other famous environmental cases. Plater chaired Alaska’s Oil Spill Commission Legal Task Force over a two-year period after the wreck of the Exxon-Valdez. He was a consultant to plaintiffs in Anderson v. W.R. Grace, the Woburn toxic tort litigation that inspired the book and movie A Civil Action. In 2010, he acted as a consultant and commentator for government staff and media coping with the BP Deepwater Horizon Blowout in the Gulf of Mexico, initiating a national symposium on the disaster.