

Lawyer stresses the importance of speaking out

Environmental litigator Neil Proto battled his first case against the U.S. government while still in college

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As a young boy, Neil Proto's family instilled in him two unflinching values: The righteousness of fairness over discrimination, and one must be respectful of authority, but never, ever reverential.

"Be respectful," he said "But don't you dare wait in line."

Proto addressed a group of law students and faculty in the Many Nations Longhouse on Monday evening, speaking about his experience as a 25 year-old law student in the early 1970s suing the Interstate Commerce Commission, every single railroad company in the country and the government of the United States. In the case, Proto asserted that the nation's railroads discouraged recycling and encouraged the unnecessary mining of natural resources for steel production.

Proto won, and professors still teach the case in law schools throughout the country. Alfred Brownell, an attorney who practices in Liberia, attended the speech because, he said, the principle behind the case inspired him in his own legal victories against the Chief Justice of the Supreme Court of Liberia, whom he found to be accepting bribes.

In 1969, Proto drove from his hometown of New Haven, Connecticut into Appalachian Kentucky with a friend, he said. On the drive down, the sight of terrible pollution in Delaware and New Jersey overwhelmed him. He arrived in Kentucky just as unknown assailants murdered a labor leader who had been critical of the railroads and mining companies' power in the area.

The railroads in particular, Proto said, displayed a "total lack of respect and regard," for the environment and the community. The case he developed was less about protecting trees, he said, than the injustice that "the law was not available to protect the land and the people."

Proto portrayed the case, *United States of America v. SCRAP* which stands for Students Challenging Regulatory Agency Procedures, as reflective of the times. He read an excerpt from his recently published memoir, "To a Higher Court: The Tumult and Choices that Led to *United States of America v. SCRAP*," about a day when he walked out of his dormitory at George Washington University. He found the streets of Washington, D.C., permeated by tear gas and filled with students, some bloodied, fleeing from the District of Columbia's riot squad. As the resident assistant for his hall, Proto tried in vain to protect the students who sought shelter in the building, seeking refuge from the gas and the police batons.



Environmental lawyer Neil Proto clarifies a point while speaking to a crowd on campus at the Many Nations Longhouse Monday evening. Media Credit: Angela Schneider | Photographer

In addition to serving as resident assistants, Proto and his four colleagues studied as full-time law students and tried to manage their personal lives while fighting a legal battle against a powerful industry and the federal government.

"I don't recall a single moment when any of us thought there was anything unusual about this," he said.

University environmental law professor John Bonine and Proto met in the 1970s while they were defending the newly founded United States Environmental Protection Agency from the more than 200 legal challenges it faced, Proto said. Proto said the two became friends during the two years when that case bounced between the Ninth Circuit Court of Appeals and the U.S. Supreme Court. Bonine invited Proto to the University after hearing of the new book, Bonine said. After Proto arrived in Eugene on Saturday he participated in tree transplanting with students at Mount Pisgah. Bonine also said Proto paid his own transportation and lodging to come speak at the University, and to law organizations in Eugene.

"The environmental law program at the University of Oregon is unique in the country," Proto said. "There are very few law schools that have the faculty with the self-confidence necessary to encourage students to gain experience in the law early. It's very rare."