

run by the Center for Consumer Freedom, has an extensive database of how these fortunes have become a financial drip for the Left.

While the individual circumstances of these foundations differ, there are common threads with those of Myer. A key one is the rise of non-family executives who often assume control and slowly invite more 'experts' and board members from outside the family.

The Myer Foundation directors have promised that an evaluation of the new programmes will be forthcoming in the next 12 months. With Myer also indulging in grants for the ideologies of Corporate Social Responsibility and Ethical Investment, with grants of \$20,000 (the first of three payments) for the Australian Business Deans Council (QLD) for a National Annual Public Lecture on Corporate Social Responsibility, the prospects for a return to philanthropy seem bleak.

NOTES

- 1 Material in this section is drawn from Michael Liffman, 1999. 'Sidney Myer: 1878–1934', *A Century of Myer Philanthropy: The First Chapter*. <http://www.myerfoundation.org.au> Unless otherwise indicated, all references may be found at this site.
- 2 <http://www.asialink.unimelb.edu.au/cpp/myer/profiles/bobm.html>
- 3 <http://www.climateaustralia.org/>
- 4 Arnold Bloch Liebler, Submission To Board of Taxation On *Charities Bill 2003* <http://www.qccqld.org.au/files/taxationsubmission.pdf>
- 5 Michael Ignatieff, 1996. *Human Rights as Politics and Idolatry* (Princeton), 21.
- 6 The Australian Human Rights Register 2002–2003, v. <http://www.melbourne.catholic.org.au/ccjdp/pdfHumanRightsRegister2003e.pdf>
- 7 <http://www.iht.com/articles/126087.html>
- 8 <http://www.guardian.co.uk/globalisation/story/0,7369,1125176,00.html>
- 9 See www.capitalresearch.org

Dr Gary Johns is a Senior Fellow with the Institute of Public Affairs. Don D'Cruz is a Research Fellow with the Institute of Public Affairs.

I P A

Farmers: Beware the Waterkeepers Alliance!

MIKE NAHAN AND DON D'CRUZ

IN ITS *Annual Report 2002–2003*, the Myer Foundation proudly announced a \$150,000 grant to establish Waterkeepers Australia as a joint initiative of the Myer Foundation, the Australian Conservation Foundation (ACF) and Environment Victoria:

Drawing on the experience of the Waterkeeper Alliance in the United States, it is designed to provide a mechanism for communities to become more informed and effective legal advocates for local waters—a dimension that is largely missing from the water debate in Australia. Sir William Deane AC has agreed to become its inaugural patron. It is hoped that he will be joined by Robert Kennedy Jnr, who is President of the Waterkeeper Alliance (USA) to help Waterkeepers Australia in 2004.

This should send shivers down the back of Australian farmers. But why?

While the publicity blurb for the Waterkeepers Alliance (USA) describes itself innocuously as a 'community watch programme for the nation's water ways', in reality it is a franchise operation, created in large part, and now controlled, by Robert Kennedy Jnr to mobilize class action suits against modern agriculture. One can only conclude that the ACF, Myer Foundation and Environment Victoria partnership will be trying to do the same thing here.

The adventures of Robert Kennedy and his Waterkeepers Alliance have filled American tabloids for years. And in the Kennedy tradition, it is a gripping but disturbing story. ActivistCash,

a project of the US Center for Consumer Freedom (www.activistcash.com) gives a detailed account.

The Waterkeepers Alliance is organized very much in the mould of McDonalds—the global hamburger chain. The Alliance owns a set of registered brand names including, 'Riverkeeper', 'Lakekeeper', 'Baykeeper' and 'Coastkeeper'. It licenses the use of these brands to local activist groups under the condition that the licensees follow the Alliance programmes and support the Alliance's national campaigns. To date, there are 100 Waterkeeper franchises operating in the US, and the Alliance is actively looking to expand overseas (see www.waterkeepers.org).

Robert Kennedy Jnr's involvement in Waterkeepers and environmentalism started in 1984, when he was convicted of possession of heroin. To avoid prison, he agreed to do 800 hours of community service and chose to work with the Hudson River Foundation—a small lobby group in New York State. Given the need to develop a new career, Kennedy accepted a position as 'chief prosecuting attorney' for the Hudson River Foundation upon the completion of his community service. Over the years, Kennedy immersed himself in the environmental movement, specializing in the mobilization of trial lawyers against selected targets. Along with Robert Boyle, founder of the Hudson River Foundation, he also developed the brand name and franchising operations of the Waterkeepers Alliance.

Things took a disturbing turn at the Alliance in 2000, when Kennedy

REVIEW

effectively took over ownership. In June of that year he appointed, without the board's knowledge or approval, a Mr William Wegner to the position of staff scientist for the Alliance. Mr Wegner had only recently been released from prison on convictions relating to a long career as a smuggler of endangered Australian birds!

When informed of Wegner's appointment and Kennedy's refusal to rescind the appointment, Mr Boyle, the Chairman and seven other board members resigned *en masse*. Waterkeepers franchise holders were outraged, but had limited ability to seek redress, because, in the meantime, Mr Kennedy had stacked the Alliance's board with his supporters. He had himself elected President and now, in effect, owns the Alliance.

According to ActivistCash, Kennedy then pursued a number of 'innovative' funding deals. One entailed 15 large national law firms committing \$50,000 each to fund legal action against large pig-farmers, the understanding being that the investors would get a cut of the action if the cases were successful. Kennedy has estimated the potential 'damages' against the pork industry at \$US9–13 billion. In addition to the deep pockets of trial lawyers, the Waterkeepers Alliance flourished with the support of foundations and individual, wealthy donors.

ActivistCash claims that Kennedy's action plan has been to make reckless claims in the media about pig producers polluting rivers, and to threaten to drag pig farmers to court to generate sympathetic media coverage. The Waterkeepers legal machine has filed suits in North Carolina, Missouri, and Florida, under RICO statutes (Racketeer Influenced and Corrupt Organizations) normally used to combat organized crime. So why pursue farmers on racketeering rather than environmental grounds? It's simple. RICO provides for triple damages and better publicity. And environmental claims need clear evidence.

Their legal efforts, to date, have been spectacularly unsuccessful, al-

though they have cost farmers a fortune. In March 2001, their first round of lawsuits was thrown out of court by a North Carolina judge who ruled that the plaintiffs had 'failed to state a single claim warranting a trial, much less a financial award'. Still, Kennedy insisted that his legal team would prevail. 'We have lawyers with the deepest pockets', he told the Associated Press on 18 April 2001, 'and they've agreed to fight the industry to the end. We're going to go after all of them.'

Kennedy and his mates resubmitted their lawsuit, only to have it rejected again, by a US District Judge. Undeterred, they amended their case

The last thing Australia needs is the ACF importing and orchestrating a litigious body such as Waterkeepers

yet again. This time, Chief US District Judge Elizabeth Kovachevich let Kennedy and company know that her patience was running thin: 'After detailing the reasons why Plaintiffs did not have a claim under RICO ... Plaintiffs again brought a RICO claim, against this court's advice.' Judge Kovachevich also wrote that Kennedy's lawsuit 'failed to state anything at all, except conclusory allegations that have no support'. ActivistCash believes Kennedy plans to keep suing until he finds a judge who will see things his way—at that point, his hope is that large-scale corporate pork producers won't be able to absorb multi-billion-dollar judgments against them.

Why have Kennedy and the Alliance focused on large pig-farmers? Well, the pig industry is just the start;

he is after *all* large farming operations. Moreover, his concern is not simply or even primarily about the environment, but rather a desire to return to an idealized agricultural community of the past—of small, sustainable family farms.

If the Alliance were really interested in reforming the pig industry's effluent problems, it would not focus on the large farmers. The large pig operators already operate under a special EPA regulatory regime and have, in the main, invested in treatment plants. Indeed, one of Kennedy's main legal targets, Carroll Farms, was the *first* livestock operation in the United States to receive the prestigious ISO 14001 environmental certification. The pollution problem with the pig industry lies, to a large extent, with concentrations of small farmers in poor communities who cannot afford to invest in treatment facilities.

This raises the question as to why the Myer Foundation and the ACF would want to bring to Australia a coalition of 'lazy wealth', glitzy, litigious lawyers and deep-Greens that are determined to destroy large-scale farms. The optimistic response would be that the Board of the Myer Foundation has simply followed the line of its Water and Environment Advisory Committee.

That the Water and Environment Advisory Committee of the Myer Foundation would support a legal assault on modern agriculture should come as no surprise. The two external (non-family) members of the Advisory Committee are well known environmental activists: Mr Tim Fisher of the Australian Conservation Foundation, and Mr Barry Traill of the Wilderness Society. Both the ACF and the Wilderness Society have a long history of campaigning against corporations, resource-based industries and modern agriculture.

The ACF, being a founding partner in Waterkeepers Australia, also stands to gain from the influence, money and publicity that come from the venture. Moreover, legal action is a natural extension of ACF strategy. ►

Battle for Biotech Progress

PATRICK MOORE

More importantly, the proposal also puts the spotlight on many other organizations that allegedly operate for the benefit of farmers, and which have developed 'stakeholder relationships' with the ACF. The National Farmers' Federation itself has entered into a partnership with the ACF on water and salinity. And the ACF uses this relationship heavily in its fundraising campaigns.

As Water Campaigner for the ACF, Tim Fisher has ensconced himself as a member of a raft of boards and committees, including: Murray-Darling Ministerial Council's Community Advisory Committee; Land and Water Australia (a director); an advisory board for Pratt Water; Murray-Darling 'Living Murray' process; Community Reference Panel Native Vegetation Program Committee; Watersmart (Victoria) Strategy Committee; National Action Plan for Salinity and Water Quality NRM Reference Group; Land and Water—Australia's River Contaminants Program, Social and Institutional Research Program Management Committee, Board Audit Committee; Future Landscapes Program Management Committee (chair); Riparian Lands Committee (chair); and the Myer Foundation's Water and Environment Committee.

One has to wonder why the ACF, which seeks the demise of modern agriculture and which appears to want to facilitate class-action suits against farmers through the Waterkeepers Alliance, has been appointed (and paid in most cases by taxpayers) as a stakeholder to the farming community. Indeed, just why the ACF should have such a pervasive and perverse influence across a range of institutions needs a clear response.

The last thing Australia needs is the ACF importing and orchestrating a litigious body such as Waterkeepers.

Dr Mike Nahan is Executive Director of the Institute of Public Affairs. Don D'Cruz is a Research Fellow with the Institute of Public Affairs.

IPAA

I WAS raised in the tiny fishing and logging village of Winter Harbour on the north-west tip of Vancouver Island, where salmon spawned in the streams of the adjoining Pacific rainforest. In school I discovered ecology, and realized that through science I could gain insight into the natural beauties I had known as a child. In the late 1960s, I was transformed into a radical environmental activist. A rag-tag group of activists and I sailed a leaky old halibut boat across the North Pacific to block the last hydrogen bomb tests under President Nixon. In the process I co-founded Greenpeace.

By the mid-1980s my interest was in 'sustainable development' that would take environmental ideas and incorporate them into the traditional social and economic values that govern public policy and our daily behaviour. Every morning, 6 billion people wake up with real needs for food, energy and materials. The challenge is to provide for those needs in ways that reduce negative impacts on the environment while also being socially acceptable, and technically and economically feasible. Compromise and co-operation among environmentalists, the government, industry and academia are essential for sustainability.

Not all my former colleagues saw things that way, however. Many environmentalists rejected consensus politics and sustainable development in favour of continued confrontation, ever-increasing extremism, and left-wing politics. At the beginning of the modern envi-

ronmental movement, Ayn Rand published *Return of the Primitive*, which contained an essay by Peter Schwartz titled 'The Anti-Industrial Revolution.' In it, he warned that the new movement's agenda was anti-science, anti-technology, and anti-human. At the time, he didn't get a lot of attention from the mainstream media or the public. Environmentalists were often able to produce arguments that sounded reasonable, while doing good deeds such as saving whales and making the air and water cleaner.

But now the chickens have come home to roost. The environmentalists' campaign against biotechnology in general, and genetic engineering in particular, has clearly exposed their intellectual and moral bankruptcy. By adopting a zero-tolerance policy toward a technology with so many potential benefits for Mankind and the environment, they have lived up to Schwartz's predictions. They have alienated themselves from scientists, intellectuals, and internationalists. It seems inevitable that the media and the public will, in time, see the insanity of their position. As my friend Klaus Ammann likes to hope, 'maybe biotech will be the Waterloo for Greenpeace and their allies.' Then again, maybe that's just wishful thinking.

On 15 October 2001, I found myself sitting in my office in Vancouver after Greenpeace activists in Paris successfully prevented me from speaking via video-conference to 400 delegates of the European Seed Association. The Greenpeacers chained themselves to the seats in the Cine Cite Bercy au-

REVIEW