

## **Gale Norton Secretary of the interior**

*Gale Norton was confirmed as Secretary of the Interior amid much controversy about her history as an anti-environmental advocate, and her constant support of the mining, oil, and timber industries.*

*In the late 1970s and early 1980s, Norton worked for the Mountain States Legal Foundation, funded by oil, mining, and timber interests, including companies who are against the Roadless Rule. Along with former Interior Secretary James Watt, Norton challenged the constitutionality of the Surface Mining Act and other federal environmental protections.*

*Norton was a co-founder of the Council of Republicans for Environmental Advocacy (CREA), a group backed by the American Forest Paper Association. There, Norton worked with lobbyists of the timber, oil and mining industries to fight for property rights, and against environmental protections.*

*Whether it is fighting for the mining, oil, and timber industries, or fighting against environmental protections like the Surface Mining Act, Gale Norton has stood up against the very protections the roadless rule would guarantee.*

### **Gale Norton's Record on Environment Issues:**

- **Norton was senior attorney for the Mountain States Legal Foundation, a conservative legal foundation funded by the oil, mining, and timber industries.**
- **At the Mountain States Legal Foundation, Norton worked with the controversial former Interior Secretary, James Watt, challenging the constitutionality of the Surface Mining Act.**
- **Norton co-founded and served as national chair for the Coalition of Republicans For Environmental Advocacy, a “green scam” organization funded in part by the American Forest and Paper Association.**
- **Norton served at the Political Economy Research Center, an organization which advocates selling off National Park lands.**
- **Norton worked as a lobbyist for NL Industries, a Houston company involved in legal battles involving its mining and deposit waste sites.**

## **Norton Worked For An Anti-Environmental Advocacy Group, Funded By The Oil, Mining, And Timber Industries**

**Norton Worked For Anti-Environmental Advocacy Group – The Mountain States Legal Foundation.** Norton was a senior attorney for the Mountain States Legal Foundation, a controversial group formed by former Interior Secretary James Watt. [The Complete Marquis Who's Who Biographies, 7/21/00; Washington Post, 1/8/01]

- **Mountain States Legal Foundation Was Formed By Norton's Mentor -- Controversial Interior Secretary James Watt.** James Watt – Ronald Reagan's controversial Interior Secretary – formed the group in 1977 to provide conservatives with an avenue "to use the courts to further their aims in public policy and the law." The Washington Post referred to Watt as Norton's "former mentor." [Washington Post, 1/8/01, Chicago Sun-Times, 1/17/01]

**Mining, Logging, Oil And Grazing Interests Fund The Mountain States Legal Foundation.** The Mountain States Legal Foundation is a group that gets funding from mining, logging, oil and grazing interests, such as Louisiana Pacific, Idaho Forest Industries, Phelps Dodge Corporation, Texaco, Exxon, and Chevron, among others. [The Associated Press State & Local Wire, 2/11/99; The Fresno Bee, 9/4/00; Ventura County Star, 9/1/00; The New York Times, 1/31/01]

**Board of Directors Filled with Corporate Interests.** The listed current Board of Directors of MSLF is filled with corporate interests:

### **Mining Companies:**

- **Greystar Resources Ltd.** Greystar Resources Ltd. is an exploration and mineral development company, which is represented on the Board of Directors of the Mountain States Legal Foundation. [[www.greystarresources.com](http://www.greystarresources.com)]
- **Rio Algom Mining Corporation.** Rio Algom Mining Corporation is a mining corporation, and represented by a board member on the Board of Directors of the Mountain States Legal Foundation. [[www.epa.gov](http://www.epa.gov)]

### **Oil and Gas Companies:**

- **True Companies.** True Companies is a group of oil and drilling companies located in Casper, Wyoming, which is represented by a member on the Board of Directors of the Mountain States Legal Foundation. [[www.truecos.com](http://www.truecos.com)]
- **Ward Petroleum Corporation.** Ward Petroleum Corporation is a privately owned, independent oil and gas exploration and production company, headquartered in Enid, Oklahoma, which is represented by a member on the Board of Directors of the Mountain States Legal Foundation. [[www.wardpetroleum.com](http://www.wardpetroleum.com)]

- **Fleischli Oil Company, Inc.** Fleischli Oil Company, Inc. is represented by a member on the Board of Directors of the Mountain States Legal Foundation. [[www.grainnet.com/info/company.html](http://www.grainnet.com/info/company.html)]
- **EOG Resources, Inc.** EOG Resources, Inc. (EOG) is one of the largest independent (non-integrated) oil and gas companies in the United States, which is represented by a member on the Board of Directors of the Mountain States Legal Foundation. [[www.eogresources.com](http://www.eogresources.com)]
- **Upham Oil And Gas Company.** Upham Oil and Gas Company is represented by a member on the Board of Directors of the Mountain States Legal Foundation. [[www.gasprocessors.com](http://www.gasprocessors.com)]

#### **Other Related Industries:**

- **Kane Cattle Company.** Kane Cattle is a cattle ranch company, which is represented by a member on the Board of Directors of the Mountain States Legal Foundation. [[www.bartlesville.com](http://www.bartlesville.com)]
- **Kaibab Industries.** Kaibab Industries, Inc. is the parent company to various diversified companies and divisions operating autonomously throughout the western states, comprised of metal companies, cattle ranches, and other smaller companies. [[www.kaibab.com](http://www.kaibab.com)]

**Mountain States Legal Foundation Received Funding From Anti-Environmental Supporters.** The Mountain States Legal Foundation has received funding from the Coors brewing family. [[Washington Post](#), 1/8/01, [Denver Post](#), 12/30/00]

- **Mountain States Legal Foundation Was Founded With Funding By Joseph Coors.** The anti-environmental Denver-based Mountain States Legal Foundation group was founded in 1977 with funding by Joseph Coors. [[The Denver Post](#), 1/4/01]
- **Mountain States Legal Foundation Received Funding From The Conservative Sarah Scaife Foundation.** The Denver-based Mountain States Legal Foundation received funding from the Sarah Scaife Foundation. [[Pittsburgh Post-Gazette](#), 8/10/99]

#### **Norton Filed Mountain States Legal Foundation Lawsuits Against Grazing Permits And Clean Air**

**Regulations.** “When Norton was on its staff, she helped file lawsuits disputing Interior Department grazing permits and Environmental Protection Agency rules on clean air.” [[USA Today](#), 1/2/01]

**Today, MSLF Involved in Numerous Lawsuits Against Regulations that Protect the Environment.** For example, just two are:

- **The Mountain States Legal Foundation Represented An Oil Association In A Case Against The U. S. Forest Service.** In *Independent Petroleum Association of*

*America v. U. S. Forest Service, et al.*, the Mountain States Legal Foundation represented the Independent Petroleum Association of America in a dispute over the U. S. Forest Service's refusal to permit oil and gas exploration in an energy-rich area. The Mountain States Legal Foundation filed a petition for *writ of certiorari* in the U.S. Supreme Court on August 1, 2001. [[www.mountainstateslegal.org](http://www.mountainstateslegal.org)]

- **In, *Laguna Gatuna v. United States*, The Mountain States Legal Foundation Represented A Company That Disposed Production Water From Oil And Gas Wells.** The Mountain States Legal Foundation represented Laguna Gatuna, after they were subjected to penalties under the Clean Water Act. In April 1992, the EPA served Gatuna with a cease and desist order stating that further disposal of waters on Gatuna's land would subject Gatuna to penalties under the Clean Water Act. The EPA required Laguna Gatuna to cease operations for environmental protection issues, thus losing the value of its private property. Currently, the Court's decision is pending. [[www.mountainstateslegal.org](http://www.mountainstateslegal.org)]

## **Norton Co-Founded An Anti-Environmental Advocacy Group Funded By Timber, Mining and Oil Companies**

**Norton Was A Co-Founder Of The Council Of Republicans For Environmental Advocacy (CREA).** Gale Norton was a co-founder of the Council of Republicans for Environmental Advocacy, a group that has undergone several name changes (including the Coalition of Republican Environmental Advocates). As CREA's national chair in 1998, Norton stated: "We support market-oriented, property rights-based, locally controlled solutions." [[Chemical Market Reporter](#), 8/17/98]

- **CREA Was Funded By Timber And Oil Companies And Organizations, Including American Forest Paper Association.** The Coalition For Republican Environmental Advocates, a staunch property-rights group, was funded by the American Forest Paper Association, Amoco, ARCO, the Chemical Manufacturers Association, and Ford. [[Earth Island Journal](#), 6/22/01; [Time](#), 7/16/01]
- **Norton Hosted A CREA Gala Sponsored By Extraction Groups Who Opposed Environmental Land Regulations.** Sponsors for Norton's June 1998 CREA gala included the National Coal Council, the Chemical Manufacturers Association, the National Mining Association, the Chlorine Chemical Council, "and the political consulting firm of Karl Rove, one of Bush's closest advisers." [[Washington Post](#), 1/8/01; [The New Yorker](#), 1/22/01]

**CREA Included Registered Lobbyists Of The Oil And Mining Industries.** The Coalition for Republican Environmental Advocates, a Political Action Committee, included registered lobbyists for the petroleum, mining, auto-making, firearms and alcoholic beverage interests. [[Friends of the Earth Press Release](#), 1/15/01]

- **Republican Environmentalists Call CREA A “Green Scam.”** Martha Marks, founder and president of well-respected Republicans for Environmental Protection, called CREA the “classic green scam” for acting as a front to cover for the poor environmental records of some Republicans. Marks described CREA as “a Who’s Who of anti-environment Republicans” and noted that CREA’s board included two Republicans designated as environmental “zeroes” by her group: Sen. Larry Craig (R-Idaho) and Rep. Don Young (R-Alaska). [[Atlanta Journal](#), 6/29/98; [Washington Post](#), 1/8/01]
- **Theodore Roosevelt’s Great Grandson Was “Scandalized” That CREA Invoked The Former President’s Name.** Theodore Roosevelt IV, the great grandson of the Republican president who created the national park system, said he was “scandalized” that CREA was giving Theodore Roosevelt Conservation awards to the likes of House Speaker Newt Gingrich of Georgia and Sen. Jeff Sessions of Alabama, who, in 1997, received a zero rating from the League of Conservation Voters. “T.R. would be outraged, I dare say, at the fact that people were taking his name and what he stood for and trying to use it as a very clever camouflage,” Roosevelt said. [[Gannett News Service](#), 6/24/98]

## **Norton Served At The Political Economy Research Center, An Organization Which Advocates Selling Off National Parks**

**PERC Practiced “Free Market Environmentalism.”** PERC’s Web site displays the motto: “Free market solutions to environmental problems.” [[www.perc.org](http://www.perc.org)]

**PERC Leader On Bush Transition Team Pushed Norton Nomination.** The executive director of PERC, Terry Anderson, also is a member of Bush’s transition advisory team for the Interior Department. [Report By The Wilderness Society, Natural Resources Defense Council, Defenders of Wildlife, the League of Conservation Voters, the Sierra Club and U.S. Public Interest Research Group, January 2001]

### **Norton Was A Murdock Fellow At The Political Economy Research Center (PERC).**

Norton was a

Murdock fellow at Bozeman, Montana-based PERC in 1984. [[The Complete Marquis Who’s Who \(R\) Biographies](#), 7/21/00]

- **PERC Advocated Selling Off National Parks.** According to Thomas Kiernan of the National Parks Conservation Association, “[Norton’s] history includes assignment as a fellow with the Political Economy Research Center think tank, which has taken disturbing environmental positions such as outlining methods of selling off national parks.” [NPCA press statement, 12/29/00]

## **Norton Lobbied For Mining Company**

**Norton Lobbied For Company That Was A Defendant In Governmental And Private Actions Associated With Mining, Lead Problems.** In the past two years, Norton registered to lobby Congress and the Colorado legislature in behalf of NL Industries, a Houston company formerly known as National Lead Co. In her Washington lobbyist filing for NL Industries, Norton is listed as working on 'lead paint' issues. Her firm was paid \$60,000 from January 1, 2000 to June 30, 2000, to lobby the Clinton administration, EPA, House of Representatives and Senate. [[Denver Post](#), 1/5/01, Lobbying Report, Brownstein, Hyatt & Farber, Clerk of the House of Representatives, 8/11/00; [Capital Times \(WI\)](#), 1/27/01]

- **Norton's Client Was A Defendant In 75 Lawsuits Involving Mining, Toxic Waste Sites.** Annual reports submitted by NL Industries to government regulators indicate the company is a defendant in "approximately 75 Governmental and private actions associated with waste disposal sites, mining locations and facilities currently or previously owned, operated or used by the company." NL Industries was a defendant in "a dozen lawsuits involving children allegedly poisoned by lead paint" and has been "opposing several legislative attempts to change the firm's legal liability on lead-poisoning issues." [[Denver Post](#), 1/5/01]

## **While Colorado AG, Citizens Had to Take Action Against Polluters Because Norton Remained Silent**

**Citizens And Federal Government Went After Louisiana-Pacific For Environmental Violations Because Norton Would Not.** Citizens hired lawyers to fight emissions from a polluting Louisiana-Pacific mill and won a \$2.3 million judgment against the company. Evidence at that trial "showed the company had boosted production with law-breaking midnight burns and even covered up violations by sabotaging record-keeping equipment." However, Norton's Colorado AG office failed to pursue any criminal penalties against Louisiana Pacific – forcing federal prosecutors to pursue the case, resulting in "a record \$37 million in fines – \$31 million for fraud and \$6 million for Clean Air Act violations. Meanwhile, the company pleaded guilty to 18 law violations." Kevin Hannon, an attorney who helped win this case, stated, "I would have grave concerns about Gale Norton's aggressiveness in enforcing environmental compliance and protecting citizens from environmental damage." [[Denver Post](#), 1/7/01]

**Norton's Office Failed To Take On Conoco For A Hazardous Oil Spill.** The Sierra Club filed its own lawsuit against a Conoco refinery spilling oil into Sand Creek, winning a \$1 million penalty "in a case that the Colorado Attorney General's office refused to take." [[Denver Post](#), 1/7/01]

### **Citizens Were Forced To Fight Pollution Themselves – Because Norton Wouldn't.**

The Denver Post reported that as attorney general, Norton pursued government polluters while rarely taking on corporate polluters, and “sat out fights when a corporate power plant broke air pollution laws 19,000 times, a refinery leaked toxins into a creek and a logging mill conducted illegal midnight burns.” [Denver Post, 1/7/01]

- **Citizens Hired Their Own Lawyers To Force Metal Company To Clean Up Environmentally Hazardous Mess.** Colorado residents hired their own lawyers to strengthen Norton's weak cleanup settlement with Asarco Inc. involving heavy-metals emissions from its smelter in Denver's Globeville neighborhood. Residents ultimately prevailed with a \$20 million cleanup that was 30 times stronger than the deal Norton's office had negotiated. Kevin Hannon, a lawyer for the residents in the case, remarked, “Here we were, as citizens, taking on the burden of this case, trying to get an even greater cleanup than the state could negotiate. And instead of letting us go it alone, the state testified against us at the trial.” [Denver Post, 1/7/01]
- **Norton's Office Failed To Challenge A Polluting Power Plant, So Citizens Had To.** Private attorney Reed Zars sued a power plant on behalf of the Sierra Club because Norton's office wouldn't. He won a \$130 million cleanup settlement from Public Service Co. “after a federal judge ruled the Hayden power plant violated the Clean Air Act 19,000 times.” [Denver Post, 1/7/01]

**Federal Prosecutors Had To Pursue Criminal Charges In A Case Involving An Environmentally Hazardous Mine, Because Norton Failed To Act.** Norton failed to act to pursue criminal penalties when a Summitville gold mine's persistent environmental violations resulted in cyanide poisoning of the Alamosa River that was so serious that 17 miles of the river died. The state was criticized for its role in Summitville. The Denver Post said in a 1995 editorial, “Kudos to federal prosecutors for pressing criminal charges in the Summitville Mine disaster... Nonetheless, it's a shame that Colorado must rely on the feds to pursue the case.” [New York Times, 1/7/01]

- **EPA Was Forced To Take Over The Summitville Mine, While Attorney General Norton Failed To Act.** Southern Colorado's Summitville gold mine declared bankruptcy in December of 1992. This prompted a \$40,000-a-day takeover by the Environmental Protection Agency to prevent toxic mine discharges from spilling into the Alamosa River. The EPA spent \$20 million to clean up the leaky cyanide heap-leach operation, which reportedly broke state environmental laws and wiped out trout populations in 17 miles of Rio Grande tributaries. Nine months ago, [Gov.] Roemer ordered a state investigation. Mark Hughes, Denver attorney for Earth Law, a firm that represents the Sierra Club, said, “It's hard for me to understand what the state attorney's office did there; what sort of investigation they ran, if anything.” [Denver Post, 2/13/94]

**Norton Failed To Interpret A Law To Cover The Cleanup Of A Nuclear Waste Dump In Denver.** Despite a state law that states that radioactive waste dumps must be

sited in remote areas away from populated areas, Norton's office apparently interpreted the law as only applying to new waste sites – and not existing radioactive sites such as the Shattuck Chemical Company, a huge area of radioactive soil just off South Santa Fe Drive and Evans Avenue in the heart of Denver. The remnants of Shattuck's abandoned uranium ore processing factory in Denver's Overland Park neighborhood, which are covered with black tarp and marked by a small sign with a radiation symbol, are located within blocks of residents. [Denver Westword, 7/4/96]

## **Norton Challenged The Surface Mining Act**

**Norton Challenged The Constitutionality Of The Surface Mining Act, Legislation To Restricted Environmentally Hazardous Mining Practices.** As an attorney for the Mountain States Legal Foundation, Norton worked with the controversial James Watt, challenging the Constitutionality of the Surface Mining Act. The Surface Mining Act is a pivotal piece of legislation enacted during the Carter Administration to restrict destructive mining practices. On behalf of Mountain States Legal Foundation, Norton and Watt submitted an amicus brief to the U.S. Supreme Court that said that in the act Congress usurped state government functions and exceeded the commerce power. Specifically, Norton argued that the national government overreached its authority, threatening to destroy the federal structure of government in America. When Watt became Secretary of Interior he continued his attack on the Surface Mining Act by promulgating weak implementing regulations that were challenged by lawsuits. [Andrus v. Virginia Surface Mining and Reclamation Association, No. 79-1538 before the U.S. Supreme Court in 1980]

- **Excerpts From MSLF Amicus Brief Attacking Surface Mining Act:** “In various provisions of the Surface Mining Act, Congress has usurped state government functions and exceeded the commerce power. This overreaching by the national government is only one instance of a continuing trend toward centralized decision making that threatens to destroy the federal structure of government in America. “These policy factors underlie the Constitutional Convention’s choice of a federal system, and analysis of the Surface Mining Act shows that it fails to comply with the standards of federalism embodied in the Constitution. In particular, the regulation of land use falls outside the commerce power and, alternatively, is a traditional function reserved to the states under the 10th Amendment.” [Andrus v. Virginia Surface Mining and Reclamation Association, Amicus brief submitted by Mountain States Legal Foundation in support of the Virginia Surface Mining and Reclamation Association]

## **Norton's Has Been Praised By Oil, Mining, And Other Anti-Environmental Groups**

**Norton's Nomination To Head Department Of Interior Praised By The Independent Petroleum Association Of America.** Norton's nomination for Secretary of the Interior was praised by the Independent Petroleum Association of America, an organization that has represented independent oil and natural gas producers for three-quarters of a century. [Washington Post, 12/30/00; [www.ipaa.org](http://www.ipaa.org)]

**National Mining Association Praised Norton's Pledge To Look At Amending Clinton's Monument Designations.** A spokesman for the National Mining Association praised Norton's pledge to look further at what could be done to "amend" the recent designations of national monuments by President Clinton. [[American Metal Market](#), 2/26/01]

- **Norton Has Been Called "Friendly" To The National Mining Association.** Norton has been seen as friendly to Western-state property-rights advocates, such as Cushman, and industry leaders such as Jack Gerard, president of the National Mining Association. [[The Hartford Courant](#), 1/31/01]

**The Bush And Norton Transition Teams Included A Slate Of Extraction Industry Executives And Washington Corporate Lobbyists, Including The National Mining Association.** Bush and Norton's transition team for the Interior Department included a grim slate of industry executives and Washington corporate lobbyists, including Bruce Benson, CEO of Benson Minerals Group, who gave Norton \$183,000 in her first campaign for attorney general. Others included on the transition teams were Alby Modiano of the U.S. Oil and Gas Association, Henson Moore from the American Forest and Paper Association, Terry O'Connor from Arch Coal, Hal Quinn of the National Mining Association, Mark Rubin with the American Petroleum Institute; and Rob Wallace from General Electric. Also, Terry Anderson, guru of the free-market environmental faction, who has advocated selling off all federal lands was an advisor for Norton. [[In These Times](#), 2/19/01]

## **Norton Encouraged Weakening Environmental Enforcement**

**Norton Hoped "Takings" Compensation Policies Will Weaken Environmental Enforcement.** In 1989, Norton spoke at a Pacific Research Institute legal forum in favor of compensating property owners whose property is "taken" by the government due to regulations limiting use of property containing wetlands or endangered species. In the speech, Norton acknowledged that "takings" compensation requirements would cripple environmental enforcement and added, "I view that as something positive." Norton said compensation "provides fairness to the person who is harmed by ... government action." [[Associated Press](#), 1/9/01]

**Norton Endorsed A "Homesteading Right To Pollute."** Norton also called for a "reasonable right to use our property.... We might even go so far as to recognize a homesteading right to pollute or make noise in an area." [[Associated Press](#), 1/9/01]

**In 1995, Norton Argued Against The Constitutionality Of The Endangered Species Act, One Of The Most Critical And Challenging Laws For Which The Secretary Of Interior Is Responsible.** To administer the Endangered Species Act as interpreted by the Supreme Court, Norton would have to reverse her negative position. As attorney general

of Colorado, Norton coauthored an amicus brief in *Babbitt v. Sweet Home Chapter of Communities for a Great Oregon* in 1994 that interpreted the Endangered Species Act in a manner that creates unfounded monetary liabilities for the federal government. The Supreme Court rejected her arguments. [Amicus Brief, Summary of the Argument, p. 4, *Babbitt v. Sweet Home Chapter of Communities for a Great Oregon*, 515 U.S. 687 (1995); Brief of Amicus Curiae State of Arizona, et al.]

- **Excerpt From Norton's Sweet Home Amicus Brief:** "This court should avoid interpreting the Endangered Species Act in a manner that creates unfunded monetary liabilities for the federal government...Instead of affording deference to the regulation, the Court should construe the criminal provisions of the Act narrowly under the rule of lenity." [Amicus Brief, Summary of the Argument, p. 4, *Babbitt v. Sweet Home Chapter of Communities for a Great Oregon*, 515 U.S. 687 (1995); Brief of Amicus Curiae State of Arizona, et al.]

**Norton Backed An Environmentally Unsound Water Project That Even Conservatives Called Wasteful.** Norton backed efforts to build a water dam and storage projects on the Animas and La Plata rivers that destroyed a critical wildlife habitat along the river corridors in Southern Colorado. Even conservatives opposed the project. "[Animas-La Plata] is just a typical pork-barrel program. It interferes with free market, and as a byproduct it harms the environment," James Sheehan, a research associate at the Competitive Enterprise Institute, said. Norton disagreed. "... While I strongly support eliminating wasteful spending, the Animas-La Plata project serves important national and state interests and, most importantly, is the right thing to do," Norton said. [Quoted from ALP Central – Small Talk]

**Hunters And Fishermen Criticized A Norton-Backed Diversion Of Funds From Wildlife Preservation To State Prison Development.** Norton defended the Colorado Division of Wildlife's diversion of Pittman-Robertson Federal Aid in Wildlife Restoration funds to purchase land and build a state prison. An organization of hunters and fishermen wanted the funds to go toward wildlife restoration so that the land could be kept open to the public. [Sportsmen's Wildlife Defense Fund Web Site, 2/26/96]