

# About Us

**The following memoir was written by Barry Stuart, one of CIELAP's founders and a judge in NWT, on the occasion of our 30th anniversary.**

## NOTES FROM THE NORTH ON OLD FRIENDS AND DREAMS REVISITED

Hard to imagine that CIELAP and CELA are 30 years old. I will not be able to attend, but did want to share some memories of the birth and first few steps of these organizations. It is long past the time for me to thank so many people who helped to bring the dream of CIELAP and CELA into reality. At the time, the founders took some big risks. Being on the side of Mother Nature in 1970-71 was a necessary, but unpopular stance in many quarters.

In remembering those whose efforts pioneered these institutions, I know I will forget some and not fully respect the contributions others made. Some gave time, supplies and money in ways that only they can know the difference they made. There were many surprises during that first year. Money appeared when we were in trouble. Lawyers, scientists, citizens, students — so many people turned up at critical moments. Often, we didn't know who recruited their help, or who paid for the documents, travel, telephone calls, supplies — for so much that we needed to survive. In the beginning, a typewriter that appeared out of the blue, along with binders, pens, paper and the miraculous plane tickets for trips to Ottawa — all made a difference, both to our spirits and capacity to stay alive, to stay in the struggle. We didn't ask enough questions to discover the timely source of our vital lifeline of supplies. So many generous anonymous donors — and perhaps a few resourceful, marginally legal purloiners.

I'd like to begin by expressing gratitude for the contributions of those who gave anonymously and to those my memory has overlooked.

The next round of gratitude belongs to the leaders of Pollution Probe. I provided some legal help to them. It soon became clear that a separate public interest "law firm", unaffiliated with Pollution Probe, and capable of serving Pollution Probe and other organizations and individuals striving to protect the environment, would best advance the work needed to protect the environment. Pollution Probe was an overworked, front line organization carrying on an ever-expanding fight against pollution. They were constantly responding to one crisis after another. They often needed to take bold steps to seize an opportunity to focus media attention on an environmental issue. They were as imaginative and as good as anyone at discovering ways to focus public attention.

I had been working for them when I proposed a separate entity. Long discussions ensued. The discussion was continued on a fundamental principle — not about what was in Pollution Probe's best interests, but what was in the best interests of protecting the environment. When the executive could see the merits of a public interest law firm that served many different environmental groups, they readily sacrificed what they perceived to be in their best interests. Not only did they support an idea that might weaken their specific interests, but they went to work to ensure the idea for a separate law firm succeeded.

The vision, dedication and infinite generosity of Pollution Probe leaders, like Anthony Barrett and Peter Middleton, make the difference. In the first year, they never wavered in their support for an idea they knew would weaken Pollution Probe, but would strengthen the fight to protect the environment. I learned to much about principled action, personal values and the full costs of citizenship from these leaders. Many of us owe so much to them, not just for what they did, but for how they did it. People of principle who "walked their talk" were drawn to them, to Pollution Probe and to the work around environmental issues.

Every one of the early meetings had a persistent item on the agenda that would not go away — what to call this new organization. Ralph Nader's organization saw in us the possibility of a branch operation. Whose raiders would we be?! We went through many different names, but despite Anthony Barrett's sense of the "Big Top", most of his flashy, original monikers did not

wash. We picked a pedestrian title for the organization so we could move "the name" off the agenda.

We had a name — no staff, no money, no home and no Board of Directors. Soon we had the bare bones to begin.

The Board:

We called a meeting of interested people (that is, Pollution Probe put the arm on their many friends to call in any lawyers and key leaders they knew to attend). The room was full. A few speeches later, from Peter and Tony, and everyone in the room was volunteering to be on the board. We hoped for 10 people; we had 30 or more willing to be on the Executive. How to choose? Anthony and I came up with a solution. All those interested in serving on the Executive committee would meet the following Saturday at 6:00 a.m. Saturday approached. I worried the idea to sort out those really dedicated from those moderately dedicated might limit attendance to Anthony, Peter and myself. Not so. Most of the initial board attended the first meeting. The first order of business that morning was to agree not to hold any more meetings at 6:00 a.m. Saturday — or, as amended by Peter — on any day at such a foolish hour.

We had a board . . .

**Harry Arthurs** initially came out of loyalty to our friendship but, as Harry always does, he gave us much more than just his name. Before he left for his first love in other fields, his insightful contributions were instrumental in that first formative year. There were many like Harry, whose passion was not focused on the environment, but saw the need for these organizations and helped wean these organizations from enthusiastic but inchoately developed ideas.

**Andrew Brewin** brought enthusiasm, invaluable perceptions and, at times, vital research.

The lawyers on the board, **Maurice Green, Arthur Malhoney, Clayton Hudson, Harven Pitch, Colin McNairn** and **Margaret Campbell** gave their time, expertise and many managed to find resources within their practices or connections to help with the flood of legal work that poured into our office.

There are many stories to tell about our first cases — judges who had never heard of private prosecutions; judges who were forced to find in our favour, but awarded costs against us; and governments that would not provide us with documents that they would give to any other opposing counsel. I would like to share a few that exemplify the kind of support that our board members gave or arranged to happen.

Amchitka, the nuclear test off Alaska. We wanted to intervene to stop the test because of its obvious impact on Canadian environmental interests. **Ian Outerbridge**, who represented a corporation we prosecuted, found two juniors in his firm to help to complete, over a weekend, the documents we needed to file in a U.S. Federal Court. I believe it was his firm, or Ian personally, who paid for all of our expenses. When we thanked him, he said we also owed a big thank you to one of our directors who had filled him in on our work in environmental law.

**Colin McNairn**, a professor of law at the University of Toronto, was tireless. He made generous commitments to help and always delivered, even when his initial commitment evolved to much more than he had imagined. Once he agreed to draft a memo on a small point.

The "one-pager" spanned a follow-up request that grew over a year to over 100 pages of research.

When I left Toronto, I had to part with my constant companion, Giggs, a large Bouvier. I left him with a couple who wanted a family. Giggs was part dog, and large part child. It was the least I could do for **Cliff Lax**. He never missed a meeting, never missed volunteering and never shrugged from taking on difficult challenges.

In the first year, many of my students in the first experimental "environmental law" class constituted a large part of the research power we drew on. I do hope I gave A's to **Paul Emond, Glenn Sigurdson, Doug Lash, Ian McDougall** and others who found time to help.

The best aspect of this early "law firm" was the mix of professionals who participated. I learned from this first board that the legal perspective was so enormously enriched by many other perspectives. Multi-disciplinary approaches provide such an enhanced approach, especially to environmental issues. When a broadly-based approach is augmented by the participation of non-professionals — citizens whose expertise is common sense — the full partnership for enlightened, effective action is engaged.

CELA and CIELAP owe so much to **Ralph Brinkhurst, Don Chant, Vivian Rakoff, James Lorimer, Colin Woolf, Walter Pitman** and **Ron Haggard** for keeping our early beginnings attuned to the larger picture and not narrowly focused on the law. They made the lawyers think "outside the box" and were instrumental in the initial, innovative use of legal concepts and practices. Some, like **Don Chant, Ralph Brinkhurst** and **Pierre Dansereau** taught us what we desperately needed to direct our legal actions and research. They gave freely of their time in our research and lawsuits. Then, they were branded "radicals" within their profession for the stand they took on behalf of Mother Nature.

**Ron Haggard and Peter Calami** trusted what we were trying to do and, as journalists, gave us fair and often supportive coverage in the media.

Our Home:

Where would we locate? Somehow, **Ralph Brinkhurst** and **Don Chant** found us our first home in an empty chemistry lab at the University of Toronto. It was the only time I had a desk with a sink and supply line for a Bunsen burner. How did they do that?

Our Staff:

Pollution Probe sent over their volunteers. They seemed to send us only the best. Their contributions were amazing. They came early, stayed late and found a way to make do with nothing.

In the early days, CELA and CELRF received a crucial lift-off from **Gar Mahood**. His organizational wizardry and zeal would later be widely recognized in the remarkable contribution he made in the fight against the tobacco industry. He and those who worked with him found ways not just to keep us afloat, but to paddle our way upstream against the currents of public opposition to the importance our efforts placed on environmental protection. It has always amazed me what a wonderful feeling everyone gets from working with people who simply don't have a "can't be done" in their vision of life.

Our Funds:

Our board of directors dug into their own pockets and the pockets of their friends, companies, and into any other pocket of government they could penetrate. I came to know **Anthony Barrett's** famous fundraising talents. It was during one of our fundraising meetings when Anthony was planning to tear through stonewalling from foundations, corporations and governments in our desperate quest for funds that I dubbed him, with deep affection and admiration, "Tony the Tiger". He was afraid of no one. There was nothing he feared doing to get at a source of funding. In the first years, funding an organization that was challenging corporations and governments was neither a safe nor popular thing to do. Tony the Tiger made many folks change their minds. How did he do that?

In the background, off centre stage, not on the board, but key to the supporting life system in many ways during the early days, were people whose contributions were critical. **Fred Jordan, Greg Moreby, Dave Estrin, Lorne Giroux, John Barber, Dave and Anne Love, Monte Humel** and **Bob Newbury** were there when we needed that little extra "oomph" to get us past a crisis.

And so . . . to all those who picked up the torch since 1970 — **David Estrin, John Swaigen** and so many others — down through the decades to those whose commitment and resources keep alive the dreams of the young and idealistic supporters of Mother Nature, we are older — but hopefully no less idealistic — dreamers, and we all thank you and support you. May your hard work always be driven by the passion of your dreams.

My love to CELRF and CELA and to old friends remembered with fondness and gratitude. Let's meet again at 6:00 a.m. Saturday . . . some time soon.

**Barry Stuart**  
**Co-founder of CIELAP**

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