

a classical overthrow of the white regime . . . now we accept there will have to be a political settlement." A recent paper prepared by senior Soviet Foreign Ministry official A.A. Makarov concludes that since "organizationally, politically and militarily the anti-racist resistance movement is not ready to topple the regime and capture power," talks should be the movement's main thrust. Even the South African Communist Party's General Secretary, Joe Slovo, a hardline Marxist-Leninist, acknowledged in a paper published in 1988 that the first step should be the sharing of power, and only then could the movement set about instituting socioeconomic revolution.

But the *Frontline Worker*, "a journal for the socialist movement in South Africa," roundly condemns both the A.N.C.'s constitutional guidelines and the Freedom Charter on which they are based as a "recipe for betrayal," and it casts the A.N.C. as a toady to "the bosses at home and abroad and the governments in the west (and the apartheid regime itself) [who] want to end apartheid without seeing an end to capitalism." Such critics maintain that the A.N.C. will have to repudiate socialism if it is to be at all acceptable to white South Africans and the West. They are being proved correct insofar as strong socialist voices within the A.N.C. (and there are many) have been notably quiet in the past few months, deferring to the unthreatening tones of leaders like Thabo Mbeki, the international director who is leading the negotiations drive and who is slated to be the organization's next head. Many are worried that the A.N.C.'s negotiation guidelines might serve as no more than a means for deracializing capitalism.

And so the A.N.C., like the de Klerk government, is caught between its own rock and hard place. On the one hand it must present itself as a viable and even attractive option for South African capital and the white South African electorate, but on the other it cannot afford to relinquish its claim to the moral high ground it has occupied for more than seventy-five years. In the stands at the A.N.C. rally outside Soweto, the hammer-and-sickle flags of the South African Communist Party far outnumbered the A.N.C.'s own black, green and gold, according to the *Weekly Mail*. Oliver Tambo's message, urging de Klerk to rise to the greatness of a peacemaker, was met with silence, while Joe Slovo's call to arms raised one of the loudest cheers of the rally. Such calls still speak to the soul of the revolution's foot soldiers, despite a higher-level understanding of the need for reconciliation.

So if negotiations take place there will be many questions to answer. Will the militant youth continue to dance at the feet of their once-imprisoned elders? How will those forces who refuse to participate in negotiations—like the Black Consciousness movement and the Pan-African Congress—be placated so that they do not undermine the process? And will very influential tribal leaders like Gatsha Buthelezi be included? Will the liberation movement be able to hold out for a common voters' list, or will it be co-opted into accepting de Klerk's "group rights" proposal? Will wealth be redistributed or will jobs just be reallocated according to some notion of "affirmative action"? And how will the fragile unity

of the movement withstand a struggle over a new constitution? Raymond Suttner, a leader of the Mass Democratic Movement and a constitutional scholar, puts it best: "In preparing the ground for negotiations, we have no illusions about a quick fix, an easy solution. We are simply entering another site of struggle." □

■ ANTINUCLEAR SELLOUT

The Co-opting Of CASE

GEOFFREY ARONSON

Only fifty miles southwest of the Dallas-Fort Worth metropolis sits the Comanche Peak nuclear power station, waiting to go on-line after fifteen years of construction. One engineer who worked on the plant calls it a "completely unsafe nuclear facility with a great potential for killing or injuring millions of people." Despite such warnings, as well as a history of opposition by local citizens and stinging rebukes by the Nuclear Regulatory Commission, Texas Utilities (T.U.), Comanche Peak's owner, is moving to apply for a low-power operating license, the penultimate step before commercial operation.

Ironically, Comanche Peak was put on the fast track to operation by the very citizens' group that, over the past decade, was most responsible for uncovering its chronic safety and quality-control problems. In July 1988, in an unprecedented agreement, the Citizens' Association for Sound Energy (CASE) suddenly withdrew its opposition to the plant's license, triggering the dissolution of the Atomic Safety and Licensing Board, which was created by the N.R.C. in 1979 to monitor the plant's safety and design. In return, CASE was awarded a seat on a company-controlled oversight committee and a secret \$10 million cash payment. For the nuclear industry, eager to defuse popular resistance to the next generation of power plants, Comanche Peak's ability to co-opt its opponents and short-circuit essential public oversight establishes an encouraging precedent. For opponents, the story of CASE should stand as a warning.

Juanita Ellis, a church secretary, formed CASE soon after Comanche Peak broke ground in the mid-1970s. In cooperation with a number of plant employees, CASE developed a critique of the plant's design and construction and took it before the licensing board. The campaign against Comanche Peak received its first dividend in 1983, when the board refused to approve an operating license for the plant. Instead it rebuked the N.R.C. staff for "acquiescing" in T.U.'s sloppy design and construction and ordered the utility to undertake reinspection and reconstruction of the entire project.

Geoffrey Aronson, a freelance writer living in Washington, D.C., specializes in nuclear issues.

"The record before us," declared the licensing board, "casts doubt upon the design quality of Comanche Peak, both because applicant [T.U.] has failed to adopt a system to correct design deficiencies promptly and because our record is devoid of a satisfactory explanation for several design questions raised by intervenors." The board found that these allegations, based for the most part on testimony by two whistleblowers cooperating with CASE, "raise serious questions about the adequacy of the design of the remainder of the plant."

The licensing board's censure was a double whammy for T.U. The reinspection and reconstruction order meant huge additional costs for a project that was already monstrously over budget. Conceived when construction began as a \$769 million venture, mismanagement and inflation had increased that figure more than tenfold, to almost \$10 billion. Even more important than increased costs was the delay in the plant's licensing and operation, for not until the plant went on-line could T.U. begin to recoup its costs by petitioning the state's pro-business Public Utility Commission for an increase in rates paid by consumers.

Throughout the mid-1980s CASE maintained its assault on Comanche Peak. A September 1987 CASE newsletter asserted that "Comanche Peak was and is still unsafe and unable to be economically operated. . . . CASE does not believe that anyone can identify, much less correct, all of the many problems at Comanche Peak, and we therefore believe it should never receive an operating license." In April 1988, just a few months before the licensing board was to reconvene for an extensive review of the work it had ordered in 1983, CASE, in a letter to the board, noted that "very serious questions have been raised regarding such important matters as how [T.U.'s] reinspection program is being implemented, and who is in control at the Comanche Peak

site." Even the usually deferential N.R.C. issued a report acknowledging that T.U. had lost critical documents and that its backlog of 20,000 problems awaiting correction was "unusually large."

Then, suddenly, Juanita Ellis had a change of heart.

That April, William Council, T.U.'s executive vice president in charge of nuclear engineering and operations, had put into motion a high-stakes strategy aimed at removing Ellis and CASE as public opponents, short-circuiting the licensing board review and speeding the plant's opening. "Mr. Council called me up and said that he'd like to meet with me," explained Ellis. "He wanted to show me a letter, but said that I first had to sign a confidentiality agreement." Ellis agreed to keep the letter secret "until and unless the licensing hearings were in fact dismissed."

The letter turned Ellis around. In it Council acknowledged her "unselfish contribution" and CASE's "untiring efforts" to make Comanche Peak a safer plant. He also admitted that Texas Utilities had misled the N.R.C. and acknowledged that "nuclear expertise did not exist to meet [N.R.C.] demands and that management did not have full sensitivity to the regulatory environment."

Council's letter could have provided powerful ammunition to opponents of Comanche Peak. "It must be obvious," Ellis later acknowledged in written testimony before Congress on May 4, "that no utility in its right mind would have publicly made admissions like that knowing that CASE would have turned right around and used it against them in the operating license hearings had we remained an intervenor." But at the time, T.U.'s *mea culpa* had an entirely different significance for Ellis. The company's secret letter, she said, "was an indication to us that . . . TU's attitude and mindset was changing, that there was hope at last that upper management . . . was beginning to get the message we'd been trying to send all those years."

From April through June 1988, CASE's executive board and T.U. engaged in confidential horse-trading. The utility wanted to muzzle CASE and rid itself of the delay and adverse publicity caused by the licensing board process. Ellis, physically exhausted after a decade of activism, wanted to assure CASE continued access to the plant after operations had begun and to reward a group of twelve whistleblowers, many of whom had suffered severe financial hardship as a consequence of their cooperation with CASE.

On June 30 in a public "Joint Stipulation," CASE, the sole intervenor, agreed to withdraw from the soon-to-be reconvened licensing hearings, thereby sealing the demise of the hearings as the only forum with oversight powers available to plant opponents. In return CASE was granted unprecedented access to the plant until 1993 and a seat on T.U.'s in-house Oversight Review Committee.

In addition to the public agreement, CASE, a nonprofit group, had simultaneously arrived at a secret \$10 million settlement with T.U. A leak forced CASE and T.U. to divulge details of this settlement: \$5.5 million of this cash payment was to go to the twelve whistleblowers, and \$4.5 million was to be paid to CASE for expenses incurred in its long



battle against the utility as well as to pay for costs associated with CASE's monitoring of the plant under public agreement. This was an extraordinary sum. In the only previous settlement between intervenors and a utility, an Oregon citizens' group received a mere \$15,000 from the Trojan Nuclear Power Plant. In the CASE agreement, however, payment was conditioned upon N.R.C. dismissal of the licensing board.

Few in Washington's public-interest community agreed

Silence Is Golden

Although the agreement at Comanche Peak represents an extraordinary buyout of public opposition to nuclear power, the heretofore secret corporate practice of "restrictive settlements"—paying off nuclear whistleblowers to prevent their testimony before government officials—is much more common.

A confidential May 1989 report titled "Secret 'Money-for-Silence' Agreements in the Nuclear Industry," written by the staff of Senator John Breaux's Subcommittee on Nuclear Regulation, noted that "we now have evidence that [restrictive settlements] may be widespread throughout the nuclear industry." The report questioned whether, as a result of such agreements, vital safety information has been withheld from the N.R.C. "Plants may be operating that were licensed by a blindfolded agency," it continued. "Even more troublesome is that plants may be operating under management that has intentionally obstructed the providing of information to federal regulatory agencies."

"If management hadn't suppressed safety information from Morton-Thiokol's engineers," the report concluded, "the Challenger disaster could have been avoided. It is frightening to think that we may be dealing with multiple nuclear equivalents of the Challenger disaster."

The N.R.C., in response to pressure exerted by the subcommittee, has forced the nuclear industry to make public fourteen restrictive settlement agreements reached between nuclear contractors and whistleblowers. Agreements have been pried loose covering the South Texas Plant, Catawba in South Carolina and Nebraska's Fort Calhoun.

There were two such secret agreements at Comanche Peak. In one, Joe Macktal, a journeyman electrician, received \$35,000 as part of a settlement that unlawfully prohibited his voluntary participation before public licensing bodies. The Faustian bargain of money for silence in the Macktal case has raised questions of bribery, obstruction of justice and witness tampering at both the N.R.C.'s Office of Investigations and the Justice Department's General Litigation Division.

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with the two widely respected public-interest attorneys who had helped CASE negotiate the agreement: Tony Roisman, formerly of Trial Lawyers for Public Justice, and Billie Garde, an attorney for the Government Accountability Project. At a July 1988 meeting with Roisman that was attended by many antinuclear advocates, Ralph Nader expressed doubts about combining the potentially divergent interests of private parties, such as whistleblowers, with those representing the public interest of nuclear safety. Nader said that he was more concerned about the possibility of another Chernobyl at Comanche Peak than he was about compensating individual whistleblowers. Nader had even phoned Ellis in an unsuccessful effort to win her agreement for a delay in the board's imminent dissolution. But Roisman insisted that T.U. had satisfied CASE's safety and quality-control concerns; that the licensing board had outlived its usefulness and would in any event soon license the plant; and that Ellis now preferred to end the process of litigation in favor of "experts talking to experts."

Syed Hasan, a former T.U. engineer who was one of CASE's star whistleblowers, also tried to block the deal. Of all the whistleblowers set to benefit personally from CASE's agreement to dissolve the public licensing hearing, Hasan alone refused to accept T.U.'s offer as long as it was conditioned upon his agreement not to testify before the licensing board. He was supposed to receive \$200,000 from the settlement, but because of his activities he is still waiting for his check. In July Hasan, writing under the pseudonym John Doe, pleaded with the licensing board to call him as a witness "in order to forestall disaster."

"It is my duty as an engineer and citizen of this country," wrote Hasan, "to do everything in my power to force the NRC to properly and completely investigate the life-threatening safety flaws I witnessed while employed at the Comanche Peak site." Hasan's petition fell on deaf ears. CASE, the N.R.C. and T.U. were bent on eliminating the board and there was no stopping them. The licensing board was dissolved on July 13, 1988. Hasan has gone to court to force T.U. to make good on its \$200,000 offer.

Antinuclear activists in Texas were shocked by the Comanche Peak settlement. They do not share Ellis's trust in T.U.'s belated concern for safety. Nor do they see the wisdom in her decision to trade CASE's role as an aggressive, confrontational public interest-oriented outsider for a seat at the utility's table.

Betty Brink, a freelance journalist who writes about environmental and political issues, is the president of Citizens for Fair Utility Regulation (CFUR), an antinuclear group that pulled out of the licensing hearings in the early 1980s for lack of funds. "Up until she withdrew from the process," notes Brink, "Juanita Ellis was telling me and putting out newsletters saying the plant could not be built safely. Without someone saying the emperor is naked, we're going to get a plant down there. It's very dangerous. And unless we get the licensing hearings reopened there is no way for us to know about the critical issues left hanging when [CASE] settled."

CFUR has taken the N.R.C. to the U.S. Court of Appeals for the Fifth Circuit to force the reopening of the aborted

licensing hearings in order to win a delay in the granting of a low-power operating license to T.U. The organization is asking Texas Senator Lloyd Bentsen for a full-scale investigation of the plant before it goes on-line. In late October the N.R.C. itself received information from an anonymous source alleging that N.R.C. officials had falsified data provided by their own inspectors at the Comanche Peak plant—data that raise additional questions about the plant's readiness to receive a low-power operating license. The N.R.C.'s Office of Investigations and its inspector general are looking into these cover-up allegations, which may further delay approval of a license.

Despite CASE's presence on site, nothing seems to have changed at Comanche Peak. The N.R.C., in a July 10, 1989, report detailing the failure of a critical test two months earlier, warned that the utility lacks a "management philosophy normally associated with safe reactor plant operation."

Today CASE is isolated from the very public whose interests it is supposed to represent. The once-vibrant grass-roots group now has only six members and prefers to resolve its differences with T.U. in private. And most of its share of the multimillion-dollar cash settlement is still sitting in the bank while CASE decides how to spend it. Together with a rump faction of the CASE board, individual members of CFUR have petitioned for a court order to require Ellis to open CASE's financial records. Community interest organizations that were once united are now forced to expend valuable energy fighting one another.

Worse yet, in the wake of its agreement, CASE seems unlikely to contest T.U.'s expected request for a rate increase before the Texas Public Utilities Commission. Forced to play catch-up, Comanche Peak's other opponents would then have a much more difficult, if not impossible, task proving that the public should not be forced to pay for billions of dollars of cost overruns at the plant.

Ellis, however, insists that a decision to fight T.U. before the utilities commission has not been made. "A lot depends upon when [T.U.] files a rate case," she says. "If we are just buried, swamped [with paperwork]," says Ellis, CASE may prefer instead to stick to its primary role as an observer.

"The nuclear industry sees this agreement as a model," explains Nina Bell, an attorney long active in the antinuclear movement. And indeed, in a letter to N.R.C. chair Lando Zech Jr. opposing efforts to re-establish the licensing board, the Nuclear Management and Resources Council, lobbyists for the commercial nuclear industry, praised the Comanche Peak settlement as a "significant milestone . . . with important implications to all licensed facilities" and "a sound program for resolving technical issues, thereby eliminating the need for recourse to the adjudicatory process."

"We have more confidence that the N.R.C. will follow through with similar agreements on operating plants," says Tom Price, the resource council's director of industry and government relations. Price mentions the Surrey plant in Virginia, where a solution to the problem of on-site storage

of fuel may require an amendment to the plant's operating license. "Normally [such an amendment] is approved by the N.R.C.," he explains. "Should intervenors try to question the soundness of their decision, then dispute resolution like that at Comanche Peak might be appropriate." Price also suggests that the Comanche Peak precedent will prove useful when many other plants, such as Yankee Rowe in western Massachusetts, apply for a license to operate beyond their approved forty-year life span. □

Bottle Battle

(Continued From Front Cover)

ends most mothers are more likely to switch to proprietary infant formula than to whole cow's milk, to the benefit of the manufacturer's bottom line.

Breast-feeding, as compared with the use of infant formula, has many documented advantages, among them a reduced incidence of both respiratory and gastrointestinal infections during the breast-feeding period, a reduced incidence of ear infections for the first seven years of life, a reduced incidence of allergic disorders and a small but significant increase in intelligence quotient measured at 7 and 15 years of age.

Unfortunately, as Rima Apple points out in her book, *Mothers and Medicine: A Social History of Infant Feeding 1890-1950*, during the first half of this century the scientific orientation of medical education meant that physicians learned more about "scientific" infant feeding—that is, bottle-feeding—than breast-feeding. Lack of knowledge about lactation made doctors indifferent to, and often uncomfortable with, mothers who breast-fed. Many physicians also made the assumption that artificial feeding was as healthy as breast-feeding. This attitude often discouraged mothers from breast-feeding, so that by the late 1960s less than 20 percent of mothers initially breast-fed and less than 10 percent of all mothers continued breast-feeding into the sixth month of their baby's life. Vigorous promotion of infant formulas by manufacturers worked to assure this result.

Then, starting in the early 1970s, there was a "greening of nutrition" that prompted a gradual increase in the number of mothers electing to breast-feed. The product, human milk, was of course no different from what it always had been. After a decade the incidence of breast-feeding increased to its present level, where it has remained for the past ten years. This increase in breast-feeding was enthusiastically supported by the formula manufacturers once they recognized that millions of breast-fed babies could soon be converted to formula guzzlers.

To that end, the formula manufacturers spend millions of dollars a year courting pediatricians with lavish parties at their conventions and "educating" them with an endless stream of pamphlets and promotional brochures. In addi-

Frank A. Oski is chair of the department of pediatrics at the Johns Hopkins University School of Medicine. He is the editor of Principles and Practice of Pediatrics, published in October by Lippincott.

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