

# A Supreme Accomplishment

True-life David versus Goliath stories don't happen every day. That's what makes the memoir of Washington attorney Neil Thomas Proto, MA '69, JD '72, so compelling. *To A High Court* (Hamilton Books, 2006) takes readers 30 years back in time to Proto's GW Law days, when he and four determined classmates took on the federal government and the nation's railroads and won.

A partner at Schnader Harrison Segal & Lewis, Proto chronicles the riveting tale of the *United States of America v. Students Challenging Regulatory Agency Procedures* (SCRAP), offering first hand accounts of the environmental and industrial road-blocks SCRAP encountered over the course of the two-year battle, as well as personal recollections of his GW days. "It all began in the fall of 1971 with a clinical law project in John Banzhaf's Unfair Trade Practices course," Proto says. "I was intent on taking Professor Banzhaf's class because he gave students the opportunity to do real-world, practical projects in place of a final test. I couldn't get that experience early enough."

Proto recruited four classmates for the venture and, together, they created SCRAP, dedicated to making the nation's railroads and the Interstate Commerce Commission comply with the new National Environmental Policy Act and its application to freight rates. As chair of SCRAP, Proto led the students against the behemoths to petition for compliance with the law and a billion dollar refund.

"Our case was the first time that the National Environmental Policy Act was tested and resulted in the first United States Supreme Court decision to consider the act [in June 1973]," says Proto, whose group comprised George Biondi, JD '73, John Larouche, JD '73, Peter Ressler, JD '72, and Kenneth Perlman, JD '72. "The project allowed us to make connections between the law and the purpose the law is supposed to serve. The enormity of the harm the railroads were doing was not only to the environment but to the culture. Ralph Nader was enjoying his heyday at the time, and our project fit right into that atmosphere of challenging corporate misconduct. The railroads were big, but we were smart and irreverent."

Proto, who today specializes in land use and environmental litigation, was a prominent face on the Foggy Bottom

campus during those years, earning his master's degree in international affairs prior to attending GW Law. As a law student, he served as the popular resident director of Crawford Hall, whose basement game room was named in his honor. The book, which reads like a novel and is aimed at a popular audience, includes colorful anecdotes about Proto's life at GW, as well as excerpts from court transcripts and recently released papers of Supreme Court justices.

"It's a wonderful book that evokes not only the case but the five brave and intelligent law students who dared to take on one of the most powerful industries in America, as well as the federal government, and won," says Peter H. Meyers, JD '71, professor of clinical law, who, as legal assistant to Banzhaf in the early 1970s, worked closely with the students and argued their case before the Supreme Court. "It was a classic David vs. Goliath story, where the students used their cunning, intelligence, enthusiasm, and creativity to defeat the nation's railroads and overcame great odds to establish an important precedent by winning of the most expansive, liberal decisions on standing in Supreme Court history."

Meyers, who has kept in touch with Proto over the years, says: "He has remained a good scholar and has retained his commitment to trying to do what's right." Proto's recent legal, political, and cultural victories include drafting a unique statutory scheme for the State of Hawaii in 1993 that resulted in the conveyance of Kaho'olawe Island for the special use of Native Hawaiians. He also represented, pro bono, Protect Historic America, a group of authors and

Neil Proto, JD '72, author of *To A High Court* (Hamilton Books, 2006), a first-hand account of how he and four GW Law classmates challenged the nation's railroads and the Interstate Commerce Commission to get them to comply with freight rate applications of the National Environmental Policy Act.

historians, in its successful effort to stop Disney from building a theme park in the Virginia Piedmont.

Throughout his 30-year career in public service and private practice, Proto has kept in touch with academic life. Since 1990, he has served as an adjunct professor at Georgetown University's Public Policy Institute, where he has taught courses on environmental values, energy choices, urban policy, and urban sprawl. Earlier in his career, he was a visiting professor at Yale.

Proto's SCRAP teammates, whom he reconnected with in the process of writing the book, have all gone on to successful careers in law as well. To this day, Proto insists that the group did not do anything special. "The prevailing attitude of the early 1970s—the anti-war, civil rights period—was that authority was to be respected but not revered," Proto says. "We did what any law students would have done given the same opportunity."

—Jamie L. Freedman

