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Hodges' help needed

Web posted Tuesday, June 25, 2002

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Augusta Chronicle Editorial Staff

Gov. Jim Hodges' bid to stop plutonium shipments coming to the Savannah River Site from Colorado was dealt a severe, but not necessarily fatal, blow last week when the U.S. 4th Circuit Court of Appeals refused his request for a preliminary injunction.

This came on the heels of two setbacks delivered by U.S. District Court Judge Cameron Currie. First, she held the governor didn't present enough evidence that federal shipments or long-term storage at SRS would harm the public.

Then she ruled unconstitutional Hodges' planned blockade to stop the plutonium-hauling trucks from entering South Carolina.

Yet despite its refusal to issue an injunction, the appellate court still agreed to hear the governor's case July 10. That the court decided to allow the shipments to begin doesn't necessarily mean Hodges can't win the case, says University of South Carolina law professor Eldon Wedlock.

Wedlock told the Associated Press that the case and the injunction are two separate issues. "It's really not saying there is a lack of merit in what Hodges is doing," Wedlock said. "He may have a case, but it's not a case upon which you could rest the remedy of an injunction."

The professor added that if Hodges' appeal works, any plutonium shipments that had arrived at SRS would not be sent back to Colorado because the shipments would be valid under the earlier regulations.

Hence it's possible the Department of Energy may transport a lot of plutonium-loaded trucks to SRS by mid-July.

This suggests Hodges shouldn't put all his eggs in one basket, particularly when that basket is tenuous at best. The governor should also support a bill being pushed by U.S. Sen. Strom Thurmond and U.S. Rep. Lindsey Graham, R-S.C. - and is backed by the administration.

The legislation, which Vice President Dick Cheney is lobbying for, would legally bind the Energy Department to its promise to process the plutonium and then send it away, prohibiting SRS as a permanent plutonium storage site.

This may not be as good as Hodges' plan to just not let the plutonium in to begin with, but it's a lot better than nothing. If Congress won't pass the legislation, then there's no pressure whatever on the federal government not to use SRS as a permanent storage facility if it wants.

A signal from the Democratic governor that he backs the GOP-sponsored legislation would be a mighty bipartisan boost to getting the measure passed.

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