Three students in the School of Law’s Interdisciplinary Environmental Clinic (IEC) took their legal and environmental expertise to the Missouri Capitol to help pass a bill requiring statewide testing of children for lead poisoning.

IEC students drafted the legislation for the nonprofit St. Louis Lead Prevention Coalition, and Missouri Representative Russ Carnahan and Senator Patrick Dougherty sponsored the bill.

In April Tiffany Meddaugh, JD ’02, and Shannon Whelan, JD ’02, testified before the House Committee on Children, Families, and Health regarding the legislation. Earlier in the month, these students had testified before the Senate Committee on Housing and Insurance, which later recommended the bills be sent to the full Senate for approval. Together with Heather Brouillet, at the time an Arts & Sciences senior, Meddaugh and Whelan presented their arguments to the governor’s Ad Hoc Advisory Committee on Lead Poisoning.

“We learned from our work in the community that children throughout St. Louis are basically being used as lead detectors,” Meddaugh says. “It is not until they find out a child has been poisoned that steps are taken to remedy the situation.”

(continued)
In 1985, Rosenberg, an activist in the black and Puerto Rican liberation and anti-Vietnam War movements, was sentenced to 58 years in prison for the possession of weapons, explosives, and false identification. The judge who handed down her sentence, which was 16 times the national average for such offenses, cited her political ideology as the basis for his decision.

The parole board later kept her in prison, Aiken says, as a result of unsubstantiated allegations related to dropped conspiracy charges against Rosenberg arising out of a notorious 1981 Brinks robbery in New York. And the board made its decision even though Rosenberg’s codefendant was granted parole in 1997 and even though her political views had changed profoundly. “This clearly was a continuing story of a miscarriage of justice,” Aiken says.

“The struggle for justice does not always happen. You just have to keep going after it again and again and again.”

Susan Rosenberg

but at that point there already has been irreversible damage to the child. We hope this new legislation and our educational efforts will reverse this trend and, as a result, stop the poisoning of so many children.”

The clinic’s interdisciplinary approach—melding scientific and legal expertise—was a winning combination. Brouillet applied both her knowledge of environmental justice issues and her science background to decipher medical charts indicating micrograms per deciliter of lead levels. The law students used their legal skills to research numerous local and state laws on lead poisoning and employed their art of persuasion in presenting the legislation.

“We approached the issue from a public policy perspective—what is the law, how is it being applied, and how effective is it.”

Shannon Whelan

Rosenberg cites Aiken and the clinic students among the many figures who ultimately ensured that she achieved justice. “Jane is the best kind of lawyer there is—a woman not motivated by money or power, but always with her eye on justice. I didn’t buy my pardon. And I want to thank all those people who were part of a collective, five-and-a-half-year effort to get me out. The struggle for justice does not always happen. You just have to keep going after it again and again and again.”

Joan Ritchey, JD ’01, worked with Jodi Wilson, JD ’01, on a habeas corpus
“There is such a limited window of consideration for these very important petitions that seek justice when the system has failed.”

Joan Ritchey

petition that the clinic was planning to pursue if Rosenberg were denied clemency. “We tried to write a petition demonstrating how severely Susan had been denied due process,” Ritchey says. “Both this case and another I was preparing seeking clemency for a victim of domestic violence illustrate how arbitrary the clemency system can be. There is such a limited window of consideration for these very important petitions that seek justice when the system has failed.”

At the state level, CJC students joined their peers in law schools throughout Missouri in seeking clemency for a number of women, victims of domestic violence, who had killed their abusers.

The tragic death of Governor Mel Carnahan shortly before the end of his term postponed action on the clemency petitions made by the School’s clinic students on behalf of 13 women. However, the clinic’s staff attorney, C.J. Larkin, was able to build upon the clemency work done by the students to gain early parole for two women. Clemency petitions for the remaining 11 women are now with Governor Bob Holden.

Protima Pandey, LLM ’01, says that helping women who are seemingly powerless is a critical part of the clinic’s work. “As students, we sometimes forget that every person is not as privileged as we are. Those of us who are privileged must use our position to empower others. Just by being there and helping others navigate through the system, we can make a difference.”

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Lipeles adds that, unlike other environmental injuries, the connection between exposure to lead and lead poisoning is widely accepted and well understood by scientists.

“The clinic has taken a leading role in this issue because there is no overall public effort to prevent lead poisoning from occurring, and efforts to identify and treat lead-poisoned children—and even to remedy hazardous conditions in their homes—are underfunded, understaffed, and uncoordinated,” Lipeles says. “We hope the clinic’s policy initiatives, community projects, and educational outreach will make lead poisoning prevention a public priority.”

Maxine Lipeles

Interdisciplinary Environmental Clinic students Tiffany Meddaugh (far right), JD ’02, and Shannon Whelan (second from the right), JD ’02, met with Missouri Representative Russ Carnahan (center) after testifying before the Senate Committee on Housing and Insurance. The clinic, directed by Professor Maxine Lipeles (far left) and working with Jonathan VanderBrug (second from the left), executive director of the St. Louis Lead Prevention Coalition, drafted legislation requiring children to be tested for lead poisoning. The Missouri legislature passed the bill.

Foundation and a $10,000 grant from the Middle Fund. These grants are helping the clinic further its efforts in the prevention of lead poisoning and water pollution, expand the work of the IEC’s staff scientist, and fund stipends for students to continue projects during the summer.

“The clinic has focused a considerable share of its efforts on addressing lead poisoning in large part due to the exceptionally high rate of childhood lead poisoning in St. Louis and the apparent low level of public commitment to addressing this disease,” Lipeles says. “Tragically, although lead poisoning is highly preventable, once it strikes, its most devastating effect—brain damage—is irreversible.”

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Maxine Lipeles