
Geoffrey Norman

Superfund as Godzilla

Al Gore and the EPA have created a monster that even sucks the blood out of socialist businessmen in Vermont.

Biff Mithoffer is a genial, energetic man and something of a contradiction. Strictly on appearances, he belongs to that tribe of lost sixties souls who settled in Vermont and other rural areas, sometimes to prosper but more often merely to hang on. Mithoffer wears his hair in a ponytail, lets his beard grow wild, and has had an earring for years now. He's a fine downhill skier who shuns fancy ski-wear for carpenter's overalls when he is on the mountain. He attends town meetings faithfully, drives a Saab, and voted for Bernie Sanders, the only formal socialist in the U.S. House of Representatives.

Mithoffer is also a businessman. Countercultural businessmen are not unusual in Vermont; it is the home, after all, of Ben & Jerry's, with its one-percent-for-peace plan. Mithoffer's line, however, is a little less glamorous than Cherry Garcia or Rain Forest Crunch ice cream. Mithoffer owns trucks and his business, East Mountain Transport, hauls things—chiefly trash.

Mithoffer started in heavy construction in the seventies, and as more and more of his business turned on hauling his own trash, he saw an opportunity and took it. Vermont was busy closing landfills as environmental hazards. A proposed incinerator went broke after a long fight with regulators and environmentalists. (Mithoffer was among the creditors.) So



there was money to be made hauling waste out of state, to dumps that would take it, and Mithoffer moved into the niche. Typically, he became interested in the possibilities of recycling—for both business and cultural reasons. Mithoffer is probably as green as any businessman is likely to get, but he remains a businessman.

He studied recycling extensively and traveled to other parts of the country and to Europe to research methods and systems. He also launched another business, this one called East Mountain

Environmental Services, which is building recycling facilities in Nantucket, Massachusetts, and in the Berkshires. He took over a landfill in Sunderland that had been closed for environmental reasons, and now operates it as a recycling center, where people come in new Volkswagens and rusted pickups to drop off their newspapers, wine bottles, milk jugs, and tin cans free of charge. An estimated 25 percent of the area's solid waste goes through this transfer station rather than into landfills.

Mithoffer's trucks then transport the waste to collection centers where he sells it at a loss. He believes he has a civic duty to promote recycling but, being a businessman, he also considers these the start-up years. Eventually, he expects, tighter regulations and higher dumping fees will force more and more people into recycling—and that side of his business will become profitable.

"I believe the next big fight we face in this country will be over the environment," he says, and by just about any

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body's common sense measure, Biff Mithoffer would have to be counted as one of the good guys in the struggle he foresees. He talks the talk, certainly, but he is also actually *doing* something. You could easily imagine Mithoffer accepting one of those awards for environmental good citizenship . . . small businessman of the year, or something like it.

The Environmental Protection Agency, however, sees things differently. In one of those strikingly perverse twists that big government specializes in, Mithoffer has been identified by the EPA as one of the bad guys.

"According to them," he says, bitterly, "I am a criminal. But I am a special kind of criminal, because I am not allowed to stand up in court and defend myself. All I am allowed to do is plead guilty and accept my punishment. Even though I never broke any law."

Mithoffer finds himself imprisoned in the Kafkaesque world of Superfund, which Vice President Albert Gore considers his proudest legislative accomplishment. The Superfund law was pushed hardest in the Senate in 1980 by Vermont Republican Robert Stafford, who has since retired. The legislation passed in the heat and hysteria generated by the chemical contamination of Love Canal. There was a general, urgent sense that the country needed to *do something*. The something was CERCLA—the Comprehensive Environmental Response, Compensation, and Liability Act, the central idea of which was to clean up toxic waste sites and make the polluters, themselves, pay.

A trust fund—Superfund—was to be established out of special taxes on petroleum and assorted chemicals. This fund was to be used to cleanup sites, after which the polluters would be billed their share of the costs by the EPA. Or, the polluters could concede responsibility and accomplish the cleanup themselves. This is the preferred course, since nobody wants to be put in the position of letting the government decide just how much to spend on something when it will be passing the bill along to you.

In practice, then, the EPA identifies the polluters of a particular site, then herds them into a group, and the group pays. Anyone who has put anything into a site, no matter how small the amount, can be held accountable. The EPA uses confidential informants—who can be embittered former employees, or even business rivals—to locate those it considers responsible. And it was one of them, probably, who fingered Mithoffer for the EPA.

Mithoffer hadn't been aware there was a problem until a certified letter arrived in September 1991 at the old, unpainted clapboard headquarters building of EMT near the entrance to the old Sun-

derland landfill. The letter was from the Boston office of the EPA—something called a 104E, which is one of those government documents that, like a notice from the IRS announcing an audit, turns a citizen's knees to water. According to the document, Mithoffer was considered a Potentially Responsible Party in the contamination of an old dump that the EPA had classified as a Superfund site. Under the law, Mithoffer was required to sign the enclosed form and return it within ten days. He would be fined \$25,000 a day for every day that he was not in compliance.

The notice took Mithoffer completely by surprise. Nobody from the EPA had talked to him. He was not aware that he was even under investigation.

According to Indira Balkasoon of the Boston EPA office, when the EPA opens a Superfund investigation and attempts to identify those who will be notified as Potentially Responsible Parties ("PRPs" among Superfund cognoscenti), it looks at "manifests and other old records,

talks to former employees of the dump, and to people who might have worked for somebody who used the dump . . . or their neighbors."

Actually, this snooping is usually done by an outside consulting firm. Eventually, the PRPs pay the bill for the investigation.

In this case it came to an astonishing \$276,000—to produce a group of twenty-seven PRPs. But, then, like all massive government programs, Superfund generates a lot of loose money which outside consultants and lawyers slop on like hogs at a trough. One consulting company to EPA that worked on Love Canal billed taxpayers \$167,000 for office parties, including a Christmas bash complete with reindeer suits and a dance instructor. The company's president asserted that his "charges to the government are fair to the taxpayer."

The site for which Mithoffer was considered "responsible" was an inactive landfill that had been operated for several years by the town of Bennington, Vermont. The landfill had been approved by the state and run under state guidelines for several years before it was closed under the terms of state law. It had been a legal dump in every sense. Legally opened, legally operated, legally closed. But there were concerns about possible contamination of ground water and deep underground aquifers. Industries in Bennington, including the Eveready Corporation, had dumped materials that might leach into the water and cause problems.

Which seemed, to Mithoffer, to let him off the hook. He had never put anything in the dump, which had been closed in 1988, two years before he ever got into the trash-hauling business. If the EPA—or anyone else—had a problem with

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the old dump site, it was not because of anything he had done.

Mithoffer heard from several other small businesses that had received 104Es from the EPA and had simply thrown them away and gone on about their work on the assumption that they were too small to matter and, anyway, if the government was serious enough to actually come after them, then it was all over anyway. Theirs may have been the more prudent course of action. Mithoffer, however, considered it his "duty as a citizen to return the form. And, anyway, I didn't see how I could be held responsible for any contamination caused by that dump since I'd never put *anything* in it. Not a single sheet of newspaper."

But he *had* bought three trucks, four containers, and portions of some garbage pickup routes from another small hauler who had used the dump. In buying that equipment, Mithoffer had also acquired all the liabilities that went with it, according to a legal doctrine he later learned was called "successor liability."

As it turns out, the man from whom Mithoffer bought the equipment, and who *had* dumped things—legally—in the old landfill, was one of those who threw his 104E in the trash.

Says Mithoffer: "They never bothered him again."

Mithoffer returned the form, and several months passed, during which he heard nothing from EPA. When he was finally contacted, it was to inform him that either he or his representative (read: lawyer) must attend a meeting of those with potential liability. The meeting would be held in Boston, in the offices of the EPA.

"Nobody asked if the date and time were convenient," he says. "Also, I didn't have a lawyer and couldn't afford one. I employ fourteen people and own five trucks. I don't keep someone on retainer. And I couldn't take the time, myself, to go to a lot of meetings."

So he called an old friend in New York, who is a lawyer, and he asked for help.

Christopher Bartle is a graduate of Yale Law, and has known Mithoffer since high school. His practice involves, chiefly, real estate. But he did some research and advised Mithoffer to send someone to the meeting with instructions to be co-operative, state his case, and see what developed.

"I thought there was a good chance Biff would be dropped from the list of PRPs, just on common-sense grounds, since he hadn't put anything in the dump and, just as important in the eyes of the EPA, he didn't have the kind of deep pockets they look for. Textron, Eveready, and the city of Bennington were also listed as PRPs and they had the money. I told Biff that, worst case, it might cost him

nine or ten thousand dollars to go through the first step and then get out. That was real money to him. But he could survive it."

Bartle had woefully underestimated the EPA.

On Bartle's advice, Mithoffer sent Bob Stannard to Boston. Stannard is not a lawyer—as he is quick to point out—but he had been an elected member of the Vermont House of Representatives, one of the few remaining citizens' legislatures in the country. The Vermont legislature meets for sixty days a year. Members leave their homes and stay in rented rooms or with friends in Montpelier while they are doing the people's business. They are paid about \$480 a week plus some modest expenses. They have no offices, other than their desks in the legislative chambers. No staffs. They write their own letters and, often, answer their own phones. It is good nineteenth-century civics, perhaps, but it does not prepare you for dealing with the federal government.

Stannard drove down to Boston in his own car and stayed with his in-laws. The \$300-an-hour lawyers representing the other PRPs flew in first class and stayed at the Copley. From the start, Mithoffer and Stannard were out of their league. When he arrived in the EPA offices, Stannard found he was the only non-lawyer in the group. Most of the oth-

ers did Superfund work exclusively and were handling as many as a dozen other cases. The lawyers were cordial and even personally sympathetic. Stannard thought, momentarily, that things might be worked out painlessly.

After an hour-long wait, a bristling lawyer from EPA entered the room and announced that it was up to the people in the room to form a group and begin assessing each member's degree of accountability for the problems at the Bennington site. The group would conduct a survey called a Remedial Investigative Feasibility Study (RIFS), which would determine what, exactly, the problems at the site were and how they could be best cleaned up. The proposed cleanup was subject to EPA approval. Just about everything was subject to EPA approval. The lawyers in the room merely nodded as the man from EPA spoke.

With his briefing complete, the EPA lawyer left the room. Stannard followed him, thinking he would be able to get the man alone and explain that EMT shouldn't be part of any group because it hadn't done any polluting.

The lawyer held up his hand, palm out, cutting Stannard off before he could get started.

"I am not," he said, "discussing this matter with *any* individual PRP. Go back in the room and join the group."

Then he turned and walked away, leaving Stannard alone in the hallway. "Up until that moment," Stannard says, "I had assumed we were dealing with an agency that was basically sympathetic and reasonable."

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The question for Mithoffer, Stannard, and EMT became: Should they join the group or not? Mithoffer again consulted Bartle, who was by now his lawyer in this matter, though he was not sending out bills for his services.

"I told Biff that he had two choices," Bartle says. "He could join the group or . . . he could join the group."

Bartle had done further research and understood more clearly how Superfund works. (Nobody understands the law perfectly, least of all those who wrote it, who claim that it was never the law's *intent* to persecute small operators.)

"The whole idea," Bartle says, "is to cast the widest possible net. Everything is set up to get as many people into the group as possible. So the EPA starts after everybody who may have put anything into the dump or anybody who acquired the liabilities of anyone who ever put anything into the dump. They'll go after banks that have loaned money to people who used a site. They'll go after people like Biff. Then, once the initial group has been formed, the people who are in it can start looking around for more parties that can be brought in. They'll want to spread the costs around. So if the group decides that you are a responsible party and should be included, and you refuse to join, then you can be sued by the group. If you lose, you get to join the group *and* you get to pay what it cost the group to sue you.

"Furthermore, if the group sues one party and loses, then it goes after another party and also loses, and then goes after still another party and *wins*, then that party pays the cost of all the lawsuits. So there is, needless to say, a tremendous incentive to join. The parties already in the group want it to be as large as possible, so the costs can be spread around. Also, the time spent forming the group is a convenient delay, a way of postponing—sometimes for years—the cleanup and its heavy costs. For big companies, with large exposure, the legal costs of dragging out this stage of the process are bearable. For a small trash hauler like Biff, they could be crushing."

Mithoffer had a further incentive to join the group. Some of his competitors were members of the group. They had dumped material in the landfill so, perhaps, they should have been included. (Even though they had dumped *legally*.) If Mithoffer refused to join, they would certainly be in favor of a suit. It would be, for them, a matter not of justice but of sound business practice.

So Mithoffer joined, voluntarily but reluctantly. His assessment of the costs was initially put at 3 percent.

Bartle's advice at this time was to stick it out, be a good citizen, do your share, and bide your time. In six months, perhaps, the process would reach a stage where, under arbitration, Mithoffer could get out. It might be through a declaratory judgment or what is called a *de minimus* settlement. This is lawyer-Latin for a deal in which a party is allowed out of the group by the EPA in return for a small settlement.

"In a rational world," Bartle says, "we would have been let out on a declaratory judgment. To hold Biff responsible for the cleanup of that site—and according to the principle of joint and several liability, if other parties could not be found, he could be held liable for *all* of the cleanup, which might come to \$50 million—to say that because he bought those trucks and containers . . . that pushes the law to absurdity.

"But, I found, the EPA does not like to let people out on declaratories. They don't like to admit they made a mistake. So I told Biff to hang in there and hope for a *de minimus*—which he ought to get in maybe six months."

Bartle was still not aware of "just how lawyer-intensive the whole process is. I have been a lawyer for eleven years and I've never seen anything like it. People were appalled by the legal overhead involved in some of the LBOs of the eighties; but the legal costs of a Superfund case are much higher. Very much."

Having joined the group, Mithoffer and Stannard set out to be active, cooperative members.

"I told Bob to do everything he could to cultivate good will for EMT within the group," Bartle says. "And he became the point man."

Stannard, the able small-town politician, did a good job. He was named to the group's steering committee and began spending more and more of his time on group business. A stack of correspondence, faxes, and legal documents began to grow like a moist toadstool in a corner of his office. The pile reached two feet, then three, and finally five. There were long conference calls, quick trips to Boston, meetings. If Mithoffer was not paying a lawyer to handle his EPA problem (Bartle was still advising him at no charge), then he was certainly paying a full-time employee to devote more than half his time and energies to the case.

Six months passed and the group was still bogged down



in the work of locating additional PRPs and deciding on a common counsel. The group was nowhere near ready to decide on allocation of responsibility for the RIFS. Mithoffer had already been billed \$7,000 for his share of the group's expenses.

"And there were other costs, too," he says. "You are living under a financial cloud when one of these things is going on. You go to the bank and say you want to borrow money for a new truck. They see you are involved in a Superfund case . . . well, you've got a problem."

EIGHTEEN months after Bartle had told him to hang in there for six months, Mithoffer received another bill from the group for his share of expenses: \$11,000. And, he was told, there was another on the way, this one for \$15,000. So he was already in for over \$30,000, and would have owed another \$30,000 if Bartle had been keeping tabs for his legal work.

No contaminants had been cleaned up. No plan for removing them had been developed. It would be another six months, at least, before the group could agree on a plan for the study that would produce the plan for the cleanup. Everything, up until then, was merely prelude.

Consider the case of Bennington. The town, like many distressed small cities in New England, is looking for some new source of vitality, now that the mills have closed and the manufacturing jobs that employed many of its 12,000 citizens are gone. Not all of these people can become Superfund lawyers.

Four years after the dump it had operated was declared a Superfund site, the town had spent over three-quarters of a million dollars—\$350,000 of it on legal fees and over \$400,000 on PRP business (\$20,000 just for postage, copying, and faxes). It had agreed to a 17 percent allocation for the cost of the RIFS, which would run about \$1.5 million. The RIFS, if accepted by the EPA, would recommend some form of cleanup. Just getting to that point, then, would cost the town over a million dollars. If the cost of the cleanup reaches \$50 million, which is one preliminary estimate, then the town will have to issue bonds to raise the money.

Stuart Hurd, the Bennington town manager, says, "So far, we have found the necessary funds by deferring other projects. But it has worked out to about a 20 cent increase in the tax rolls. Also, because we had to use money we had set aside for a reappraisal on Superfund, we lost over \$200,000 in state aid to education.

"Another problem is that, by putting them both in the PRP group, the process makes antagonists of the town government and some of the local industries. There is also the possible negative effect on the recruitment of new industries. . . . It could be worse, though," Hurd says. "In Lyndonville, Vermont, they spent \$4 million to find out the site there was not a threat. They didn't get the money back, either."

Mithoffer, realizing he also was not going to get any of his money back, and that "it could just as easily be six years

as six months before this thing ends," decided to drop out of the PRP group.

"We just couldn't afford to keep paying the assessment. We tried to be decent about it. We told them we'd still come to all the meetings and do anything we could. We even offered to set up some kind of payment schedule, the way you do with the IRS. But we couldn't live with those assessments. I mean, we are a little business. I run it. My wife does the books. We've got Bob and a guy to answer the phones. Our trucks and our drivers. I could liquidate the whole thing and maybe make a \$25 donation to the PRP group."

The group did not agree to Mithoffer's proposal. In their misery, PRPs like company and plenty of it. The group continued to send bills and threatened to sue. Third-party suits, as they are called by the EPA, are a common feature on the Superfund landscape. Estimates of future Superfund expenditures range from \$125 billion to \$1.25 trillion, with something like 85 percent of the money going to "transaction costs," i.e., lawyer's fees.

Since most people are opposed to welfare for lawyers, Superfund has become an embarrassment even to ardent environmentalists. In a recent two-day span, the *Washington Post* editorialized for the "reform" of the law (good intent, bad execution, which is getting to be kind of an old, lame excuse) and the *New York Times* ran a story reporting that many towns would rather live with the contamination than endure the typical EPA cleanup, which takes anywhere from seven to ten years and costs an average of \$25 million. Even President Clinton has said of Superfund, "We all know it doesn't work. Superfund has been a disaster."

FOR Mithoffer, there came a moment last November when he was finally allowed to do something he had wanted to do since the day he received his 104E by certified mail—stand up and explain to someone in authority that he was being wronged. The EPA wouldn't listen. So maybe Senator Jim Jeffords, a Vermont Republican, might.

Jeffords, then a member of the Senate Committee on Environment and Public Works, was coming to Bennington to hold hearings on EPA and Superfund. The program faces congressional reauthorization next year, and for all its problems out in the country, Superfund has strong support in Washington, especially from the environmental lobby. Jeffords, a very wet Republican, is sensitive to the Beltway zeitgeist. But Vermont has eight Superfund sites, including the old Bennington landfill. The purpose of the hearing, according to Jeffords, was to gather some "input [that] will help with this reauthorization process." More likely, the purpose of the hearings was to show his constituents that—in the locutions of politics—"he shared their concerns." Like most people in his line of work, Jeffords wants it both ways if he is to have it any way at all.

Still, some sixty or seventy people came to the hearings at the Bennington Ramada, most of them to blow off steam.

They had been through the wringer with the EPA and wanted the senator to hear about it. Jeffords opened the show with the usual bromide: "I think that most people agree that the intent of Superfund is good."

Jeffords also asked, not very eloquently, that "witnesses denounce any criticisms in discussion where the program is working effectively. EPA is trying to implement this program effectively, and I think it is important to recognize where its efforts have been successful."

The witnesses, including Biff Mithoffer, found plenty to say without knocking Superfund where it was working effectively. But first, they had to listen to Merrill S. Hohman, EPA regional director. He spoke in the euphemistic mode favored by government strong-arm men.

"EPA," Hohman said, "has made full use of the strict joint and several liability provided in the statute to encourage PRPs to do the Superfund work, as opposed to relying primarily on the trust fund."

And: "The PRPs at those sites have agreed to reimburse us for most of our past costs and to pay the cost of EPA oversight of the studies." To officials like Hohman, threats of \$25,000-a-day fines amount to "encouragement" in getting people to "agree" to do what the EPA wants done. One witness would call it extortion.

Hohman complimented the PRPs and the state of Vermont for "cooperating," and said such conduct "warrants our thanks."

Stuart Hurd, Bennington's town manager, saw it a little differently. "Throughout the process," he testified, "EPA has strong-armed the PRP group by imposing unreasonable deadlines and threatened penalties. And EPA's responses come slowly or not at all."

Jeffords thanked him for his "very moving statement."

Then it was Mithoffer's turn. He began by assuring everyone that he was "not a lawyer," and concluded by describing how it felt to lay off one of his drivers. "I can see that man sitting at the table and saying to his wife, 'I don't have a job.' And I can see his wife crying . . ."

Mithoffer said things he's been wanting to say to someone in authority for a long time. The audience stood and cheered when he finished. The applause even got to Jeffords, who started to grill Hohman. "If I buy someone's truck," Jeffords asked him, "and he used that truck to dump, am I responsible for what he dumped?"

To which Hohman, striking the perfect regulatory note, answered: "I don't know." Nobody knows, which is what makes Superfund such a nightmare. If the regional director himself does not know the answer to that question, how can the owner of a small trucking business be expected to? But the difference is, when Hohman doesn't know, he gets to

keep his job and gets a raise for seniority. When Mithoffer doesn't know, it can cost him his business and his employees their jobs.

Hohman went on to say, "That decision is made on a case-by-case basis. This particular case showed that he did have liability and he did join in the settlement and is now part of the overall group." Again, no mention of the \$25,000-a-day fine. Like any good inquisitor, Hohman celebrates the confession and neglects the torture that preceded it.

Jeffords also asked when the EPA stopped pursuing a party. Hohman answered that, well, there was an ability-to-pay provision in the law. The EPA was not, after all, in the business of bankrupting companies. "Frankly, if we can help them stay in business, Senator, it insures an income stream."

Generous of them.

Jeffords pronounced the meeting a success, but warned that Congress was "terrified" of opening up the Superfund legislation for changes because the program might be "gutted."

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grow like a moist toadstool in a corner of
his office. The pile reached two feet,
then three, and finally five.*

Nothing much has changed since the meeting. Mithoffer still lives in a kind of nether world, hoping that he will not be sued by the PRP group and that, when the

RIFS is completed, the EPA might be willing to grant him a *de minimus* settlement so he can at last put the whole thing behind him.

Stuart Hurd says that, since the meeting, "we have seen a relative softening of the EPA toward our group. They are not so combative. For a while, they treated us like criminals."

Mithoffer disagrees: "No," he says, sitting in his office one afternoon, nearly a year after the hearing that accomplished nothing more than maybe getting the EPA to behave a bit more civilly toward American citizens who have broken no laws. "They treat you worse than a criminal. At least a criminal knows what law he has broken and gets to stand up and defend himself. Someone has to prove that he did something that was against the law. He gets to face his accuser and is judged by a jury of his peers.

"I don't have any of those rights. Criminals have rights. PRPs don't. Criminals get specific punishments. So many years in jail. A PRP's sentence lasts until the EPA is tired of screwing with him, or figures there isn't any blood left."

Then he points out one last irony. In the time since he received his 104E, his company has been responsible for recycling tons and tons of solid waste. During that time, at a cost of millions, the EPA has not removed a single shovelful of dirt from the Bennington Superfund site: "Not one." □

James Ring Adams

Clintonism in One State

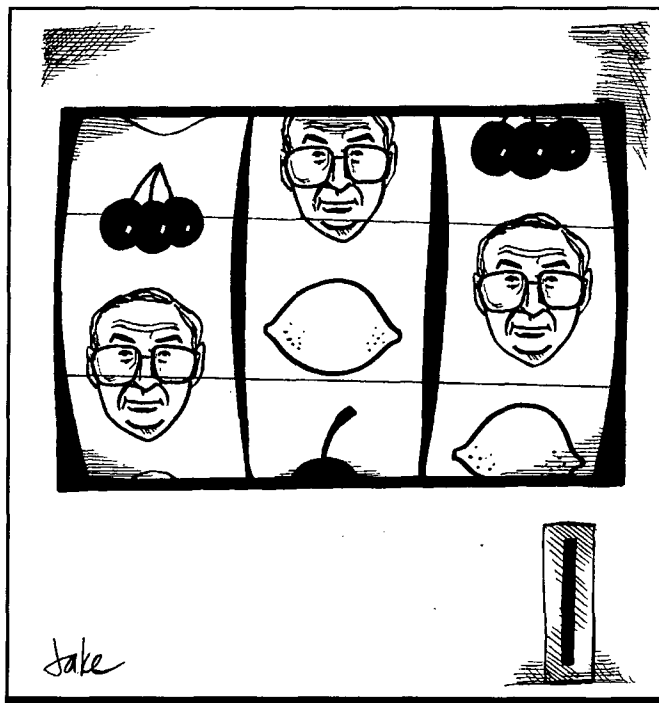
Gov. Lowell Weicker won liberal plaudits when he passed Connecticut's first-ever income tax two years ago. It is destroying the state's economy. His next move: casino gambling. (Oh, yes—he's just decided not to run for re-election.)

The Mashantucket Pequot Indians, the luckiest 200 people in America, hit paydirt in a quirk in federal law, and turned their high-stakes bingo game in Ledyard into the nation's most profitable casino. In spite of massive layoffs at nearby Groton, headquarters of the nuclear submarine fleet, the casino drew enough business to make Connecticut's southeastern corner the fastest-growing part of the state.

The casino's managers wanted to keep the game going by introducing the next wave in gaming technology, video slot machines, so they decided on a bold stroke, not only to get permission for the games but to establish a monopoly. The Mashantuckets offered Governor Lowell P. Weicker, Jr. a cash contribution of \$100 million toward his budget deficit in return for exclusive rights to the slots. The money in theory compensated the state for the taxes it might have collected if other gaming outlets, like jai alai frontons and dog-racing parks, could also install the machines. In mid-January, Weicker, a model of political correctness, gladly took the deal.

But Weicker signed the offer with "the sovereign nation of the Mashantucket Pequots" just as Las Vegas gaming mogul Steve Wynn began to lobby seriously for plans to

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build casinos in Hartford and Bridgeport. Famous for his Golden Nugget and Mirage resorts, Wynn was born in New Haven but moved at an early age as his father, a professional manager of bingo parlors, followed the charity gambling business to upstate New York. Wynn says his business inspiration is Walt Disney, and his Mirage Resort is a Las Vegas fantasyland, where white tigers live in a habitat along the corridor to the casino, dolphins sport in their own pool, and an imita-

tion volcano spews 50-foot flames at night. Connecticut friends saw him as the savior of the state's run-down cities. Eager to gain a new frontier for gaming, Wynn pumped a million dollars last spring into lobbying for legislative approval.

Along the way, he made a counter-offer for the video slot business. Topping the Mashantuckets, he said that he and his coalition of fronton and dog-park owners would guarantee the state a take of \$130 million in slot video taxes; if the collections on that tax fell short, he personally would arrange to make up the difference.

A subsidy from Indians was one thing. But an identical arrangement with Las Vegas raised Governor Weicker's moral hackles. Not only did he spurn Wynn, he broke up the gaming coalition by offering a tax break to the jai alai players and greyhound runners. In a capitol coup, legislative leaders refused to schedule a vote on casino gam-