

EPA abuse of the Sacketts inspires latest thriller by C.J. Box

Press Release: Pacific Legal Foundation

Sacramento, CA; March 12, 2013: Released today, the latest thriller by *New York Times* best-selling author C.J. Box is inspired by the plight of Pacific Legal Foundation's clients, Mike and Chantell Sackett of Priest Lake, Idaho, who fought all the way to the U.S. Supreme Court for their right to challenge the abusive treatment they received from the U.S. Environmental Protection Agency.

"Breaking Point" (G.P. Putnam's Sons) is C.J. Box's thirteenth novel featuring Wyoming game warden Joe Pickett. The drama swirls around the murder of two EPA agents, the manhunt for a suspect, and the "breaking point" pressures on two men — Joe Pickett himself, and Butch Roberson, a local business owner whose life has been ripped apart by a federal agency's cold-hearted bureaucratic arrogance.

"Breaking Point" is loosely based on the Sackett case, but with several fictional twists," said C.J. Box. "It's a cautionary tale of what unchecked bureaucrats can do — and did — to ordinary folks under the radar in fly-over country.

"When I first heard about the *Sackett v. EPA* case, I was reminded of philosopher Hannah Arendt's definition of the 'banality of evil,' which describes a thesis that the great evils in history generally were not executed by fanatics or sociopaths, but rather by ordinary people who accepted the premises of their state and therefore participated with the view that their actions were normal.

"In this instance, the target of the Environmental Protection Agency was a working-class couple in Idaho — Mike and Chantell Sackett. Decisions made by nameless and faceless mid-level bureaucrats brought a version of modern-day hell raining down on the Sackett family, and it infuriated me. When I spoke directly to Mike Sackett about the situation he was in, it made me even angrier."

PLF President Rob Rivett: '*Breaking Point*' is powerful fiction with a real-world message

"Throughout history, there have been many examples where powerful fiction has opened the public's eyes to real-world injustice," said PLF President Rob Rivett. "*Breaking Point* is part of that tradition. C.J. Box has produced a fictional thriller full of action, mystery, and suspense. But he's also exposed the real and present danger of government bureaucracy run amok, and how average, law-abiding people like Mike and Chantell Sackett can end up the victims, with their lives turned upside down."

The Sacketts fought bureaucratic arrogance all the way to the U.S. Supreme Court

PLF clients Mike and Chantell Sackett paid \$26,000 for a small parcel in Priest Lake, in 2005, intending to build a three-bedroom family home for themselves. The land is in a residential

subdivision, bordered on two sides by neighbors' houses. The Sacketts complied with all local requirements, obtained a county permit to build, and started laying gravel. But then they were blindsided by federal bureaucrats. EPA officials suddenly swooped in and — and without notice or hearings, or even setting foot on the property — labeled it as “wetlands.” The agency followed up by ordering the Sacketts to stop work, remove the gravel, and return the property to a “natural” state, on pain of astronomical fines — totaling more than \$70,000 *per day*!

The Sacketts wanted to challenge the EPA's claim that their land was “wetlands” — but the agency denied their request for a hearing. It also said they couldn't appeal directly to the judiciary — and the Ninth Circuit backed the EPA up. It held they would first have to go through a years-long “wetlands” permit process, which could cost 12 times the value of their land!

Represented by attorneys with PLF, the Sacketts asked the U.S. Supreme Court to hear their case — and the Court agreed. At oral argument, “justices across the ideological spectrum appeared troubled by the EPA's position that Mike and Chantell Sackett do not have the right to go to court to challenge the agency's wetlands decision,” as *The Washington Post* reported.

A number of the justices didn't hide their outrage. “If you related the facts of this case — as they come to us — to an ordinary homeowner,” Justice Samuel Alito said to the government's attorney, “don't you think most ordinary homeowners would say this kind of thing can't happen in the United States?”

A victory for the rule of law

In a 9-0 decision last March, the justices overturned the Ninth Circuit and upheld the Sacketts' right to challenge EPA's “wetlands” orders in court. The ruling set a landmark precedent for property owners nationwide, by establishing that any landowner may file an immediate court appeal if he or she is hit with a “wetlands compliance order” by federal regulators.

“EPA is not above the law — that's the bottom line with the Sacketts' Supreme Court victory,” said PLF Principal Attorney Damien Schiff, who successfully argued the Sacketts' case at the Supreme Court. “Mike and Chantell Sackett fought on behalf of all Americans, and they won a victory for all of us, because the court held that EPA can't deny any of us access to justice. EPA can't repeal people's fundamental right to their day in court.”

In the wake of the Supreme Court's decision, the Sacketts have now returned to federal district court in Idaho to finally bring the judicial challenge to EPA that the agency had tried for years to block them from pursuing. They are currently in settlement discussions with the agency.

C.J. Box: acclaimed worldwide for “must-read” thrillers

C.J. Box is the author of 13 Joe Pickett novels and three stand-alones. He has won the Edgar, Anthony, Macavity, Gumshoe, and Barry awards, as well as the French Prix Calibre .38 and a French *Elle* magazine literary award. His books have been translated into twenty-six languages. He lives outside Cheyenne, Wyoming, with his family.