

A Civil Action: a compelling tale loses much of its impact

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A Civil Action, written and directed by Steven Zaillian, based on the book by Jonathan Harr.

A Civil Action is a film based on the true story of a group of families in a small town just north of Boston who sued major US companies in the early 1980s for leukemia deaths and other health problems caused by the dumping of poisonous chemicals that seeped into their community's water supply. It is also the story of Boston lawyer Jan Schlichtmann, the unlikely hero who took up their cause.

The history of the legal case mounted by residents of Woburn, Massachusetts against chemical giant W.R. Grace and consumer goods conglomerate Beatrice Foods was chronicled in the 500-page 1995 bestseller of the same title written by Jonathon Harr. Twelve children contracted leukemia in the town of 36,000 from the late 1960s to the early '80s. Of these, eight lived within a half-mile radius of each other and six lived in one east Woburn neighborhood of just 200 families. Cancer deaths in town during the mid-1970s increased by 17 percent.

A new water well had been opened in 1964 near an industrial park. Despite residents' complaints of "foul, ill-smelling water," the city refused to shut it down until 1979. Trichloroethylene (TCE) was later found in the well water. In 1979 a half-buried lagoon polluted with toxic chemicals was also discovered, contaminated with arsenic, chromium, lead and animal wastes.

A plant operated by W.R. Grace, a tannery owned by Beatrice Foods and a factory run by the Unifirst company were eventually cited years later by the Environmental Protection Agency as the cause of the contamination. However, in the early 1980s the EPA declared that there was no proof that these operations were the cause of the health problems. They made this pronouncement in spite of the release in January 1981 of a report by the Centers for Disease Control and the Department of Public Health showing that the leukemia rate in east Woburn was seven times the normal rate.

After sitting on the case for three years, Jan Schlichtmann's law firm finally filed a compensation case against the companies in May 1982 on the grounds of willful and gross negligence in poisoning the town's water supply. *A Civil Action* tells the tale of the legal process involved in the Woburn residents' pursuit of justice and compensation.

A Civil Action, the book--despite its length and scrupulous

detail--reads like a gripping novel. Much of the suspense, aside from the Harr's concise and fluid writing style, is derived from the nature of the case itself. The residents were fighting against powerful conglomerates, the government and great odds. They were working people in small town America, a segment of the population not favored by the judicial system. There was no certainty that they would ever achieve their prime goal--the admission by Grace and Beatrice that they were to blame for the contamination, deaths and suffering and that someone would be held accountable to clean up the mess.

The problem with *A Civil Action*, the film, is that in bringing the story to the screen much of this drama is lost. From the beginning the viewer is fairly certain how the tale will play out. Although director Steven Zaillian's sympathies are with the families and their struggle, and he fairly accurately delineates the drive and sacrifice of Schlichtmann, the viewer is not seriously challenged to consider the larger social and moral issues posed by the case. Despite the undoubted sincerity of those involved in the making of the film, there are intellectual obstacles, built in to the contemporary film industry, that make it difficult for them to bring urgency, precision and intensity to their work.

Even someone who has not read the book can sense from the beginning of the film where and how all the main players in the film will fit into the story, and what their fates will be. Schlichtmann is full of himself and loves the finer things in life, but he will have a change of heart. Beatrice Foods attorney Jerome Facher is the unassuming, eccentric baseball fanatic whose keen legal skills will get the job done for his client. Woburn resident Anne Anderson is the mild-mannered working woman whose perseverance will pay off.

One suspects that the weaknesses of the director's approach to the subject stem from a number of factors. He has first of all to sell his product to the film studio powers-that-be and that requires putting it into what is construed to be a "marketable" shape. Moreover, Hollywood filmmakers are themselves held back by their conceptions of what the public wants or will accept. The end result, unfortunately, is that by taking a powerful story and endowing it with little more unpredictability than a television movie of the week, Zaillian leaves the audience with few questions to ponder.

Such a film could serve as a springboard for considering the fate of similarly polluted and contaminated communities--Love Canal, Three Mile Island--and what their experiences have been in the American judicial system fighting the corporations responsible for their conditions. It could have exposed in much sharper relief the ruthlessness and recklessness with which these corporations pursue profits, at the expense of the health and lives of unsuspecting families.

But *A Civil Action* steers pretty much clear of this. Instead we are presented with a neat--albeit well put together--package where little is left to the imagination. The use of certain images in the film also become tiresome. Glasses and other vessels of water reappear throughout, and are focused upon, apparently in an attempt to remind the audience of something they are already fairly certain of: that Beatrice Foods and W.R. Grace have contaminated Woburn's drinking water. Also, the scene of the gruesome death of one of the young leukemia victims appears as a flashback several times. Although it is quite powerful the first time around, it begins to lose its effectiveness through repetition.

Although a filmmaker is not obligated to remain one hundred percent true to the original when transferring a story from the written page to the screen, this is one instance where more of this might have been advisable. The "transformation" of Jan Schlichtmann, played by John Travolta, from ambulance-chasing personal injury lawyer to the champion of the Woburn plaintiffs' cause is a case in point.

We see him in the opening scenes of the film pushing his business card into the hand of an accident victim on the street. A voice-over by Travolta explains the outlook predominating in this circle of attorneys: "A dead plaintiff is rarely worth as much as one who's alive, and in the calculus of personal injury law, a dead child's worth least of all." He wheels a crippled client into a courtroom to elicit sympathy from the jury, and offers a toast to associates with champagne following a lucrative legal victory.

He is living the fast life of sports cars and designer suits, and is cited as one of Boston's top 10 most eligible bachelors. He originally shuns the Woburn case, as there are apparently no "deep pockets, i.e., no big corporations to sue. However, when he discovers that the small Woburn operations are subsidiaries of Grace and Beatrice, he begins to pursue the case with a vengeance. He will proceed to sacrifice everything--his money, his property, his firm and his reputation--to see the case through to the end.

One of the main difficulties of the film is the problematic manner in which this change of heart is explained. There are a few scenes where Travolta gazes out over the polluted areas in question and apparently undergoes an inner moral metamorphosis. But it is unlikely that this was the mechanism whereby Schlichtmann was transformed into an individual whose crusade for the Woburn case would end up costing him virtually everything, personally and professionally. It is

doubtful that Jan Schlichtmann changed this way, and rarely do human beings in general.

In a recent interview, the real Schlichtmann said that his arrogance and recklessness were accurately portrayed in the film, but that he would like to think his "superficial qualities were all superficial. They were part of a larger package, that of someone who was trying to do something right." It is far more likely that these vague notions of contributing to the betterment of society intersected in an unexpected way with the Woburn case, creating something bigger than his ego, something that he found difficult to ignore.

John Travolta has commented that he didn't attempt to portray the real Schlichtmann. He said of his performance, "To be honest, I've had enough lawyers in my life in the past 22 years that this was not a difficult thing.... I could see the ones that had the qualities I needed to portray Schlichtmann more than I'm going to find with Jan firsthand." But the problem with this is that this was not your average lawyer. This was someone who, in his own way, took a social issue to heart and took a stand. To bring him to life on screen would require an understanding of what made him different, not slotting him into the conventional lawyer's mold.

Anne Anderson, the mother of one of the young leukemia victims, said of the film's depiction of the families, "I think the picture portrays us as a rather sorry lot.... And it makes Jan into a sort of Mighty Mouse who comes in to save the day. It wasn't really like that. I'd done a lot of work before Jan ever arrived on the scene."

Anderson, the central family member focused upon in the film, is depicted by Kathleen Quinlan as a relatively passive and even self-righteous woman, conveying only a small part of the determination and anger that must have accompanied her drawn-out struggle. James Gandolfini is much more effective as the W.R. Grace plant receiving clerk who finally provides evidence of the company's attempt to cover up toxic dumping.

The Woburn case ended with Beatrice Foods being dropped from the case and W.R. Grace settling for \$8 million, with no admission of wrongdoing. It was not until the early 1990s that the cleanup of the contamination began in the town, under the supervision of the Environmental Protection Agency. Although the families welcomed the EPA's actions, the agency's response came very late and many grueling years after their fight for justice began. *A Civil Action* depicts this resolution as a foregone conclusion.



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