Santa Barbara, Calif., Jan. 30, 1969: An oil-soaked Common Murre, a kind of sea bird, gazes at an oil-slicked sea, shortly after a massive oil spill. Thanks to the media, this local accident became a national event, one that helped to set the stage for the "Environmental Decade" of the 1970s.

The Politics Of the Environment, 1970–1987

Twenty-five years ago, Rachel Carson warned of a "chain of evil," the growing contamination of "air, earth, rivers, and sea" by manmade pollutants. In effect, Carson's best-selling *Silent Spring* set the tone for Earth Day, 1970, when some 20 million Americans attended rallies in support of a cleaner environment. The federal government joined the crusade, committing billions of dollars. The overall gains have been modest. Why? David Vogel here analyzes the rise of the U.S. environmental movement; Robert Crandall discusses the complexities of environmental regulation.

A BIG AGENDA

by David Vogel

"Earth Day may be a turning point in American history," declared Senator Gaylord Nelson (D.-Wisc.). "It may be the birth date of a new . . . ethic that rejects the frontier philosophy . . . and accepts the idea that even urbanized, affluent, mobile societies are interdependent with the fragile, life-sustaining systems of the air, the water, the land." Others were less impressed. "A Giant Step—Or a Springtime Skip?" asked *Newsweek*.

On April 22, 1970, millions of Americans around the country turned out to observe the nation's first Earth Day. It brought together on one podium, in the shadow of the Washington Monument, Senator Edmund Muskie (D.-Maine), Old Left journalist I. F. Stone, and New Left agitator (and Chicago Seven defendant) Rennie Davis. Just the week before, the Vietnam Moratorium Committee, chief organizer of nationwide antiwar protests in 1969, had closed its doors: The Nixon administration was reducing draft calls and withdrawing U.S. troops, as "Vietnamization" of

the war in Indochina began in earnest. (However, the short-lived U.S. "incursion" into Cambodia from South Vietnam on April 29, a week after Earth Day, momentarily revived the antiwar movement.) Earth Day dwarfed the earlier antiwar demonstrations, and, moreover, gravely offended almost no one.

In Manhattan, 100,000 festive New Yorkers thronged Fifth Avenue to listen to folk singers and speeches by environmental activists. A block-long polyethylene "bubble" of filtered, "pollution-free" air was soon filled with the unmistakable odor of marijuana smoke.

Picnicking in the Wasteland

In Miami Beach, students wearing gas masks and brandishing bottles of sewage and pesticides staged a Dead Orange parade. At the University of Wisconsin, Madison, undergraduates at an "Earth service" greeted the dawn with incantations in Sanskrit. In Philadelphia, Chicago, and San Francisco, in New Orleans and Minneapolis, tens of thousands of demonstrators listened to speeches, frolicked, marched, and toted "Save the Earth" banners on crowded streets.

In a show of solidarity with the youthful demonstrators, both houses of Congress recessed, and legislators joined the popular agitation. "It was Earth Day," explained the *New York Times*, "and, like Mother's Day, no man in public office could be against it." Indeed, Earth Day was the brain child of Senator Nelson, one of Capitol Hill's own.

Even Big Business lined up behind the event. Ford, Mobil, and Standard Oil of New Jersey offered financial contributions to Earth Day's organizer, Environmental Action, Inc.—and were haughtily rebuffed. Scott Paper announced that it would spend $36 million to reduce pollution at its mills in Maine and Washington; and Dow Chemical Company, under attack by the antiwar Left for producing the napalm munitions used by U.S. fighter-bombers in Vietnam, sent speakers to some of the many Earth Day "teach-ins" held on college campuses.

But, despite their festive air, the Earth Day crowds—"predominantly white, predominantly young, and predominantly anti-Nixon," as Walter Cronkite put it in a special broadcast that night—were not to be placated by soothing gestures. "Things as we know them are falling apart," declared Denis Hayes of Environmental Action. "Even if the war stopped tomorrow, we would still be destroying our planet."

"If we don't get our president's attention, this planet may soon die," novelist Kurt Vonnegut, Jr., told a rally in New York City's Bryant

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At the base of a Sequoia tree in Yosemite National Park (1903): President Theodore Roosevelt, Columbia University President Nicholas Murray Butler (third from right), and conservationist John Muir (fourth from right).

Park. "I'm sorry he's a lawyer; I wish to God that he was a biologist."

Richard M. Nixon turned the other cheek: Earth Day, the president said, showed "the concern of people of all walks of life over the dangers to our environment." The celebration's critics were few and far between. Among them was Georgia state comptroller James L. Bentley, who noted ominously that April 22 was also Lenin's birthday.

Earth Day seemed to mark a radical upsurge in public anxiety about the environment. Just 18 months earlier, during the bitter 1968 presidential campaign, Nixon and his Democratic rival, Hubert H. Humphrey, had said next to nothing about environmental issues. But, by 1970, a Harris poll found that Americans regarded pollution as "the most serious problem facing their communities." *Time* named protection of the environment the "issue of the year"—ahead of the Vietnam War. Within three years, almost without serious opposition, Congress voted half a dozen sweeping new environmental statutes into law.

Why did environmentalism suddenly catch fire in 1970?

In a sense, the tinder had been smoldering for years. America had a history of sporadic environmental "awareness." President Theodore Roosevelt, the great outdoorsman, founded the U.S. Forest Service in 1905 to protect selected wilderness areas from exploitation by miners, ranchers, and loggers. At the urging of Gifford Pinchot, the Forest Service's first director, federally owned national forests grew from 38 million acres to more than 172 million acres. During the New Deal, President Franklin D. Roosevelt built on his cousin's legacy, creating the

conservation-oriented Tennessee Valley Authority and the Civilian Conservation Corps, in which 2.5 million youths eventually served.

None of these measures required—or aroused—great public support: Conservation was a preoccupation of the well-to-do and a few enlightened leaders. Nor were the conservationists animated by the holistic "ecological" theories that became popular during the 1970s. "Conservation" emphasized "multiple uses" of America's natural resources—for preservation, recreation, and prudent use by loggers, miners, and others. "The first great fact about conservation," declared Pinchot in 1910, "is that it stands for development [not just] husbanding of resources for future generations."

The upper classes' virtual monopoly on access to the nation's wilderness parks ended with America's growing prosperity after World War II. Harvard's John Kenneth Galbraith greeted the coming of *The Affluent Society* (1958) and its egalitarian materialism with a snort: "The family which takes its mauve and cerise, air-conditioned, power-steered, and power-braked automobile out for a tour passes through cities that are badly paved, made hideous by litter, blighted buildings, [and] billboards.... They pass on into a countryside that has been rendered largely invisible by commercial art.... They picnic on exquisitely packaged food from a portable ice box by a polluted stream."

Gradually, the growing American college-educated population—especially its younger members, who had crowded the back seats of those gaudy automobiles—made Galbraith's lament their own. "The search for environmental quality was an integral part of [the] rising standard of living," historian Samuel P. Hays later observed.

America's Dead Sea

A few lonely critics were already warning that air and water pollution was something more than an insult to the senses. In 1962, Rachel Carson's best-selling *Silent Spring* caused a nationwide sensation with its contention that DDT and many other widely used pesticides and herbicides threatened to render planet Earth "unfit for all life." She declared that "along with the possibility of the extinction of mankind by nuclear war, the central problem of our age has therefore become the contamination of man's total environment" by chemicals.

Few Americans were ready to embrace Carson's apocalyptic vision. But the nation's post–World War II abundance *had* been accompanied by the creation or wider use of hundreds of new and little-understood synthetic chemicals such as DDT, as well as a marked increase in the output of certain industrial wastes.* And all of these side effects of affluence

*Estimates of historical pollution levels vary widely. A conservative assessment by the U.S. Environmental Protection Agency suggests that particulate emissions fell slightly between 1940 and 1960, while the output of carbon monoxide rose by 10 percent, sulfur oxides by 11 percent, and nitrogen oxides by 91 percent.

were becoming increasingly difficult to ignore.

As *Time* reported in a cover story on "The Polluted Air," a "whisky-brown smog" often offended the residents of Los Angeles, New York, Chicago, and other big cities. The magazine's editors saw a portent of things to come in the Japanese port city of Yokkaichi, where the air was so foul that youngsters donned bright yellow face masks before playing outdoors. And America's rivers and streams were no more pure than its air was. Many served industry as open sewers, slimy with algae, laced with heavy metals and toxic compounds. In 1965, after the U.S. Public Health Service held a widely publicized series of public hearings on the deterioration of Lake Erie, the newspapers and TV evening news broadcasts spoke ominously of the "North American Dead Sea."

Reacting to such early alarms, presidents John F. Kennedy and Lyndon B. Johnson sponsored a few modest initiatives: the 1963 Clean Air Act, the 1965 Motor Vehicle Air Pollution Control Act, and the 1967 Air Quality Act. Most of the Kennedy-Johnson measures left the setting and enforcement of standards to the 50 states; in most cases, very little was actually required of industry. But the new laws did mark a turning point: Washington's attention had turned from conservation to the reduction (through regulation) of pollution.

'Now or Never'

By the late 1960s, however, the failings of the Kennedy-Johnson remedies were glaringly apparent. And Rachel Carson's view that pollution threatened the existence of life itself was gaining support. Another best-seller, *The Population Bomb* (1968), by Stanford's Paul Ehrlich, not only predicted that "hundreds of millions of people" would die during the 1970s in famines caused by overpopulation, but warned that "the progressive deterioration of our environment may cause more death and misery than any conceivable food-population gap." Over and over, Americans were told that the industrial society that had generated unprecedented affluence now seemed poised to destroy itself.

With increasing frequency, television brought images of ecological disaster into American homes: the 1967 wreck of the oil tanker *Torrey Canyon* off the British coast, which fouled British and French beaches; the 1968 poisoning of 1,300 Japanese on the island of Kyushu by the chemical PCB, which causes severe skin rashes and vomiting; a 1969 pesticide spill in the Rhine River that killed 40 million fish.

But the most disturbing images of all came from the beaches of Santa Barbara, California. In January and February 1969, an 11-day blowout at a Union Oil Company rig off the coast spread black goo over 40 miles of beach near the palm-shaded city, and stained 400 square miles of the blue Pacific. Thousands of sea birds and otters were smothered in the tarlike crude oil. [See box, p. 56.] Then, in June 1969, Lake Erie was featured on the front pages again when an oily, sludge-clogged

OIL, WATER, AND POLITICS

A single doomed sea gull, mired in sticky black crude oil, flounders helplessly on a sunny stretch of California beach.

That was one of hundreds of alarming images from Santa Barbara on the TV news during the winter of 1969. For 11 days, beginning on January 28, oil gushed out of an underwater fissure beneath Union Oil Company's Platform A, staining Santa Barbara's lovely beaches with a "black tide" and suffocating thousands of grebes, loons, and cormorants. It was, said former U.S. secretary of the interior Stewart Udall, "a conservation Bay of Pigs."

Congress was impelled to enact several laws that radically altered the rules of the game for offshore oil drilling. Among them: the National Environmental Policy Act of 1969, which required an environmental impact statement (inviting lengthy court challenges) for new wells, and the 1972 Coastal Zone Management Act, which mandated that federal leasing efforts be "consistent with approved state management programs."

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Only months after the Santa Barbara disaster, a University of California study concluded that the oil had inflicted no permanent damage on the local ecological system—a finding confirmed by a 1985 U.S. National Research Council study. In fact, Mother Nature spills about twice as much oil into California's waters *every year* (up to 220,000 barrels) through natural "seeps" as the accident at Platform A did.

Largely as a result of the 1969 and 1972 laws, annual oil production in the federally owned Outer Continental Shelf has remained virtually unchanged at some 390 million barrels since the early 1970s. And about 90 percent of that oil is pumped from sites in the Gulf of Mexico off Louisiana, Alabama, and Texas. (Next to Alaska's three billion or more barrels, California's estimated two billion barrels are the nation's largest offshore reserves.) Only 14 percent of U.S. domestic oil output is now pumped from offshore wells.

Court challenges by activists in California have slowed new leasing, and the governors of California and other states with offshore oil (e.g., Maine, Massachusetts, Alaska) have themselves often blocked development on the grounds that it might harm fisheries and tourism (due to "visual pollution"). Nor does Big Oil always want the tracts that Washington does put on the auction block. But all of this was rendered academic in 1982, when Congress, reacting to a come-and-get-it leasing proposal by Secretary of the Interior James Watt, imposed a moratorium on all new lease sales off California.

Last July, Watt's successor, Donald P. Hodel, announced a compromise authorizing new leases on a modest 18.5 million acres off the California coast. But the auctions are not scheduled to begin until 1989. That leaves the courts, Congress, or a new administration plenty of time to veto leasing again. But even the Californians' friends have run out of patience. As the *New York Times* noted recently, the threat posed to California's sea birds and scenery by drilling for more oil "if not zero, is low, and given the national need for secure sources of oil, it's a risk well worth taking."

stretch of Cleveland's Cuyahoga River, one of the lake's tributaries, burst into flames.

"By the time 1969 was over," recalls Rice Odell of the Conservation Foundation, "the Environmental Revolution was in full swing." Wrote John C. Whitaker, an aide to President Nixon at the time: "There is still only one word, *hysteria*, to describe the Washington mood [in 1969] on the environment issue."

Ironically, the conservative Republican in the White House gave the new environmental movement perhaps its biggest push. On January 1, 1970, four months *before* Earth Day, President Richard Nixon signed the National Environmental Policy Act into law. It established an advisory Council on Environmental Quality and, in a little-noticed provision, required comprehensive "environmental impact statements" for virtually all large-scale government-sponsored construction projects. By the end of the decade, federal agencies would prepare some 12,000 environmental impact statements.

Calling attention to his "first official act of the new decade," Nixon proclaimed: "The 1970s absolutely must be the years when America pays its debt to the past by reclaiming the purity of its air, its waters, and our living environment. It is literally now or never." This, he declared, would be "the environmental decade."

In December 1970, Nixon issued an executive order creating the U.S. Environmental Protection Agency (EPA). The new agency was the result of a governmental reorganization, combining under one roof responsibilities for writing and enforcing many of Washington's new pollution regulations, as well as for conducting research. Later, Nixon named former deputy attorney general William D. Ruckelshaus as the EPA's first administrator. The EPA grew quickly. Within three years, the agency boasted a budget of more than $500 million and a staff of some 8,200, and it was still expanding.

'Mr. Pollution Control'

By all accounts, much of Nixon's apparent zeal for the environmental cause stemmed from political calculation. In an America torn by conflict over the war in Vietnam and over race relations, "the environment" promised to be a unifying cause. As the *New Republic* commented in 1970, "everyone's interested in survival." Nixon also aimed to steal the spotlight from his likely opponent in the 1972 presidential election, Senator Edmund Muskie (D.-Maine), who was known in Washington as "Mr. Pollution Control."

During the spring and summer of 1970, Nixon and Muskie competed in what amounted to a bidding war to expand Congress's 1970 amendments to the old Clean Air Act. The unintended result was an enormously expensive, complex piece of legislation which, as a government report later expressed it, mandated a cleanup "clearly beyond the

technological capability which industry was known to possess at the time." It also marked a turning point in policy by transferring the responsibility for overseeing the cleanup from the states to Washington, with strict timetables.

As Ruckelshaus later recalled: "Congress in that era of Vietnam and general disillusionment with the existing order was in no mood to trust any administrative actors—state or federal. [It] gave EPA 90 days from the date of enactment to propose national ambient air standards for the major pollutants... and told us we had five years to attain them. This was done in the face of evidence that the problem in such [smog-ridden] cities as Los Angeles would take 25 years to solve."

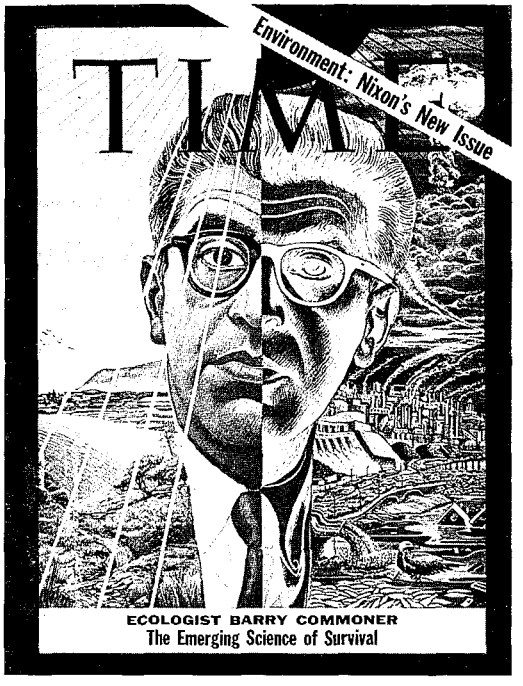
Limits to Growth

Throughout the "environmental decade" (and beyond), the EPA was whipsawed by political demands for instant clean air and water and by the uneven, even primitive, level of scientific knowledge about major pollutants. Congressmen drafting the early statutes assumed that all hazards were easy to identify. Said Ruckelshaus: "EPA's strict enforcement mandates [from Congress] were based on the belief that we knew our targets and how to hit them." But the regulators were shooting in the dark. In 1970, for example, when the agency established its first standards for permissible automobile emissions of carbon monoxide, it could only guess the level at which the invisible gas posed a threat to human health. "The original standard," wrote Ruckelshaus, "... was based on a single study involving 12 individuals."

Although the Clean Air Act goals seemed unrealistic at the outset to scientists and some politicians, Congress was not deterred. By the end of 1972, the legislators had passed six more major pieces of legislation. *Congressional Quarterly* hailed the 92nd Congress for "the most productive record for environmental protection in the nation's history."

The 1972 Federal Water Pollution Control Act (FWPCA) Amendments (passed over Nixon's veto) called on the EPA to establish strict standards for municipal and industrial discharges into the nation's waterways. They also authorized more than $18 billion for construction of new municipal sewage treatment plants. Governors and mayors, always keen on job-creating federally subsidized local public works projects, lobbied fiercely for the measure. Five other bills created strict requirements for ocean dumping, coastal zone management, marine mammal protection, pesticide control, and, last but not least, *noise* control.

Reviving the spirit of Lyndon Johnson's Great Society, Congress announced new antipollution goals with a near utopian optimism. Section 101 of the FWPCA, for example, called for the prompt restoration of the "natural chemical, physical, and biological integrity of the nation's waters." All of America's rivers, lakes, and streams were to be "fishable and swimmable by 1983." All hazardous municipal and industrial dis-



Depicted on TIME*'s cover (Feb. 2, 1970), was Barry Commoner, then a 52-year-old biologist at Washington University, St. Louis, and the "Paul Revere of Ecology." In 1980, Commoner made an unsuccessful bid for the U.S. presidency, on the now-defunct Citizens Party ticket, gaining 234,000 votes.*

charges were to be "eliminated" by 1985. Few newsmen were skeptical.

Big Business, trying to avoid seeming "pro-pollution," lobbied quietly (and in vain) against such catchall remedies. In fact, the overall costs of the pollution measures mandated by Congress were not a significant burden on the economy. In 1973, according to the EPA, corporations, government, and consumers spent some $13 billion on pollution-abatement measures—about one percent of the gross national product (GNP). (Such outlays have since averaged between 1.5 and two percent of the GNP.) The problem was that a few key industries (e.g., autos, steel, nonferrous metals, and electric utilities), some of them already ailing, bore the brunt of the costs.*

As time went on, popular demand for action grew louder. During the early 1970s, biologists Paul Erlich and Barry Commoner spoke of imminent "ecocatastrophe." In *The Limits to Growth* (1972), an impressive team of researchers headed by the Massachusetts Institute of Technology's Dennis L. Meadows warned of a "sudden and uncontrollable decline in both population and industrial capacity" if "the present growth trends in world population, industrialization, pollution, food pro-

*During the mid-1970s, the paper industry was forced to divert 17.6 percent of its capital investment to pollution control; nonferrous metal companies spent 17.2 percent, steel 15.8 percent, and electric utilities 8.7 percent. Hit hardest of all was Detroit, which spent $38.2 billion between 1970 and 1977 to satisfy Washington. However, Japanese and other foreign cars sold in the United States were required to meet the same pollution standards as U.S.-manufactured automobiles.

duction, and resource depletion continue unchanged." Alarmed readers snapped up four million copies of the book.*

During 1973–74, the Arab oil embargo forced Washington to confront for the first time some of the tradeoffs involved in protecting the environment: Reducing harmful fumes from auto exhausts cuts fuel economy; preserving federal lands from exploitation means less domestically produced coal and oil. As a new "energy crisis" preoccupied Washington, President Nixon asked Congress to relax scores of costly environmental regulations. Capitol Hill grudgingly made concessions. In 1974, for example, it granted Detroit the first of many delays in meeting federally mandated deadlines for reducing auto exhaust emissions.

In a curious way, however, the "energy crisis" seemed to dramatize some of the gloomy predictions of *The Limits to Growth*. Spaceship Earth was a small and fragile place: If the world was indeed running out of oil, then perhaps it might also exhaust its clean air and water, just as the doomsayers predicted. As Harvard's George Wald put it in the title of a 1975 essay, "There Isn't Much Time."

Looking for Ecotopia

Like many activists of the era, Wald blamed the evils of capitalism for the globe's impending calamity—thus overlooking the fact that well-intentioned government agencies, such as FDR's Tennessee Valley Authority or the Army Corps of Engineers, had committed some of the most grievous assaults on the environment.

Wald was a bit more apocalyptic than most—he thought that The End might be only 10 years away, while Barry Commoner reckoned that mankind could hope to survive for another 50 years. But all of the more radical environmentalists and their followers were fond of utopian schemes, from the relatively sober "Buddhist economics" of E. F. Schumacher's *Small Is Beautiful* (1973) to Ernest Callenbach's *Ecotopia* (1975), an underground best seller that described a fictional environmentalist community of the future carved out of Northern California and the Pacific Northwest. In Callenbach's novel, San Francisco, the capital of female-ruled Ecotopia (male attitudes have been discarded as "outdated and destructive"), is practically a ghost town: Most of the residents have gone "back to the land."

But, by the mid-1970s, the environmental movement was beginning to encounter its own era of limits. The energy scare, a steep recession, and soaring inflation had distracted many Americans and dampened public ardor for the cause. In Manhattan, the celebration of Earth Day 1975 attracted only 100 of the faithful. That year, according to a Harris poll, only six percent of the citizenry continued to regard "ecology" as one of

*In 1974, the Club of Rome, which had sponsored *The Limits to Growth*, did a nearly complete but little noticed about-face. In *Mankind at the Turning Point*, it called for *faster* economic growth in the Third World to close the gap between rich and poor countries.

the nation's top domestic problems.

Americans still broadly supported environmental regulation—more than half believed that the federal government should increase its outlays for environmental protection, according to opinion surveys. And the environmentalist ethos lived on, at least among the upper-middle class, in fads for natural fiber clothing, natural foods, indoor greenery, and in bumper sticker sentiments: Split Wood Not Atoms, Save the Whales. However, except during sporadic episodes, such as the 1977 Love Canal affair [see box, p. 76], most of the crusading zeal was gone. The environment, wrote Cynthia Colella of the U.S. Advisory Commission on Intergovernmental Relations, had "joined the ranks of such 'institutionalized' and enduring problems as education and health."

The Sierra Club, the Friends of the Earth, and other environmentalist groups (having accomplished the nominal regulation of air and water pollution) shifted their attention to other threats, many of them newly perceived. This trend was reflected in significant congressional legislation protecting endangered species (1973), and regulating the transport of hazardous materials (1975), the production of toxic chemicals (1976), and the methods of strip mining (1977). Environmentalists also cheered when Congress established a national 55 mph speed limit (1974), mandated greater fuel economy in new cars (1975), and vastly expanded the national parks and wilderness areas.

During the 1976 presidential campaign, President Gerald Ford and candidate Jimmy Carter sparred only lightly over pollution. Environmentalists in Washington backed Carter. They were rewarded after Carter's election by his appointment of veterans of the Environmental Defense Fund and allied lobbyists to important second-echelon posts at the EPA, the Department of the Interior, and the White House. But, in his first major speech on the environment (in May 1977), Carter proposed no new programs. Instead, he called for stricter enforcement of the complex laws already on the books.

Saving the Snail Darter

Increasingly, the battle over environmental regulation was to be an "inside the (Capital) Beltway" affair, waged in EPA hearing rooms and the courts in Washington, where the growing need of corporate clients for counsel led to a lawyers' boom.*

Environmentalists were not dismayed; many of the laws passed during better days had yet to be implemented. For example, regulations had been written for only a few of the tens of thousands of chemicals included under the Toxic Substances Control Act of 1976. "Much of the initial legislation overestimated the speed with which new technologies could be developed and applied," wrote Norman J. Vig and Michael E.

*The Washington, D.C. bar association, established in 1972, quickly grew to 35,000 members, equivalent to about five percent of the city's population. (Of course, many of the attorneys lived in the suburbs.)

Kraft, of Carleton College and the University of Wisconsin, respectively. "The laws also underestimated the compliance costs and the difficulties of writing standards for hundreds of major industries."

As the *Federal Register* bulged (from 10,000 pages annually in 1970 to nearly 80,000 pages in 1980) with new regulations issued by the EPA and other agencies such as the Occupational Safety and Health Administration, the Fish and Wildlife Service, and the Consumer Product Safety Commission, costs that had once been vague estimates suddenly had to be paid in hard cash. In 1977, for example, the EPA, along with state and local regulators, forced U.S. Steel to agree to spend $600 million over seven years to eliminate noxious smokestack emissions at its Clairton Coke Works in Pittsburgh. Antiregulatory sentiment grew.

"The situation we have gotten ourselves into would be ridiculous if it were not so serious," argued columnist Irving Kristol in the *Wall Street Journal* in 1977. "We have been much exercised... by the fact that the OPEC monopoly has cost this country well over $30 billion in increased oil prices since 1972. But in that time we have inflicted upon ourselves much larger economic costs through environmental and other regulations."

Publicity, which had once done so much to promote the environmentalists' cause, now occasionally undermined it.

In June 1978, Americans gasped in disbelief when the Supreme Court, enforcing the Endangered Species Act, halted construction of the

The "No Nuke" rallies of the 1970s and '80s were among the offshoots of the environmental movement. Above, a 1976 protest in Madison, Wisconsin to fight the planned construction of a nuclear power plant.

Tennessee Valley Authority's $100 million Tellico Dam to preserve the habitat of a tiny species of minnow, the snail darter.* Few newsmen noticed, New York University's Lawrence J. White observed, when a Department of Interior cost-benefit study the next year revealed that the dam was "a losing proposition at its conception and was still a losing proposition"—a dubious product of Capitol Hill's pork barrel politics. (In 1979, Congress opened a loophole in the Endangered Species Act and authorized completion of the dam. The snail darters were transplanted to nearby rivers; later it was discovered that the fish were present all along in a creek safely distant from the Tellico Dam site.)

Mistaking a Mandate

By 1977, as the nation's economic woes deepened, Carter and the Democrat-controlled Congress were backing away from some of the harsher provisions of federal environmental law. (The annual expense for environmental protection, paid mostly by business, had climbed to an unexpected $38 billion, not counting conservation outlays.) That year, for example, Congress again deferred Detroit's deadline for reducing auto exhaust emissions. Quixotically, however, it stiffened penalties against cities and regions that failed to meet the 1970 Air Quality Act's extraordinarily rigorous standards for clean air.†

In 1979, as the "environmental decade" drew to a close, Americans were again lining up at the gas pumps (due to a cutoff of Iran's oil exports), and the Federal Reserve Board was struggling to cope with soaring inflation and interest rates. Japanese competition in steel, autos, and other products was battering Smokestack America. On July 15, in his famous "crisis of confidence" speech, Carter asked Congress to endow an Energy Mobilization Board with the power to override EPA (and other) regulations. Congress refused. Moreover, in 1980, by an overwhelming majority, Congress created the $1.6 billion Superfund to clean up toxic waste dumps, such as New York's Love Canal. Capitol Hill no longer insisted on putting the environment ahead of the economy, but it was not willing to "pull the plug" on environmental protection.

That summer, at the 1980 Republican Convention in Detroit, a triumphant Ronald Reagan seemed to grasp the nation's mood. "Make no mistake," he assured his nationwide TV audience. "We will not permit the safety of our people or our environmental heritage to be jeopardized, but we are going to reaffirm that the economic prosperity of our

*Between 1973 and 1980, the federal courts heard a total of 3,076 environmental cases, an average of 439 a year. According to Lettie M. Wenner's study *The Environmental Decade in Court* (1982), environmentalists (or the government) won only about half of their court battles. But a single lawsuit could be extremely time-consuming and costly. As early as 1973, fear of such litigation prompted Congress to bar court challenges to the Alaska oil pipeline's environmental impact statement.

†To meet those requirements, Los Angeles, for example, would have had to slow construction of new factories and shopping centers, curb driving, and even limit the use of charcoal-lighter fluid in backyard barbecues. In practice, major federal sanctions against cities have never been imposed.