The Creative Society
Environmental Policymaking in California, 1967-1974

Dissertation

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Abstract

California took the lead on environmental protection and regulation during Ronald Reagan’s years as governor (1967-1974). Drawing on over a century of experience with conserving natural resources, environmentally friendly legislators and Governor Reagan enacted the strongest air and water pollution control programs in the nation, imposed stringent regulations on land use around threatened areas like Lake Tahoe and the San Francisco Bay, expanded the size and number of state parks, and required developers to take environmental considerations into account when planning new projects. This project explains why and how California became the national leader on environmental issues. It did so because of popular anger toward the environmental degradation that accompanied the state’s rapid and uncontrolled expansion after World War II, the election of a governor and legislators who were willing to set environmental standards that went beyond what industry and business believed was technically feasible, and an activist citizenry that pursued new regulations through lawsuits and ballot measures when they believed the state government failed. The environment had a broad constituency in California during the Reagan years. Republicans, Democrats, students, bureaucrats, scientists, and many businessmen tackled the environmental problems that
threatened the California way of life. Their solutions inspired other states and the federal government to follow California’s lead.
Dedication

For Lisa and Robbie
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First, many thanks go to my dissertation committee. Paula Baker brought me into the OSU fold and suggested I look into the California Air Resources Board for a seminar paper. William Childs thought enough of that paper to stick with it as it grew into the present project. Mansel Blackford offered valuable historiographical suggestions and first-hand recollections from his time at UC Berkeley during the Reagan years. Other professors at Ohio State, especially John Brooke, Kevin Boyle, Kenneth Andrien, and Christopher Otter, provided valuable advice, suggestions, and recommendations. Many academics outside OSU, including Mark Rose, Steven Thomas, Thomas Andrews, Jonathan London, Anthony Wexler, and Tim Choy, offered excellent comments on various conference papers and presentations. Louis Warren gave friendship and advice on many occasions. Jefferson Decker and Brian Allen Drake shared their dissertations and offered encouragement. Joseph Pitti, Patrick Ettinger, and Jeffrey Dym served on my thesis committee at California State University, Sacramento, and helped me find my way to Ohio State in the first place.

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the minutia of environmental policymaking.
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Chapter 1: Introduction

During his campaign for governor of California in 1966, Ronald Reagan called for the establishment of a “creative society” where the people shared in decision-making and the need for a powerful state government would melt away. “There is much to be done in California and much that can be done by a Governor who, instead of turning to Washington for help, turns to the people and leads them in building a creative society in which we rely on their genius, their abilities, and their desires to become active participants instead of merely bystanders, in the building of that society,” Reagan wrote during the campaign.¹ Under Reagan’s opponent, incumbent Edmund G. “Pat” Brown, Sr., the size and power of state government had increased dramatically, most visibly through the construction of massive highway and water redistribution projects. Reagan argued that the oppressiveness of big government had stifled the creativity of Californians, and he hoped to bring about a revolution in the relationship between the citizen and the state. In this new relationship, legislators and bureaucrats would work with businessmen, academics, students, professionals, and workers to solve the state’s problems. Partisanship would give way in the face of best practices. The state’s

hidebound bureaucracy would be replaced by innovative and dynamic problem-solving. And, once all of these groups were actively participating in this endeavor, the size, scope, and cost of state government would go into permanent decline.

In most areas of state policymaking, Reagan failed to realize his creative society. The divisive social and political issues of the late 1960s and early 1970s, including race relations, antiwar sentiment, student uprisings, welfare reform, tax policies, increased crime, and family planning, affected California as much as they did the nation at large. The Reagan administration was unable to unite Californians over such issues, though he did bring a level of pragmatism to governance that surprised many observers.2 One realm of policymaking, however, did see the harmonious cooperation that Reagan envisioned, if only for a brief time. The protection of the state’s natural environment and resources enjoyed bipartisan support in the state legislature and among the state’s citizens during the Reagan years. Between 1967 and 1970, Reagan and the legislature launched sweeping reforms of the state’s environmental regulations and invited the participation of concerned citizens, environmental interest groups, academics, businessmen, and industrial groups. In one of the great ironies of the Reagan years, this creative society built the most powerful environmental protection agencies and instituted the strictest regulations in the nation, making government more intrusive in the personal and business lives of all Californians.

This was an exciting time in environmental policymaking. Environmental groups were energized as they had never been before, and hoped for more governmental action.

Business and industrial groups began to recognize that environmental protection and increasing regulations would be part of the cost of doing business in California. Soon after Reagan took office in 1967, the legislature created the State Water Resources Control Board, which was charged with introducing quality concerns into the water allocation process for the first time. It also merged the state’s stationary and vehicular emissions control programs under the Air Resources Board. This Board became the most powerful environmental regulatory agency in the country. The state and federal government finally established a Redwood National Park. Governor Reagan halted the expansion of the State Water Project by canceling the construction of Dos Rios Dam on the Eel River. The Porter-Cologne Water Quality Act of 1969 called for fines of $6,000 per day on polluters, the highest such fines in the nation, and forced polluters to pay cleanup costs on an emergency basis instead of waiting for court injunctions.

The state also entered the realm of regional development and land use planning. The legislature gave the San Francisco Bay Conservation and Development Commission jurisdiction over all development within one hundred feet of the bay’s shoreline and gave the Tahoe Regional Planning Agency the final say over development on the California side of the lake. The California Environmental Quality Act of 1970 required the creation of environmental impact reports for new development.

The creative society that was responsible for these actions began to fracture during Reagan’s second term, however. Conservatives within the Reagan administration began to recoil from the expansion of state government. The argument that environmental protections threatened jobs also gained traction among some conservatives, including
Governor Reagan. Conservative interest groups arose to defend property rights against environmental regulators. Even environmentally friendly legislators became concerned with the intrusiveness of some of the state’s regulatory agencies, especially the Air Resources Board. In addition, the state and federal governments waged jurisdictional battles over the enforcement of national pollution standards at the state level. These battles delayed the implementation of those standards and dispirited many Californians.

The legislature did not completely abdicate its role in establishing environmental policies after 1970. The Wild and Scenic Rivers Act (1972) and the Energy Resources Conservation and Development Commission (1974) were important pieces of legislation, but the overall pace and success of environmental proposals went into decline between 1970 and the end of Reagan’s second term in early 1975.

As the legislature and the governor backed off from the activist environmental agenda of earlier years, concerned Californians pressed on, using extra-legislative means. The source of environmental policymaking moved from the state capitol to the courthouse and the ballot box. Environmental activists took advantage of the state’s ballot initiative system and the courts to create new regulatory agencies and to force the state and federal governments to implement existing regulations. The Coastal Initiative, for example, created a powerful new regional planning commission in 1972. That same year, the California Supreme Court broadened the reach of the Environmental Quality Act to include private and public development and a federal court forced the federal Environmental Protection Agency to play a larger role in enforcing air quality standards
in California. Environmental activists played an important role in the creation and enforcement of regulations during Reagan’s second term.

California established its position as a national leader in environmental policymaking during the Reagan years. California took that lead because of popular anger toward the environmental degradation that came with the state’s rapid and uncontrolled expansion after World War II, the election of a governor and legislators who were willing to establish environmental regulations beyond what industry and business believed were necessary or even technically feasible, and an activist citizenry that pursued further regulation through lawsuits and ballot measures when they believed the state government failed. This story is about the political context of environmental legislation. There is a rich historiography on California politics during the 1960s and 1970s, and there have been many studies on individual environmental programs during those years, but there have been few attempts to bring together the politics and the environmental programs. This dissertation does just that.

Much of the analysis of California politics during the 1960s and 1970s has come through biographies of important political figures. Bookshelves buckle under the weight of volumes dedicated to the life and political career of Ronald Reagan, but as Matthew Dallek pointed out a decade ago, “even the biographers rarely spend more than one or two chapters discussing his rise as a politician in the early and mid-1960s.”³ In the years since Dallek lamented this fact, a number of journalists, biographers, and historians have begun to look at Reagan’s years as governor, focusing mostly on his role in the rise of the

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New Right in American politics. Conservative writer Stephen Hayward has called the 1960s and 1970s the “Age of Reagan” because of the governor’s influence on American politics during those years. Reagan captured the imagination of New Right conservatives in California through his support for Arizona Senator Barry Goldwater’s presidential run in 1964, and within two years he became “the new conservative standard-bearer,” according to Lisa McGirr. Dallek describes Reagan’s victory in the 1966 gubernatorial election as a watershed moment in American politics. “For the first time, the conservatives learned how to push the right buttons on key issues, from race and riots to war and crime,” according to Dallek. “Reagan successfully linked the liberal social programs of the ‘60s with disorder in the streets, and offered an alternative vision of what government should and should not do.” These scholars present Reagan as an inflexible conservative ideologue. This reflects the governor’s rhetoric and the image he presented at the time, and this image caused great fear and hand-wringing among environmentalists when he won the 1966 campaign.

Although Reagan is best known for leading an ideological political revolt in California in 1966 and nationwide in 1980, some recent writers have noted his pragmatism and flexibility as governor. Reagan was by no means an environmental activist but, as with many issues he dealt with as governor, he employed a pragmatic approach to solving environmental problems. The governor’s “environmentalist stance” was “his most significant departure from his commitment to conservatism,” according to

Jackson Putnam. Reagan’s support for stronger pollution control programs and his opposition to dam building made him “a consistent, if moderate, environmentalist.” Lou Cannon, a journalist who followed Reagan’s career from Sacramento to Washington, argues that the governor approached many controversial issues, including taxes, abortion, and the environment, with a willingness to compromise that ran counter to his ideological rhetoric. This dissertation uses Cannon’s chapter on Reagan’s environmental policies as a starting point in understanding how those issues gained legislative success during an otherwise conservative governor’s watch.

Studies of Reagan’s years in Sacramento now fill volumes instead of chapters, but the Reagan administration’s environmental agenda rarely fills more than a few pages. With the exception of Cannon’s book and Putnam’s article none of the above works discuss the Reagan administration’s environmental policies. Historians have failed to give the Reagan administration credit for its environmental policies. Stephanie Pincetl’s description is typical: “much of the new major California environmental regulatory infrastructure had just been put into place during the last term of the Reagan Administration, a result of the combined forces of a Democratically-dominated Legislature and public concern ignited by the Santa Barbara oil spill of 1969,” but “it remained for [Jerry Brown, Reagan’s successor] to implement the new legislation.” Such a statement downplays the support of Governor Reagan and Republican legislators, many of whom were among the strongest advocates for environmental issues in the state.

8 Cannon, Governor Reagan.
legislature. Bipartisanship was a hallmark of environmental legislation during this era. Pincetl’s statement also dismisses all of the legislative activity during Reagan’s first term, which was much more productive than during his second term. Such statements could be a reaction to President Reagan’s environmental policies during the 1980s, which were in many ways antithetical to those of Governor Reagan in the 1960s.

California never built a “single, statewide, super-environmental agency to handle all problems from pollution to conservation, land use planning and environmental quality” during the Reagan years. “Instead,” according to one environmental critic, “California attempts to protect its environment through single-purpose agencies, with clearly defined spheres of responsibility for each element in the resources picture.”

Scholarly studies of environmental policymaking in California suffer from the same problem. Historians and political scientists have looked at many individual state agencies during the Reagan years but have failed to produce a general synthesis of the implementation of environmental legislation. We have seen studies of the San Francisco Bay Conservation and Development Commission, the Air Resources Board, the California Coastal Commission, and the Tahoe Regional Planning Agency, for example, but these studies rarely mention or provide comparisons to any of the other agencies or policies.

To rectify this, this project compares the state’s experiences in establishing and implementing environmental regulatory policies in three broad areas: water pollution, air pollution, and land-use planning. The comparison between efforts to regulate these three areas demonstrates the complexity of environmental policymaking, even at a time when environmental issues enjoyed bipartisan support. The state legislature, regulatory agency bureaucrats, and environmentalists found water pollution to be the easiest of the three problems to address. Public support for clean water was so high that affected industries and businesses refused to publicly oppose the imposition of new standards. Calls to reform the state’s water pollution program gained popularity in the wake of the Santa Barbara Oil Spill in 1969, though the legislature had begun to reform the program two years earlier.

The ease with which Californians found a solution to water pollution did not carry over into the field of air pollution. Public anger over hazy skies and smog that threatened public health prompted the state to create the powerful Air Resources Board in 1967, which had the authority to regulate the exhaust emissions from automobiles and to establish air quality standards that were higher than those of the federal government. Unlike with water pollution, however, industrial groups such as automobile manufacturers and oil companies refused to accept responsibility for contributing to smog and fought the state’s attempts to regulate emissions, arguing that it was unfair to have one set of standards in California and another in the rest of the nation.

Land-use planning was the most difficult problem of all. The state’s explosive postwar growth was largely unplanned, and many of its environmental problems
stemmed from haphazard and inconsistent decisions regarding the locations of cities and suburbs, freeway construction, and redistribution of water. Although environmentalists and conservationists consistently urged the adoption of a master plan for further population growth and economic development, most legislators and Governor Reagan refused to get involved in centralized planning because it violated their sense of the proper role of government.

This story allows us to consider a number of broader themes in American western, political and environmental history. First, it demonstrates Western leadership on a national issue. Historians have debated the role of the federal government in the American West for over a century. Frederick Jackson Turner captured the nation’s imagination in 1893 by arguing that the western frontier experience had imbued the American character with individualism, independence, and a love for democratic government. The western frontier, as it moved from place to place through time, helped create the American state. Beginning in the 1980s, a new generation of Western historians turned this vision of Western exceptionalism on its head. A popular thesis among these New Western Historians was the federal government’s “conquest” and subordination of the West. Patricia Nelson Limerick rejected the myth of Western individualism and independence and argued that “the two key frontier activities – the control of Indians and the distribution of land – were primarily federal responsibilities.” The federal government subsidized the construction of highways, harbors, and railroads,

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and controlled access to the nation’s land and other resources. According to Richard White, “is a creation not so much of individual or local efforts, but of federal efforts.” As White describes it, “the armies of the federal government conquered the region, agents of the federal government explored it, federal officials administered it, and federal bureaucrats supervised (or at least tried to supervise) the division and development of its resources.” Gerald Nash argued that “it was the federal government that determined the pattern of farms in the humid regions, built the major roads and highways, and fostered the growth of the principle cities in the West.” Under this new conception, the American state created the West.

The problem with this thesis is that it presents federalism as a one-way street. Westerners and their states lose all agency in the federal-state relationship. And, as Karen Merrill points out, this creates a new myth of western exceptionalism, where the region differs from others not because of its rugged independence but because of its utter dependence on the federal government. It also removes the West from the story of American politics because it locates political power in Washington and presents a simple story of subjugation instead of interaction in the West. As Robert Johnson put it, “the New Western Historians have contributed substantially to the field’s evasion of the messy

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realm of the political.” The challenge that Merrill and Johnson present to Western historians is to engage the broader American political historiography and demonstrate that the West has a political history and that it affected Washington and the rest of the nation.

The story of environmental policymaking in California during the Reagan era provides an opportunity to bridge the gap between Western and political history. While this project does not dispute the power of the federal government in directing the settlement and development of the American West, it does provide an example of western activism and leadership on a national issue. Reforms to California’s existing air and water pollution control programs went further than those at the national level and provided precedents and examples for similar programs in other states. Even states that did not enact legislation similar to California sometimes felt the influence of its regulations. Automakers, for example, had to choose whether to build different versions of each model to meet local standards in every state or to build one version that conformed to the toughest emissions standards in the nation. In the protection of the environment, Western states, particularly California, led the nation.

The story of environmental policymaking in California during the Reagan years also allows us to analyze the relationship between conservatism and environmentalism, two of the most powerful political movements of the late twentieth century. Most of the scholarly work on this relationship focuses on the divide between the two movements, perhaps because this fits neatly into the present-day partisan framework. There was a

time, however, when conservatives in California supported the expansion of
government’s regulatory powers in environmental matters. Much of this can be traced
back to the influence of Progressive Era conservation programs and their Republican
sponsors, such as President Theodore Roosevelt and Governor Hiram Johnson. Some
early conservative thinkers, including Richard Weaver and Russell Kirk, believed that
environmental preservation should occupy a central position within the philosophy of
conservatism. As John R. E. Bliese points out, the traditionalist conservatism espoused by
Weaver and Kirk rejected materialism, consumerism, and modern industrialism’s war on
nature. As Bliese puts it, “piety toward nature is, thus, a fundamental attitude of
traditionalist conservatism.”18 Other conservatives saw environmental regulation as a
states’ rights issue and saw local and state pollution control efforts as manifestations of
the will of the people. These conservatives supported these efforts as long as they
responded to the needs of the people and remained independent of outside (i.e. federal)
control.19 Through the late 1960s, there was very little partisan or ideological tension
over environmental issues.

This changed during the early 1970s, when conservatives began to withdraw their
support for environmental causes. The conflict between environmentalism and
conservatism “came to full flower when environmentalism turned from the effort,
championed by Theodore Roosevelt and Gifford Pinchot, to preserve our national
heritage to a project aimed at altering the exercise of influence in public policy and well-

18 John R. E. Bliese, “Richard M. Weaver, Russell Kirk, and the Environment,” Modern Age 38:2 (Winter,
1996), 148-158.
19 Marc Allen Eisner, “Environmental Policy from the New Deal to the Great Society: The Lagged
Emergence of an Ideological Dividing Line,” in Brian J. Glenn and Steven M. Teles, eds., Conservatism
established American values” in the early 1970s, according to Richard Harris. “Conservatives, already alert to perceived socialist tendencies of modern liberalism, found a deeply disturbing confirmation of their fears in environmentalists’ vision, rooted in collectivist arguments about the need to subordinate property rights and individual freedom to societal needs and ecological laws.” Conservatives who had argued against the expansion of the administrative state since the New Deal joined with business and industrial groups who saw themselves as victims of arbitrary regulations to oppose new laws and possibly roll back existing ones. Conservative opposition to environmental causes also grew out of a general backlash against the liberalism on display in President Lyndon Johnson’s Great Society programs.21

At the national level, the withdrawal of conservative support for environmental issues began under the Nixon presidency. In 1969 the administration had supported the National Environmental Policy Act, and Nixon created the Environmental Protection Agency and supported the Clean Air Act Amendments the following year. But the president believed the environmental crisis was over by 1973. Environmentalism had been “largely a temporary phenomenon” for Nixon, according to Flippen. “His early efforts had paid little political dividends, destroyed his budget, alienated conservative allies, and hampered economic recovery.” Nixon felt justified in turning his back on

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environmental causes because the economic crises of the 1970s – unemployment, inflation, and energy shortages – took priority among many Americans.\textsuperscript{22}

Governor Ronald Reagan’s administration followed a similar, though not identical, trajectory in California. During his first term, Reagan supported the establishment of Redwood National Park, the expansion of the air and water pollution control programs, and the creation of regional planning agencies for the San Francisco Bay and Lake Tahoe. During his second term, he opposed the creation of the California Coastal Commission and fired members of the Air Resources Board for overreaching in their fight against smog. But unlike Nixon, who saw environmentalism solely as a political opportunity, Reagan never completely turned his back on environmental issues. External factors such as high unemployment and the energy crisis in the 1970s made Reagan and other conservatives more wary of environmental regulations, but they never tried to undo earlier achievements.

This political history of the environment also allows us to look at the power of interest groups in California, especially their power to bring environmental problems to the attention of legislators and their power to mobilize public opinion. Pro-environmental interest groups have received plenty of scholarly attention, but anti-environmental interest groups also play a role in this story, especially during Reagan’s second term. According to Samuel P. Hays, “one of the most curious features of contemporary environmental analysis is the limited focus on the environmental opposition.”\textsuperscript{23} A few

books have appeared in recent years on the Wise Use movement and the Sagebrush Movement in the late 1970s and early 1980s, but there has been little discussion of anti-environmental groups in the 1960s and early 1970s. This project will not completely fill that historiographical void but it will provide a context for the creation of the Pacific Legal Foundation. This law firm was established in Sacramento in 1973 to defend “the free enterprise system, traditional private property rights, and a balanced approach to weighing economic, social, and environmental concerns,” according to one of its founders. This foundation provided the inspiration for the Mountain States Legal Defense Fund, which formed the backbone of the Sagebrush Rebellion in other Western states. Not all opposition to environmental causes came from explicitly anti-environmental organizations. The Automobile Club of Southern California, for example, opposed an attempt to divert gas tax revenues away from highway construction and toward air pollution research and mass transit. Anti-environmental organizations and their fellow travelers did not wield much influence over environmental legislation during the Reagan years, but they became much more influential as the 1970s wore on.

This dissertation follows a chronological format. Chapters 2 and 3 summarize the relationship between Californians and the state’s natural resources between statehood and


the 1960s. California has always been the land of “exceptional opportunities,” according to journalist Carey McWilliams, and these chapters describe how Californians have used the state’s natural resources to take advantage of those opportunities.28 Americans first flooded into California during the Gold Rush, but the railroads and other boosters tried to keep them coming throughout the late nineteenth and early twentieth centuries by emphasizing the state’s natural beauty. The Progressive Era left two important legacies in California that are relevant to the history of environmentalism. First, the debate over conservation and environmental preservation, as most vividly demonstrated in the Hetch Hetchy dam controversy between 1903 and 1913, drew generations of political leaders into discussions of the state’s natural resources. By the 1960s, even the most conservative politicians championed at least some resource conservation. This formed a basis of the bipartisanship that characterized environmental issues through the Reagan era. Second, Progressives such as Governor Hiram Johnson brought the initiative system to California, which allowed citizens to circumvent the legislature. Environmentalists began to use the initiative system in the 1970s to create new programs and regulations. After World War II, the state underwent unprecedented population growth and economic development, much of which was fueled by state- and federal-funded infrastructure projects. Conservation, the most efficient use of natural resources, was the guiding philosophy in the relationship between mankind and the environment in California during the first half of the twentieth century. Thus, two massive water projects redistributed water from the wet North, where few people lived, to the dry South, where many people lived. The state

28 Carey McWilliams, California: The Great Exception (Santa Barbara: Peregrine Smith, 1976), 63.
also underwent a massive highway construction program to facilitate the movement of people and goods. Little regard was made to environmental sustainability with these projects, which contributed to polluted lakes and waterways, infilling in San Francisco Bay, and smog in Los Angeles and other cities.

Chapter 3 analyzes the criticism of such unrestrained development. During the 1960s, many Californians became concerned with the misuse of land, overpopulation, and the health effects of pollution. Alfred Heller and Samuel Wood established California Tomorrow in 1962, an organization devoted to the creation of environmentally sustainable regional and statewide land-use planning. Raymond Dasmann lamented the loss of productive agricultural land to suburbs in *The Destruction of California* (1965). The growth of cities, suburbs, and exurbs resulted from unsustainable population growth, according to Stanford biologist Paul Ehrlich, who predicted a Malthusian nightmare of famine in *The Population Bomb* (1968). All of these arguments influenced California lawmakers and became rallying cries for environmental organizations.

This chapter also looks at the attempts to fight environmental degradation at the local, regional, and state levels between World War II and 1967. These early attempts were largely ineffective for four reasons. First, polluting industries and businesses fought attempts to toughen environmental regulations or participated in the legislative process to weaken new laws. Second, cities and counties inconsistently enforced existing environmental regulations, sometimes avoiding it altogether in order to attract business. Third, the causes of some forms of pollution, especially smog, eluded Californians until the 1950s. Fourth, and most important, environmental regulations hampered economic
development, which was the overriding concern for politicians like Governor Edmund G. “Pat” Brown, Sr., who saw massive highway and water redistribution projects as signs of progress. The state and local governments enacted some environmental regulations in spite of these constraints, but these failed to slow the deterioration of the state’s natural resources.

Chapter 4 discusses the gubernatorial election of 1966, the environmental philosophy of Governor Reagan, and the people who made up his administration. This election was a pivotal moment in environmental policymaking in California, though few observers noted it at the time. The incumbent, Governor Pat Brown, personified the old conservationist ethic by advocating for the redistribution of water from North to South and the construction of highways to connect every city in the state. His Republican opponent, Ronald Reagan, had no strong environmental agenda, and made a number of gaffes during the campaign that offended environmentalists, but he espoused a philosophy of rolling back government that could include reducing state support for Brown’s development projects. After his victory, Reagan and his advisers filled many state offices with men who were sympathetic to the environmental movement. The most influential environmentalist in the administration was Norman Livermore, a former member of the Sierra Club Board of Directors, who Reagan tapped to head the Cabinet-level Resources Agency. Livermore served as an influential proponent of environmental issues throughout Reagan’s tenure and his Resources Agency became home to many environmentally minded officials, such as State Parks Director William Penn Mott and San Francisco Bay Conservation and Development Commission Chairman Melvin Lane.
Very few Reagan appointees resisted the state’s new environmental philosophy. William Gianelli, the Director of the powerful Department of Water Resources, was a conservationist who advocated the wise use of resources, especially rivers. Others, such as State Geologist Wesley Bruer and James Stearns, Director of the Department of Conservation, brought ideological opposition to environmental regulations. But these were among the few exceptions in an otherwise environmentally friendly Reagan administration.

Chapter 5 discusses the state’s war against air and water pollution, which peaked between 1967 and 1970. Californians were largely united on the need for action on environmental issues and were optimistic that solutions could be found. During this three-year period, the State Legislature and Governor Reagan reformed the state’s water and air pollution programs. Despite his usual deference to local concerns, Reagan supported efforts to establish regional planning agencies around the San Francisco Bay and Lake Tahoe to prevent further degradation in those waterways. California won its reputation as the national leader on environmental issues because of these reforms.

The most visible attempt to realize Reagan’s vision of a Creative Society was the Governor’s Conference on California’s Changing Environment, the subject of Chapter 6. At this conference, held in Los Angeles in November 1969, government officials, businessmen, experts, academics, and concerned citizens came together to discuss the relationships between people and land, air, water, and urban society. Conference participants argued that the unrestrained economic development that had characterized California since World War II was no longer feasible or desirable, and that the state must
create a centralized plan for development that was based on ecological sustainability instead of on population density. The conference did not spark a revolution in mankind’s relationship with its environment, but it provided a forum for a wide range of solutions to environmental problems. Californians debated many of these solutions over the following year. 1970 became known as the Year of the Environment and was the high point for environmentalism across the country. President Nixon created the Environmental Protection Agency, Congress passed strong Clean Air Act Amendments, and Americans everywhere celebrated the first Earth Day. In California, Reagan made the environment a centerpiece to his reelection campaign and the State Legislature debated dozens of new environmental bills, including the California Environmental Quality Act, which required public development projects to prepare environmental impact reports. The future looked bright for environmental issues in California.

The Year of the Environment ended on Election Day in November 1970. Governor Reagan’s interest in environmental issues declined after his reelection, and many legislators followed suit. Chapter 7 traces the decline of legislative activity on environmental issues during Reagan’s second term. California’s politicians began to lose interest in environmental issues as the state’s regulatory agencies got bogged down in jurisdictional fights and other controversies. As the pace of legislative activity declined, environmental organizations stepped in to enact new policies through lawsuits and ballot initiatives. The California Supreme Court’s *Friends of Mammoth* decision required private development projects to prepare environmental impact reports in addition to public projects. A federal court forced the Environmental Protection Agency to step in
when California failed to meet the Clean Air Act’s implementation plan requirements. Two important initiatives appeared in 1972 with mixed results. Proposition 9, the Clean Environment Act, failed, but Proposition 20, the Coastal Initiative, passed and created a new commission that regulated all development within 1,000 yards of the state shoreline. The economic cost and intrusiveness of these measures, and concerns over the energy crisis and unemployment, sparked a backlash among many conservatives. Public interest law firms such as the Pacific Legal Foundation began to challenge environmental regulations. This was the beginning of the end to bipartisan support for environmental issues in California.

The epilogue assesses environmental legislation at the state and national level after Reagan left Sacramento on 6 January 1975. California continued to enact strong environmental legislation and provided inspiration and precedents to other states and the federal government. The state was also home to organizations that supported and opposed environmental regulations, and those groups inspired others across the country. The epilogue also offers some theories on how Governor Reagan, who pursued a mildly progressive environmental agenda, evolved into President Reagan, whose environmental record has been rated among the worst of all modern presidents.

This project is not an attempt to “greenwash” Ronald Reagan. His presidential administration’s record on the environment deserves the criticism it has received from historians and environmentalists. But his record as governor was more complicated and pragmatic, and it deserves closer, and objective, scrutiny. He, his administration, legislators, environmental organizations, and concerned citizens built an environmental
regulatory state that has met many (though certainly not all) of California’s environmental challenges. The creative society that tackled those problems may not have been the one that Reagan had in mind when he campaigned for the governor’s office but his support for new regulations and bureaucracies complicates his ideological reputation.
Chapter 2: Improvements, Conservation, and Preservation during the First Century

Carey McWilliams, the famous twentieth century journalist, called California a “great exception” because, unlike other states that developed slowly over time, “in California the lights went on all at once, in a blaze, and they have never dimmed.” The discovery of gold “got California off to a flying start, and set in motion its chain-reaction, explosive, self-generating pattern of development.”1 Hundreds of thousands of people fanned out across the state, hoping to strike it rich by digging for gold or by selling supplies to the miners. It happened so fast that the state and federal governments had no hope of regulating or even keeping track of land claims. Cities and towns sprung up across the state, whose placement followed the get-rich-quick logic of the goldfields. The Gold Rush boom promoted rapid and democratic development across the state.

But it also established a precedent for haphazard settlement that prioritized economic development over environmental sustainability. In this, California was not a great exception. Throughout the nineteenth and much of the twentieth century, every state in the Union shared that priority. Many Californians shared a sense that much of their state’s appeal came from its natural environment, however, and boosters and politicians alike pushed for some protections of their natural resources to temper the destructive

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potential of that development. The state tried many strategies to both attract people and protect the natural environment and conserve resources from overdevelopment during the first century of statehood. During the last half of the nineteenth century, most of the state’s environmental regulations were directed toward maintaining the aesthetic aspects of California that boosters used to attract new immigrants. These regulations had little practical effect on development. During the Progressive and New Deal eras, the state took an interest in opening access to natural resources to greater numbers of Californians. These efforts, which included attacks on monopolies, restrictions on logging in redwood forests, and limits on oil drilling along the coastline, marked a turning point in environmental politics after decades of legislation favoring unlimited development.

**Boosters and Early Environmental Regulations**

California’s political leaders encouraged the development of their state’s natural resources throughout the last half of the nineteenth century in their party platforms and through legislation. In the earliest years of statehood, the Whig Party led the charge for internal improvements. The Whigs declared in 1850 that “California, destined hereafter by the wealth and enterprise of her citizens, by the vast extent of her sea coast, and by her spacious ports and great inland seas, to command the commerce of the entire Pacific, peculiarly requires the fostering hand of government in the erection of light-houses and the improvement of her harbors.” A year later, the Whigs came out “in favor of liberal appropriations by the general government for works of a public character, especially the
improvement of our rivers and harbors.”2 The Whigs’ support for such internal improvements in California mirrored their party’s platform at the national level, which supported the appropriation of federal money for the construction of canals and roads in the East helped to facilitate trade and increase land values.3

The state Democratic Party supported economic development as much as the Whigs but preferred to encourage private investment instead of using government money. In their 1853 platform, the Democrats argued “that the surest and most speedy method of developing the resources of the state, promoting industry, and elevating society, is to encourage, by the enactment of proper laws, the ownership and cultivation of the soil in limited quantities by actual settlers.”4 To open up more land to settlement, the Democrat-dominated state legislature allowed the sale of seemingly useless swampland for one dollar per acre in 1855. Much of this swamp land was drained and subdivided afterward, regardless of the effect on native ecosystems.5 Entrepreneurial Californians built levees and drained swampland around the confluence of the Sacramento and American Rivers, for example, and the city of Sacramento quickly annexed the reclaimed land.6

In keeping with the desire to encourage private investment, the legislature transferred tidelands to cities for the construction of harbors and granted charters to private citizens to build wharves to foster trade along the state’s coastline. During the late

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nineteenth century, cities around the San Francisco and Monterey Bays benefited the most from these policies, but new urban areas around Los Angeles, including Long Beach and Santa Barbara, received most of these tidelands grants in the early twentieth century.\textsuperscript{7}

The young state’s first environmental crisis came out of the gold diggings. Hydraulic mining was a powerful and efficient method of separating gold from the surrounding dirt, but it also eroded mountainsides and swept over a billion cubic feet of soil and rocks downstream into the valleys. Silt filled riverbeds, and pushed water over the rivers’ banks, flooding huge tracts of farmland in the valleys with mud and debris. Farmers in the Sacramento Valley joined Anti-Debris committees and brought lawsuits against the mining companies. Federal judge Lorenzo Sawyer ordered an end to the practice in 1884 in a decision with lasting consequences for California. The decision was “one of the first successful attempts in modern American history to use the concept of general welfare to limit free capitalism,” according to historian Robert Kelley. It also established a precedent for using the courts to limit environmental degradation. Perhaps most importantly, the controversy demonstrated California’s transition from a mining economy to an agricultural economy.\textsuperscript{8}

As the Gold Rush subsided and the miners moved to new diggings in Nevada and Colorado, entrepreneurial Californians began to promote their state as a destination for settlement and tourism. The railroads took the lead out of a desire to increase freight and


passenger traffic, and in the hope of bringing settlers who would buy land from them. In the early 1880s the Southern Pacific Railroad, for example, established a “literary bureau” to promote tourism and settlement in California and other areas of the West. 9 These promoters and boosters had to overcome the state’s reputation as a lawless frontier. “California is to most Eastern people still a land of big beets and pumpkins, of rough miners, of pistols, bowie-knives, abundant fruit, queer wines, high prices – full of discomforts, and abounding in dangers to the peaceful traveler,” according to Charles Nordhoff, who wrote a famous travel account on behalf of the Southern Pacific in 1872. 10 Racial tensions also made easterners nervous about migrating to California. Whites mixed with Indians, Mexicans, and Chinese in California, and incidents of racial violence, such as the murder of 19 Chinese by a mob of 500 whites in Los Angeles’s Chinatown in 1871, regularly appeared in national newspapers. California boosters also had to contend with the reality that the state’s most valuable lands and other resources had already been monopolized by the railroad companies and large agricultural concerns. Much of California was also “an arid wasteland to boot, a place where riches could be no more easily wrought from the land than could blood from a stone,” according to one historian. 11

These negative images created a drag on population growth during the last half of the nineteenth century. The number of immigrants entering California fell after the

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completion of the transcontinental railroad, from 34,941 in 1868 to 10,282 in 1871. Much of the state’s population growth between 1860 and 1900 came from natural reproduction rather than the westward movement of Americans (see Figure 1).\footnote{Richard J. Orsi, “Selling the Golden State: A Study of Boosterism in Nineteenth-Century California,” Ph.D. dissertation, University of Wisconsin, 1973, 10-11.} Attracting settlers to California was a much tougher sell in the late nineteenth century than it became in the twentieth. In addition, few tourists were willing to make the trip to California during the nineteenth century. Only the wealthy could afford tickets on steamers or the new transcontinental railroad. Entrepreneurs built palatial hotels in destination cities such as San Francisco, Monterey, or Denver, but adequate lodging was lacking in the rest of the West. Many travelers complained that California and the West were “only vast and unimproved extent” and that there was no culture or history there. Tourists often admitted that the landscape was nice, but it could all be enjoyed from a railroad car on the way to someplace more interesting.\footnote{Earl Pomeroy, \textit{In Search of the Golden West: The Tourist in Western America} (New York: Alfred A. Knopf, 1957), 7, 17. Quote from G. W. Curtis, from Ibid., 47.}

To attract more settlers and tourists, many boosters played up the state’s natural beauty, healthy climate, and fertile agricultural land. James Mason Hutchings, a forty-niner from England who promoted tourism in Yosemite Valley, argued that “there are but few lands that possess more of the beautiful and picturesque than California” in the first issue of \textit{Hutching’s California Magazine}. “Its towering and pine covered mountains; its widespread valleys, carpeted with flowers; its leaping waterfalls; its foaming cataracts; its rushing rivers; its placid lakes; its evergreen forests; its gently rolling hills, with shrubs and trees and flowers, make this a garden of loveliness, and a pride to her enterprising
Charles Nordhoff claimed that Californians enjoy “the finest climate, the most fertile soil, the loveliest skies, the mildest winters, the most healthful region, in the whole United States.” “The air of California makes exercise pleasant and easy,” and the “climate of the southern part of the State invites to a free outdoor life at all seasons,” Nordhoff crowed. He prescribed California’s “warm and dry air” as “a great natural remedy for consumption and diseases of the throat.”

The quality of California’s climate and air was a source of pride for Californians and a major selling point for the state’s boosters.

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15 Nordhoff, California: For Health, Pleasure, and Residence, 119, 115, 123.
16 The classic work on tourism in California and the American West is Earl Pomeroy, In Search of the Golden West: The Tourist in Western America (New York: Alfred A. Knopf, 1957). For a discussion of the intersection of the fishing and tourism industries in the nineteenth and twentieth centuries, see Connie
Although most of the state’s early environmental policies favored economic development, the state legislature made some efforts to conserve the natural resources that were so prominently praised in the boosters’ literature. Among the many resources of interest to sportsmen, according to Nordhoff, were “an abundance of fish,” bears, mountain lions, deer, antelope, jackrabbits, and quail.\textsuperscript{17} To conserve salmon and trout populations, and to encourage Native Americans to take up farming and other supposedly civilized activities, the state banned the use of traps and nets in rivers and streams in the 1850s. It also imposed strict hunting seasons on birds, elk, deer, and antelope to allow for mating, gestation, and births among those species during the off season. The legislature had little sense for the concept of endangered species, but it occasionally prohibited all hunting or fishing for specific species in certain areas of the state. These prohibitions usually protected animals that were emblematic of a particular area. An 1863 act, for example, prohibited the hunting of seals and sea lions around the San Francisco Harbor. The legislature banned fishing for trout in Siskiyou County in 1866 and banned all fishing in Lake Tahoe in 1878. Some prohibitions, especially for birds because of their migratory nature, covered the entire state. In 1872 the legislature prescribed fines and imprisonment for killing, injuring, or capturing mockingbirds anywhere in the state. Gulls, cranes, and homing pigeons received similar protections.\textsuperscript{18} These laws helped

\textsuperscript{17} Nordhoff, \textit{California: For Health, Pleasure, and Residence}, 81.
conserve fish and game populations, but they also helped rescue certain species from eradication.\textsuperscript{19}

In addition to internal improvements and resource conservation, the legislature occasionally ventured into public health realms in the late nineteenth century. One of the state’s first attempts to regulate water pollution, enacted in 1852, “declared that it was a public nuisance and misdemeanor to pollute any creek, stream, pond, road, alley, or highway with any dead animal waste.” The same law also addressed air pollution, or at least noxious smells, by declaring the “burning the carcasses of dead animals or animal waste within one quarter of one mile of a town, village, or city a misdemeanor.” Legislation regarding pest abatement called for the capture and auction of loose hogs in certain counties and allowed bounties for the eradication of squirrel and gopher infestations. The state also established systems for inspecting pork, beef, and milk products and for inspecting food production facilities such as bakeries.\textsuperscript{20} Public health concerns failed to excite legislators’ imaginations very much, however, because of the state’s low population density and lack of polluting industries during the late nineteenth century.

The state legislature micromanaged many of the state’s environmental policies throughout the late nineteenth century, but it slowly delegated authority to specialized boards and commissions within the executive branch. At first, the legislature enacted zoning ordinances and other methods of urban planning for each city, but within two decades of statehood it had delegated such concerns to local boards of health. These

boards were responsible for enforcing building codes, sanitary regulations, and zoning requirements to minimize disease outbreaks or dispose of sewage. In 1870 the legislature created the State Board of Health to oversee the local boards and ensure compliance.21 The California Fish Commission, also created in 1870, enforced the legislature’s fishing regulations, attempted to regulate water pollution, and managed a growing series of fish hatcheries to help control fish populations. Concern over the destruction of forests around scenic Lake Tahoe prompted the creation of the California Board of Forestry in 1885, the first of its kind in the nation. This Board handled the acquisition and maintenance of the state’s forests, but it also held some authority over the preservation of privately owned forests.22

The influence of the regulated industries hampered the enforcement activities of many of California’s boards and commissions throughout the late nineteenth and early twentieth centuries. Government reformers liked to place experts in leadership roles, but the experts were usually representatives of the industries or businesses being regulated. The reformers hoped the experts would put aside their economic interests and make policy decisions on scientific or public health grounds. When this did not happen, the public had little recourse. The experts were unelected and could not be recalled. The boards and commissions became increasingly distanced from the people, and open to the influences and whims of business and industries.23

22 Pincetl, Transforming California, 14-20, quotation on 16; see also California State Board of Forestry, “The State Forester’s 1967 Report,” 5, in Box R60, Folder “The State Forester’s 1967 Report,” RAP.
23 Pincetl, Transforming California, 30.
While these commissions dealt with environmental issues at the state level, special districts governed the use of resources at the local level. The Wright Act of 1887 allowed rural communities, after a majority vote, to seize water, land, and riparian rights through eminent domain or condemnation and turn the administration of those resources over to a special district. These districts could levy property taxes or sell bonds to finance new water-related infrastructure. Although many special district board members were elected, they were allowed to hire employees or experts to help make and enforce district policies. The special districts and commissions formed “a kind of shadow state, run by remote elected or appointed boards, making for another layer of government distanced from the electorate,” according to Stephanie Pincetl.24

**Conservation and Development in the Progressive Era**

Around the turn of the twentieth century, Californians embraced conservation as a method of reconciling widespread economic development with the protection of natural resources. Progressive reformers argued for the use of previously unused resources, especially wild rivers and oil reserves. They also charged the state’s boards and commissions with regulating the exploitation of resources to ensure their continued existence for future generations. The essence of Progressive Era conservationism, according to historian Samuel P. Hays, “was rational planning to promote efficient

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development and use of all natural resources.”

Forester Gifford Pinchot called conservation “the wise use of the earth and all its resources for the lasting good of men,” and “the foresighted utilization, preservation, and/or renewal of forests, waters, lands, and minerals, for the greatest good of the greatest number for the longest time.” Natural resources should be used to maximum benefit for all people, not just the wealthy few.

Not all reformers shared this interpretation of man’s relationship with the natural environment. The Progressive Era also saw the birth of a new environmental movement, led by John Muir and the Sierra Club, dedicated to the preservation of nature and wilderness. Instead of finding the most efficient use of resources, mankind should have as little impact on the natural world as possible, according to environmentalists. These different interpretations of man’s relationship to his environment led to conflicts between the two groups. The national debate between conservationists and preservationists began in California over timber cutting in the redwood forests and dam-building near the picturesque Yosemite Valley. Conservation efforts were not unique to California, but the environmentalist critique of those policies originated there.

Hiram Johnson’s victory in the 1910 gubernatorial election marked a turning point in California politics. With few exceptions, his fellow Republicans had dominated the state government since the Civil War but Johnson was the first to embrace fully the progressive ideology that had characterized Theodore Roosevelt’s presidency. The central theme of Johnson’s campaign in 1910 was that “special interests and vested privilege stood between the people and progress.” These “special interests” included

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massive business interests such as the railroads, power utilities, and agricultural landowners who monopolized the state’s resources and enjoyed tremendous influence in the state legislature, but they also included the two major political parties who governed in accordance with the wishes of those big companies. To combat those special interests, Johnson endorsed a long list of progressive reforms that reduced the political parties’ power and increased the power of the voters, including direct primary elections and the initiative, referendum, and recall. Responding to the same progressive impulse that brought to power Robert La Follette in Wisconsin, Theodore Roosevelt in New York, and Woodrow Wilson in New Jersey, California voters elected Johnson governor in 1910 and gave the progressive wing of his party a decisive majority in the legislature.27

Following Johnson’s lead in 1911, the legislature passed what former president Theodore Roosevelt called “the most comprehensive legislation ever passed at a single session of any American legislature.” Johnson and the legislature won voter approval for twenty-two constitutional amendments, including women’s suffrage, non-partisan elections for judges and education officials, the use of the Australian ballot, a commission form of government for cities, the direct primary, recall, referendum, and initiative.28 These last two reforms had little effect on the formulation of conservationist policies during the Progressive Era, but they became important tools for


28 Delmatier, et. al., The Rumble of California Politics, 170-71 (Roosevelt quoted but not cited on 170); Olin, California’s Prodigal Sons, 45-49; George E. Mowry, The California Progressives (Berkeley: University of California Press, 1951), 139-47.
environmentalists later, who exploited both processes in efforts to bypass the legislature completely or to grant it political cover on controversial issues beginning in 1970.29

At the same time that California expanded public participation in government, Governor Johnson strengthened the commission system of government, with its reliance on expertise instead of public opinion, as a means of regulating the use of natural resources. He supported the creation of the California Conservation Commission in 1911 to study and suggest reforms to the state’s resource conservation programs, including “forestry, water, the use of water, water power, electricity, electrical and other power, mines and mining, mineral and other lands, dredging, reclamation, and irrigation.”30 The commission closely resembled the National Conservation Commission, created in 1908 to inventory the nation’s natural resources and propose legislation for protecting and maintaining those resources. Two years later, the state commission submitted a 500-page report of its findings to the governor and legislature. This report provides a case study of the Progressive Era’s conservationist philosophy. Conservation efforts “should consist, in the view of this Commission, not necessarily in the preservation of those resources, but in the use of them, in such quantities, under such conditions and at such times as the needs of the people require; without, however, any unnecessary waste or destruction, and without permitting them to become the subjects of monopolies detrimental to the public good.” The commission believed that the state and its citizens held an interest in both

29 The initiative process allows voters to enact laws or amend the state constitution without the involvement of the legislature or the governor. The referendum process brings acts of the legislature to the ballot for a popular vote. See chapters 6 and 7 for examples of environmental ballot initiatives and referenda in the 1970s.
publicly and privately owned resources, and that this fact gave the state the authority to regulate private property. The report warned of two great threats to the state’s natural resources: monopolization and nonuse of those resources.

The Conservation Commission saw monopolies forming in the ownership of forest land and in the distribution of water. One-third of all forest land in the state, or 4,555,941 acres, was concentrated in the hands of 1,273 people and corporations. The Southern Pacific Railroad alone owned 18 percent of that land, scattered across 12 counties. Wealthy timberman Thomas Barlow Walker and his Red River Lumber Company owned another 15.7 percent of that land in six counties. Similarly, the state’s private electrical power companies enjoyed monopolies in one-third of the state, which affected all citizens living on those areas. A consortium of private companies also operated a dam on the Truckee River and “manipulate[d] the dam with no voluntary regard to the rights and privileges of the owners of littoral lands on the lake or of other parties on the river. The power to do that should not be entrusted to any private parties, no matter how benevolent.” Particularly galling to the commission was the fact that most of the monopolistic companies paid little or nothing for those resources. Much of the Southern Pacific’s land, which in places also contained valuable oil deposits, came through congressional land grants. Power companies, another source of concern for the commission, had secured water rights through legal and illegal means since statehood. The report advised the state to investigate the companies’ claims to ownership of natural

resources, though the commission recognized that the state would somehow have to respect private property and due-process laws.\textsuperscript{32}

The commission was willing to forgive private companies for monopolistic business practices as long as they used the resources at their disposal. The “nonuse” of resources was particularly offensive. “A great proportion of the enormous private holdings of forest lands in this State is not being used, but is being held, without cutting the timber, for the increased price of lumber which will come as the great mass of the forests disappear,” the report warned. The commission lamented the thought of unused forest land rotting or succumbing to forest fires before the timber could be extracted. Power companies also owned “many unused valuable water rights” that only became more valuable as the state’s population increased. Those water rights could instead be used to generate hydroelectric power. The report claimed that the power companies used less than ten percent of the hydroelectric potential of the state’s mountain streams. Oil companies also wasted two million dollars’ worth of natural gas deposits per year through shoddy well maintenance. Uncapped water wells across the state that depleted underground reservoirs were “inexcusable” and “an economic loss which should not be tolerated.”\textsuperscript{33}

On the advice of the California Conservation Commission, the legislature reformed the state’s forestry program to include forest fire prevention and reforestation of

private and public cut-over lands. The timber industry and state forest officials adopted scientific forestry techniques to limit clearcutting. Under pressure from water companies in southern California, however, legislators rejected the commission’s call for a strong agency with the authority to investigate the legality of power companies’ water rights. The legislature instead created a water commission that could adjudicate water rights claims in the future but could not challenge the state’s existing water rights structure.\textsuperscript{34}

The Water Commission was one of many new or expanded boards and commissions that dealt with environmental issues during the first half of the twentieth century. Governor Johnson expanded the California Railroad Commission’s mandate in 1911 to regulate all public utilities, including electricity and gas. The California Fish Commission was reorganized in 1912 and renamed the Fish and Game Commission, and thenceforth licensed and regulated hunting in addition to fishing. In response to growing support among Progressives for state parks in rural and urban areas, the legislature created new commissions to govern the existing California Redwood and Mount Diablo Parks in 1911 and 1921, respectively. The legislature gave the Board of Forestry responsibility for the creation and maintenance of new parks to be carved out of state forest lands in 1923, but transferred this duty to a new State Park Commission four years later.\textsuperscript{35}

One of the final recommendations of the conservation commission was to create a Department of Natural Resources (DNR) to coordinate the growing number of resource-

\textsuperscript{34} Blackford, The Politics of Business in California, 60-77; Pincetl, Transforming California, 40, 46-49.
\textsuperscript{35} Pincetl, Transforming California, 35, 46, 52; Elsey Hurt, California State Government: An Outline of Its Administrative Organization from 1850 to 1936 (Sacrament: Supervisor of Documents, 1936), 155, 158; Hays, Conservation and the Gospel of Efficiency, 142-43.
related commissions, which became a reality in 1927. This Department brought the State Mining Bureau, State Mineralogist, Department of Petroleum and Gas, State Oil and Gas Supervisor, State Forester, State Board of Forestry, California Redwood Park Commission, San Pasqual Battlefield Commission, Mount Diablo Park Commission, and State Fish and Game Commission together for the first time, under the authority of the Director of Natural Resources. The State Park Commission and the State Burial Grounds joined the Department later.36 As a centralized entity, the DNR raised the profile of the state’s environmental regulatory agencies, but it also further removed those boards and commissions from the public by adding additional layers of bureaucracy (see Figure 2).

One of the state’s most important resources-related commissions remained outside the Department’s bureaucracy, however. In 1909 the legislature and the voters approved the issuance of $18 million in bonds, known as the State Highways Act, for the construction of a highway system that would connect every county seat. Two years later, a new California Highway Commission began to administer the bonds and choose the new highway routes. Because freeway routing decisions had dramatic consequences for towns and neighborhoods, including the locations of shopping centers and housing tracts, the Highway Commission was in many ways the state’s first land use planning agency.37 Highway construction boomed during the following decade as the number of motor vehicle registrations surged 1,700 percent. In 1920, the voters approved another $40 million in bonds and by 1922 the state had spent over $68 million on highway construction.38 The Highway Commission’s power increased as the legislature codified the procedures for acquiring land and awarding contracts for highway construction and improvement. The Highway Acquisition and Improvement Act of 1925 specified that “improvement” included a wide variety of activities, such as “grading and regrading, paving and repaving, construction and reconstruction of sidewalks, crosswalks, bridges, parks, gutters, subways, sewers, cesspools, manholes, disposal plants, drains, pipes, septic tanks, wires, poles, lamps, pipes and fire hydrants, levees, dams, pumps, gas pipes,

trees and ornamental vegetation.”

Between 1910 and 1925 the state launched a variety of highway projects, including State Route 99 between Los Angeles and the Oregon border, State Route 70 connecting Sacramento to the Nevada border, and dozens of smaller projects throughout the state. The commission’s independence of the DNR demonstrates how Californians failed to acknowledge the relationship between the natural environment and development planning.

The state’s public health bureaucracy also remained outside the purview of the Department of Natural Resources, though it was also reorganized in 1927. The legislature preferred to rely on the pure food laws and boards of health created in earlier decades. The State Board of Health – renamed the Department of Public Health in 1927 – took the lead on issues of sanitation and pollution throughout the Progressive Era. It established laboratories for the analysis of food and drugs in 1907, communicable diseases in 1915, and water and sewage in 1915. The Bureau of Sanitation was also established in 1915 to regulate sewage disposal in urban areas and the Board of Health began to issue permits to sewage waste dischargers. These permits and regulations formed the state’s first attempts to regulate industrial and municipal water pollution, though these agencies had little motivation to prosecute offenders until after World War II.

The “nonuse” of the state’s water resources offended leaders at the local level just as much as it did the Conservation Commission. For the state’s great cities, the issue was

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40 Hurt, California State Government, 202-12.
more practical than philosophical. San Francisco and Los Angeles had grown
dramatically in size and population during the late nineteenth century and had outgrown
their local water supplies. The sight of millions of gallons of unused water escaping into
the Pacific Ocean while the cities went thirsty spurred urban leaders to launch some of
the Progressive Era’s most ambitious conservation efforts. City leaders decided to
redistribute the state’s water through hundreds of miles of dams and aqueducts from the
wet Sierra Nevada Mountains to empty urban reservoirs. These efforts sparked the first
debates among Californians and Americans over the value of exploiting natural resources
and the value of environmental preservation.

The first conflict arose over the use of the Hetch Hetchy Valley in the Sierra
Nevada mountain range. San Franciscans had been eyeing the Tuolumne River at the
narrow end of Hetch Hetchy as a potential source of water since the early 1880s. Because
Hetch Hetchy fell within the boundaries of Yosemite National Park, however, the federal
government resisted the city’s application for a dam and reservoir there. The devastating
earthquake and fire of 1906 galvanized public support for new sources of water, however,
and the federal government’s resistance to damming the valley began to soften. Interior
Secretary James R. Garfield approved the city’s application in 1908, arguing that
“domestic use is the highest use to which water and available storage basins … can be
put.”

42 The Hetch Hetchy controversy has inspired a vast literature over the past century because it marked the
first major battle between conservationists and environmentalists. More recent works include Robert W.
Righter, The Battle over Hetch Hetchy: America’s Most Controversial Dam and the Birth of Modern

2001), 161.
A new group of environmental activists disagreed. John Muir, Robert Underwood Johnson, and other members of the Sierra Club represented a new strand in environmental politics that argued for the preservation of wilderness areas such as Yosemite and Hetch Hetchy. Muir’s argument for environmental preservation came out of the 1890s, when “with a considerable sense of shock,” Americans “realized that many of the forces which had shaped their national character were disappearing,” in the words of Roderick Nash.44 Historian Frederick Jackson Turner argued in 1893 that the American character depended on the continual reinvention of democracy along a westward-moving frontier, and Americans feared for the degradation of that character after the United States census declared the frontier closed in 1890.45 To keep the frontier spirit alive, many middle- and upper-class Americans joined outdoor groups such as the Appalachian Mountain Club, the Boone and Crockett Club, and the Sierra Club. These outdoor groups in turn pressed for the creation of national parks to preserve pockets of wilderness across the country.46 Wilderness preservationists Muir and Robert Johnson convinced Congress and President Grover Cleveland to establish the Yosemite National Park in 1890, and they were unwilling to see the result of their work flooded by greedy urbanites twenty years later.

Muir launched the first attack on the dam project in 1909 with a description of Hetch Hetchy that was reminiscent of booster James Hutching’s description of Yosemite

44 Nash, Wilderness and the American Mind, 145-46.
Valley half a century earlier. Muir presented the valley as a close replica of Yosemite in the hope that Americans would transfer their affection for El Capitan and Half Dome to the endangered valley. In Muir’s words, Hetch Hetchy Fall was just as majestic as Yosemite Fall and both valleys had high walls of gray granite that “rose precipitously out of flowery gardens and groves.” Although Hetch Hetchy’s “walls are less sublime in height than those of Yosemite, its groves, gardens, and broad, spacious meadows are more beautiful and picturesque,” according to Muir. “It is one of God’s best gifts, and ought to be faithfully guarded.”

Robert Underwood Johnson argued in a letter to Congress in 1913 that other sources of water were available to San Francisco and that crass materialism and commercialism were the only reasons for drowning the valley. “It has not been demonstrated that Hetch Hetchy is the only available source” of water, according to Johnson, “but only that it might be the cheapest.” What had once seemed a laudable goal, finding a source of potable water for one of California’s greatest cities, evolved over the years into a scheme to generate and sell electricity. Allowing the valley to be dammed would deprive Californians of a valuable wilderness and recreation area. Muir and Johnson both believed that, given the chance, Californians would overwhelmingly oppose the dam project at Hetch Hetchy.

In testimony before the House of Representatives, James D. Phelan, the former Democratic mayor of San Francisco and a future United States Senator, laid out the

conservationist argument for a dam at Hetch Hetchy. San Francisco faced a crisis, according to Phelan. It “is expanding with tremendous rapidity due to the development of the interior of California and to the prospect of the early opening of the [Panama] canal and the building of the [Panama-Pacific International] exposition, and already, not withstanding the threat of a water famine, the outlying district, which never before was developed, is being cut up into suburban tracts.” San Franciscans did not take the destruction of natural beauty lightly, and they would be careful to make the dam look as natural as possible. “By planting trees or vines over the dam, the idea of a dam, the appearance of a dam, is entirely lost,” Phelan argued. “So, coming upon it will look like an emerald gem in the mountains; and one of the few things in which California is deficient, especially in the Sierras, is lakes, and in this way we will contribute, in large measure, to the scenic grandeur and beauty of California.”

The untouched Hetch Hetchy Valley was also inaccessible to the poor, according to dam supporters. “The roads, trails, telephones, etc., that would come with this water supply development would enhance the usefulness of the park from the standpoint of poor people who cannot go there,” according to one supporter. Only two classes of people visited Hetch Hetchy in its wild state, according to another: “people who are unusually wealthy or people who are unusually strong and healthy and are able to make the trip.” Opening the valley to development and recreation would democratize a

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49 James D. Phelan, testimony before the U.S. House Committee on the Public Lands, 25-28 June 1913 and 7 July 1913, reprinted in Fink, Major Problems in the Gilded Age and the Progressive Era, 421-23.
valuable natural resource and allow more people to experience the Sierras than were able to when the valley was so isolated.\textsuperscript{50}

The Sierra Club’s founding members split over the need for a dam at Hetch Hetchy. Warren Olney, who had worked with Muir for two decades, led a “bitter dissident faction” of San Franciscans who believed the project was necessary to the city’s survival.\textsuperscript{51} According to his daughter, Olney’s support came after “years of water rationing” when “wells and windmills in back yards were common.” Private water companies only compounded the problem, and Olney believed that a publicly owned water source at Hetch Hetchy “was the best available solution to a problem he had had long personal and painful experience with.” His resignation from the Club over the issue “after nearly twenty years of pioneering service and close friendship became such a painful subject to him that the Hetch Hetchy project was never afterward a permissible topic of conversation in our household.”\textsuperscript{52}

Muir and Johnson lost their fight to save Hetch Hetchy. The Raker Act, which authorized the dam’s construction, passed both houses of Congress in 1913. But, as Roderick Nash points out, the debate over Hetch Hetchy brought about a revolution in how Californians and Americans viewed their environment. Most of the congressmen from both parties who voted for the Raker Act prefaced their decisions by noting the sorrow they felt at the destruction of natural beauty. Republican Frank B. Brandegee of

\textsuperscript{52} Easton, “Hetch Hetchy,” 46-47.
Connecticut claimed that “I appreciate the importance of preserving beautiful natural features of a landscape as much as anybody else.” Democrat Marcus A. Smith of Arizona sympathized “with those thousands of people who have sent their protests against the destruction of” the valley. “Few Senators supported the dam because they opposed wilderness,” according to Nash, but these and others also believed that the needs of the many outweighed the preservation of a remote valley. But the loss of the valley helped the preservationist cause in the long run. “Scattered sentiment for wilderness preservation had, in truth, become a national movement in the course of the Hetch Hetchy controversy,” notes Nash.\(^{53}\) Under pressure from the Sierra Club and other outdoor organizations, civic groups, academia, and scientific associations, Congress created the National Park Service in 1916 to administer the existing and future parks, conserve the natural and historical heritage and wildlife contained therein, and ensure the preservation of natural beauty for future generations.\(^{54}\)

The fight to save California’s redwood forests showed that the desire for environmental preservation did not die with the Hetch Hetchy controversy. Redwood became a popular building material after World War I, and logging companies began to strip huge tracts of land along the northern California coastline to meet that demand. Upon witnessing the destruction that came from clear-cutting the massive redwood trees, three scientists formed the Save the Redwoods League in 1918. Madison Grant, Henry Fairfield Olson, and John Campbell Merriam shared an interest in evolution and saw the redwood forests “as a fascinating example of eugenics, from which much might be


\(^{54}\) Merchant, *American Environmental History*, 246.
learned regarding the evolution and survival of biologically superior species,” in the words of Stephanie Pincetl. As such, the forests should be preserved as laboratories for scientific study, untouched by human activity, and should not be used for recreation or torn down for lumber.\(^5\)

The Save the Redwoods League quickly outgrew its eugenicist roots as it attracted new supporters from women’s groups, fraternal organizations, the Native Sons and Native Daughters of the Golden West, the California State Automobile Association, and legislators from both sides of the Hetch Hetchy debate who felt uncomfortable with the destruction of another sensational landscape. Through private donations, the League purchased forest land from private landowners to save the trees from the lumber companies. The legislature appropriated $300,000 in 1921 to help the League buy land along Highway 101 that later became the core of Humboldt Redwoods State Park. According to the League’s executive secretary, Newton Bishop Drury, the lumber companies were “not antagonistic” to the activities of the League and often donated small plots of land, though with the expectation that the League would look the other way regarding other tracts.\(^6\)

Just as Hetch Hetchy led to the creation of the National Parks system at the federal level, the fight to save the Redwoods led to the creation of the State Parks Commission in California. As part of the general reorganization of the conservation-related boards and commissions in 1927, the legislature created the State Park

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Commission to administer the half-dozen state parks that had previously been the responsibility of the Board of Forestry or local bodies. This transition represented a change of priorities for the state parks, from conservation for consumption to preservation. This transition also reflected the influences of Newton Drury and the Save the Redwoods League, who played leading roles in the creation of the new agency. The State Parks Commission’s purpose, according to Drury, who helped write the legislation, was “to preserve the parks and the scenery and the objects of scientific and historical interests therein, and to make them available for public enjoyment in such manner and by such means as would assure their preservation for the enjoyment of future generations.”

One of the commission’s first tasks was to survey all of the state’s parks. Landscape architect Frederick Law Olmsted, Jr., agreed to conduct the survey even after Governor Clement C. Young, a notorious penny-pincher, cut the survey’s appropriation in half. Olmsted returned with hundreds of ideas for existing and potential parks. In his *California Park Survey*, Olmsted urged the commission to adopt a “rule of proportion among scenic, recreational and historical parks, as well as geographical balance, and also balance between types of parks – redwood, seacoast, mountain, desert, lake, river, and historic.” Following the precedent set by the Save the Redwoods League, the legislature required the Parks Commission to raise private funds to match any state appropriations for the acquisition of new park land. Drury, who served as an adviser to the commission, believed this fostered goodwill between the commission and the locals and provided a good defense against frivolous projects and waste. To generate capital for the new

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57 Drury, “Parks and Redwoods,” 186-90. Quotation from 188.
commission, Drury drafted a six million dollar bond issue for the 1928 ballot that brought more private money into the park system. While this system worked well for parks in well-to-do areas of the state, Newton later admitted that “it was sometimes impossible to carry out our projects in communities where money was scarce or unusually difficult to raise.”

Just as the commission tried to balance the types of parks in its system, it tried to achieve a balance between environmental preservation and the American tradition of property rights. Drury was a progressive Republican in the Hiram Johnson or Theodore Roosevelt mold; he was certainly no John Muir. The commission forbade grazing and the construction of oil wells within the state parks, but did not exercise the power of eminent domain to expand the parks. “While I believe that the right of eminent domain should be unrestricted,” Drury later explained, “I think it should come only after full judicial proceedings and the introduction of evidence, and giving the owner of the property his full day in court.” Drury believed that actions regarding park land were not urgent enough to require the state to seize property without due process “because from a public relations standpoint, it’s almost ruinous to establish an institution like a state park and be surrounded by the ill will of the local inhabitants.”

Conservative Californians in later decades adopted much the same perspective on environmental issues. Government should adopt rules and regulations to protect natural resources (and, later, to promote public health) but should not interfere arbitrarily with private property rights.

Drury’s aversion to the use of eminent domain reflected precedents set earlier at the national level and in other states. The first Chief of Forestry within the federal Department of Agriculture, Bernhard Edward Fernow, wrote in 1881 that conservationist forest management “is not the exercise of eminent domain, it is not police regulation or restrictions … but simply the example of a systematic and successful management of its own forests, and the opportunity offered by the government to the private owner of availing himself of the advice and guidance of well-qualified forestry officials.”

Supporters of New York State’s Adirondack Park, established in 1892, also hoped to buy land from private owners rather than seize it through eminent domain and eventually build a park made up of both private and public land. Before World War II, even the most ardent preservationists balked at using the state’s police powers to seize privately owned land.

But there was still room during the Progressive Era for planning. The point of having boards, commissions, and special districts was to plan for future growth and to maintain natural resources. Most of these organizations focused on statewide or rural problems. Few of them dealt with urban problems. During the Progressive Era many local businessmen and politicians attempted to improve the quality of life for urbanites through beautification campaigns and the establishment of parks. One of the central tenets of Progressive thought was that “people could be changed – and changed for the better – by altering their environments.” City planners hoped that new parks and civic

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centers would serve as antidotes to the ill effects of industrialization, instill civic pride and morality in urban residents, and make their cities more attractive to new residents and businesses. Politicians, bureaucrats, merchants, journalists, and real estate men improved individual neighborhoods through street lighting and litter removal and beautified cities through the creation of park systems, grand boulevards, and civic centers. Reformers in San Francisco, Oakland, and Los Angeles hired renowned planners such as Daniel Burnham and Charles Mumford Robinson to craft citywide improvement plans. Voters usually rejected these plans as too costly, but the planning impulse never died out completely.  

Conservationists’ arguments in favor of planning took on renewed urgency in the early twentieth century. The Panama Canal promised to increase trade to west coast cities, and city planners projected huge population increases during the new century. California became an industrial power as it shifted from providing raw materials to factories in the East to manufacturing finished goods at home. New industries, including petroleum, automobiles, aviation, and motion pictures, drew Americans to the state in search of opportunity and stardom. California’s population boomed, growing from 1,485,053 in 1900 to 6,907,387 in 1940. Most of those people settled in the great cities. Half of the state’s population in 1940 resided in Los Angeles and San Francisco counties.

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alone.\textsuperscript{63} Compensating for that population growth would vex the cities and the state for decades.

**The New Deal Era and the Revival of a Two Party State**

Republicans such as Newton Drury and Hiram Johnson dominated the debates over the use of natural resources throughout the late nineteenth and early twentieth centuries because their party had controlled every branch of state government almost continually since the Civil War. Democrats, such as Hetch Hetchy dam supporter James D. Phelan, had played only bit roles. But just as the Democratic Party’s prospects improved at the national level during the 1930s, the state party experienced a resurrection after decades out of power, and a debate over the use of one of the state’s most valuable natural resources helped drive that resurrection.

California’s last Democratic governor had left office in 1899. During the 1920s, California Democrats won a mere eight percent of all national and state office elections. The state’s political battles were fought between conservatives and progressives and between northerners and southerners within the Republican Party, and not between the Republicans and the Democrats. This began to change, though, with the onset of the Great Depression and the election of President Franklin Roosevelt in 1932. That year’s Democratic primary election in California was especially contentious, with three candidates vying for the state’s vote. At the Democratic National Convention, the

California delegation cast the deciding votes for Roosevelt, infusing the state party with a sense of accomplishment and unity that carried over into that year’s campaigns for state and national offices. William Randolph Hearst’s newspaper empire, whose five California papers commanded over half of the state’s total circulation, enthusiastically supported the resurgent party. Popular support came from the party’s opposition to Prohibition and from its support for Roosevelt’s proposed New Deal programs. The Democrats also appealed to Progressives like Hiram Johnson whose influence among Republicans had declined since the 1910s.64

Even so, electoral success came slowly to the Democratic Party. Upton Sinclair’s campaign for governor in 1934 demonstrated the extent of radicalism in the party but failed to persuade voters and sparked tension within the party that lasted for decades. Four years later, however, Culbert Olson, a Sinclair disciple, became the first Democratic governor of California in four decades. Olson’s advocacy of a watered-down version of Sinclair’s “End Poverty in California” program appealed to many Californians after a nearly a decade of economic crisis, and the support of organized labor put Olson over the top. He also benefited from his position on the use of one of the most important natural resources in the industrialized world: oil.

The first oil wells along the California coast appeared near Santa Barbara in the 1890s but petroleum did not become big business until the legislature passed a Mineral Leasing Act in 1921 that allowed oil prospectors to lease state-owned land for a low five percent royalty rate. As new oil wells spread from Santa Barbara to Venice and

Huntington Beach, beachfront property owners complained to state officials about the unsightly rigs, the potential for pollution, and the loss of the coastline’s pristine beauty. Those arguments convinced Surveyor General William Kingsbury and Attorney General Ulysses S. Webb, with the support of Governor Clement C. Young, to stop issuing prospector permits. Angry oilmen persuaded the state Supreme Court to force those officials to resume the permit process in 1928, arguing that oil was a vital component of the state economy and that state officials could not ignore the Mineral Leasing Act. Declaring recreation to be the highest use of state beaches, the legislature and Governor Young then overrode the Act and banned the issuance of new permits for beach land a month later. Oil prospectors subverted the legislature by drilling into tideland oil fields at an angle from adjacent properties in 1931. When the public learned of this maneuver, Republican Governor James Rolph’s administration refused to prosecute the oil companies for illegally tapping state-owned oil reserves. Instead, Rolph tried to defuse the situation by allowing the oil companies to continue drilling as long as they paid royalties to the state.  

Rolph’s royalty plan sparked a backlash from newspapers and voters who feared pollution along the state’s tidelands. Journalists, sensing “the same unsavory smell of Teapot Dome,” pounced on rumors of corruption, insider dealing, and the undue influence of oil companies on state government. Instead of the federal government giving away publicly owned oil, as they did in the Elk Hills Naval Reserve in that earlier scandal, this new policy was built on the acquiescence of the governor of California.

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Legislators called the plan a giveaway to oil companies who should be punished for circumventing the law. Democrats saw an opportunity. In the midst of the Great Depression, the low royalty rate seemed out of step with the needs of the people. Democratic Assembly leader William Mosely Jones argued that higher royalty rates could allow the legislature to reduce or eliminate income taxes on cash-strapped Californians. State Democratic Party Chairman Culbert Olson argued that oil producers should turn over half of their profits to the state as royalties.

California’s oil was one of the most important issues of the 1935 and 1937 legislative sessions. Governor Frank Merriam, Rolph’s Republican successor, tried to regain the initiative through passage of the State Lands Act of 1938, which allowed for oil drilling on state land in exchange for 30 percent of the state’s oil royalties, to be paid to the State Parks Commission. Olson insisted that the state should get as much as possible from the use of its natural resources. During his successful campaign to unseat Merriam in 1938, Olson argued that Republican administrations had given away California’s natural resources to private interests without adequate compensation. Olson’s position on oil royalties was not the only factor in his victory over Merriam, but it was an important issue among legislators, journalists, and conservationists. The oil issue also demonstrated that the environment, or at least the use of natural resources, could be a winning issue for Democrats as well as Republicans, and this bipartisan support led to strong environmental policies in the quarter century after World War II.

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66 Sabin, *Crude Politics*, 79-107; Burke, *Olson’s New Deal for California*, 9-10
California’s prosperity has always depended upon the quality and quantity of its natural resources. For much of its first century, California’s economy was based on the extraction and use of those resources. The Gold Rush briefly made California one of the richest states in the union, and wealth came from chopping down redwoods and clearing land for agriculture in later decades. Much of the state’s resource-related legislation accordingly favored internal improvements such as the construction of harbors or roads. At the same time, California boosters enticed new residents with descriptions of the state’s natural beauty, clean air, and pure water. As the twentieth century dawned, concern for the quality of the state’s environment prompted legislators to enact legislation aimed at conserving resources for the use of future generations. The state created a large environmental regulatory bureaucracy around the Department of Natural Resources in 1927, which oversaw numerous specialized boards and commissions. This bureaucracy allowed the legislature to stay out of day-to-day environmental policymaking but also created a rudimentary regulatory state that was removed from the direct influence of the public.

The Republican Party was largely responsible for the creation of this regulatory state. Progressive Republicans such as Hiram Johnson and Newton Drury called for the wise use of natural resources and for the creation of state parks to preserve some specimens of wild beauty for future generations. But concern for California’s natural resources extended across the political spectrum. The long-suffering Democratic Party resurrected itself in the 1930s, partly because of the stance of its progressive leaders on the use of oil from state-owned land. As California entered the 1940s, the liberal wings of
both parties embraced conservationist and, to some extent, preservationist programs. But California politics had long been divided between conservatives and liberals and between northerners and southerners rather than between Republicans and Democrats. Any solution to the increased pollution that accompanied postwar industrialization would require a broad coalition of disparate groups that often cared more about local issues.
Chapter 3: Environmentalism and Conservation in Postwar California, 1945-1968

Californians began to engage in large scale manipulation of natural resources for what they believed was the public good – such as the Hetch Hetchy reservoir and the Los Angeles Aqueduct – during the Progressive Era. But those efforts paled in comparison to the massive infrastructure projects of the post-World War II era. California’s population boomed after the war. The dreams of California’s boosters finally became reality. Thousands of people came to the state every day. Some came only to visit but most came to stay. To accommodate the rising population, the state built massive water redistribution projects and thousands of miles of roads and highways, and developers subdivided millions of acres of agricultural land for new suburbs.

As the postwar decades wore on, conservationists and environmentalists became concerned with the environmental impacts of all this development. Trees fell to provide wood for new buildings. Agricultural land disappeared under asphalt and tract houses. Dirt and debris from cleared forest land in the mountains flowed down rivers and streams to the valleys. Automobile exhaust and smoke from factories made the air hard to breathe in the cities. Many Californians began to worry that the Golden State was losing its luster. “California’s unique bright land is increasingly defiled by badly located freeways and housing subdivisions and industries which needlessly destroy beautiful scenery and
entomb agricultural land; by reservoirs and water courses which unwittingly encourage the growth of mislocated communities; by waste products; by cars and jeeps and cycles which pre-empt our very living and breathing space,” lamented two conservationists in 1965.¹

Concern for the fate of California’s beauty and resources came from across the political spectrum, but it was not enough to slow the pace of development, which only accelerated through the 1960s. Officials at the local and state levels took some important first steps toward regulating pollution and development, but ignorance of the sources of pollution, opposition from industrialists, inconsistent enforcement, and the pursuit of what many Californians considered progress hampered those efforts.

**The Conservative Conservationists**

The new environmental agenda in California was powerful because it was not politically controversial. Progressive Republicans in the 1910s and 1920s and Democrats in the 1930s had embraced environmental issues. Conservatives, especially those in the Republican Party who in those earlier decades railed against government regulation of resources, began to join the movement in the 1940s. Conservative politicians, businessmen, and writers supported the fight against pollution and other forms of environmental degradation for a quarter of a century after World War II out of concern for public health and for the longevity of California’s natural beauty. Consensus across

the political spectrum allowed California to enact the nation’s strongest environmental protection policies through the early 1970s.

Joseph R. Knowland was one of the most prominent conservative Republicans to embrace an environmental agenda in the 1930s and 1940s. He had been a member of the Native Sons of the Golden West since he was a teenager, and over the years he helped that organization preserve historical sites such as the Monterey Customs House, Fort Ross, the Sonoma Mission, and the landing sites of Spanish explorer Sebastian Vizcaino and missionary Junipero Serra. By 1903 he was chairman of the Native Sons’ historical landmarks committee and a leading member of the California Historical Society.

Knowland served in the State Assembly and State Senate between 1899 and 1904, and then served five terms in the House of Representatives, just as Hiram Johnson’s progressive faction took over the state Republican Party. Knowland had supported Theodore Roosevelt’s presidency but did not support his 1912 campaign for president as a Progressive, and he did not care for Johnson’s brand of progressivism. Two years later, Knowland ran for the United States Senate as a conservative Republican but came in third behind the Democratic and independent Progressive candidates. As a member of the House committee on harbors and rivers, Knowland gained an appreciation for conservation issues. After leaving Congress, he bought the conservative *Oakland Tribune* and used its editorial pages to advocate for the preservation of natural and manmade historical sites.²

Knowland’s environmental advocacy brought him into regular contact with the very progressives he had opposed during his years in the legislature and in Congress. He helped Frederick Law Olmsted, Jr., and Newton Bishop Drury assemble the California Park Survey in 1929, and he joined the California Parks Commission full time in 1932.¹ He worked closely with Drury when Knowland became chairman of the Parks Commission in 1937 and when Drury left California in 1940 to take over the National Parks Service, Knowland continued to implement Drury’s land acquisition program. He agreed with Drury that all state funds for park land should be matched with private donations, but both men also hoped to increase the Park Commission’s cut of oil revenues from the State Lands Act from 30 percent to 50 percent in order to finance further land acquisition.⁴ Like Drury, Knowland recognized the need for conserving wild park land but had no stomach for seizing land through eminent domain. He certainly supported the expansion of the state park system, but he preferred to do it in a way that did not interfere with private property rights.

The owners of the largest conservative newspaper in California, the Los Angeles Times, also embraced conservation programs and led the fight against pollution during the mid-1940s. The Chandler family believed that organized labor served as a front for the international communist conspiracy, praised the efforts of the House Un-American Activities Committee for its anti-communist activity, and belittled antiwar protestors regardless of the conflict. But the Times under the Chandlers was also the heir to Charles

Nordhoff, James Mason Hutchings, and other California boosters who praised the state’s beauty and abundant resources. The paper reported on the California good life, attributing the state’s prosperity to entrepreneurship, resources, and tourism.\(^5\) Harry Chandler, *Times* publisher from 1917 to 1944, actively supported the creation of the State Parks Commission in 1927 and contributed to the purchase of parkland in Los Angeles, and Chandler’s son-in-law was a major contributor to the Save-the-Redwoods League. Newton Drury believed the Chandlers supported environmental causes because they belonged to the “old families” in Southern California, who were “tourist-conscious” and “wanted to preserve at least some of [California’s] beauty for future generations.”\(^6\) California had built an image of healthy living and natural beauty over a century, and the *Times* wanted to safeguard that image.

The *Los Angeles Times* seized on air pollution as the gravest threat to California’s scenery and public health in the early 1940s. The paper in 1943 described “days when the low-lying smoke and fume bank engulfed the city and environs and sent cursing citizens, coughing and crying, running for the sanctuary of air-conditioned buildings.”\(^7\) After years of ineffective smog abatement programs at the local level and complete inaction from the State Legislature, the *Times* conducted its own investigation into the causes and remedies of the city’s air pollution. The Chandlers hired Professor Raymond Tucker, a smoke and fumes expert from St. Louis, to submit “a comprehensive survey of the source of so-

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called ‘smog’ – smoke, and eye-irritating fumes.”

In January 1947, the Times Smog Advisory Committee, chaired by former Union Pacific Railroad executive William M. Jeffords, began a successful lobbying effort in the legislature to enact the Tucker recommendations, which culminated in passage of the California Air Pollution Control Act.

Knowland and the Chandlers exerted an enormous influence on California’s Republicans and conservatives. For nearly half a century, their papers, along with the San Francisco Chronicle, helped engineer the nearly uninterrupted Republican domination of state government. The “Times-Chronicle-Tribune axis,” as the state’s Republican press was called, lost only four gubernatorial elections between 1922 and 1970. The three papers held relatively similar perspectives on California’s most important political issues. The Chronicle did not editorialize on environmental issues as much as the Times or the Tribune, but it occasionally published letters to the editor that pressed for stronger environmental legislation. Knowland and the Chandlers spoke for most, but not all, California conservatives.

They did not speak for Randal F. Dickey, one of the few conservatives who opposed environmental regulations. As Republican Floor Leader in the Assembly and chairman of the powerful Rules Committee, Dickey led a crusade against the state

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11 See, for example, William Reynolds, letter to the editor, San Francisco Chronicle, 5 February 1969, in Box GO204, folder “Resources – Environment, 1967-1970 (1/3),” Governor’s Office Papers, Ronald Reagan Presidential Library. Hereafter referred to as GOP.
Department of Public Health’s water pollution permit program on behalf of business groups. California’s experience with enforcing water pollution standards went back to 1915, when the Bureau of Sanitation was established to regulate sewage disposal in urban areas and the Department of Public Health began issuing permits to waste dischargers who applied for them. The first major victory for the Bureau and the Department came in 1940, when the Superior Court of Los Angeles upheld an attempt to regulate raw sewage in Santa Monica harbor. The permit program gained popular support after the Filtrol Corporation contaminated the water supply for the city of Vernon with sulfuric acid in 1946 and a discharge of pesticide in Rio Hondo threatened the water supply for Pasadena, San Gabriel, and Alhambra a year later. When the Department of Public Health began to enforce the permit program against these polluters and other large companies such as Standard Oil of El Segundo, the polluters fought back.

Businesses opposed to the permit program, such as Standard Oil of El Segundo and pesticide and weedicide companies, formed the California Association of Production Industries in 1947. The association wanted to replace the Department of Public Health, which operated “on the philosophy that they’re in business to prevent catastrophes” with “an agency that would operate more in the style of negotiation that industries traditionally used in their problems,” according to Frank Stead, the director of the Department’s Division of Environmental Sanitation. The Association preferred a water pollution

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13 Frank M. Stead, “Environmental Pollution Control,” in Earl Warren and the State Department of Public Health (Regional Oral History Office, The Bancroft Library, University of California, Berkeley, 1972), 34-36, 43-44.
control agency that was open to negotiation and that took costs into account over one that viewed pollution as a problem that must be solved immediately through draconian measures. The association found a friend in Randal Dickey, who launched a two-year campaign to dismantle the Department’s permit program.\(^\text{14}\)

Dickey created a special interim committee and, after holding hearings across the state, issued a report that found that “industrial wastes are the major source of soluble non-putrescible materials” and “when discharged onto land such wastes may reach underground waters where dilution occurs so slowly that the effects are always long lasting, and in some places, where there is little underground flow, may be a practically permanent pollution.”\(^\text{15}\) But Dickey then ignored those conclusions, arguing that “water pollution was not a public health business, it was an economic business and had to do with a preservation of the whole economy and productive stance of the state,” Stead recalled. Water pollution “had to be in the hands of an agency that would deal with these problems realistically, not punitively and not restrictively.”\(^\text{16}\)

Dickey submitted an Assembly bill in 1949 that created a decentralized water pollution control commission made up of representatives of agriculture, industries, water suppliers, cities, and counties, none of whom were particularly anxious to create stronger regulations. Under pressure from Governor Earl Warren and Department of Public Health Director Wilton Halverson, who argued that the bill would create “a backlog of water pollution over the State that will constitute a plague comparable to the air pollution in

\(^\text{14}\) Stead, “Environmental Pollution Control,” 43-44.
\(^\text{16}\) Stead, “Environmental Pollution Control,” 45-46.
Los Angeles,” Dickey amended his bill to include a State Water Pollution Control Board to establish statewide water quality policies and coordinating the anti-pollution activities of regional boards. But Dickey was unrepentant. According to Henry Ongerth, who worked for the Department of Public Health during the 1940s, the word “Control” was intentionally left out of the title of the Dickey Water Pollution Act of 1949. “I intend it to mean just that,” Ongerth recalled Dickey saying, perhaps apocryphally.

Randal Dickey represented only a small minority of conservatives and Republicans in California who preferred unregulated economic development to environmental conservation. Most conservatives and Republicans, judging by the tone of the Times-Chronicle-Tribune papers and, as we shall see, by the strength of environmental legislation to come from Republican legislators, felt that the preservation of the state’s natural environment and conservation of its resources were more economically viable in the long run. California’s attractiveness to tourists and immigrants still depended on the condition of its natural environment. Preserving resources and the state’s natural beauty was a priority to any Californians interested in selling services to tourists and land to new residents.

Beyond concerns for tourism, real estate, and public health, some conservative support for environmental issues came out of a critique of materialism. Traditional conservatives rejected “the modern belief that the highest end of man is to be a consumer,” according to John R. E. Bliese. Postwar writers such as Richard Weaver,

Russell Kirk, and T. S. Eliot suggested that conservatives should approach nature with piety. Since man knew little about the ecological interrelationships between flora and fauna, prudence required a strong response to environmental degradation, if only for the preservation of humanity. This required some limits on the traditional American conception of property rights. These writers argued that true conservatives did “not believe that anyone has the right to use his property in ways that hurt other people, say by spewing out toxic fumes for his neighbors to breathe.” Conservatism did not, and should not, blindly support business interests or the pursuit of maximum profit. Kirk was an especially vocal supporter of conservation in the 1960s and 1970s, condemning the use of pesticides, air and water pollution, overfishing, and strip mining. “Nothing is more conservative than conservation,” Kirk wrote in 1970.19

These traditional conservatives may have embraced the goals of Progressive Era conservation programs, but they did not support the Progressives’ methods. “Progressive Republicans, armed with a faith in scientific management and bureaucratic neutrality, promoted new state agencies with expansive mandates,” according to Marc Allen Eisner, but traditionalist conservatives “sought the preservation of nature and the traditional life and folkways it supported, not a full-blown revivification of planning.” At the national level, the traditionalists were at odds with libertarian conservatives who prioritized

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individual autonomy, inviolable property rights, and freedom of association above all else.20

This struggle for the soul of conservatism between traditionalists and libertarians did not play out in California before 1970. After decades of dealing with environmental issues like Hetch Hetchy and the Redwoods, and with the rising threat of pollution in the postwar decades, most Republicans resided somewhere on the spectrum between conservation and preservation. The intellectual critiques of development and materialism advanced by Weaver and Kirk may have played a role, but support for environmental issues among conservatives also came from practical concerns such as the desires to sell real estate, breathe clean air, drink clean water, and see the mountains on a clear day. Many of the state’s influential conservative families, such as the Knowlands or the Chandlers, may have profited handsomely from oil prospecting, agriculture, or construction during the boom years, but this did not prevent them from seeing the potentially harmful effects of development on the natural environment. In the postwar decades it was impossible to miss the expansion of suburbs and the loss of wild spaces, the increasing haze in the air, the loss of shoreline under new construction, and rising chemical concentrations in the state’s waterways. Conservatives in California did not need the intellectual justification for environmental protection provided by Weaver and Kirk. They just needed to look around them.

Internal Improvements, Conservation, and Land Use in the Postwar Era

After World War II, California entered an era of big infrastructure projects. Internal improvements lived on in the construction of thousands of miles of highways to connect all areas of the state. The conservationist ideology, which emphasized the wise use of natural resources, peaked in California during the 1950s and early 1960s with the redistribution of water from the wet, underpopulated north to the dry, overpopulated south through an extensive network of canals, aqueducts, and reservoirs. These highway and water projects represented progress to many Californians. When development projects threatened to fill the San Francisco Bay, however, and reduce the once vast estuary to the size of a river, the legislature began to experiment with balancing development with the preservation of the state’s natural resources.

California’s highways and freeways “virtually transformed the social and economic landscape” between the 1920s and the 1960s, noted the editors of California Journal. “In the 1920s a trip from San Francisco to Lake Tahoe involved 12 hours of riding ferry boats, a railroad and a motorized stage over more than 50 miles of gravel roads” but within four decades “that same trip [took only] four freeway hours.” Highways replaced railroads during the 1930s and 1940s and Californians commuted in automobiles instead of streetcars. But many Californians were wary of the possible consequences of a greater reliance on automobiles and highways. “The highway system united diverse people, and it spread the ‘good life,’” but “it also uprooted once-tranquil small towns,
destroyed neighborhoods and a sense of community identity, and gave birth to the special California problem of air pollution,” according to the California Journal.\textsuperscript{21}

The California Highway Commission continued to manage this growing system throughout the postwar era. In 1938 the voters did away with the need for highway bonds by adding Article 26 to the state constitution. Article 26 decreed that revenues from all motor vehicle fuel taxes were to “be used exclusively and directly for highway purposes,” including construction and maintenance. In some years, total gas revenues exceeded half a billion dollars, and the Highway Commission was responsible for allocating those funds. A powerful “highway lobby,” made up of truckers, automobile clubs, the petroleum industry, chambers of commerce, heavy equipment manufacturers, and construction firms, nominated and supported the Highway Commissioners and helpfully offered suggestions for spending the gas tax revenues.\textsuperscript{22} One analysis of the Highway Commission in 1973 found that this highway lobby was well represented in the decision-making process. “Four of the seven members are active in the Chamber of Commerce; two are affiliated with automobile and transportation organizations; and the occupational propensities of the seven members include trucking warehouses, trucking firms, produce warehouses, real estate development, auto dealerships, county road construction, and general contractors,” according to a study group on land use organized by Ralph Nader. Lacking representation on the highway commission were environmentalists, conservationists, local governments, and manufacturers and operators of alternative


\textsuperscript{22} Quinn and Salzman, \textit{California Public Administration}, 72-73; See also Paul Sabin, \textit{Crude Politics: The California Oil Market, 1900-1940} (Berkeley: University of California Press, 2005), 194-201.
forms of transportation. Under the influence of the highway lobby, “the Highway Commission froze California’s transportation system into a single-focus, auto-dependent approach, buttressed by the gasoline tax, which could be used only to build more roads,” according to historian Stephanie Pincetl.

In order to minimize acquisition and construction costs, the commission often routed new highways through state-owned land and tried to plot the shortest distance between the starting and end points. State park boundaries and scenic areas did not enter into routing decisions. In the 1920s, for example, the state had built a section of U.S. Route 101 through stands of redwood trees that later became part of the Prairie Creek Redwoods State Park. In 1964 the Highway Commission began to look into widening the highway because of increased traffic. Conservationists suggested rerouting the highway around the park’s eastern boundary to prevent the destruction of more trees. The lumber industry and local business leaders argued that the new “route would cost more money, remove more private land from the county tax rolls, and would provide grades on the highway that would slow down logging and lumber trucks,” and the Highway Commission decided to improve the original route. Over the next decade, local environmentalists blocked the commission’s efforts to widen the road, but were unable to remove the highway from the heart of the Redwood Park.

Internal improvements and resource conservation intersected in the construction of massive projects to redistribute water from rivers in the north to thirsty farms and

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24 Pincetl, Transforming California, 148.
26 Pincetl, Transforming California, 149.
cities in the south. On average, California sees 70 million acre feet of precipitation statewide.\footnote{One acre foot equals 325,851 gallons, the amount necessary to cover one acre of ground with one foot of water.} Seventy-five percent of that water falls on the northern third of the state, but the other two thirds of the state account for eighty percent of the demand for water.\footnote{“California Water: Where It Comes From, Where It Goes,” \textit{California Journal} (April 1977), reprinted in Ed Salzman, ed., \textit{California Environment and Energy: Text and Readings on Contemporary Issues} (Sacramento: California Journal Press, 1980), 57.} During much of California’s first century, Southern Californians watched helplessly as millions of gallons of unused water flowed into the Pacific Ocean every year and they dreamed of reclaiming that water for human use. Much of this wasted water flowed through the Sacramento-San Joaquin River Delta into San Francisco Bay. The Delta covers 1,100 square miles of marshland, and forty percent of the state’s water flows through a complex of natural and manmade waterways and islands. During the rainy season, water flowing into the Delta often caused widespread flooding, but during the rest of the year only enough water flowed to irrigate land along the Sacramento and San Joaquin Rivers. In drought years, a painfully frequent occurrence in California, there was rarely enough water to hold back the saltwater from San Francisco Bay, and the increased salinity in the Delta threatened the farms that sprouted up in the late nineteenth and early twentieth centuries to feed California’s growing population.

During the Progressive Era, Governor Hiram Johnson and his allies in the Legislature provided funds to build dams and levees to regulate the flow of water through the delta and to divert some of that water into irrigation canals for farmers in drier areas. State Engineer Edward Hyatt announced an ambitious plan in 1931 that became the Central Valley Project. Hyatt’s plan relied on a large reservoir on the Sacramento River
near Mount Shasta that generated electricity and stored floodwaters. The reservoir would then release the stored water, when needed, to ensure navigability along the river below the dam, hold back saltwater from the San Francisco Bay, and provide year-round freshwater for expanding cities, farms, and other industries in the Delta region. The state had no hope of paying for this plan in the midst of the Great Depression, but the plan’s potential to create jobs in central California interested President Franklin Roosevelt, who turned the project over to the federal Bureau of Reclamation in 1935. Over the next four decades, the Bureau of Reclamation and the U.S. Army Corps of Engineers built a series of 20 dams and reservoirs and 500 miles of canals, which supplied water to 2.5 million Californians in urban areas and 3 million acres of farmland along the eastern edge of the Central Valley.  

The Central Valley Project supplied water to farmers throughout the Sacramento and San Joaquin Valleys, but it did little to quench the thirst of farmers and the developing cities in Southern California after World War II. Farmers in the Imperial Valley, near the Arizona and Mexico borders, had received water through a canal from the Colorado River since 1901, and Los Angeles had built hundreds of miles of aqueducts to divert water from Owens Valley in the Sierra Nevada and the Colorado River near Hoover Dam, but these did not provide enough water to keep pace with rising population projections. Southerners began to look farther north, to the Feather, Eel, Klamath, and

even the Columbia Rivers.\textsuperscript{30} These rivers were attractive because they were not yet
dammed and all of their water flowed freely into the Pacific Ocean as unused runoff.
Southern Californians believed this unused fresh water was the key to economic
development in the South.\textsuperscript{31}

In 1951, State Engineer Arthur Edmonston formulated a plan to create another
massive water project that was similar to but grander than the Central Valley Project.
This plan, which would evolve into the State Water Project in the 1960s, called for the
construction of a 735-foot tall dam on the Feather River near the town of Oroville to
regulate floodwater and keep the Delta flowing, the installation of huge intake valves to
suck water out of the Delta, 450 miles of aqueduct to transport that water to Southern
California, and powerful pumps to move the water up and over the 3,000 foot high
Tehachapi Mountains into the Los Angeles area. The legislature created the Department
of Water Resources in 1956 to oversee the project’s construction and began to
appropriate funds a year later. Most of the project’s budget came from the California
Water Resources Development Bond Act, more commonly known as the Burns-Porter
Act. This act, approved by the legislature in 1959 and by the voters the following year,
allowed the issuance of $1.75 billion in bonds to cover the costs of the State Water
Project. The Burns-Porter Act also allowed the Department of Water Resources to
expand the project to include the Sacramento, Eel, Trinity, Mad, Van Duzen, and

Klamath Rivers. The Sacramento River was already a component of the federal Central Valley Project, but the others were among the few wild, or undammed, rivers remaining in California.\(^{32}\)

The largest obstacle to the construction of the State Water Project, besides its cost, was regional mistrust. Both the North and South wanted to build massive water projects, but they were suspicious of what the other side wanted to do with the water. Northerners wanted to build dams for flood control but feared that once water started to flow south it would never return to their control, and that “the north would be reduced to colonial status, providing the south with the state’s most valuable raw material – water.” Southerners wanted to build canals to send water their way but were afraid that northerners might renege on their promises and turn off the faucet at the source after the South helped pay for the project. Governor Edmund G. “Pat” Brown, Sr., defused some of this mistrust by claiming that the state constitution guaranteed water rights to the counties where water originated and guaranteeing that water would flow to the South until the bonds were paid off, which would take decades. This did not settle the issue permanently, but it weakened the mistrust enough for Brown to push the $1.75 billion water bond through the Legislature in 1959 and a popular referendum in 1960.\(^{33}\)

Construction on the State Water Project proceeded quickly. The Feather River dam was finished in 1967, the aqueduct passed through the San Joaquin Valley in 1968, and water started flowing up over the Tehachapis and into man-made reservoirs around Los Angeles in 1971. Ultimately the system included 32 reservoirs and lakes, 17


\(^{33}\) Rarick, California Rising, 211-223.
pumping plants, 5 hydroelectric power plants, and 662 miles of canals and pipelines.\textsuperscript{34} Public and private water officials considered the State Water Project a tremendous success, and began to look toward adding the wild rivers to the system.

Support for the State Water Project and the Department of Water Resources came from a powerful “water lobby,” which included irrigation districts, construction firms, electric utilities, and the Feather River Project Association, which consisted of large landowners in the San Joaquin Valley, corporate farms, land management firms, and the railroads, all of whom were the largest beneficiaries of the State Water Project.\textsuperscript{35} The biggest problem with the older Central Valley Project, according to large landowners, was that it favored small farms and rationed water accordingly. Any farmer receiving water through federal reclamation projects had to sell all lands in excess of 160 acres. Large landowners in the San Joaquin Valley supported the new project because California imposed no such acreage restrictions, and owners received discount prices and subsidies on water provided through the project.\textsuperscript{36}

Environmentalists and conservationists predicted a high environmental cost from the water projects, and these fears became reality. The introduction of water into new areas led to the expansion of suburbs around Los Angeles and the creation of new urban and recreation areas along the San Joaquin Valley. As the availability of water for agriculture on marginal lands rose, farmers used higher amounts of pesticides and

\textsuperscript{35} Pincetl, \textit{Transforming California}, 170.
\textsuperscript{36} Fifteen companies collectively owned 31 percent of the section of the San Joaquin Valley to be served by the State Water Project, including Kern County Land Company, Standard Oil of California and other oil companies, Southern Pacific Railroad, and Tejon Ranch (partially owned by the owners of the \textit{Los Angeles Times}). See Fellmeth, \textit{Politics of Land}, 163-66; Pincetl, \textit{Transforming California}, 173.
herbicides to help increase productivity. The pumps that sucked water out of the Delta altered salinity levels all the way to the San Francisco Bay, affecting the habitats of numerous fish, bird, and wildlife species. Dams and diversions upset the migration patterns of chinook salmon, sturgeon, and delta smelt.³⁷

The water lobby and other proponents of development often dismissed concerns about the water projects’ affects on the environment as simple “emotionalism.”³⁸ But the pro-development mindset that fueled the construction of highways and water projects ran into its first major challenge over the issue of infilling in the San Francisco Bay. Before 1965, the bay suffered from a lack of a region-wide development plan, which left the surrounding nine counties and more than thirty cities “free to act in their own economic self-interest, without the constraints of any broader responsibility for the bay environment,” according to conservationist Rice Odell.³⁹ To encourage development, state and local governments had sold land under the surface of the bay and along the shoreline to private interests since the 1850s for as little as one dollar per acre. Developers filled in the shallow edges of the bay to increase the amount of bayside real estate for houses or office buildings. Salt companies purchased stretches along the shore in order to dike portions of it off for use as salt ponds. Cities, counties, and the state also cut off sections of the bay for use as wildlife preserves or filled in sections of the

shoreline to accommodate tax revenue-generating industrial parks and public spaces like port facilities, highways, marinas, airports, and parks. Farmers bought surrounding marsh lands to reclaim the fresh water for agricultural use.\footnote{Odell, \textit{The Saving of San Francisco Bay}, 8-9.} Through infilling and diking, the size of San Francisco Bay shrank from 680 square miles in 1850 to little more than 400 square miles by 1967. The shrinking of the bay magnified the danger of water pollution because it “reduces the ability of the tides to flush wastes out to sea” according to Joseph Bodovitz, who became the executive director of the San Francisco Bay Conservation and Development Commission in 1964. The ability to neutralize wastes was important in light of the four hundred million gallons of treated sewage and industrial wastes that entered the bay every day as of 1967. The bay could handle that amount of waste, Bodovitz theorized, but predictions that the bay would continue to shrink and that the population of the bay area would double over the following fifty years were causes for concern.\footnote{San Francisco Bay Conservation and Development Commission Executive Director Joseph E. Bodovitz, statement to the Natural Resources and Power Subcommittee, 19 May 1967, in Natural Resources and Power Subcommittee, \textit{Water Pollution – Central and Northern California}, 8-12.}

The first Californians to be concerned with the fate of the San Francisco Bay in modern times were Esther Gulick, Catherine Kerr, and Sylvia McLaughlin, who formed the Save San Francisco Bay Association in 1961. Kerr, the wife of the president of the University of California and a wealthy socialite, often used the bay’s beauty to impress distinguished visitors. In the early 1960s, Kerr discovered a 1959 report by the U.S. Army Corps of Engineers that outlined the need for infilling “to keep up with the demand for industrial and commercial sites” and predicted the reclamation of hundreds of square
miles of the bay over the next century, possibly shrinking the bay into a narrow channel or river. For the next few years, she used that report to gain support for regional planning from other wealthy Californians, the wives of other academics, conservationist groups, influential media personalities, academic researchers, and local and state legislators.  

Public support for saving San Francisco Bay was widespread. Don Sherwood, a popular San Francisco disc jockey, repeatedly urged his listeners to “write your legislators and tell them what the bay means to you.” Thousands of letters and telegrams arrived in Sacramento as legislators debated the creation of a powerful agency to regulate development around the bay. Concerned San Franciscans launched “a campaign to send [legislators] sackfuls of sand and dirt with notes that said ‘you’ll wonder where the water went if you fill the bay with sediment’.”  

In response to the efforts of the Save San Francisco Bay Association, the legislature authorized a commission to study the effects of infilling and the need for regional planning in 1964. The legislature directed the San Francisco Bay Conservation Study Commission “to define the public interest in San Francisco Bay” and “determine what effects the future filling of San Francisco Bay will have upon navigation, fish and wildlife, air and water pollution, and all of the regional needs of the future population of the bay region.” The commission then had seven months to “recommend legislation for protecting such public interest.” Local and statewide media heavily publicized the commission’s twelve weekly hearings, which helped to increase public interest in the

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issue. These hearings consisted of debates between experts and citizens who warned of the threats posed by infilling to beauty and public health and those who championed the benefits of economic development.45

The Study Commission submitted its final report to the legislature at the beginning of the 1965 session. This report argued that “the present uncoordinated, haphazard manner in which the bay is being filled threatens the bay itself and is therefore inimical to the welfare of both present and future residents of the area.” “The public interest” therefore “requires creation of a governmental mechanism to balance competing interests in the bay, to weigh all the alternatives in making choices relative to the bay, and to guide the conservation and development of the bay and its shoreline.” The report recommended the creation of a powerful San Francisco Bay Conservation and Development Commission (BCDC).46 The BCDC should make “a detailed study of all the characteristics of the bay, including: the quality, quantity, and movement of bay waters, the ecological balance of the bay, [and] the economic interests in the bay, including the needs of the bay area population for industry and for employment.” Based on the findings of this study, the commission would then prepare a “comprehensive and enforceable plan” to balance conservation with development through the issuance or denial of permits for all infilling projects.47

In 1965 these recommendations became law under the McAteer-Petris Act, which set a January, 1969, deadline for the BCDC to conduct its study and submit a permit plan.

The BCDC was a large, inclusive organization, including representatives of the Resources Agency, the State Planning Office, the Highway Commission, the State Lands Commission, the San Francisco Bay Regional Water Pollution Control Board, the Bay Area Transportation Study Commission, each of the nine counties that bordered the bay, the Association of Bay Area Governments, area residents, the Army Corps of Engineers, and the federal Department of Health, Education, and Welfare. Bay Area landowners, developers, and port agencies were excluded from representation on the commission, although two businessmen and one contractor joined the commission as representatives of the general public. As the commission conducted its study of the bay and formulated a long-term plan, development around the bay slowed to a crawl. The McAteer-Petris Act required all developers to apply for a permit for any filling project, but the Act only allowed the BCDC to grant such a permit if the project was “necessary to the health, safety or welfare of the public in the entire bay area” or it was “of such a nature that it will not adversely affect the comprehensive plan being prepared.” The BCDC allowed only 56 permits, involving 370 acres of fill, between 1965 and 1969, and most of those permits went toward the construction of recreation facilities.48

The San Francisco Bay Conservation and Development Commission represented the legislature’s first successful attempt to create a regional land use planning agency. Many legislators had long recognized that problems like air pollution, solid waste disposal, and the loss of open space required some sort of comprehensive response that crossed political boundaries, but proposals to create regional governments had always

failed. The most common obstacle to regional government was the resistance of members of special districts or local and county governments who feared their loss of authority over local development. The San Francisco area was more receptive to regional government than the rest of the state, however. Regional efforts began with the Hetch Hetchy dam and aqueduct and continued with the formation of the East Bay Regional Park District to protect open spaces and greenbelts. To meet public transportation needs, citizens in San Francisco, Alameda, and Contra Costa counties supported the construction of the Bay Area Rapid Transit System. The bay area’s fifty-four cities and nine counties formed the Association of Bay Area Governments (ABAG) in 1961 to address local problems, but compliance with ABAG policies was voluntary. The Bay Conservation and Development Commission, with its permit power, “was a revolutionary step to establish integrated policy and decisive action for the protection of a valuable resource.” The BCDC also established land use planning and regulation precedents that were replicated around Lake Tahoe after 1967 and along the state’s coastlines after 1972.49

The legislature first flirted with statewide planning in 1959 with the creation of a State Office of Planning, which was housed in the State Department of Finance. The legislature expected the planning office to develop a long-range, comprehensive, statewide development plan for future development. For nine years, at a cost of $4 million, the Office of Planning developed a plan that included “agricultural protection, urban expansion and development of marine resources,” but the Office received little

input or cooperation from the governor, legislature, or the general public. The final plan, submitted to the legislature in 1968, “outlined only very general directions for state policy and actions – it failed to include recommendations for new legislation or to suggest other explicit methods for resolving the problems it identified.” The legislature rejected this plan and gradually withdrew its support for the Office of Planning. The legislature did not tackle land use issues again until 1970.  

The Fight against Pollution in the Postwar Era

The pursuit of economic development through the construction of highways and water projects was balanced by a new concern for public health among the voters and the legislature after World War II. Californians saw pollution as a grave threat to public health, and the legislature responded by reforming the state’s air and water pollution programs in the 1940s. Despite these legislative reforms, California achieved few victories against pollution before the mid-1960s because of business opposition, jurisdictional conflicts in polluted areas, and ignorance of the causes of some forms of pollution, especially smog.

Air pollution was the most visible form of pollution, and received the most attention from legislators, journalists, and the public throughout the postwar era. The problem was first noticed in Los Angeles during the 1940s. A variety of geographical and social factors converged to make the Los Angeles Basin the smog center of the United States.

States. It had suffered from hazy skies long before the introduction of the automobile when dust clouds and smoke got caught in the area’s unique geography and meteorology, but those hazy skies became dangerous when poisonous automobile emissions were introduced into the developing region. The city was established in a 1,600 square-mile bowl ringed by three mountain ranges between 2,000 and 10,000 feet high. During most of the year a 1,000 to 3,000 feet thick layer of warm air sits above this bowl, creating a natural trap for vehicle emissions and other gases. Between June and September, the peak of smog season, wind speed in that bowl averages between three to six miles per hour, not enough to move stagnant air (compared to Chicago’s average nine mile-per-hour wind). The California sun provides the final ingredient, acting on the trapped emissions to form photochemical smog.

Between 1920 and 1940 the population of Los Angeles County almost tripled, rising from 936,455 to 2,785,643. For much of that time, city and regional planners planned for streetcars and other forms of mass transit to meet the region’s transportation needs, but anger over inadequate and inefficient service, a dismal safety record, and corruption among the streetcar companies led many Angelenos to seek alternate forms of transportation, mainly the automobile. Other factors contributed to the car’s popularity as a method of transportation. A relatively young city before the introduction of the

51 The word “smog,” a fusion of “smoke” and “fog,” is a misnomer in the case of Los Angeles, which sees little actual fog during smog season, but the term is so widely used in the air pollution debates that I will use it throughout this essay, although Southern California technically suffers from an abundance of photochemical air pollution.
53 Krier and Ursin, Pollution and Policy, 44.
automobile, Los Angeles had never developed the dense urban cores that characterize most eastern and northern cities. Public transportation often failed to connect all of the decentralized manufacturers and businesses that Angelenos needed to reach. The automobile offered greater freedom and ease of transportation between home, work, and elsewhere, and residents took advantage of it. In 1940, 1,229,194 motor vehicles were registered in Los Angeles County, accounting for almost half of all vehicle registrations in California, and an additional 800,000 vehicles were registered in the county in 1950. And all of these cars blew increasing amounts of unhealthy pollutants into the atmosphere, including sulfur dioxide, particulate matter, nitrogen dioxide, carbon monoxide, ozone, and lead.

State health officials recognized the increasing levels of hazy air in the Los Angeles area as early as the 1930s, but most of them believed “that air pollution had to do with such non-public health aspects as discomfort, irritation of the senses, destruction of property.” According to one official with the State Department of Public Health, “there was no bug hooked with it, it didn’t produce a disease, it wasn’t known to. It was merely an enormous bother, it was an aesthetic situation as far as people were concerned. Sure it burned your eyes, but this isn’t public health.” This perception began to change in the early 1940s, when Los Angeles-area newspapers described “days when the low-lying

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55 Some social scientists have claimed that, for many people, driving became a “human need” that helped them fit into the modern world, and have called this theory “automobility.” See Sudhir Chella Rajan, “A Fine Balance: Automobile Pollution Control Strategies in California,” in E. Melanie DuPuis, ed., *Smoke and Mirrors: The Politics and Culture of Air Pollution* (New York: New York University Press, 2004), 204-5.
56 2,990,262 vehicles were registered in California in 1940. Krier and Ursin, *Pollution and Policy*, 44.
smoke and fume bank engulfed the city and environs and sent cursing citizens, coughing and crying, running for the sanctuary of air-conditioned buildings.\textsuperscript{58} Medical officials expressed concern at the possible health effects of the haze, including lung damage, asthma, and eye irritation.\textsuperscript{59} Citizens complained to city and county officials about smog’s effects on human health and on the beauty of the California landscape. In the wake of all these warnings and complaints, the mayor and county supervisors in Los Angeles began to pressure public health officials to take note of the problem and to advocate for an organized government response to the city’s air pollution problem.

The \textit{Los Angeles Times} launched its assault on air pollution in 1947 with the Tucker report that described the possible sources of smog and offered some recommendations for eliminating it. The most obvious sources were local factories that produced “obnoxious gases, fumes, odors and dust” with no supervision or regulation from local government. In addition to the 13,000 factories in the Los Angeles area, 1.8 million home incinerators burned the region's garbage, adding tons of smoke and chemicals into the atmosphere. The \textit{Times} report placed the least amount of responsibility on automobiles because their accumulated emissions paled in comparison to the amount of material spewed out of the factories and incinerators.\textsuperscript{60}

Smog’s irritating ability to cross political jurisdictions nullified “the efforts of any enforcement group, no matter how competent or energetic,” in Tucker’s words.\textsuperscript{61} The city

\textsuperscript{58} \textit{Los Angeles Times}, October 13, 1946, quoted in Krier and Ursin, 52-53.
\textsuperscript{59} Department of Public Health representative John Goldsmith, “Health Effects of Los Angeles Type Smog,” undated (probably 1968), Air Resources Board Records, F3935:3, California State Archives [hereafter cited as \textit{ARBR}].
\textsuperscript{60} Tucker, “The Los Angeles Smog Report,” 7-10.
of Los Angeles established a Bureau of Smoke Control in 1945 to enforce limits on smoke emissions, but the Bureau had no authority over polluters outside the city limits. Some officials in nearby cities and at the county level cooperated in anti-smog efforts, but others resisted or modified those measures in order to attract businesses and industries, making consistent enforcement impossible. The legislature responded to this problem in 1947 with legislation that allowed each county to establish air pollution control districts (APCD) with fairly broad powers over polluters within county lines. Los Angeles County quickly established one of these districts and granted it authority over all emissions sources within the county. The LA APCD scored a number of victories in the late 1940s and early 1950s, including the almost complete elimination of particulate emissions, such as soot and black smoke, from foundries and mills within the county and the reduction of sulfur dioxide emissions from oil refineries. With these measures in place, “Los Angeles [had] the cleanest air – from the standpoint of [sulfur dioxide] pollution – of any major city in the United States,” according to one account.

But smog continued to plague the region. Some pollutants continued to flow into Los Angeles County from industrial sources outside the county, but not enough to account for all of the rising pollution levels. Although most air pollution control efforts were directed toward stationary industrial sources, some researchers began to question the Los Angeles Times’s conclusion that automobiles played only a small role. Health inspectors and engineers had looked into pollution from auto emissions as early as 1943,

62 Krier and Ursin, Pollution and Policy, 55.
64 Bonner, “Arie Jan Haagen-Smit,” 197.
but the link between vehicle emissions and smog remained elusive until Arie Jan Haagen-Smit, a biochemistry professor at the California Institute of Technology in Pasadena, began to study the effects of smog on agricultural crops.\textsuperscript{65}

Dr. Haagen-Smit was born in Holland and earned a Ph.D. in organic chemistry from the University of Utrecht in 1929. In 1937, he came to Caltech to study plant hormones and found that Los Angeles-type smog injured sensitive crops such as spinach and alfalfa. Haagen-Smit had been a leading voice in the establishment of the Los Angeles Air Pollution Control District in 1947, and two years later the agency hired him to study the sources of photochemical smog.\textsuperscript{66} By 1950, he found that Los Angeles’s air contained pollutants that could have only come from petroleum, but did not come from any previously identified pollution sources. Noting that the ill effects of smog were felt most strongly in areas heavily congested with automobile traffic, Haagen-Smit then combined gasoline vapor with nitrogen dioxide, a byproduct of internal combustion engines like those found in most automobiles, and subjected the gas mixture to sunlight. The result was a cloud of pollution that “smelled like smog, smarted the eyes like smog and drove an interested group out of the room,” according to the \textit{Los Angeles Times}.\textsuperscript{67} After further testing, Haagen-Smit concluded that hydrocarbons from gasoline storage


\textsuperscript{66} Bonner, “Arie Jan Haagen-Smit,” 189-201.

tanks also contributed to smog, and oil refineries contributed about half of the smog-producing emissions in the Los Angeles Basin.\textsuperscript{68}

Haagen-Smit’s photochemical hypothesis quickly came under attack from a variety of sources and created tension between industries that could have been natural allies in the fight against air pollution controls. Some citizens accused him of blaming the “little man’s automobile and incinerator” for the smog problem while ignoring the responsibility of large industrial polluters.\textsuperscript{69} The oil and gas industries, whose refineries had been targeted by Haagen-Smit as sources of smog, attempted to redirect some popular anger toward automakers and the public’s driving habits. The Stanford Research Institute, which was financed by the Western Oil and Gas Association and had no relation to Stanford University, issued its own report on the causes of smog in 1951. This report concluded that smog resulted from the complex interactions of thousands of tons of different chemicals and fuels that were released into the air every day. “Sixty per cent of these materials … result from activities of the public, including the driving of automobiles and buses, the burning of backyard trash, the heating of homes, stores, and office buildings,” according to a summary of the report in the \textit{Los Angeles Times}. Industrial sources contributed the remaining forty percent, but no one industry should be singled out.\textsuperscript{70} Thus everybody, and nobody, was responsible for smog, according to the Stanford Research Institute.

\textsuperscript{70} Lawrence E. Davies, “Los Angeles Smog is Laid to Public,” \textit{Los Angeles Times}, February 21, 1951, 29.
Haagen-Smit, who reputedly owned “the largest biceps of any faculty member in the California Institute of Technology Division of Biology up to about 1960,” and the Stanford Research Institute battled throughout the 1950s over the precise chemical interactions that created smog, but they both implicitly agreed that the greatest responsibility for the smog problem rested with automobiles. In 1954, the Air Pollution Foundation, a group of businessmen, government officials, and local leaders, independently corroborated his findings. By 1957, air pollution experts “almost unanimously accepted … that exhausts from motor vehicles must be controlled before we can hope to solve our smog problem.” The automobile industry thus found itself the primary target of efforts to eradicate smog in California. In 1953, the automakers, under the banner of the Automobile Manufacturers Association (AMA), attempted to blunt criticism by forming a special committee to study the smog problem and by entering into a cooperative venture where manufacturers shared information and smog-related research. The AMA eventually acknowledged that automobile emissions contributed to air pollution, but also argued that the smog situation in Los Angeles was unique because of its geography and meteorology, and therefore state or federal emissions control requirements were unnecessary.

The inaccuracy of the AMA’s argument soon became evident as smog similar to that in Los Angeles began to appear in other cities across the state. As smog concentrations rose in the Los Angeles Basin, pollution began to escape through mountain passes and blow east into Riverside and northeast into Bakersfield and Fresno.

Other urban centers, such as the San Francisco Bay area, also saw increasingly hazy skies in the late 1940s and early 1950s, even though they did not share Los Angeles’s unique geographical and meteorological characteristics. In light of the spread of smog, and the discovery that automobiles helped cause it, state and local officials redirected their efforts toward reducing vehicle emissions, but neither the air pollution control districts nor the Department of Public Health had the authority to require emissions controls on cars.

This changed in 1960, when the Legislature passed the California Motor Vehicle Pollution Control Act, which established California as the national leader in the fight against smog. The Act gave the Department of Public Health the authority to formulate statewide air quality standards, created a Motor Vehicle Pollution Control Board to enforce those standards, and required the installation of emissions control devices as part of the vehicle registration process. The magnitude of this program, and the cooperation of a broad array of state agencies that it relied on, including the Highway Patrol and Department of Motor Vehicles, was unique. No other state had a comparable program until the late 1960s.

With the creation of this program, many Californians believed the end of the smog problem was at hand. Californians had long hoped for a technological solution to smog that would not require them to change their driving habits, and the Motor Vehicle

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73 Krier and Ursin, *Pollution and Policy*, 91; Dewey, *Don’t Breathe the Air*, 47.
75 Degler, *State Air Pollution Control Laws*, 2. The Motor Vehicle Pollution Control Board (MVPCB) was made up of representatives from the Departments of Public Health, Agriculture, and Motor Vehicles, the Highway Patrol, and nine other members appointed by the governor. Under this program, the Department of Public Health formulated air quality standards, the MVPCB implemented those standards by testing and approving emissions control devices, the Department of Motor Vehicles required emissions control devices as part of the registration process, and the Highway Patrol inspected and certified device installation stations across the state.
Pollution Control Act appeared to be an important step in that direction. It brought together the appropriate experts, who by this point had uncovered the scientific causes of smog. It created a coordinated statewide policy that superseded city or county jurisdictions. And while it left the installation of smog control devices to vehicle owners instead of the automakers, it explicitly placed much of the blame on automobiles. Californians believed that with these essential ingredients in place, the war against smog was won. They were mistaken.

Environmentalists made less progress in the fight against water pollution. The Dickey Water Pollution Act of 1949 created a control regime that appealed to business because it limited the power of regulators. Water officials questioned the objectivity of the State Water Pollution Control Board and the regional boards because board members “had to live in the area in order to serve on the board – and they were susceptible to local viewpoints.”76 The first appointees to the State Water Pollution Control Board in 1950 included the Pasadena city manager, an employee of the Los Angeles Sanitation District, an agricultural landowner from the Imperial Valley, a Bakersfield oil man, a barrel manufacturer, a Morton Salt executive, and an employee of the Del Monte Corporation.77 Frank Stead, of the Department of Public Health, believed that despite amendments to the Dickey Act, Randal Dickey and the California Association of Production Industries won the battle. “We had a system that could work if all the people wanted it to work, but there

77 Stead, “Environmental Pollution Control,” 57-58.
were no safeguards to make it work with a board that didn’t want to." The Act created a pollution control regime that was biased toward development and against environmental regulation.

The membership of the state and regional boards was not the only weakness in the Dickey Act. In 1958, a California Department of Fish and Game report complained that the State Water Pollution Control Board was “only a general advisory and fiscal body,” that could not “review actions of the regional boards, nor [did] it have any clear-cut authority over them.” Board decisions were not reviewable by individuals or environmental organizations, making them unaccountable to the public. This arrangement encouraged what the Department of Fish and Game called “permissible degradation,” a “philosophy which permits the maximum pollution of state waters short of public indignation.” The Dickey Act allowed the state and regional boards to issue cease-and-desist orders to polluters, but the boards had to prove that a specific discharge of pollutants violated water quality standards and that the discharge itself caused actual pollution, which was often difficult to do in waterways that collected pollutants from multiple sources. There were no monetary penalties for violating cease-and-desist orders anyway, which made those orders all but useless. Developers did not have to submit documentation to the boards before polluting waterways; it was up to the boards themselves to seek out polluters. With this system in place, California’s waterways

78 Stead, “Environmental Pollution Control,” 62.
became increasingly polluted for two decades, until the legislature revisited the issue in 1967.

This style of lawmaking was common during the early twentieth century. Many state and federal government officials hoped that industries would regulate themselves through informal and voluntary means. This system, which historian Terence Kehoe has called “cooperative pragmatism,” grew out of the Progressive Era’s reliance on expertise. Many of the experts who advised state and federal pollution agencies were affiliated with the industries they were charged with regulating, and they were more interested in finding mutually beneficial solutions to pollution than in punishing polluters. These experts “shunned what they called ‘the emotional approach’ to pollution control and instead tried to chart a pragmatic course that could maintain consensus and make efficient use of economic resources,” according to Kehoe. This was the dominant regulatory system in many areas of the country until the 1960s and provided the basis for accusations that environmental agencies were “captured” by the very industries they were supposed to watch over.81

The Dickey Act notwithstanding, the “cooperative pragmatism” style of lawmaking was not common in California. The Great Lakes Region, the focus of Kehoe’s study, was heavily industrialized and depended on automakers and related industries for employment. State and federal regulators pursued cooperative measures with industries so as not to alienate the engines of the region’s economy. California, on the other hand, industrialized relatively recently, and residents there were quick to protest pollution in

any form, believing it was a threat to the California lifestyle. They also depended on their state’s reputation for sunny skies, clean air and water, and breathtaking scenery to attract tourists, settlers, and business. They pursued much more vigorous and punitive policies against polluters, especially those responsible for smog. The Dickey Act was an aberration, a rare step backward in the state’s efforts to fight environmental degradation.

**Overpopulation and the Need for Planning**

The most urgent problem facing California in the 1960s, according to many conservationists and environmentalists, was overpopulation. Though California was a huge state, rapid in-migration and the haphazard expansion of suburbs, highways, and strip malls threatened to overwhelm the state’s resources. This was not a new idea; Carey McWilliams had addressed the issue in 1949. The state had gained three million new residents between 1940 and 1947, and McWilliams projected a growth rate of forty thousand new residents every month. Whole new cities developed almost overnight to accommodate the population growth, but not quickly enough. Los Angeles needed thirty new schools in 1949 and would need thirty more within five years to keep up. Hospitals were overcrowded and the cost of government skyrocketed. But McWilliams was optimistic. “California has space to burn,” after all, and “people [will] simply fill up the vacant space.” Suburban sprawl was not a problem; it “has resulted in a natural and, from many points of view, a highly desirable dispersion of population.” Postwar industrial

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82 Tom McCarthy also makes this point in *Auto Mania: Cars, Consumers, and the Environment* (New Haven: Yale University Press, 2007), 115-18.
development occurred on the peripheries, allowing cities to decentralize services and forcing businesses to cater to the needs of a diverse, dispersed public.\(^{83}\)

Governor Pat Brown was also optimistic about California’s ability to handle unprecedented growth. At some unknown point in 1962, as Brown was running his first reelection campaign, California overtook New York to become America’s most populous state. At that point between 1,000 and 1,500 people moved to California each day. Brown called this “the greatest mass migration in the history of the world.”\(^{84}\) This migration occurred as the technologies of the future, such as computers, aeronautics, and biotechnology, took root in California. Scientific advances and a postwar population explosion fueled a $10.5 billion expansion of highway construction, the aforementioned water redistribution projects, and an unprecedented expansion of campuses for the University of California and California State University. All of this growth and expansion represented progress, which always had positive connotations in the American mind.\(^{85}\)

As Governor Brown celebrated his reelection and California’s triumph over New York, critics began to question the value of all this progress. A steady drumbeat of dissatisfaction with suburban sprawl and overpopulation permeated the 1960s. The first critique of such progress came from California Tomorrow, the brainchild of Alfred Heller, the owner of the *Nevada County Nugget* and a member of the Nevada County

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Planning Commission, and Samuel Wood, an aide to Republican Assemblyman Francis Lindsay and legislative analyst for the Committee on Conservation, Planning and Public Works. In a pair of pamphlets and an ongoing magazine, California Tomorrow advocated for a statewide development plan to regulate land use and regional governments to tackle large-scale problems that individual cities or counties could not.86

“How polluted can a bright land become, and still be bright?” Wood and Heller asked in California Tomorrow’s first publication, California Going, Going… (1962).

“The answer to that question is being written right now, across the surface of this chaotically growing state.” To keep up with population growth, by 1980 California “must find two million acres of new agricultural land (irrigated) to furnish the newcomers with food and fiber,” while at the same time converting “into city land three million highly productive acres now being devoted almost completely to irrigated agriculture.” The state must also create five million new jobs and build 12,400 miles of new highways, 4 million new housing units, 160,000 classrooms, and water projects that can redistribute 16 million acre-feet of water, at a total cost of some $242.1 billion. “But there is one ‘must’ that qualifies all the rest,” according to Wood and Heller. “In accommodating our growing population, we must somehow maintain the beauty and fertility of the land, its good water and its surrounding mantle of breathable air, upon which all California populations depend for their prosperity and their good comfortable lives.”87

87 Samuel E. Wood and Alfred E. Heller, California Going, Going…: Our State’s Struggle to Remain Beautiful and Productive (Sacramento: California Tomorrow, 1962), 5-8.
Planning at the state and regional level for future population growth and economic development was required to accomplish this “must.” The state had failed because single-issue agencies, such as those concerned with highways, water, or recreation, were “free to act independently in carving up California’s bright land, because there is no state or regional coordinating policy, no general land development policy to guide them.” Wood and Heller praised the legislature for establishing the State Office of Planning in 1959 as a step in the right direction but lamented the office’s tiny budget and its unwillingness to tackle large-scale land use issues.88

“The failure of local government to conserve the bright lands of California communities is profound, much more extensive in its effect on the quality of life in the state than any failure of state government,” because “it is local government which retains almost exclusive control over the use of the land,” Wood and Heller argued in their next pamphlet, *The Phantom Cities of California* (1963). Local governments had failed to create a harmonious balance between growth and the environment because their efforts lacked public support, were often led by inexperienced laymen who got bogged down in day-to-day problems instead of focusing on the big problems, and often contradicted the policies of their neighboring communities. City and county governments were usually too shortsighted to cope with the placement of suburbs or highways, were unprepared to deal with various forms of pollution such as sewage or smog, and were unwilling to do something about unsightly billboards or ugly buildings. To deal with these issues,

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Californians must abandon their love for localized home rule and embrace regional
governments that could “handle problems now beyond the scope of local government.”

California Tomorrow began publishing a quarterly magazine, Cry California, in late 1965 to keep these arguments alive and to analyze other tangential issues that did not fit into the pamphlets. During its first year, for example, Cry California published articles on logging in the Redwoods, the destruction of parkland in Los Angeles, pollution in Lake Tahoe, highway construction in Lake County, power lines in Woodside, garbage dumps around San Francisco, fragile desert land, potential dams on the Feather River, and the unnerving pervasiveness of billboards throughout the state, among others. The magazine “established itself with speed as a distinct and leading voice in the environmental press” and “its stories were routinely picked up by the dailies.”

Through its pamphlets and Cry California, California Tomorrow opened the floodgates to other critiques of progress. Some of these critiques were much more radical than those of California Tomorrow, which advocated a balance between growth and the environment. Raymond Dasmann, a professor of ecology at Humboldt State University and the University of California at Santa Cruz, likewise lamented the uncontrolled spread of suburbs and advocated the creation of statewide planning, but believed the ultimate solution was to cancel the infrastructure improvements that would allow further growth. “This means not encouraging new industries to move into an area” and “not developing our water resources to a maximum, and thus not providing the water that would make possible additional urban or industrial growth.” California should build no more power

89 Samuel E. Wood and Alfred E. Heller, The Phantom Cities of California (Sacramento: California Tomorrow, 1963), 5, 7-41, 64-66.
stations or freeways. “People will not come where there are no new jobs or new housing,” and industry will not come “where it will not receive space, power, or water.” Some cities, including Santa Barbara and Carmel, had already adopted no-growth policies, which helped preserve them from the destruction suffered by other areas. Dasmann hoped similar policies could be applied statewide, though he recognized it was unlikely.91

The solutions to environmental problems proposed by California Tomorrow and Raymond Dasmann were much more radical than those proposed by earlier generations of conservationists. Centralized planning at the state or regional level violated traditional notions of private property and due process. One article in *Cry California* went so far as to declare property rights to be a nostalgic legal fallacy.92 These attitudes toward personal liberty and property rights began to alienate conservatives at the national level from environmental causes. Many conservatives and Republicans in California were open to ideas of planning, however. Caspar Weinberger, for example, a Republican Assemblyman and future Director of Finance under Governor Ronald Reagan and Secretary of Defense under President Reagan, sat on California Tomorrow’s advisory board until late 1969. Republicans also supported the creation of the San Francisco Bay Conservation and Development Commission, the state’s prototypical regional planning agency. Opposition to environmental planning and regulations would come much later.

California had a long history of environmental legislation before 1966. Much of that legislation was directed toward economic development throughout the state. The legislature and the federal government encouraged internal improvements during the last half of the nineteenth century through the sale of swampland and tidelands to private interests, granting charters to build wharves and harbors, and providing large land grants to the railroads. During the twentieth century the state invested heavily in the construction of highways and freeways to connect all areas of the state, regardless of the environmental impact of those roads and the automobiles that traveled on them. Water was another vital ingredient in economic development, and the state and federal governments met the water needs of central and southern Californians through the State Water Project and Central Valley Project, respectively. As with the routing and construction of highways, the water project planners paid little attention to the environmental consequences of damming and rerouting the state’s wild rivers and other waterways. The legislature intervened in wide scale economic development only once before 1966 with the establishment of the San Francisco Bay Conservation and Development Commission. In this instance, the perceived loss of the bay outweighed the need for filling and development. But this new conception of land use that balanced environmental preservation with economic development applied to only a few areas. It did not encompass the entire state.

The state became concerned with the public health effects of population growth and economic development after World War II, but its efforts to fight pollution were largely ineffective because of the successful opposition of business groups. The
legislature tried to solve the jurisdictional problems of air pollution with the establishment of control districts, but the districts lacked authority over vehicular pollution sources. Automakers’ rejection of a link between vehicle emissions and smog delayed effective regulation until the 1960s. Business interests co-opted the state’s water pollution program in 1949 through the Dickey Act, which created regional pollution control boards that favored development over enforcement of water quality standards. The legislature ignored the issue of solid waste until the mid-1970s, despite the exponential increase in garbage generated by massive population growth throughout the twentieth century. As California’s environmental movement peaked in the late 1960s and early 1970s, activists and sympathetic legislators questioned the state’s prioritization of economic development over public health and pointed to the weaknesses of the state’s pollution laws and land use policies. The state’s environmental laws presented great opportunities for reform during the Reagan years.
Chapter 4: The Reagan Environmental Revolution, 1966-1969

Ronald Reagan made one of the most memorable statements of his political career in a campaign speech to the Western Wood Products Association in San Francisco on March 12, 1966. While discussing his views of government regulation, the gubernatorial candidate told his audience: “I think, too, that we’ve got to recognize that where the preservation of a natural resource like the redwoods is concerned, that there is a common sense limit. I mean, if you’ve looked at a hundred thousand acres or so of trees – you know, a tree is a tree, how many more do you need to look at?” This was not a simple campaign gaffe. After winning the governor’s office, he continued to dismiss environmentalists’ concern for the redwoods. “People seem to think that all the redwoods that are not protected through a national park will disappear,” he said privately in one cabinet meeting. At another, he said “I’ll be damned if I take away all this privately owned land for no reason … I wonder, has anybody ever asked the Sierra Club if they think that these trees will grow forever?”

Many contemporary observers and modern historians assumed such statements represented Reagan’s only opinion of the natural environment, but his reaction to the redwood issue was an anomaly in what became otherwise a progressive record on

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environmental issues. Though he never understood the passion that many conservationists and environmentalists felt for the endangered redwood forests, the governor often praised California’s natural beauty and recognized the growing power of the environmental movement. He tried to convince anybody who would listen that he never said “a tree is a tree,” including supporters, federal officials, and even his nominee for Secretary for the Resources Agency, though the statement was well documented.²

Soon after Reagan took office in early 1967, the editors of Cry California noticed that “there are some signs that the administration is edging away from the governor’s campaign stand, which was a virtual reflection of the wishes of the redwood logging industry, toward one reflecting the wishes of the general public for a truly meaningful Redwood National Park that would protect a great stand of the last of the ancient giants.”³

Within a year, Reagan’s attitude toward the creation of a National Redwood Park had softened and, while he never embraced the Sierra Club’s vision for an expansive park, he supported a compromise that went farther than the audience at his Western Wood Products Association speech in 1966 would have expected.

Reagan faced a multitude of environmental issues during his first three years in office. Under pressure from the growing environmental movement, Reagan and the legislature reformed the state’s ineffective air and water pollution control programs,

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making them the strongest in the nation. The new governor also oversaw the completion of the massive State Water Project amid popular concerns for damage done to ecosystems around the Sacramento-San Joaquin River Delta and around a series of manmade dams and reservoirs. In Round Valley, Reagan had to decide whether to support the expansion of the water projects into the few remaining wild rivers in Northern California or to make good on his promise to limit government projects. In this case, to environmentalists’ delight, he chose the latter.

This chapter describes Reagan’s victory in the gubernatorial election of 1966 and analyzes the sometimes conflicting viewpoints within the Reagan administration over environmental regulation. Despite the governor’s reputation of hostility toward environmental issues and his calls for limited government, he and his subordinates worked with the legislature to build the strongest environmental regulatory regime in California history. Many factors influenced Reagan’s environmental agenda. He, and the small-government conservatives that he represented, did not like smog or unclean drinking water any better than did the environmentalists. His vision of federalism allowed for strong environmental protections at the state level if residents there wanted them, and Californians often expressed their support for maintaining the purity of Lake Tahoe, preventing the filling of San Francisco Bay, and protecting wild rivers from development. He also disliked the great infrastructure builders, such as highway planners or the United States Army Corps of Engineers, who had been responsible for much of the development of the mid-twentieth century. The will of the voting public weighed heavily on the governor. Most importantly, Reagan surrounded himself with influential advisers who
sympathized with the growing environmental movement, and he delegated unprecedented authority to those subordinates. Reagan was no tree-hugging environmentalist, but under these influences he and his administration helped bring about an environmental revolution in California.

The Election of 1966

Californians’ attitude toward their environment underwent a dramatic change during Pat Brown’s years as governor. He was elected in 1958 on a platform that promised an energetic, activist administration. “I deeply believe we still have a great state to build,” Brown said in the speech announcing his candidacy. “We have water to transport, and tidelands to tap. We have highways to build and highway safety to achieve. We have discrimination to dispel, genuine underprivileged to provide for, and perhaps most important of all, hundreds of thousands of new jobs to be created for an expanding population.”

At every campaign stop he called for more roads and bigger and better water redistribution projects to accommodate California’s rapidly growing population. He appealed to Californians’ pride and optimism. With their ample natural resources, scientific know-how, and booming economy, Californians could solve any problem. The 1958 election was a landslide. Brown’s message of optimism and activism, combined with his Republican opponent’s disastrous campaign, made him the first Democratic governor since Culbert Olson.

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5 Rarick, California Rising, 99-110.
Over the course of his two terms, Governor Brown made good on his campaign promises for more roads and water projects. As Brown entered office, state engineers envisioned the construction or improvement of a twelve-thousand-mile network of roadways, with the goal of linking every city with a population of at least five thousand people, to be paid for out of gasoline taxes. Many Californians began to sour on freeways as the symbol of progress as these projects unfolded. As ecologist Raymond Dasmann put it,

crowded two-lane highways give way to freeways that eat into farm and forest, towns and parks. Soon the freeways in turn are crowded; and traffic slows to a crawl. We build larger freeways, while population grows and more people buy cars. More land is destroyed; the new superhighway is again crowded; and a new cycle of enlargement and land destruction begins.

The freeway craze had political and economic repercussions. The McClatchy chain of newspapers nearly withdrew its lifelong support from Brown when planners built a section of Interstate 5 between downtown Sacramento and the Sacramento River, effectively cutting the city off from what had previously been its most important transportation link to the rest of the state. To soothe environmental critics, the Brown administration supported the Motor Vehicle Pollution Control Act in 1960 and a bill that provided funds for mass transit systems across the state, including San Francisco’s Muni.

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the Bay Area Rapid Transit system, and the Southern California Rapid Transit District, but these did little to balance the affects of highway construction.9

Brown became even better known for his support for the massive water projects than for highway construction. To Brown, these projects represented the conquest of nature for the benefit of all Californians. They created electricity to heat and light the homes of California’s citizens, rich and poor, and they made the deserts bloom with crops that fed the world. Since water had been central to California’s history, Brown made it central to his administration and devoted his first two years in office to making the water project a reality.10 Criticism of the State Water Project focused on its immense cost, the loss of the state’s few remaining wild rivers to dams and canals, and the threat posed by the diversion of fresh water from the San Francisco Bay estuary.11 A popular, and cheaper, solution to the state’s water imbalance was to not move the water to the people but to let the people move to the water. Even Brown admitted that Southern California could never sustain all of the people who might move there. But the governor also believed that his job was to improve the quality and “quantity” of life in all of California. People moved to the South regardless of the water supply, and Brown did not want to see the quality of life for those people decline. He later admitted that the critics had a point.

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Limiting the water supply was “a hell of a way to limit growth, but it’s probably as good as any.”

Brown’s support for freeway and water projects may have outweighed his support for smog control, mass transit, and early efforts at land-use planning (he supported the creation of the State Planning Office in 1959 and the San Francisco Bay Conservation and Development Commission in 1965), but he at least had a record on environmental issues. His opponent in the 1966 election, Ronald Reagan, had no such record. Reagan opened his campaign by declaring that “California’s problems are our problems … it won’t matter if the sky is bigger and bluer out there if you can’t see it for the smog, and all our elbowroom and open space won’t mean much if the unsolved problems are higher than the hills.” But he was no environmental activist. He made a series of gaffes and statements during the campaign that alienated both conservationists and environmentalists. At one campaign stop he could not identify the Eel River, one of the state’s few remaining wild rivers, though he was standing next to it. He made the infamous “a tree is a tree” comment that opened this chapter at another stop. In that speech he said that he favored a “common sense limit” on protection for the redwoods and that the economic needs of the local lumber industry must be considered. To environmentalists, statements such as these demonstrated, at best, ignorance of environmental issues and, at worst, outright hostility toward environmental regulations.

Environmentalists predicted doom for their cause and for the state’s environment if Reagan won. Rumors spread during and after the campaign that, if elected governor, Reagan would “announce the construction of a giant vinyl redwood tree that can be trucked around the State of California for all to see (permitting all the other ‘useless’ redwoods to be mowed down by our progressive lumbering industry).”\textsuperscript{15} Brown’s supporters endlessly repeated Reagan’s “a tree is a tree” comment to generate support for the incumbent. Margaret W. Owings, a Brown appointee to the California Park Commission and a founding member of Conservationists for Governor Brown, accused Reagan of belittling conservationist programs and of being a shill for the timber companies. Reagan’s “insensitivity … to the special magic of the redwoods – the serenity of the forest which ministers to the human mind and spirit – represents a grave danger to Californians,” she argued in a letter asking fellow environmentalists and conservationists to support the incumbent. Governor Brown, on the other hand, was a strong supporter of a Redwood National Park and “has made our State Park System a cornerstone of his administration.” This was a bit of an exaggeration since Brown made few references to the redwoods as governor and ignored the topic in his 600-page oral history for the Bancroft Library, but the argument made sense to people within the context of Reagan’s gaffes. “We must support Governor Brown’s re-election if we wish to continue to preserve the superb qualities of our landscape that give pride to our State,” according to Owings.\textsuperscript{16}

\textsuperscript{15} Paul Ehrlich, \textit{The Population Bomb} (New York: Sierra Club, 1969), 56.
\textsuperscript{16} Margaret W. Owings, campaign letter on behalf of Wild Bird Big Sur and Conservationists for Governor Brown, undated, in Box GO204, Folder “Environment, 1967-1970 (1/3),” RRGP.
Conservationist Republicans were also nervous about Reagan’s environmental agenda. Kenneth R. Anderson, a planning consultant from Roseville and “a hopeful Republican,” forwarded Owings’s circular to Reagan, warning that “unless you can be persuaded to take a more favorable stand towards an adequate National Redwood Park … I’m afraid you will lose the votes of 40,000 dedicated to achieving this goal.” Anderson may have disagreed with “most of Mr. Brown’s government policies,” but he also believed that “the Redwood Park Plan should not be a political issue.”

Reagan attempted to clarify his views on the environment in responses to Anderson and other nervous voters. “First of all, I suppose I could be termed a nature lover myself, certainly my entire avocation and hobby takes me out of doors,” Reagan claimed, “and I am a believer in preserving our natural beauty.” He noted that he had “long been critical of the Highway Commission for its tendency to go by the rule of the shortest distance between two points, regardless of what scenic wonder must be destroyed.” He tried to distance himself from the “tree is a tree” comment, arguing that he never implied that all Redwoods should be cut down. Instead, Reagan argued that “our Redwoods are probably the most preserved species in the country” and that the existing protected stands were adequate for the trees’ survival.

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18 Ronald Reagan to Jane Ashman, 14 September 1966, and Reagan to Kenneth R. Anderson, 5 October 1966, both in Box GO204, Folder “Environment, 1967-1970 (1/3),” RRGP. According to Reagan biographer Lou Cannon, “conservationists would have been even more frightened had they realized how perfectly this vacuous comment [‘a tree is a tree’] expressed Reagan’s opinion.” The comment was not simple pandering. As Cannon puts it, “the wood producers were already in Reagan’s corner, and his well-financed campaign was not in need of their contributions. Reagan had said what he believed.” See Cannon, Governor Reagan, 300.
Reagan’s lukewarm endorsement of protection for the redwoods and his philosophy on the role of government led environmentalists to conclude that his opinion was based on hostility instead of ignorance. He promised to lower taxes, reduce the size of government, and eliminate regulations that he believed were strangling businesses. Reagan hoped to decentralize government power by transferring authority to local governments. This philosophy threatened the entire environmental regulatory state that had evolved over the previous century.

Since at least the 1870s, California and much of the rest of the nation had increasingly centralized environmental policymaking in specialized boards or commissions. Regulatory power had moved from local governments, which were often tempted by the promise of economic growth in exchange for lax environmental protections, to regional or state agencies, which were theoretically guided by enlightened and disinterested experts. These agencies were removed from the public’s immediate oversight in order to avoid undue influence from industry or business and the fickle whims of the voters. Environmentalists in the 1960s hoped to continue this trend and further centralize regulatory powers. Previously, conservatives in California had largely acquiesced, but Reagan seemed willing to buck this trend. His focus on “self-help and the efficacy of private enterprise,” as Matthew Dallek put it, left little room for government-run planning.19

Reagan’s landslide victory over Brown, which was decided mainly on issues other than the environment, brought with it the responsibility to put his Creative Society ideas

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into action. Rus Walton, a Republican Party official, assembled a comprehensive document on the “Philosophy and Goals of the Reagan Administration.” The treatment of environmental issues in this document bore little resemblance to the image that Reagan had earned during the campaign. The reduction or elimination of environmental regulations was not included on the list of necessary reforms, which instead focused on welfare, health care, and education. “For too long Californians have taken for granted such things as clean air, pure and abundant water, parks and open space, and pleasant physical surroundings,” Walton wrote, and all of these “demand the attention and application of a creative government in a Creative Society.” The Reagan administration would therefore assume a proactive stance toward pollution and other forms of environmental degradation. “State Government must be concerned … [and] must move to forestall problems before they assume the gigantic proportions now pressing on eastern cities and states.” Thus, the Reagan administration’s goals included the renovation of older cities, helping local governments deal with air and water pollution and with the disposal of solid waste, preserving and enhancing “the scenic quality of the environment,” establishing and maintaining open space, developing parks and

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20 Reagan received 3,742,913 votes (57.65%) to Brown’s 2,749,174 (42.35%). During the campaign, the Republican Party obeyed what operatives called the Eleventh Commandment (“No Republican shall speak evil of another Republican”) and presented a united front for the first time in a decade. The Democrats, on the other hand, fell apart as younger Democrats challenged Brown in the primaries and important constituent groups such as farm workers led by Cesar Chavez and blue collar workers abandoned the governor. Early in the campaign, Brown was caught engaging in an unfair smear campaign against one of Reagan’s Republican primary rivals. He also refused to treat Reagan as a legitimate candidate, instead referring to him as a “washed-up cowboy actor.” Throughout the campaign, Republicans focused on overturning an unpopular fair housing law, reducing taxes, reforming welfare, and putting down protest movements on university campuses. Brown was in the unenviable position of defending his record on those issues, and he lost badly. See Rarick, California Rising, 353-64; James R. Mills, A Disorderly House: The Brown-Unruh Years in Sacramento (Berkeley: Heyday Books, 1987), 191-99; Cannon, Governor Reagan, 157; Royce D. Delmatier, Clarence F. McIntosh, and Earl G. Waters, eds., The Rumble of California Politics, 1848-1970 (New York: John Wiley & Sons, 1970), 357-64.
recreational facilities to improve the lives of city dwellers, and fighting the blight of billboards. Walton’s program paid lip service to the old idea of devolving regulatory power to the local level, but the overall theme was greater state intervention in environmental matters.

Throughout his two terms in office, the governor expressed his desire to shrink government and loosen regulations, but his terms also saw a dramatic expansion in the number and in the power of environmental regulatory agencies. State legislators and the voters initiated much of this expansion, but Reagan and his administration usually supported it and occasionally led the way. Reagan’s support for environmental causes sometimes depended upon the strength of public opinion, but more often depended upon the advice of his subordinates.

The Reagan Administration

Reagan entered the governor’s office with no management experience beyond his stint as president of the Screen Actors Guild in the 1940s. To compensate, he developed a management style that allowed him to stay out of the daily affairs of government. This style relied heavily on delegating authority to dependable subordinates and advisers. To simplify decision-making, the governor reorganized the executive branch just after his inauguration. Pat Brown’s cabinet had included eight agency secretaries, which Reagan and his subordinates thought created “kind of a mess.” Reagan whittled the number of

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cabinet posts down to four: the Secretaries for Agriculture and Services, Business and Transportation, Human Relations, and Resources. These four secretaries, the Director of Finance, the chief of staff, and Reagan formed the “focal point of decision making” in the executive branch. The governor liked to think of his administration as a business. He was the CEO who focused on the big picture or the vision, while the cabinet secretaries functioned as vice presidents who put his big ideas into action.\textsuperscript{22}

This system allowed the four agency secretaries to wield much more power than was usual in state government to that time. But Reagan played no role in selecting these officials. According to one account, the governor named two appointments to the State Barber’s Board and left the rest of the staffing decisions to his campaign advisers.\textsuperscript{23} Thomas Reed, who had chaired the Reagan campaign’s efforts in northern California, became the new governor’s appointments secretary and thus played a large role in shaping the administration’s policy decisions.\textsuperscript{24}

The most important staffing decision – and “Reed’s greatest triumph,” in the words of biographer Lou Cannon – was the selection of Norman B. “Ike” Livermore, Jr., as Secretary of Resources.\textsuperscript{25} Livermore’s father had been an engineer who worked with mining and logging companies and surveyed the High Sierra for water projects, and Livermore’s mother was interested in land-use planning and other forms of conservation. They both admired the efforts of Newton Drury and the Save-the-Redwoods League. Ike Livermore studied business at Harvard and Stanford but led trains of pack mules in the

\textsuperscript{23} Hamilton and Biggart, \textit{Governor Reagan, Governor Brown}, 186.
\textsuperscript{24} Cannon, \textit{Governor Reagan}, 176-77.
\textsuperscript{25} Cannon, \textit{Governor Reagan}, 177.
High Sierras during the summers. Mule packing became a full-time, though low-paying, job for Livermore after college. He organized the High Sierra Packer’s Association in 1936 as a tool for collective bargaining on insurance policies and supplies but also to fight against the construction of roads in scenic areas. Livermore joined the Sierra Club that year and eventually served on its board of directors. Ten years later he became interested in the lumber industry and began operating a sawmill on his family’s ranch, and in 1952 he accepted a more lucrative accounting job with the Pacific Lumber Company, where he stayed until joining the Reagan administration in 1967.  

Livermore was a perfect compromise pick.

Livermore was a conservative conservationist. He drifted away from the Sierra Club in the late 1940s and 1950s because it had moved from the forestry issues of the Progressive Era, which interested Livermore, into a complicated web of wilderness, wildlife, pollution, solid waste, and atomic energy issues, which did not. By the 1960s the environmental movement became “too ethereal” for him. As he recalled later,

I’m in the minority among conservationists, but I think that the term wilderness has gotten bastardized. Now everything without a road in it is a “wilderness.” I remember I went to one conference, and they were talking about a forty-acre swamp being a wilderness. Well, to me, and I’m biased obviously by my Sierra experience, the only wilderness is a big wilderness – one that I described, as I recall, as at least 150,000 acres.

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Livermore described himself as a “man in the middle” on environmental issues. His packing trips in the Sierra and his business experience helped him “see both sides” of many environmental issues. In interviews he emphasized his interest in business and downplayed his ties to the environmental movement. “I became a director of the Sierra Club, you might say, through the back door. I was not a noted nature lover, or a rock climber. I was a packer – a ‘mule man’.”

Livermore was also a loyal Republican. He had served as finance chairman during several campaigns for California’s first congressional district in Marin County. The Reagan campaign had asked for Livermore’s help early in the 1966 campaign but he claimed to have no interest in state politics. Thomas Reed, Reagan’s appointments secretary, did not forget him, though. Livermore’s party background, business experience, and tenuous affiliation with the Sierra Club made him stand out among candidates for Resources Secretary. Reed brought Livermore in for a brief interview with other Reagan advisers. Phil Battaglia, Reagan’s campaign chairman, asked Livermore what he knew about the state’s water problems. Livermore replied “nothing.” He “lamely” mentioned that his father was a hydraulic engineer, but he was otherwise “oblivious” to water issues. Reed and Battaglia never asked about other pressing resources issues like the redwoods, and did not ask him about his general views on government.

Reed offered Livermore the job as Secretary for Resources a week later. Livermore called the appointment a “bombshell” but attributed it to his background with

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28 Livermore, “Man in the Middle,” 53-55.
the lumber industry, his relationship with leading environmentalists, and his work with
the Republican Party. 29 Edwin W. Thomas, Jr., Reagan’s second cabinet secretary,
offered another probable reason for the selection. Livermore “was a very brilliant man,”
according to Thomas, but he also “kept a great deal of heat off the governor, because he
was respected in the environmental community.” 30 Reagan was trying to soften his anti-
environmental reputation and his advisers believed Livermore’s appointment would help.
They did not try much harder than that, though; Livermore was the only conservationist
in Reagan’s cabinet throughout both terms. 31

Livermore oversaw a diverse agency, with regulatory responsibilities that ranged
from mining to historical landmarks and from pollution to concession stands (see Figure
3). His subordinates came from across the political and environmental spectrum. Some
were moderate environmentalists like himself, whose interests had expanded from
preventing the construction of roadways that would harm scenic areas to include
protecting wild rivers and protecting Californians from the pollutants of the industrial
age. Others were conservationists in the Progressive Era sense of the term, who wanted to
maximize the use of available resources. Some were true believers in Reagan’s vision for
small government, who wanted to do away with environmental regulations and expensive
government agencies. Others wanted to expand the authority of environmental
departments to cover new areas that earlier administrations had ignored. Livermore spent

29 Livermore, “Man in the Middle,” 53.
30 Edwin W. Thomas, Jr., “The Governor’s Cabinet as Policy Forum,” in “Governor Reagan’s Cabinet and
Agency Administration,” Regional Oral History Project, The Bancroft Library, University of California,
31 Livermore, “Man in the Middle,” 86.
Figure 3: California Resources Agency Organization, 1967

much of his time balancing these competing interests and trying to present a united front to Reagan and the rest of the cabinet.

William Penn Mott, the director of the State Parks and Recreation Department, became one of Livermore’s strongest allies in the Resources Agency. Mott had previously worked for the National Park Service, served as the superintendent of Oakland’s park system for fifteen years, and was general manager of the East Bay Regional Parks for five years before joining the Reagan administration in 1967. Mott
believed “that parks have to be developed in the public interest, which means a balance in the park system.” “You cannot develop the park just for the hikers, or just for the baseball players, or just for the off-road vehicle people,” Mott later argued. “You have to remember that people have different interests and develop a balanced program in the public interest.” Mott wanted to bring more people into the local and state park systems and launched efforts to make the parks more interesting and accessible. He opened the ranks of park rangers to women, minorities, and people outside the wildlife or resource management fields. To find ways to make the parks more relatable to the public, Mott hired historians, archaeologists, and sociologists in addition to the usual wildlife experts. Though his primary interest was in the development of state park land for public use, Mott also supported protection for wild rivers and wilderness areas. He also lobbied for legislation that classified state parks according to use: off-road vehicles, beaches, historical locations, and wilderness, among others.32

William Gianelli, the director of the Department of Water Resources, was also a conservationist, but he often clashed with Livermore and Mott over the proper use of resources. Gianelli was a civil engineer who worked for the Army Corps of Engineers during World War II and in a variety of positions within the Division (and later Department) of Water Resources. In those positions, he became an advocate for improved water infrastructure to benefit all Californians, and he helped Governor Brown convince the legislature and the voters to support the construction of the State Water Project and to approve the related $1.75 billion water bond measure. Governor Reagan was no fan of

large-scale government infrastructure projects, but he wanted to finish the water project and he tapped Gianelli to head the Department of Water Resources in 1967.

Throughout his service as director, Gianelli advocated the expansion of the various water projects. He supported the construction of new dams and called for the construction of the Peripheral Canal, which would divert water from the Sacramento and San Joaquin Rivers before they reached the Delta. His support for such projects brought his department into nearly constant battle with others within the Resources Agency, such as the Departments of Fish and Game and Parks and Recreation, which were more concerned with the projects’ environmental impacts. But Gianelli believed the water projects expanded recreation opportunities in areas that were previously lacking. “I guess one of my basic problems [with environmentally-minded critics] was that I felt that the water project enhanced the environment in a lot of areas,” he later said. “For example, you take southern California. We created some great bodies of reservoirs where people now enjoy fishing and recreation. I always felt that that was an environmental plus that we didn’t get any credit for.” Gianelli would have fit in well with the conservationists of the Progressive Era.

Livermore, Mott, and Gianelli considered themselves conservationists rather than environmentalists. They all spoke often of finding “balance” in man’s relationship with nature, though they each conceived of that balance differently. Livermore, despite seeing himself as a “man in the middle,” more often sided with the environmentalists than with business when it came to cleaning up pollution and preserving wilderness. Gianelli was a

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consistent advocate for the wise use of resources and often supported the viewpoint of business. Mott vacillated between the two poles, though he agreed with Livermore more often than he did with Gianelli. Livermore was the most influential with the governor, though, which gave a voice to the environmental movement that otherwise had no seat at the table.

These men were not ideologues, though there were some in the Resources Agency. James G. Stearns, the director of the Department of Conservation, was a consistent opponent of environmental programs because they were too intrusive and violated his sense of the proper role of government. One of his primary concerns was efficiency. Soon after taking the position, Stearns cut the Department of Conservation’s budget by ten percent and accepted many of the recommendations of an efficiency task force made up of California businessmen. He invited academics and industry representatives to reform the Division of Mines and Geology. He often sided with Gianelli out of concern for the state’s flood control capacity. Stearns and Livermore often sparred over environmental issues. “Ike had, and does have, a tendency to come down on the side of the environmentalists and would defend their point of view even in some instances where their position was pretty irresponsible,” Stearns later told an interviewer. Stearns’s support for limited government informed his opposition to new environmental programs because he believed in limited government. Government’s problem was that it always expanded and never contracted. But Stearns tried to do his part. When Reagan became president he gave Stearns a position in the Department of Energy. “I eliminated that office and that job in a year,” Stearns recalled with pride. He rarely succeeded in
convincing Reagan to oppose environmental programs, but he was a consistent conservative voice in the Resources Agency and, after 1972, in the cabinet as Agriculture and Services Secretary.\textsuperscript{34}

Robert Walker had no such qualms about expanding government agencies. Walker was a Republican campaign strategist who crafted the “Eleventh Commandment” ("Thou shalt not speak ill of any Republican") that many commentators believed helped foster party unity and elect Reagan in 1966. His reward was the Department of Harbors and Watercraft, which Walker called “the smallest department in government.” The department licensed small boats and used gas tax revenues to develop harbors, marinas, and launching ramps for those boats. Rather than abolish the department that had generally little to do, as Lieutenant Governor Ed Reinecke and Agriculture Secretary Earl Coke proposed, Walker and Livermore convinced Reagan and the legislature “to expand this department beyond the boaters’ interest and make it a total coastal interest” in 1969. Walker and Livermore recognized the growing support for coastline protection among environmentalists and the public in general, especially in the wake of the Santa Barbara Oil Spill, and hoped that the newly renamed Department of Navigation and Ocean Development could satisfy that demand. Walker believed that his department could serve as a buffer between coastal preservationists and businesses and industry that wanted to develop the state’s coastline. He argued before the cabinet that “if we did not do some of the things that I was recommending that we do, that the Democrats in the legislature would, or else there would be an initiative on the ballot that would do some of them.

Those solutions would be far more extreme than what I was proposing.” In this, Walker was prescient. The cabinet did not grant the new department much authority over coastal development, and the voters approved a much stronger California Coastal Commission through a ballot initiative in 1972.35

The major environmental organizations were still suspicious about the new governor but were willing to give Livermore’s Resources Agency a chance. David Brower, the executive director of the Sierra Club, had known and respected Livermore for decades, though they disagreed on many issues. They had taken mule packing trips together in the 1930s, and they both served on the club’s board of directors during the 1940s. The two men agreed about the need for preserving the High Sierra but disagreed about the extent of protection for the redwood forests. Brower believed that Livermore’s “feeling toward redwoods (if not toward Sierra wilderness, which he worked courageously to save) was conditioned so long by his having been an officer of Pacific Lumber Company.” But he also praised Livermore for taking courageous stands on issues that the Sierra Club failed to address. “The club folded on the proposed Mammoth Pass highway,” Brower recalled in his memoir. “Ike Livermore didn’t, and the road isn’t there.” In 1963 the Sierra Club published The Last Redwoods: A Vanishing Scenic Resource, sparking a feud between Brower and Livermore that continued into Livermore’s term as Resources Secretary. Brower believed the title was accurate because nearly 95 percent of the state’s redwood forests had been cut by the 1960s. As Brower put it later, “the loggers, of which Ike Livermore was one, had already got 95 percent.”

Livermore argued that the title was “at the very least, highly inaccurate, unfair, and misleading” in a letter to the Sierra Club. He later argued that “there are as many redwood trees as ever, though many of the ‘primeval’ ones have been cut – utilized as I call it.”

Livermore’s first press conference probably did little to assuage Brower’s doubts. After Reagan introduced the new Resources Secretary, the first question came from a reporter who wanted to know where Livermore stood on the creation of the Redwood National Park. At that point, Congress was debating three options. The Sierra Club wanted to add 77,000 acres of lumber company land to the existing state parks, Republican Senator Thomas Kuchel wanted to add 28,000 acres of privately owned land, and Republican Representative Don Clausen sought 22,000 acres. Livermore had told Reagan beforehand that he supported Kuchel’s plan and opposed Clausen’s. As Livermore began to answer the reporter’s question, Reagan grabbed the microphone and endorsed Clausen’s plan. When he handed the microphone back to Livermore, the new Resources Secretary replied that “Governor, you’re my boss. What can I do but agree with you?” Reagan tried to break any tension by quipping “I’ll get off your foot now.” Brower would not have been amused.

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The editors of California Tomorrow’s *Cry California* were more forgiving of Livermore’s record on the redwoods. Livermore’s criticism of *The Last Redwoods*, “made in the presence of the governor, was, we suspect, not truly characteristic of the attitude of the new administrator, whose personal commitment and whose family commitment to the conservation of California’s natural resources are soundly established.” The magazine noted that Livermore also “went on record opposing the proposed highway through Prairie Creek Redwood State Park, contrary to the views of much of the lumber industry,” and that he preferred to trade marginal land in the redwood parks for better stands of trees than to sell it outright.  

*Cry California* was also cautiously optimistic about the other Reagan appointees. William Gianelli was “a highly respected engineering consultant.” As a Modoc County Supervisor, James Stearns had taken an interest in planning, including serving as chairman of the California Commission for the County Tomorrow, “which was dedicated to making an appraisal of new requirements for local governments in this fast-changing, urbanizing state.” The editors’ enthusiasm for William Penn Mott almost rivaled theirs for Livermore. “An experienced professional in park administration, Mott can hardly be expected to preside over the liquidation of the state park system,” they argued. Mott also supported a gas tax levy during the summer months to fund the parks system and called for a “massive conservation education program” in the state’s elementary schools. All of these ideas appealed to the sensibilities of California Tomorrow’s leaders and members.  

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38 “Sacramento Report,” *Cry California* 2:2 (Spring 1967), i-ii.
Californians who were concerned with their natural environment were thus unsure what to make of the new governor and his administration. The “tree is a tree” comment scared environmentalists and created a lasting impression of Reagan’s hostility toward the environmental agenda. But his appointees to the various resource-related agencies reflected a softened stance at odds with the new governor’s campaign rhetoric. Gianelli, Mott, Stearns, Livermore, and others at the Resources Agency may have disagreed with each other about the proper use of the state’s resources, but most of them enjoyed credibility and respect among the conservationist and environmentalist communities because of their past accomplishments and expertise in resource management. As environmental controversies arose during Reagan’s first years in office, Livermore demonstrated a surprising influence over the governor and his cabinet that reflected many of the beliefs and goals of the growing environmental movement. This influence was most obvious in the debate over the construction of Dos Rios Dam.

Round Valley and the Dos Rios Dam

Although Reagan had called for limits on government projects during the 1966 campaign, he often repeated his support for completing the State Water Project and meeting the state’s obligations under the 1960 Burns-Porter Act and the resulting bonds. California’s water lobby, made up of representatives of state and federal agencies, local governments, and private water companies, assumed that this support assured them a free hand in future development of the state’s water infrastructure. Reagan’s reputation among environmentalists buttressed this assumption. When the United States Army Corps of
Engineers announced plans for a massive dam on the Eel River at Round Valley, to be called Dos Rios, the water lobby expected swift and strong support from the Reagan administration. But on this issue the governor defied his reputation and heeded the advice of Livermore and Mott. The Dos Rios Dam had the potential to be another Hetch Hetchy, but this time the state took a different path.

The Eel was one of the Northern California’s few remaining wild rivers. It also had a tendency to flood during especially wet winters. Dozens of Californians died and whole towns were destroyed from flooding along the Eel in 1955 and 1964. The Corps of Engineers proposed Dos Rios Dam to prevent future flooding. Round Valley was chosen as the site of the proposed dam because its steep granite walls formed a huge natural basin for the reservoir. The dam itself would be immense: 730 feet tall, creating a lake of 40,000 surface acres, and holding back more water than Lakes Shasta and Oroville, the state’s two largest existing reservoirs, combined. The Corps offered to turn the captured water over to California for use as part of the State Water Project. Department of Water Resources Director William Gianelli wholeheartedly embraced the idea. “We had hoped to work out an arrangement whereby the corps would build it, it would be a federal project, we would pay them for the water supply that was developed, and we would integrate the supply into the state water project,” Gianelli recalled later.40 There was one minor procedural issue, though: Governor Reagan had to sign off on the project.

Gianelli assumed this would not be a problem. Reagan had assured him in December 1966 that they “were on the same wave length philosophically in terms of

things like public power and finishing the water project.” The governor never indicated any love for the Eel in its wild state. Gianelli also had the backing of many of the state’s most powerful industries and lobbying organizations. Before making any decision to build the dam, Reagan “was called on by all the power in southern California – the Water Committee, the State Chamber [of Commerce], and, I guess, maybe some of his personal friends, and the agribusiness and the developers,” Livermore recalled. Los Angeles’s Metropolitan Water District, which according to William Penn Mott “probably had the strongest lobby of any organization in Sacramento,” wanted the dam and the water that came with it. So did the lumber companies, including the Pacific Lumber Company (Livermore’s former employer), because some of their prime lands were located in the Eel’s floodplain. Secretary for Agriculture and Services Earl Coke championed the dam in the governor’s cabinet. Even some of Round Valley’s approximately 1,000 residents supported the construction of the dam because they hoped to profit from the sale of their land to the government.

Livermore hoped to avoid another Hetch Hetchy controversy. He received 2,500 letters from Californians opposing the dam, the most he ever received on any issue. He also met Richard Wilson, a Round Valley cattleman, on a packing trip in the Sierra Nevada. Using much of his own money, Wilson had organized the Round Valley Conservation League to oppose the flooding of rich grazing and farm land in the valley. On the packing trip with Livermore, Wilson laid out the argument against a dam. With the size of Round Valley and the erratic size and flow of the Eel River, it could take forty

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42 Livermore, “Man in the Middle,” 111-12; Mott, “Managing the California State Park System,” 24; and Cannon, “High Dam in the Valley of the Tall Grass,” 13-14.
years to fill a lake of 40,000 surface acres. The Corps’ engineers had dismissed claims that the dam site was geologically unsound and prone to earthquakes. The Corps’ cost-benefit ratio was also artificially inflated and inaccurate. The Dos Rios Dam would be an expensive boondoggle with few benefits to the state, Wilson argued.43

Livermore pleaded ignorance on the issue but promised to look into it. Discussions with William Penn Mott, the director of the State Parks and Recreation Department, helped persuade him that the dam was unnecessary. Gianelli and other dam proponents had tried to bring Mott on board by emphasizing the potential for recreation facilities on the lake. But one look at Round Valley convinced Mott that the steep granite walls and erratic water level, which could vary as much as 200 feet, made the construction of useful recreation facilities impossible. The Corps’ cost-benefit ratio seemed overly optimistic to Mott, who eventually came to believe that the entire project was folly. Mott’s opposition to the dam helped convince Livermore to try to persuade Reagan to cancel the project.44

The Dos Rios issue made for a series of contentious cabinet meetings. Earl Coke, backed by the powerful water, agriculture, and development lobbies, bickered with Livermore, who was backed by environmental and conservation groups, Round Valley residents who did not want to lose their land, and a divided Resources Agency bureaucracy. Reagan remained aloof during the cabinet meetings but confided privately to Livermore in December 1968 that “I hate to see a beautiful valley destroyed.” The

most important players in the debate over the construction of Dos Rios Dam turned out to be a small band of Yuki Indians who had been forced to move to Round Valley at gunpoint by the United State Army in the 1850s. Under the Corps’ plan, the Round Valley Indians would be offered two acres of marginal land in the hills around the valley for every acre they gave up in the valley. To environmentalists, anthropologists, and the Indians themselves, this had the potential to be one more chapter in the long sad history of Native American subjugation in the United States. Governor Reagan expressed sympathy for the Yuki, and Livermore seized the opportunity. He brought a delegation of Yuki to Reagan’s office in April 1969, where they talked about past injustices and broken treaty agreements. Reagan was reportedly on the verge of tears at the end of this meeting and the dam’s fate was sealed. At the final cabinet meeting on the dam project, as Mott described it, “the governor sat back, asked a few questions, and then after some time of not saying anything he said, ‘we are not going to build the Dos Rios dam,’ period, and left the room.”

Livermore argued to disappointed water officials that Reagan’s decision was based on six “nonquantifiable, nonmeasurable social and environmental factors, rather than on measurable utilitarian ones.” First, Dos Rios would be an undesirable recreation site “because of the terrain, the distance from population centers, the risk of ugly shoreline in dry years, the proposed separation of the Indian community, [and] the relatively large projected annual drain on the General Fund.” Second, occasional flooding along the lower Eel River did not justify the permanent flooding of Round Valley. Third,

local county boards of supervisors opposed the project. Fourth, environmental factors such as “the destruction of the Valley and disruption of its fish and wildlife” and “the fact that, based on average rainfall, evaporation, and outflow requirement conditions it would take 12 or more years for the reservoir to fill, was a jarring thought to a great many people.” Fifth, residents of the town of Covelo and the rest of Round Valley, under the leadership of Richard Wilson, led a “spirited” protest against the project. Finally, “the Governor has made it abundantly clear that he felt the proposed treatment of the Indians was extremely important” and “he was depressed by the sad history of the Indians of this scenic valley.”

Livermore left unmentioned another important reason Reagan cancelled the project: the governor’s disdain for the U.S. Army Corps of Engineers, the organization that would build the dam. Livermore recalled Reagan complaining that “well, those blankety-blank Corps of Engineers, if they had their way they’d just pave over everything.” Reagan had no patience for mindless devotion to development without regard to environmental impacts. He had complained to a supporter in 1966 about the tendency of highway planners to build roads on a straight line between two points without regard for the natural environment. Reagan’s desire to eliminate unnecessary government programs played into these feelings about state and federal construction

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agencies, but he also had a romantic appreciation for natural beauty that made him question its needless destruction.47

Unsurprisingly, the water lobby was upset with Reagan’s decision and with Livermore’s support for the environmentalists’ position throughout the Dos Rios debate. Disappointed dam supporters’ arguments focused on the Reagan administration’s lack of respect for the expertise of water industry officials, the Department of Water Resources, and the Corps of Engineers; the undue influence of a vocal minority of preservationists; and the additional costs generated by environmental regulations and decisions.

Livermore addressed these concerns in a speech before the Los Angeles Chamber of Commerce, which had supported the Dos Rios project. He wanted to discuss the “major points that appear to annoy you.” First, the Chamber seemed to be concerned with “the fact that I have given inadequate recognition to the expertise of various of your water leaders; that my thoughts and statements should be edited by them; that, in effect, the Water Commission should be the last word in water matters of the State.” This was not part of Livermore’s job description, as he saw it. “I have been operating for the past 2-3/4 years,” he argued, “apparently with fair success, based on the unwritten understanding with the Governor that my job is to coordinate as best I can the more than 10 operating entities plus some 40 or more boards and commissions of the resources field, but not to accept without question their ‘expert’ advice at all times, no matter how ardently they may feel that their advice is the right advice.” Though he gladly accepted advice from his subordinates, it was up to Livermore to find “a balance in the best

47 Livermore, “Man in the Middle,” 113; Ronald Reagan to Jane Ashman, 14 September 1966, in Box GO204, Folder “Research File – Resources – Environment, 1967-70 (1/3),” GOP.
interests of all of the people of our great state.” Livermore also addressed the Chamber’s concern that he was beholden to “a small preservationist group” that does “not speak for the ‘silent majority’.” He argued that what many people do not seem to realize is that this ‘small group’ cannot be measured by the 81,000 members of the Sierra Club, or 79,000 members of the Audubon Society, or 2,250,000 members of the National Wildlife Federation, or some 2.8 million California fisherman or hunters. It is measured by the millions of the voting public who may not belong to specific conservation or sportsmen groups.

A “small group” did not and could not force the federal government to expand the Redwood National Park, to enact pollution control laws, or to pass legislation such as the National Scenic Rivers Act. A “small group” did not and could not force the state to create the San Francisco Bay Conservation and Development Commission, to require the installation of smog devices on automobiles, or to scrap the Dos Rios Dam. All of those instances required the support of a much larger group of environmentally minded people than developers claimed existed. Livermore therefore was representing a large, diverse constituency and was not beholden to a tiny but vocal minority.

He also rejected the argument that the loss of Dos Rios Dam would increase costs to water users. “I cannot believe,” he argued, ‘that the taxpayers and water users of this state, engaged in the $3 billion-plus State Water Project, cannot afford the costs involved in selecting one or more dam sites in Northern California that will not flood that historic and pristine valley.” Time and again, Californians in both the private and public sectors
had proven their willingness “to pay for pollution control and environmental features.” He cited increased costs associated with rerouting highway projects outside the redwood forests, building aesthetically pleasing bridges that serve more than a utilitarian purpose, and the voluntary installation of expensive pollution control equipment at the Humble Oil Company’s new refinery in Benicia. A wealthy state like California, and wealthy public and private water agencies, can afford environmental considerations.48

Livermore left unspoken the most important reason Reagan opposed Dos Rios and one of the greatest complaints of the Chamber of Commerce: his own influence over the governor. Livermore often persuaded Reagan to take unexpected stands on environmental issues through a variety of tactics. At times, such as in the Dos Rios debate, Livermore appealed to Reagan’s sense of fairness. At other times, such as the debate over the size of the Redwoods National Park, Livermore framed his position as a compromise between rapacious industry and radical environmentalists, which appealed to Reagan’s pragmatism. When all else failed, Livermore would threaten to resign if Reagan ignored his advice. At one point during the Dos Rios debate, Livermore indicated to a reporter that the governor would have to find a new resources secretary if he approved the dam. Reagan never called Livermore on those threats.49

Ronald Reagan may have been a bogeyman for environmentalists during the 1966 gubernatorial campaign, but once in office he surprised many of his critics by pursuing a pragmatic, moderately progressive environmental agenda. He had certainly given environmentalists something to fear during the campaign with the “a tree is a tree” comment and his commitment to limiting the reach of government into the personal and business lives of all Californians. Conservationists and environmentalists easily interpreted these to demonstrate hostility toward restrictive environmental policies. But this interpretation failed to predict the governor’s decision to cancel the Dos Rios Dam project, and, as we shall see, the administration’s support for strong anti-pollution laws.

Reagan considered himself an outdoorsman and a rancher and had an almost romantic nostalgia for the natural scenery of the American West in general and California in particular. He did not see himself as an enemy of conservation or environmentalism. During the Dos Rios controversy, Reagan told Livermore that “you know, I’m really not so bad on conservation. I really hate to see beauty destroyed.”50 He discriminated in his concern for that beauty, however. He disliked smog and sprawl and the needless loss of scenic areas under bulldozers and asphalt, but he cared little about the state’s groves of redwood trees. His subordinates and advisers, especially Livermore, provided consistency in his environmental policies that would have otherwise been lacking. Reagan was a pragmatic governor who looked for compromise rather than doctrinaire solutions to tough problems. Livermore influenced Reagan to support environmental causes like Dos Rios

50 Quoted in Ted Simon, The River Stops Here: How One Man’s Battle to Save His Valley Changed the Fate of California (New York: Random House, 1994), 296.
or Redwood National Park by presenting compromise solutions, by exploiting Reagan’s sympathies, or by threatening to resign.

Livermore wielded a high amount of influence over Reagan because the environment was not a very high priority for the governor. While Reagan held romantic notions about ranching, Western landscapes, and clean air and water, he was more interested in taxes, crime, housing, and other issues. Reagan recognized the popularity of environmental regulation but he regularly left the decisions about the state’s natural resources and other environmental issues to his advisers, especially Livermore. Although Livermore saw himself as a moderate and a middleman between environmentalists and business interests, he sided with environmentalists more often than with businessmen. But Livermore was not an ideologue; he and his subordinates were open to negotiation and compromise. They were also able to work with a bipartisan coalition of environmental advocates in the legislature to create the strongest air and water pollution control programs in the nation. This bipartisan support was the most important ingredient in making California the national leader on environmental issues.
Chapter 5: The War on Pollution, 1967-1969

The environment may not have placed very high on Governor Ronald Reagan’s political agenda, but the Great Communicator devoted fiery rhetoric to the topic when it suited him. “We intend to wage a vigorous war against pollution,” he promised at an environmental conference in 1969. In the following year’s State of the State Address, he reiterated “the absolute necessity of waging an all-out war against the debauching of [the] environment.”1 Reagan was not fighting a one-man war. Legislators from across the political spectrum had joined the battle years before, but the greatest legislative victories against pollution came during Reagan’s first term. Between 1967 and 1970, the legislature and the Reagan administration created new state agencies with broad enforcement powers to fight air and water pollution. The new Air Resources Board won the right to enforce air quality standards that were stronger than those of the federal government, and the Water Resources Control Board imposed the nation’s highest penalties on industrial and municipal polluters. Members of Congress thought California’s anti-pollution laws were so effective that they included aspects of those

policies in new national programs, especially the Clean Air and Clean Water Acts, in the early 1970s.

These victories were possible because the war against pollution was still a bipartisan effort. Although liberal environmentalists always pushed for greater regulation, they often worked with legislators who tended to go much slower. Conservatives still rejected calls for centralized land-use planning but continued to support efforts to clean up the state’s air and water. Many conservative leaders who otherwise opposed the expansion of government, such as Arizona Senator Barry Goldwater and Governor Reagan, supported a stronger environmental regulatory state on a wide range of issues, including wilderness protection, pollution, and suburban sprawl. In California, Democrats, Republicans, conservatives, and liberals worked together to build the strongest environmental regulatory regime in the nation.

The Threats to Lake Tahoe

Located along the border of California and Nevada, Lake Tahoe is the largest alpine lake in North America and is one of the deepest and clearest lakes in the world. During the late nineteenth century, the mountains surrounding the lake drew gold and silver miners from other, played-out, regions of the Sierra Nevada. The dense forests in

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3 Lake Tahoe’s surface covers 191 square miles, and its maximum depth is 1,645 feet. In 1967 the lake was also one of the three clearest lakes in the world, alongside Crater Lake in Oregon and Lake Baikal in Russia. See State Water Quality Control Board Executive Officer Paul R. Bonderson, “Summary of Lake Tahoe Water Quality Problems,” in U.S. House of Representatives, Natural Resources and Power Subcommittee of the Committee on Government Operations, *Water Pollution – Central and Northern California*, 90th Cong., 1st Sess., 19 May 1967, 53.
those mountains attracted timber companies, which built railroads and timber mills along the lake. The lake itself drew increasing numbers of tourists, including fishermen, skiers, and hikers. The legalization of gambling in Nevada in 1931 brought more tourists to casinos along the state border, and booster groups began promoting the year-round benefits of living in the area. To make room for the thousands of new residents who came to work in the casinos and surrounding businesses after World War II, developers began to dredge and fill in marshlands along the lakeshore and clear large tracts of forests. By the 1960s, the California-Nevada border at both ends of the lake was home to numerous high-rise casinos and hotels, convention centers, year-round tourist facilities, shopping malls, and houses owned by year-round and part-time residents. Lake Tahoe was emblematic of the problems facing the rest of the state: a formerly pristine environment quickly disappearing under asphalt, high-rise buildings, cars, and throngs of people.

Maintaining the lake’s purity in the face of widespread development along its shoreline became a major goal of environmental and conservation organizations during the 1960s. Some of the concern for the lake came from Californians who remembered the region before the postwar construction boom. Historian Douglas H. Strong “sadly witnessed the rapid deterioration of its environmental quality” while hiking, boating, skiing, and swimming in the region between the late 1930s and early 1980s. Raymond Dasmann wistfully recalled the old days when Tahoe was no more than “some Forest Service campgrounds, a ranger station, a few small communities, and some summer homes,” and argued that postwar development would make the lake a “green, algae-

fouled cesspool” if no action were taken to protect it.\(^6\) Lake Tahoe faced two interconnected problems, according to Alfred Heller of California Tomorrow: “Tahoe is not as clear as it used to be and it is becoming an algae pond,” and “development around the lake basin is inadequately controlled to prevent an accelerating pattern of landscape desecration, and further lake and stream pollution.”\(^7\)

Lake Tahoe was becoming less clear because of eutrophication, where nutrient-rich sewage and runoff from cleared forest land entered the lake and promoted the growth of algae, which interfered with water clarity, quality, and esthetic appeal. Water officials had found instances of eutrophication in marinas and in waterways downstream of developing areas since the 1950s. As with other areas of California, local residents failed to fix this problem by the late 1960s. Two states, five counties, and dozens of cities and towns surrounded the lake, and they all enforced different zoning laws, building codes, and sewage removal procedures. By one count, 64 local, state, and federal agencies shared jurisdiction over land and water in the Tahoe area, and few of these indicated any willingness to work together to establish a regional plan or region-wide regulations.\(^8\) Earlier attempts to provide regional responses to water issues had always focused on the allocation of water rights and neglected the issue of water quality. State and federal

\(^8\) California League of Women Voters Chief Water Consultant Helen Glass, statement to the Natural Resources and Power Subcommittee, 19 May 1967, in Natural Resources and Power Subcommittee, *Water Pollution – Central and Northern California*, 21-25.
officials tried and failed to provide regional problems in Tahoe throughout the first half of the twentieth century.\textsuperscript{9}

Conservationists had looked to the states and federal government for regional planning because they believed local officials were too closely tied to developers. “The perennial plea of local government,” according to Heller, was “give us time, just leave us alone, we can do the job.” Heller believed that the federal government was the only institution “powerful enough to knock heads together and get the job done.”\textsuperscript{10} As the states and Congress tried and failed to “knock heads together,” however, local officials began to address the lake’s sewage problems in the largest populated areas in the early 1960s. By the time Governor Reagan took office in early 1967, the South Tahoe Public Utility District, serving South Lake Tahoe, the largest city on the lake, began to store sewage in treatment facilities on city-owned land and was constructing pipelines to export the sewage away from the Tahoe basin in both states. The North Tahoe Public Utility District pursued a similar plan but lagged behind its southern counterpart because of funding problems. State water officials applauded the districts’ efforts but noted that these expensive projects would require state and federal financial aid.\textsuperscript{11} These efforts also only affected the northern and southern shores of the lake and did not include the steadily increasing development in peripheral areas. The only way to maintain Tahoe’s water purity, according to conservationists, was the creation of a legitimate regional planning and environmental control agency that could coordinate the utility districts’ activities and expand those sewage control measures to other areas around the lake. Conservationists

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began to feel optimistic about regional efforts in 1967 and legislators in California began
to work with their Nevada counterparts to create just such an agency.\textsuperscript{12}

Regional planning finally came to the Lake Tahoe Basin in 1968, though it was
not as effective as conservationists had hoped. Legislators in California and Nevada
established a Lake Tahoe Joint Study Committee in 1965 to study and develop
recommendations for a region-wide response to pollution. In March 1967 the committee
called for the creation of a Tahoe Regional Planning Agency with jurisdiction in both
states and a responsibility to “preserve and maintain the physical environment of the
Lake Tahoe Region, including its natural endowment for recreational and residential
purposes, and thus to encourage the economic stability of the region.”\textsuperscript{13} The committee
intended for the agency to supplement and coordinate local governments, not to duplicate
or replace them.

Democratic Assemblyman Edwin Z’Berg introduced a bill into the California
Legislature that went beyond the study committee’s recommendations. His bill granted
strong enforcement powers and the ability to tax local counties to the new Tahoe
Regional Planning Agency. It also created the California Tahoe Regional Planning
Agency, which would perform the same functions as the bi-state Agency on the
California side of the lake until Nevada signed-on to the plan. Conservationists, planners,
many legislators, and the news media supported Z’Berg’s bill, but local governments and
organizations such as the city of South Lake Tahoe and the Greater North Lake Tahoe
Chamber of Commerce opposed what they saw as the dilution of local decision-making

\textsuperscript{12} “Hope for Tahoe?” \textit{Cry California} 2:4 (Fall 1967), 1-3.
powers. The bill easily passed the Assembly but ran into trouble in the Senate, which paid greater attention to the bill’s critics. Senators amended the bill to allow greater representation of local interests, remove the ability to tax local counties, and strip away the power to use preemptive legal measures to prevent violations.\textsuperscript{14}

The Nevada Legislature approved a bill similar to the Senate version but granted even more power to local governments. The Nevada bill required a majority vote from the delegates from both states for all Agency actions, which effectively gave each state veto power over the other, and stipulated that any proposed development be automatically approved if the Agency failed to reject it within sixty days. The legislature also inserted a grandfather clause for all existing businesses. Nevada legislators endorsed the idea of regional strategic planning but refused to give the Agency any real enforcement powers.\textsuperscript{15}

Governor Reagan became involved when Z’Berg rejected the new version of the bill in March 1968. Until this point, Reagan had remained silent on the issue because he believed that pollution in Tahoe was a local problem that did not warrant intervention from the state. When Z’Berg threatened to scrap the new bill, Reagan asked him “to reconsider this ill-thought-out and petty action and begin to act responsibly for the benefit of all concerned.”\textsuperscript{16} According to biographer Lou Cannon, Reagan’s sudden interest in the issue came from “a personal inspection of the lake, which persuaded him that Tahoe’s problems required an interstate solution,” and his support for the amended bill came from his personal relationship with Nevada Governor Paul Laxalt, a fellow conservative

\textsuperscript{14} Strong, \textit{Tahoe}, 142.
\textsuperscript{15} Strong, \textit{Tahoe}, 143.
Republican who favored the bill.\textsuperscript{17} Resources Secretary Livermore was also enthusiastic about a bi-state agency dedicated to preventing “a decline in the environmental quality of a unique body of water” and thought this possibly flawed bill was better than nothing, and his support no doubt influenced Reagan just as much as Laxalt’s.\textsuperscript{18}

Under pressure from Reagan, conservationists, and Tahoe residents to do something, Z’Berg agreed to a compromise that originated with a member of the Sierra Club. The compromise bill created a bi-state Agency under the terms of the Senate and Nevada bills, but also maintained the California Tahoe Regional Planning Agency with expanded enforcement powers on the California side of the lake. Reagan signed the compromise bill on August 2, 1968. Over the next two years, the bi-state Agency’s staff struggled to formulate a regional plan that limited the number of allowable tourists and residents in the area. The Agency’s staff found itself under constant attack from local developers, who argued that such a plan stifled economic growth, and from the Agency’s Governing Body, which was dominated by locals who ignored the staff’s recommendations and continued to approve almost all of the projects that came before it.\textsuperscript{19}

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\textsuperscript{17} Cannon, \textit{Governor Reagan}, 306.
\textsuperscript{18} Livermore, “Proposals, Plans and Progress of California’s Resources Agency,” presentation to the Legislative Workshop of the California Section, American Water Works Association, 7 May 1968, in Resources Agency Papers, Box R49, Folder “Norman Livermore Speeches 1968,” Resources Agency Papers, Ronald Reagan Presidential Library [hereafter \textit{RAP}].
\textsuperscript{19} Strong, \textit{Tahoe}, 143-156.
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Cleaning Up Water and Air

Pollution in Lake Tahoe demonstrated to many Californians the weaknesses of the state’s water pollution control policies there and across the state, which were still governed by the industry friendly Dickey Act of 1949. Legislators attempted to strengthen those policies over the following decades but accomplished little. In 1960 the State Water Pollution Control Board was renamed the State Water Quality Control Board, but its powers and responsibilities did not change. Five years later the Legislature added two members to each regional board who were intended to represent the public interest, but these were still outnumbered by members who represented local and industrial interests. Democrat Carley V. Porter, the chairman of the Assembly Water Committee, introduced a bill into the Legislature in 1967 that merged the State Water Rights Board and the State Water Quality Control Board into a new agency, the State Water Resources Control Board (SWRCB). The bill, which the Reagan administration supported, “recognized the interrelationship of water quantity to water quality and the need for a joint administration by a single agency of the quasi-judicial functions of water rights determination and adjudication and the regulatory functions in water pollution and water quality control.”

The new Board was responsible for introducing pollution and quality concerns into the water allocation process.

The reorganization of the state water pollution control program failed to solve the underlying problems with the Dickey Act. The state and regional boards still had no

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enforcement powers. Regional water quality control boards began to complain to the State Assembly Water Committee that the law needed “more teeth” in order to improve water standards, according to the Los Angeles Times. Fishermen complained that frequent oil spills polluted the harbors around Los Angeles and wiped out the local fish populations. The state’s weak response to these issues would eventually invite federal intervention, the Los Angeles Times predicted in February 1968. Because “California’s legislators have pioneered in the enactment of laws governing both air and water pollution,” the paper editorialized, the state “should not need federal help in protecting its water from pollution.” The legislature should therefore strengthen water quality boards by providing for “harsher penalties and more inspection and enforcement personnel.”21

One month after the Los Angeles Times editorial, the SWRCB appointed a blue-ribbon study panel to evaluate the state’s water pollution laws and make recommendations for strengthening those laws. The panel was made up of state and local water officials, an engineer, a scientist, an attorney, a banker, and a newspaper publisher. The panel took advice and testimony from environmental and industry organizations. The panel’s final report, issued on 10 January 1969, called upon the legislature to give the state and regional boards the power to impose fines up to $6,000 per month on polluters to give some teeth to the existing cease-and-desist orders and to initiate emergency cleanup procedures instead of awaiting court injunctions. Legislators who were experienced in water issues expected to quickly enact the panel’s recommendations, but

they also anticipated strong opposition from industry groups over the imposition of fines.\textsuperscript{22}

The study panel could not have picked a better time to issue its report. Efforts to reform the state’s water pollution program received a boost on January 28, 1969, when a Union Oil Company drilling platform, located six miles off the coast of Santa Barbara, punctured a huge underground reservoir of oil and gas, which began to leak out of the sea floor along a fault line at the bottom of the channel. For ten days, thousands of barrels of oil rose to the surface, forming an oil slick that covered 1,200 square miles, killing hundreds of birds and countless marine animals.\textsuperscript{23} Local residents attempted to clean oil-covered animals along the coast, and the local and national news media broadcast stories and images about the slick’s damaging effects on the coastline and animal life.\textsuperscript{24}

As the nation watched in horror, the oil slick expanded and followed the currents along the California coast during the first week of February. It was just then that the State Water Resources Control Board’s study panel held three public hearings on its report and recommendations.\textsuperscript{25} Citizens attacked the proposals for being too weak, and the panel issued a new report including stricter recommendations afterward. Membership on the regional boards should be increased to nine, with the extra members representing the public interest rather than water agencies and industries that favored development over

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\textsuperscript{24} Robert Easton, \textit{Black Tide: The Santa Barbara Oil Spill and Its Consequences} (New York: Delacorte Press, 1972), 275
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preservation. The maximum fines should also be increased, from $6,000 per month to
$6,000 per day. The panel also called for the ability to force polluters to pay for cleanup
operations. Without waiting for SWRCB approval of the final report, Assemblyman
Carley V. Porter, the Democratic chairman of the Assembly Water Committee who had
authored the bill creating the SWRCB, introduced a bill to codify those
recommendations. A bipartisan coalition of twenty-three Assemblymen and eight State
Senators, led by Republican Senator Gordon Cologne, co-sponsored Porter’s bill as it
began its quick journey through the Legislature.26

Conservationist assemblymen opposed the bill more than businessmen. David A.
Roberti, Democrat from Los Angeles, and Alan Sieroty, Democrat from West Los
Angeles, complained that the bill did not go far enough to ensure high water quality
standards, and they introduced alternative bills that would have done away with the old
system of representation on the regional water boards. Roberti and Sieroty believed that
allocating seats on those boards to special interests like water suppliers, farmers, other
industries, and local governments created “built-in conflicts-of-interest,” and that those
seats should be filled by unaffiliated, public-minded representatives. Porter and his allies
on the Water Committee killed those bills, claiming that barring those interests would
deprive the boards of valuable expertise in water issues, but also offered to amend the
original bill to forbid individual board members from voting on matters where a conflict
of interest existed. To further appease conservationists, Porter allowed a different

26 Kenneth Reich, “Water Pollution Bill Expected to Be Stronger Than Planned,” Los Angeles Times, 10
March 1969, D1; Kenneth Reich, “Water Board Proposes Tougher Pollution Law,” Los Angeles Times, 21
March 1969, A3.
amendment that authorized the state attorney general to initiate enforcement actions against polluters in cases where the water quality boards failed to act.27

The most expected source of opposition to the Porter-Cologne bill was silent during the committee hearing. Lobbyists for polluting industries were present and may have disliked the new fees and cleanup costs about to be imposed on polluters, but they did not testify to that effect or pressure the committee members to drop those provisions. Legislators and reporters attributed industry’s silence on the matter to a changed political atmosphere in Sacramento in the aftermath of the Santa Barbara Oil Spill. One unnamed lobbyist told the *Los Angeles Times* that “they might object” to the bill when it reached the rest of the Assembly, but also added that “industrial interests, aware of public pressure for stronger pollution controls, might decide against trying to do anything to scrap the fines provision.”28 Those lobbyists indeed remained silent as the bill made its way through the Legislature, where both houses voted in favor of the bill unanimously.29

The oil spill may have been one reason for industry’s silence, but there is little indication that industrial lobbyists were gearing for a major battle against the new pollution program even before the spill. The political scene had changed since 1949, when the California Association of Production Industries and Assemblyman Randal Dickey publicly attacked the state’s permit program. At the national level, Congress enacted stricter Clean Water Acts in 1960, 1965, and 1966, the Wilderness Act in 1964, and the National Wild and Scenic Rivers Act in 1968. California’s environmental laws

followed the same trend. In 1967 the state created the Air Resources Board, the strongest air pollution control agency in the country, in response to decades of failed smog policies, and state leaders wanted to replicate this success in the realm of water pollution with the reorganization of the State Water Resources Control Board and the Porter-Cologne bill. Environmental protection was also a bipartisan issue in the 1960s, and industrial lobbyists found few legislators to take up their cause. The Santa Barbara Oil Spill may have accelerated the trend toward stronger environmental regulations at the state and national levels, as many historians contend, but it was not a turning point that convinced Californians to pursue stronger water pollution policies.\(^{30}\)

Another reason for industry’s silence on the Porter-Cologne bill could have been Governor Reagan’s support for a stronger water pollution control program. In his annual State of the State message on January 7, three weeks before the disaster in Santa Barbara, Reagan urged lawmakers to implement the SWRCB study panel’s recommendations.\(^{31}\) As the Santa Barbara channel began to fill with oil, Reagan refused to become too closely involved, however. He opposed an outright ban on oil drilling off the California coast, saying that “in a growing economy, there has to be some ‘give’ on the part of those who


would just preserve the nature of the countryside.”32 Some critics claimed that Reagan was playing politics with the oil spill. Jesse M. Unruh, the Speaker of the Assembly and soon to be Reagan’s Democratic opponent in the 1970 gubernatorial election, introduced numerous bills into the Legislature requiring oil companies to pay for the spill’s damage and outlawing drilling in the Santa Barbara Channel, but Reagan refused to support Unruh’s bills, and they died in committee.33 Reagan did support the Porter-Cologne bill, however. As that bill made its way through the Legislature, State Water Resources Control Board Chairman Kerry W. Mulligan claimed the full support of the Reagan administration and told reporters that Reagan was ready to “take heat from industry” over the new penalty provisions, though there was little indication that any heat was about to come from it. Reagan signed the Porter-Cologne Act without opposition on July 14, 1969.34

The state had a relatively easy time reforming its water pollution control program. The oil spill solidified preexisting popular and legislative support for cleaner water, and industry’s acquiescence allowed the passage of a stronger bill than its supporters had originally intended. Californians faced a tougher challenge in its ongoing fight against air pollution. Smog crises continued to flare up, especially during the summer months, but

industry waged a strong campaign against the state’s efforts to create a stronger air pollution control program.

Photochemical smog appeared first in California, but it and other forms of air pollution became a problem in cities across the country during the late 1940s and 1950s. In October 1948 a heavy inversion layer settled over Donora, Pennsylvania, trapping poisonous sulfuric acid and nitrogen dioxide emissions from the American Steel and Wire Company and the Donora Zinc Works factories. For five days, nearly half of the city’s residents fell ill, complaining of coughing, chest pain, and asthma. Twenty people died before the inversion layer dissipated on October 31. New York City suffered through a deadly smog episode for ten days in November 1953. When the haze cleared, New Yorkers found the crushed body of a pedestrian who had been struck by a car and the wreckage of a private airplane that had crashed in a marsh near La Guardia Airport, killing five people. A later investigation attributed an estimated 200 deaths to the haze. Smog also forced the closure of the New Jersey Turnpike in October 1953. As new areas suffered from various forms of air pollution, concerned citizens across the country began to complain to their local and federal representatives.

The federal government responded slowly to the air pollution crises, however, and usually deferred to the states. Congress’s first attempt, the Air Pollution Control Act of 1955, acknowledged the ill effects of smog but left regulation and enforcement to the

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states. The Clean Air Act of 1963 gave the federal government the power to regulate air pollution that crossed state lines but did not provide strong enforcement mechanisms. Two years later, President Lyndon Johnson’s Science Advisory Committee complained that this system created a “hodge-podge, with responsibilities widely separated among government agencies, and some unassigned.”38 When most states showed little progress on the issue by 1967, Johnson asked Congress for an Air Quality Act that would impose nationwide minimum emissions standards on stationary industrial sources and motor vehicles. The American Manufacturers’ Association tried to get ahead of the issue by lobbying for a uniform, nationwide standard. According to AMA President Thomas Mann, “a multiplicity of standards could create chaos not only within the industry but in the economy and be harmful to the consumer as well.” An official with the U.S. Department of Health, Education, and Welfare agreed in testimony before a subcommittee of the Senate Public Works Committee, claiming that the potential for varying standards in every state would create “utter confusion.” As a consensus on national standards began to develop within the subcommittee, Californians became concerned.39

California legislators and smog officials welcomed Congress’s willingness to tackle air pollution, but viewed the imposition of national standards with anxiety. Automakers enjoyed greater influence in Washington than they did in Sacramento, and state officials feared that industry influence would lead to weak emissions standards and

undo California’s progress. Los Angeles County Supervisor Warren Dorn argued before the Senate “that federal law should provide minimum standards and allow stricter state rules where conditions require them.” Senator George Murphy, a Republican from Hollywood, amended the act in committee to allow California to apply for an exemption from national standards in order to enact its own stricter standards. The Senate subcommittee settled on a compromise. National air quality standards would apply to all states, but California – and only California – could apply for an exemption from those standards. The subcommittee justified California’s exemption by pointing to its “sufficiently compelling local circumstances” and noting that “the compromise was beneficial because it would allow California not only to protect its people, but also to serve as a testing ground for new regulations, without exposing the consumer everywhere to additional costs and without subjecting the industry to more than one variation in applicable regulations.”

Strong opposition met California’s possible exemption in the House of Representatives. John Dingell, a Democrat from Detroit, removed the exemption amendment in committee on behalf of the automakers. Californians across the political spectrum united against Dingell. Democratic Representatives Lionel van Deerlin from

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San Diego and John E. Moss from Sacramento led the way, recruiting supporters from both parties.\textsuperscript{44} The potential imposition of national standards that did not take into account local conditions violated Governor Reagan's philosophy on federalism, and his administration joined the Democratic majority in the legislature to oppose Dingell’s maneuver.\textsuperscript{45} Eric Grant, the Executive Director of the Motor Vehicle Pollution Control Board, argued in a letter to the state’s congressional delegation that the Air Quality Act’s potentially weak standards represented a dramatic step backward from what California had already achieved.\textsuperscript{46}

California’s political class thus formed a united front, but the state needed to secure public opinion, which was notoriously fickle regarding air pollution. As Scott Hamilton Dewey has pointed out, California’s fight against smog was largely a top-down affair, with legislators, journalists, and scientists leading the charge and the public lagging behind. Public concern tended to be cyclical, with alarmed calls for action during the smoggy summer months but with apathy during the rest of the year. Californians liked to assume that smog was somebody else’s problem, such as automakers, oil refineries, or factories. They refused to accept responsibility for the ways they contributed to the problem, through driving or the use of backyard incinerators. They expected technological solutions, including emissions control devices on automobiles, but at the same time they objected to the cost of installing those devices. They viewed air pollution as a “problem in isolation, rather than as a part of a wider system in need of

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\item Representative Lionel Van Deerlin to Representative Robert B. Mathias, 17 October 1967, F3935:157, \textit{ARBR}.
\item Lou Cannon, \textit{Ronnie and Jesse: A Political Odyssey} (Garden City, NY: Doubleday, 1969), 221.
\item MVPCB Executive Director Eric P. Grant to Van Deerlin, 17 October 1967, F3935:157, \textit{ARBR}.
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alteration,” according to Dewey. A small core of citizen activists, operating through organizations such as the Citizen’s Anti-Smog Action Committee and Stamp Out Smog, prodded legislators and smog officials into action and testified before government hearings, but they were unable to consistently mobilize a critical mass of Californians.47

But just as Congressman Dingell tried to strip California's exemption from the Air Quality Act in the summer of 1967, Los Angeles suffered its worst smog season in eleven years. Local radio station KLAC’s reports on the smog problem singled out Dingell for ridicule, obstructionism, and collusion with the polluting automakers. In response to the station’s call for action, Angelenos sent over three hundred thousand pieces of mail to county, state, and federal representatives. Commenting on the deluge, one California representative remarked that “air pollution is a bigger issue than Vietnam in California, and every Democrat and every Republican in the delegation will fight to the last ditch on this.”48 In the face of a unified California delegation and public, Dingell backed down and restored the exemption provision. “The Dingell Amendment is dead,” Grant later rejoiced. “It should stay that way forever.”49

With the exemption provision secured, the California Legislature reformed the state’s air pollution control program. The old Motor Vehicle Pollution Control Act had been revolutionary upon passage in 1960, but the program could point to few successes by 1967. The Control Board approved the first of many crankcase emissions control devices in 1961 and four muffler-type exhaust control devices in 1964, but drivers

47 Dewey, Don’t Breathe the Air, 83-105.
48 Quote from Dewey, Don’t Breathe the Air, 106.
49 Statement by California Air Resources Board Executive Officer Eric P. Grant, 16 January 1968, F3935:161, ARBR.
complained about the cost of installation and the devices’ supposedly detrimental effect on engine efficiency and power.\textsuperscript{50} In response to public outcry, the legislature in 1965 backed off from a plan to require devices on all used cars in favor of a requirement that devices only be installed when vehicles changed ownership. Local air pollution control districts, notably the LA APCD, complained about the lengthy testing time for new devices and accused the Board of selling out to the auto industry when it adopted a policy that allowed devices to emit more pollutants than the state standard as long as the devices’ average emissions met the standard. Board members also complained about the lack of jurisdiction over stationary emissions sources.\textsuperscript{51}

In response to those problems and in anticipation of the state’s exemption from the federal Air Quality Act, the legislature enacted the Mulford-Carrell Air Resources Act of 1967, which abolished the Motor Vehicle Pollution Control Board and merged the state’s stationary and vehicular emissions control programs into one central agency, the California Air Resources Board (CARB). Members of this Board included the Director of Public Health, the Director of Motor Vehicles, Director of Agriculture, Commissioner of the Highway Patrol, the Director of Conservation, and nine other appointees with “proven ability in the field of air pollution, as well as the needs of the general public, industry,

\begin{footnotes}
\item[50] Crankcase devices, sometimes known as positive crankcase ventilation systems, redirect vapors created there into the vehicle’s air/fuel intake system, so that they will be burned during combustion. Crankcase vapors used to discharge into the atmosphere. The muffler-type devices were early versions of modern catalytic converters, which convert hydrocarbons or carbon monoxide into carbon dioxide and water. See MVPCB Executive Officer D. A. Jensen to Professor Mario Taddei, 12 January 1965, F3935:152, \textit{ARBR}; Jensen to Louis A. Wilkinson, 10 August 1964, F3935:151, \textit{ARBR}; Roy E. Covert to MVPCB, 8 December 1964, F3935:152, \textit{ARBR}.
\end{footnotes}
agriculture, and other related interests.”

Reagan populated the new Board with known smog fighters, including many from Los Angeles. His first appointees to the Board represented “a cross section of the ablest men and women in the state,” including Louis Fuller, the Air Pollution Control Officer for Los Angeles County; Willard Libby, a Nobel Prize-winning chemist from UCLA; and Joseph Boyle, the president of the Los Angeles County Medical Association. Marshall Boden, the manager of a General Motors assembly plant in Fremont, was the Board’s lone industry representative. To chair the new Board, Reagan brought in Arie Jan Haagen-Smit, the most famous smog fighter in California.

The Mulford-Carrell Act created an anti-smog program that was federalist in structure. CARB divided California into a series of air basins and adopted emissions standards for each basin’s pollution sources. The Act left enforcement of standards regarding stationary pollution sources to the local or regional air pollution control districts, and those districts were free to set local stationary emissions standards that were higher than CARB’s. If a district failed to meet the state’s minimum standards, however, the Act required the Board to step in and take over enforcement. It reserved the power to regulate automobile emissions to CARB, but the state’s standards would depend on winning an exemption waiver from the federal Air Quality Act.

When CARB opened its doors in November of 1967, its first task was to win that waiver. The first waiver application called for the power to regulate 1968 to 1970 model

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54 Mulford-Carrell Act, §§39051, 39012, 39054
year cars and trucks, but did not include any specific emissions standards. The U.S. Secretary of Health, Education, and Welfare (HEW) convened a public hearing on the waiver request in January of 1968. The hearings were stacked in California’s favor from the start. S. Smith Griswold, the director of HEW’s National Center for Air Pollution Control and the former director of the Los Angeles Air Pollution Control District, chaired the hearing. CARB assembled an all-star team to testify to California’s unique relationship with smog and the state’s leading role in fighting it. At the hearing, California Health and Welfare Agency Administrator Spencer Williams noted that “California has a photochemical smog problem much more severe than any other locality in the nation” and CARB Executive Director Eric Grant claimed that “the unfortunate story of California’s air pollution is known world-wide.” Seymour Calvert, the director of the University of California’s Statewide Air Pollution Research Center, reminded the panel of the state’s unique geography and meteorology that make it particularly vulnerable to photochemical pollution. U.S. Senator George Murphy argued that, with the creation of the ARB, California “has once again taken the lead in research and development of techniques which will be of immeasurable benefit” to Californians and residents of other “congested areas.” Although most of the speakers focused on smog’s effects on human health, Calvert also described its effects on plant life and the economic costs of air pollution to the state’s agricultural industry, which he estimated at nearly $250 million.  

Thomas Mann, the president of the Automobile Manufacturers’ Association, objected that the waiver request included no specific emissions standards, so

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55 Statements of Dr. Seymour Calvert, Assemblyman John Francis Foran, ARB Executive Director Eric P. Grant, and Health and Welfare Agency Administrator Spencer Williams, 15-16 January 1968, F3935:161, ARBR; Statement of Senator George Murphy, 15 January 1968, F3935:158, ARBR.
Griswold granted CARB a five-month extension to find some. When the Board reported back with standards in June, HEW overrode the automakers’ protests and granted California its waiver for 1968 to 1970 model year cars and trucks.\textsuperscript{56}

With waiver in hand, the legislature and Governor Reagan launched an ambitious new attack on smog during the summer of 1968. The most important measure, the Pure Air Act, established progressively stricter hydrocarbon and nitrogen oxide emissions standards for model years after 1970. The Act also did away with the averaging requirements that had turned the local air pollution control districts against the Motor Vehicle Pollution Control Board, and thenceforth required every vehicle to meet the state’s new standards. One bill criminalized the disconnection or modification of emissions control devices. The legislature also called on the Highway Patrol to test alternatives to the internal combustion engine, such as an experimental steam engine. The Board also tested and certified a new evaporative control system that prevented gasoline vapors from escaping into the atmosphere.\textsuperscript{57} Between 1968 and 1970, The CARB’s staff increased from 65 to 225, and its budget increased from $1.8 million to $8.4 million.\textsuperscript{58} These measures inaugurated a golden age in the fight against smog in California that lasted until the early 1970s.

\textsuperscript{56} Statement of Automobile Manufacturers’ Association President Thomas C. Mann, 16 January 1968, F3935:161, \textit{ARBR}.
\textsuperscript{58} ARB Executive Officer John A. Maga to Secretary for Resources Norman B. Livermore, 10 November 1971, \textit{ARBR}, F3935:179.
The San Francisco Bay Conservation and Development Commission

The Reagan administration could point to another environmental milestone in early 1969, when the San Francisco Bay Conservation and Development Commission issued its comprehensive plan for conserving the waters of the Bay and for regulating the development of its shoreline. During its four-year planning phase, the commission had limited the amount of development along the shoreline through the selective granting of permits, allowing only 370 acres of fill between 1965 and 1969.59 Interest groups representing environmentalists, developers and business owners, and local governments took a strong interest in shaping the longer-term plan for the bay. Catherine Kerr, one of the founders of the Save the Bay movement in the early 1960s, and Dwight Steele of the Sierra Club, or their representatives, attended commission hearings and meetings and maintained regular contact with commissioners and staff out of fear that “the commission would be pushed in the developer’s direction if they didn’t push strongly enough.”60 Business interests that hoped to make that fear a reality included Leslie Salt Company, which owned salt ponds along the shoreline; Westbay Community Associates, a development partnership between Chase Manhattan Bank, the Crocker Land Company, and the Ideal Cement Company that wanted to push San Bruno Mountain into the bay near San Mateo to create land for housing and industrial development; and the Santa Fe Railroad Company, which owned underwater property and wanted to fill it in to build a

shopping center. Local governments, under the aegis of the Association of Bay Area Governments, also lobbied the commission out of fear that a regional agency would reduce their ability to support economic development in their cities.

On January 6, 1969, the Commission finally delivered its plan to the governor and the Legislature. The 42-page plan was the first instance of regional planning for the bay, and it contained something for everybody, though it made nobody completely happy. Conservationists were happy that the plan included new recreation facilities such as “shoreline parks, beaches, marinas, fishing piers, scenic drives, and hiking or bicycling pathways” though they and preservationists in the Sierra Club were not pleased that the plan reserved 19,000 acres of shoreline for industrial use and called for an expansion of port facilities and airports for the use of those industries. Developers wanted more acreage set aside for industry, and the Leslie Salt Company in particular criticized the plan for granting jurisdiction over its salt ponds to a state regulatory agency, calling it “Fabian socialism.” The plan also addressed some of the concerns of local governments by providing that developers obtain permits from the appropriate local government before applying to the commission. Thus the commission could not “force a project on an unwilling local government,” though it could veto a project that the local government

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approved.\textsuperscript{65} With the publication of this plan, the commission itself was scheduled to expire.

Legislators introduced four bills in response to the plan and the commission’s pending demise. Reagan at first supported the weakest of the four, which allowed the commission to continue to exist but did not grant it any permanent enforcement powers. Joseph Bodovitz, the commission’s executive director, later claimed that public opinion prompted Reagan to endorse a stronger bill, stating that when something “was the will of the voters, [Reagan] didn’t try to undo it.” The governor’s support for the commission and the stronger bill was also due to the endorsement of his Secretary of Resources. Livermore was a longtime friend of Melvin Lane, the commission chairman, and Al Hill, one of Livermore’s most senior assistants, served on the commission during the planning process, and these relationships helped solidify the secretary’s support. When Livermore explained the problems facing the Bay to the governor and called the plan “a balanced solution to those problems,” Reagan “was willing to go along,” according to Bodovitz.\textsuperscript{66} The strong version of the bill, which Reagan signed on August 7, 1969, codified the commission’s plan into law, made the commission permanent, and gave it jurisdiction over development within a 100-foot strip of shoreline around the entire bay, including the surrounding salt ponds and wetlands.\textsuperscript{67} Conservationists and environmentalists hold up the Bay Conservation and Development Commission as a model for regional planning and resource protection.

\textsuperscript{65} Joseph E. Bodovitz, quoted in Odell, \textit{The Saving of San Francisco Bay}, 62.
\textsuperscript{66} Bodovitz, “Management and Policy Directions,” 22-23.
Despite Ronald Reagan’s campaign promises to limit the growth of government and roll back costly regulations on business and development, California’s environmental
regulatory apparatus expanded during his two terms in office (see Figure 4). Some existing offices, such as the Department of Harbors and Watercraft, gained regulatory powers. New agencies and commissions appeared, including the Air Resources Board, the State Water Resources Control Board, and the California Tahoe Regional Planning Agency. The San Francisco Bay Conservation and Development Commission was made permanent. During Reagan’s second term, more new agencies, such as the California Energy and California Coastal Commissions came under the Resources Agency’s jurisdiction. The Reagan administration and the legislature expanded the state’s air and water pollution control programs through the Mulford-Carrell Air Resources Act of 1967 and the Porter-Cologne Water Quality Act of 1969. California led the nation in the fight against pollution because of those policies.

Although these policies imposed dramatic changes on California’s cities and industries, the environment was a relatively safe issue for Reagan and the legislature to tackle. Unlike crime or taxes or unrest at the universities, there was no partisan divide over environmental issues during the late 1960s. The popularity of environmental protection benefited both parties and changed the political calculus in California. Reagan recognized that the environment could be a winning issue for him as he geared up for his reelection campaign in 1970. Although his administration followed the legislature’s lead on pollution issues, Reagan was receptive to public opinion. As Ted Simon put it, the governor began “to realize that there was as much of a constituency in conservation as in
big business.” His Dos Rios decision and his support for reforms to California’s air and water pollution programs gave him a foundation for that constituency, but he needed to do more to overcome his reputation as a tree-hater. Accomplishing that fell to Livermore.

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Ike Livermore had a problem. Although the Reagan administration had supported a strong environmental agenda during its first two years, the governor could not shake the reputation for indifference or hostility toward environmental issues that he had built during the 1966 gubernatorial campaign. Reagan’s failure to identify the endangered Eel River and his infamous “a tree is a tree” comment during that campaign continued to haunt him. As Secretary for the Resources Agency, it was Livermore’s job to rehabilitate Reagan’s questionable environmental image. The administration’s cancellation of Dos Ríos Dam, its support of establishing the Redwood National Park and a permanent San Francisco Bay Conservation and Development Commission, and its role in reforming the state’s air and water pollution control programs helped, but environmentalists were still wary. Livermore believed the governor needed to make some grand gesture toward environmentalists to bring them around. Reagan needed to show that he listened to them and that he was aware of the threats to the state’s natural resources and beauty. And in accordance with bureaucratic tradition, that grand gesture took the form of a conference.

The Governor’s Conference on California’s Changing Environment, held at the Ambassador Hotel in Los Angeles in November 1969, did not spark a radical shift in the state’s environmental policies, but it provided a forum for a wide variety of concerned
Californians. It brought together representatives of environmental organizations, industry, organized labor, academia, and the public to celebrate past accomplishments, analyze continuing problems, and recommend further solutions. This meeting of the minds embodied Reagan’s vision of a Creative Society where government worked with the public to solve the state’s problems instead of dictating solutions to the public. Over one thousand Californians attended the conference and brought solutions to environmental problems that ranged from the conservative to the radical. Most attendees agreed that the state’s major environmental problems were human overpopulation, lack of public education regarding conservation, and California’s continuing failure to enact statewide or regional planning to mitigate the effects of population growth. Although the conference participants argued over the proper solutions to those problems, almost everybody agreed that the unrestrained economic development that had characterized California since World War II was no longer feasible or desirable.

Livermore’s timing was almost perfect. The Governor’s Conference occurred just as environmentalism was peaking. Six weeks later, the Year of the Environment dawned across the United States, during which the federal government enacted numerous important environmental laws and environmental activists celebrated Earth Day. The year 1970 was also an election year in California, and California’s politicians took advantage of the surge in interest for environmental issues. Reagan played up his administration’s environmental achievements and pointed to the Governor’s Conference as proof of his willingness to work with environmentalists. Legislators from both parties promised to fight for the environment and introduced dozens of environmental protection bills into the
state legislature, many of which were based on ideas presented at the conference. Most of those bills went nowhere, but those that succeeded cemented California’s reputation for national leadership on environmental issues.

The Governor’s Conference on California’s Changing Environment

Livermore brought the administration’s troubled environmental reputation to the attention of Reagan and the cabinet on at least three occasions in 1967 and 1968. On 29 July 1968, Livermore wrote that he and most of his subordinates felt that “our Administration still suffers somewhat from lack of a forward-looking ‘conservation image’.” Although he could “point with pride to many conservation accomplishments in the past 18 months, we have perhaps not tied these together in a meaningful ‘package’.” Other cabinet members suggested the governor publish some sort of pamphlet emphasizing those accomplishments, but Livermore believed this would not be enough. Instead, he suggested Reagan follow the example of Massachusetts Governor John A. Volpe, a fellow Republican, who brought together 500 residents from across that state in a conference dedicated to “preserving the national heritage and beauty of our commonwealth.” Livermore suggested a similar conference for California that would prove that the governor was paying attention to environmental issues.¹

Reagan and the rest of the cabinet were receptive to the idea of a conference but delayed a decision, hoping that a strong conservation message in the 1969 State of the

State Address would be enough to reassure the governor’s environmentalist critics.

Reagan devoted roughly ten percent of the speech to summarizing his administration’s “great strides in protecting our environment,” including the just released San Francisco Bay plan, negotiations with Nevada over pollution at Lake Tahoe, reforms to the state’s air and water pollution laws, and the creation of Redwood National Park. The speech did not offer a specific environmental agenda for the future beyond a vague “concern that all construction projects undertaken by the State of California, in whatever area, give full consideration to protecting the quality of our natural environment.”

Perhaps sensing the weakness of the speech’s conservation section, Livermore tried to insert an announcement of a conference that would bring the voice of environmentalists to the table, but this addition was cut from the final draft because of time and space constraints.

Environmentalists were not impressed. One letter writer to the San Francisco Chronicle claimed that he “would feel the world more secure and our society more viable if Governor Reagan would become aware of, and a little angry about, the Associated Farmers throwing DDT into the air … about [Pacific Gas and Electric] throwing hundreds of tons of poisons into the air … and the current threat to our beaches from careless oil drilling.” Reagan seems to reserve “his anger for the young students and activists” instead of addressing these “threats to our ecology and our lives.”

Livermore published a response in the Chronicle the following week that repeated Reagan’s claims.

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3 Norman B. Livermore, Jr., memorandum to Rus Walton, 5 August 1969, in Box R37, Folder “GCCCE Correspondence, 1969 (2),” RAP.

but did not address those specific complaints. He admitted that “while it is true that the Governor has been forced by current events to devote a major part of his time to other problems in our society, his record in the field of conservation and in concern for the natural environment in which we live, rings loud and clear.” Livermore claimed that he could not “recall a single instance where a decision was made by the Governor that was inimical to the philosophy of concern for the quality of our natural environment.”

Livermore then sent copies of both letters to Reagan to demonstrate the public’s continuing suspicion of the administration’s environmental agenda. This was accompanied by a terse note saying “we have several times discussed this general theme.” He hammered this home with yet another memo in May. The cabinet finally approved the conference proposal two weeks later.

The cabinet approved the conference for two reasons. First, Secretary Livermore was a stubborn man who would not let the issue go. Second, Reagan’s advisers predicted a political payoff. They sensed the rising tide of environmentalism in California and across the country and hoped to harness that energy for Reagan’s reelection campaign the following year. One aide noted that “the people of this state are VERY [sic] concerned about their environment” and that “the governor can completely steal this issue by continuing the leadership he has shown” on environmental issues. After a year and a half

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6 Norman B. Livermore, Jr., memorandum to Ronald Reagan, 10 February 1969, in Box GO204, Folder “Research File – Resources – Environment, 1967-70 (1/3),” GOP.
7 Unknown author (probably William Penn Mott), memorandum to Al Hill, 9 July 1970, in Box R37, Folder “GCCCE – Chronology,” RAP.
8 Governor’s Office Assistant Secretary for Program Development Thomas C. Ellick, memorandum to Press Secretary Paul Beck, 7 August 1969, in Box R37, Folder “GCCCE General Correspondence, 1969 (2),” RAP.

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of dealing with environmental problems, Reagan and his advisers began to believe that
conservationists and environmentalists formed a constituency as large, important, and
decisive as the business community. Since the business community was already in
Reagan’s corner, the governor wanted to find ways to bring environmentalists into the
Republican fold.

Reagan and Livermore put State Parks and Recreation Director William Penn
Mott in charge of coordinating the conference. All three men saw the conference as an
opportunity for pro-development and pro-environment partisans to hash out their
differences. The conference was not going to be simply a forum to bash business and
industry. Mott saw it “as the first step in an implementation program for improving the
environmental quality of the State with the government and the private sector working
together,” a goal that fit well with Reagan’s conception of the Creative Society. Mott
wanted to organize a balanced conference that would attract “a cross section of the users
of our resources and the preservers of the resources.”

“It is not the intention of the
conference to point the finger at industry or government,” he wrote to a potential panel
participant, “but to come up with recommendations whether short or long range that
could be implemented to improve the quality of California’s environment.”

Dozens of
academics, environmentalists, businessmen, farmers, and workers suggested topics for
discussion that ranged from litter, pesticides, and unsightly billboards to statewide

9 Ted Simon, The River Stops Here: How One Man’s Battle to Save His Valley Changed the Fate of
10 William Penn Mott, memorandum to J. Earl Coke, 5 August 1969, in Box R37, Folder “GCCCE Meeting
Minutes,” RAP.
11 William Penn Mott, letter to Automobile Manufacturers Association Executive Secretary Harry
Williams, September 25, 1969, in Box R40, Folder “GCCCE Panel – Misc (2),” RAP.
development planning and the relationship between urban and rural areas. Mott and other conference planners eventually whittled these ideas down into four panel topics – People and Urban Society, People and Land, People and Water, and People and Air – that reflected the administration’s desire to balance the economic needs of Californians with the ideals of environmental protection. It also represented a segmented, instead of a holistic, approach to environmental problems in California.

Reagan kicked off the Governor’s Conference on California’s Changing Environment at the Ambassador Hotel in Los Angeles on November 17, 1969, with what was probably the strongest environmental speech of his political career. “There is no subject on our minds more than the preservation of the environment,” Reagan announced. After all, “a booming economy and the ‘good life’ are of little value if our air is too dirty to breathe, our waters too polluted to drink, our land too cluttered and packed for our people to live.” This had been a standard line in Reagan’s speeches since the 1966 gubernatorial campaign, but this time he followed it up with a specific list of environmental problems in California. Agricultural land “has been lost to the bulldozer” at such a rate that all productive soil will be gone within 60 years. Californians “pump tons of pollutants into the air in every imaginable form – from industrial plant wastes that go up the stacks to the agricultural wastes burned off in our fields” in addition to automobile exhaust. All of this waste reflects “the totally false and very frightening belief

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12 George H. Cardinet to William Penn Mott, 6 August 1969, Eve Derby Stockton to Mott, 7 August 1969, Alfred Heller to Mott, 11 August 1969, all in Box R37, Folder “GCCCE Citizens’ Advisory Meeting (2),” RAP; California Farm Bureau Federation President Allan Grant to Mott, 19 August 1969, Box R37, Folder “GCCCE Citizens’ Advisory Meeting (3),” RAP; and Environmental Quality Study Council Executive Secretary F. W. Boone to Mott, 26 August 1969, Box R37, Folder “GCCCE Citizens’ Advisory Meeting (7),” RAP.
that man can continue to build a bigger society without regard for the basic laws of nature.” The challenge facing the conference participants was to find ways to manage population and economic growth in such a way as to preserve the state’s beauty and natural resources.

The most important step, according to Reagan, was to recognize that there is no “they,” only “we.” “We cause smog, pollute the waters and change the environment as we require more living space, more power and more production to meet our legitimate needs.” Reagan asked his audience to find balanced solutions to these problems. “We cannot afford those who say growth and progress justifies all of this but likewise we cannot abide by the thinking of those who would stop the world to maintain the ecological status quo,” he claimed. “For Heaven’s sake, we can stop smog almost entirely within the next 30 seconds if we all throw our keys away. But you and I know that won’t work so let’s get on with what ‘we’ can do.” To start things off, the governor expressed his support for an environmental bill of rights. He also surprised many attendees by offering to divert some of the previously untouchable highway funds toward air pollution research and mass transit for the first time.

The governor assured his audience that he took the conference seriously and that he expected results. All four members of Reagan’s cabinet and Lieutenant Governor Ed Reinecke were scheduled to appear at the conference and give the full weight of the administration to the discussions. “Your proposals will not gather dust on some shelf,” Reagan promised. “We intend to wage a vigorous war against pollution,” and “we expect you – through this conference – to submit your findings and recommendations for
workable solutions.” Reagan then charged Reinecke with receiving, evaluating, and coordinating the implementation of the conference’s recommendations, and asked the conferees to “get on with the task at hand.”

It was a rousing speech, though it contained little new information about the plight of the state’s environment. The most newsworthy section was the proposal to divert some highway funds to air pollution research. “We are not planning to open up the highway trust funds to finance everything under the sun,” he noted. But since “automobiles which use [state-funded highways] are the major single contributors to air pollution in California, we also have the definite responsibility to solve the statewide air pollution problems which these automobiles cause.”

Until this point, Reagan had agreed with his predecessors that the highway funds, which came from taxes on gasoline and vehicle registration fees, should only be used for highway construction and maintenance. One aide called the funds “sacred.” Though only 1/1000 of the Highway Commission’s proposed $1.1 billion budget was directed toward air pollution research the following year, the Los Angeles Times called it “a major step in the fight to save what remains of the state’s resources.”

Over one thousand Californians, representing hundreds of organizations, attended the Governor’s Conference. These organizations and their representatives demonstrated

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13 Ronald Reagan, “Time is Running Out,” opening remarks to Governor’s Conference on California’s Changing Environment, 18 November 1969 [should be 17 November 1969], in Box R39, Folder “GCCCE News Clippings and Press Releases (3),” RAP.

14 Ronald Reagan, “Time is Running Out,” opening remarks to Governor’s Conference on California’s Changing Environment, 18 November 1969 [should be 17 November 1969], in Box R39, Folder “GCCCE News Clippings and Press Releases (3),” RAP.

the broad spectrum of opinion that existed within the environmental movement. At the moderate end of the spectrum, organizations such as the California Conservation Council and the Anti-Litter League advocated greater education and recycling efforts. At the radical end, Tom Regan of Ecology Action proposed “a moratorium on reproduction of our species, a moratorium on acquisition of land [by developers], a moratorium on the use of the internal combustion engine,” on the use of non-biodegradable containers, and “on the consumption of all non-survival items.” Business and industrial groups demonstrated a similar range of opinion, much of which was based on self-interest. The Automobile Manufacturers Association and the Western Oil and Gas Association, for example, argued that the internal combustion engine was the most efficient option available for mass transportation and that regular tune-ups and carpooling would help reduce smog. The president of Lear-Jet, on the other hand, declared the internal combustion engine to be at a technological dead end and called for the development of cleaner gas turbine engines. Some participants seemed confused about their positions. The representative of the United Auto Workers suggested abolishing the internal combustion engine before pausing and backpedaling, saying that this probably was not the UAW’s official position.16

16 Hulet Hornbeck (California Conservation Council), comment before the People and Land panel, in Box R40, Folder “GCCCE Panel – People and Land (3),” RAP; E. R. Owens (Anti-Litter League), comment before the People and Land panel, in Box R40, Folder “GCCCE Panel – People and Land (2),” RAP; Tom Regan (Ecology Action), comment before the People and Land panel, in Box R40, Folder “GCCCE Panel – People and Land (3),” RAP; Donald Jensen (Automobile Manufacturers Association), statement to the People and Air panel, in Box R39, Folder “GCCCE Panel – People and Air (4),” RAP; Carl M. Lowe (Western Oil and Gas Association), statement to the People and Air panel, in Box R39, Folder “GCCCE Panel – People and Air (3),” RAP; Bill Lear (Lear-Jet), statement to the People and Air panel, in Box R39, Folder “GCCCE Panel – People and Air (3),” RAP; and Ruth Metcalf (United Auto Workers), comment to the People and Air panel, in Box R39, Folder “GCCCE Panel – People and Air (2),” RAP.
Almost everybody agreed that even more government action was required. Environmental groups had lots of ideas, of course, but even the most conservative participants called for greater government investment in research and education. Many of the business and industry groups that had put up the strongest resistance to new regulations in the past now acknowledged their culpability and promised to help find solutions. As Jack Smith of Kaiser Steel put it, “industry by and large in the state of California is very cognizant of air as a natural resource and appreciate[s] the fact that we cannot continue to pollute our atmosphere without suffering dire consequences.”

Donald Jensen of the Automobile Manufacturers Association noted that “the motor vehicle companies share your concern over air pollution. We recognize that we have an obligation to help solve the problem and will continue to go all out in attacking the problem – from every practical standpoint – until it is solved.” Some of this was mere lip service. Some of it was salesmanship; many entrepreneurs pitched new environmentally-friendly products and technologies in the panel discussions. Some of it was brand rehabilitation, especially for oil companies still reeling from the Santa Barbara Oil Spill of 1969 and chemical companies recovering from Rachel Carson’s earlier campaign against DDT. Whatever the reason, these organizations now took the environmental movement seriously enough to participate in the decision-making process,

17 Jack Smith, Technical Panel presentation to the People and Air panel, in Box R39, Folder “GCCCE Panel – People and Air (3),” RAP.
18 Donald A. Jensen, Technical Panel presentation to People and Air panel, in Box R39, Folder “GCCCE Panel – People and Air (4),” RAP. Emphases in original.
though many of them probably hoped to be a moderating influence at a conference full of radicals.

Based on the summaries of recommendations that each panel offered at the end of the conference, the participants expected a lot of government action on environmental issues. The People and Water panel came up with 67 recommendations. People and Land had lost count around 112. “It’s absolutely impossible to enumerate all of the recommendations that were forthcoming,” according to the People and Urban Society panel’s report. The People and Air panel did not even try. Some of the recommendations were general and sweeping while others were detailed and specific. Some recommendations contradicted others. Many of them were more enthusiastic than practical. But, practical or not, these recommendations presented a wide variety of potential approaches and solutions to long-running environmental problems.

Most of the People and Water panel’s recommendations dealt with the distribution of water. The massive state and federal projects that transported water from northern rivers to southern cities and farms exacted an unknown toll on ecosystems across the state, and population growth would only create more demand for water redistribution systems. The panel called for a moratorium on further development of the California Water Plan until ecologists could fully study the damage it inflicted on fish, plant, and wildlife populations. The discussion of the moratorium revealed a division between environmental preservationists, who hoped that shutting down the water projects

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would drive people away from California, and water developers, who hoped to find other, more sustainable sources of water through waste water recycling or desalinization.

The People and Air panel’s recommendations were much more detailed. These panelists focused on the idea “that air pollution in California is a very real and serious threat to the health and welfare of the people.” Some of the most popular proposals for dealing with this threat included seeking out alternatives to the internal combustion engine such as gas turbines or steam power; alternatives to the use of fossil fuels in generating electricity, such as nuclear power; the reallocation of gasoline tax revenues away from highway projects and toward air pollution research and mass transportation systems; an emphasis on environmental education at the primary, secondary, and post-secondary levels; the establishment and enforcement of ever stricter vehicle emissions standards; and the classification of noise pollution as an air contaminant. For these panelists, smog represented a technological problem that could be solved through scientific and engineering ingenuity.

The major complaint of the People and Land panel was the state’s failure to enact a centralized plan for development that was based on ecological sustainability instead of on population density. As Reagan had noted in his opening speech, prime agricultural land and wild open spaces had been lost to urban sprawl at an alarming rate during the postwar decades. Concerns over property rights and a lack of political will had prevented the creation of statewide planning in the past, but conference participants argued that the San Francisco Bay Conservation and Development Commission provided effective and successful precedents that could be applied elsewhere. The creation of “a master plan
through the State Office of Planning with strong restrictions on future variances by either State or local government” was the highest priority for the majority of the panelists. Even if state government felt queasy about imposing strict land controls, planning proponents argued, it could accomplish many of these goals through taxation. Lower taxes for apartment dwellers could increase density and discourage detached housing. Lower taxes on areas devoted to recreation could motivate land owners to maintain open spaces. Higher taxes on vehicle registrations and gasoline could encourage the use of mass transit. Higher taxes on companies that use non-biodegradable and non-recyclable packaging could pay for research on solid waste problems. The elimination of tax exemptions for more than two children could reduce population growth. All of these would contribute to a more ecologically sensible distribution of people and allow for a more efficient use of scarce resources.

The People and Urban Society panel had the most wide-ranging conversation of the four panels. All of the problems outlined in the other panels affected cities more than rural areas. Smog settled over the cities because of the concentration of cars. The cities’ water needs had brought about the construction of many of the massive water redistribution projects. Urban residents often felt the strongest disconnect from nature because of the lack of open space or recreation facilities. On top of these problems, the Urban Society group discussed social problems related to city life that escaped the attention of the other panels, including white flight and job flight to the suburbs, crumbling inner cities, crime, racial and economic inequalities, and environmental injustice. To resolve many of these issues, the panel endorsed statewide or regional
planning efforts, environmental education, state and federal funds for struggling inner cities, and population limitation.

Although every panel argued for limits on population growth, the People and Urban Society panelists addressed the issue most directly. Demographers expected California’s population to double, to 50 million people, by the year 2000, and most of that growth would happen in the cities and suburbs. Tax incentives for smaller families were fine, but the state might have to take a larger role in family planning to limit this population explosion, according to some panelists. “Proponents of planned parenthood felt that we must estimate the optimum population of California and then rigidly attempt to enforce it by population control through humane and effective methods,” including sex education, voluntary birth control, and legalized abortions. More moderate panelists argued that the state should play no role in such private decisions, but population limitation was the panel’s most popular proposal, and these were among the most popular methods of achieving that limitation.21

Each panel thus reached at least some consensus on the causes of its particular problem area, and panelists and attendees offered numerous solutions. The problem was that, for the most part, the panelists and attendees focused only on pet projects and issues and did not unite to offer comprehensive solutions. The lone exception was a contingent of college students, who came to the conference armed with a list of specific ideas for cleaning up and preserving the state’s land, water, and air. Just days before the

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21 Resolutions and quotations are from “‘Time is Running Out’ – The Environmental Crisis: A Call to Action,” Summary Proceedings, Governor’s Conference on California’s Changing Environment, November 17-18, 1969, in Box R38, Folder “GCCCE Proceedings (6),” RAP and from the presentations and comments for the four panels, which were all transcribed and reside in Boxes R39 and R40 in the RAP collection.
Governor’s Conference, more than 200 students from 40 college campuses across California had convened the First Student Environmental Congress at Stanford University. After two days of discussion, the student congress produced an Environmental Bill of Rights. This document claimed that the Ninth Amendment to the United States Constitution, which implied that Americans enjoyed rights beyond those enumerated in the Bill of Rights, included “the rights to clean air, pure water, pure food, freedom from overpopulation and excessive and unnecessary noise.” These rights were essential to the “enjoyment, maintenance and restoration of such environmental quality so to promote the general health and/or welfare and assure optimal conditions for life.”\(^{22}\)

In this era of turbulent student protests, the student congress “impressed outside observers as strikingly orderly, thoughtful and on the whole more enlightened than might be expected at an ‘adult’ gathering of the same sort.”\(^{23}\) Resources Secretary Livermore attended the Stanford conference and was also impressed with the students’ behavior and ideas. He invited representatives of the congress to the Governor’s Conference and covered much of their travel expenses with the help of the Sierra Club and other environmental groups. More than one hundred students accepted Livermore’s invitation

\(^{22}\)“Environmental Bill of Rights,” Box R40, Folder “GCCCE Student Recommendations,” RAP.
\(^{23}\)“Youth and Environmental Reform,” New York Times, 24 November 1969. California colleges and universities were not immune from the antiwar protests sweeping the nation during the late 1960, and the free speech movement had begun on the University of California campus at Berkeley in 1965. Reagan had campaigned on a platform promising a return to law and order on college campuses in 1966. As governor, Reagan often intervened in the administration of the state’s universities and colleges, including the imposition of tuition on California residents for the first time. During Reagan’s first term, protests on college campuses became increasingly violent. In late 1967, a political dispute between liberal and conservative students led to riots as striking students managed to shut down San Francisco State University. Reagan called out the Highway Patrol and National Guard in early 1969 to put down a student group calling itself the Third World Liberation Front, which had bombed and burned buildings on the Berkeley campus. The most violent student uprising occurred at the University of California campus at Santa Barbara in February, 1970, when a riot broke out after police attempted to arrest two antiwar activists. See Cannon, Governor Reagan, 271-96.
and attended the Governor’s Conference. Few college students had been included on the conference program as panelists, but many of them were in the audience. Many of these students were motivated to take up environmental causes, according to a biology student at the University of Southern California, because “we are the first generation in history to live our entire lives collecting strontium 90 in our bones, DDT in our tissues, and smog in our lungs.”

At the end of the first day, the students regrouped and assembled a list of proposals for presentation at the next day’s panel meetings. On the morning of November 18, they released the “Student Initiated Feedback on the Governor’s Conference on California’s Changing Environment” to the press and to the assembled panels. In this document, the students supported “in principle, the positive ecological position articulated by Governor Reagan, undoubtedly one of the strongest ever set forth by any elected governmental official.” They refused to give “unqualified endorsement of the Governor’s stand on environmental issues,” however, because “critical ecological goals cannot be accomplished in conjunction with the economic growth also described” in Reagan’s address. The students were still suspicious of Reagan’s commitment to the environmental cause, but they hoped “to work with the Governor in establishing and implementing the ecological goals of his keynote address.”

Out of these hopes, the students offered a series of recommendations that addressed the four conference panels separately and the conference as a whole. In urban

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24 “Youth Airs Views on Environment,” Los Angeles Herald, 19 November 1969; T. Godati, statement to People and Land panel, in Box R40, Folder “GCCCE Panel – People and Land (3),” RAP.
25 “Student Initiated Feedback on the Governor’s Conference on California’s Changing Environment,” 18 November 1969, in Box R40, Folder “GCCCE Student Recommendations,” RAP.
policy, they advocated “comprehensive social planning based on guidelines laid down on ecological and human considerations,” an increased role for the state in urban problem solving, expanded rapid transit systems, electoral reapportionment “on ecological and community bases,” and increased public representation on regulatory and planning bodies. In land use policy, they declared that “prime agricultural land must be protected from all forms of urbanization” and that “ecological and social values must be the prime consideration of land planning and development.” The state’s water policies should prioritize the use of recycled wastewater and desalinization over water transported from long distances, offer incentives to lower per capita water consumption, cancel further development of the state water projects, and hold end users responsible for the costs of acquiring, storing, transporting, and disposing water. To fight air pollution, the state should promote alternatives to the automobile by using revenue from gasoline taxes to research and build mass transit systems and by banning the internal combustion engine from the state. To counter the greatest environmental threat of all, overpopulation, the students endorsed “all methods of voluntary birth control including voluntary legalized abortion.”

In keeping with Reagan’s promise, Lieutenant Governor Reinecke and his staff dutifully submitted the most practical proposals of the conference to the legislature, where most of them died. The legislature and Governor Reagan appropriated money for

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environmental cleanup and education, and the Air Resources Board increased vehicle emissions standards, but the larger issues raised at the Governor’s Conference, such as statewide land use planning, dismantling the water projects, state intervention in family planning, and eliminating the internal combustion engine, failed to take hold in the legislature.

The Governor’s Conference on California’s Changing Environment thus did not spark a dramatic shift in the relationship between humanity and the environment. The conference instead demonstrated the new strategies and legislation that environmentalists wanted to pursue. As the panel discussions showed, many environmentalists were embracing more radical methods of controlling pollution, regulating the use of land and other natural resources, and even limiting human population growth. Attendees used apocalyptic rhetoric to describe threats to the natural environment. They also indicated that they were becoming disillusioned with the legislature’s slow pace and its frequent compromises. The Reagan administration had envisioned the conference as a way of bringing business interests and environmentalists together to find middle ground. Instead, it provided a forum for activists who believed the middle ground was not longer adequate and foreshadowed ideological conflicts to come.

The Year of the Environment

The Governor’s Conference on California’s Changing Environment took place just as environmentalism was beginning to peak. Six weeks later, President Richard Nixon inaugurated what became known as the Year of the Environment when he signed
the National Environmental Policy Act into law on 1 January 1970, which required environmental impact statements for federal projects. That year also saw the establishment of the Environmental Protection Agency, the first Earth Day, and strict amendments to the Clean Air Act. The popularity of these events prompted further national legislation in the following years, including the Water Pollution Control Act (1972), Coastal Zone Management Act (1972), Endangered Species Act (1973), Energy Policy and Conservation Act (1975), and Toxic Substances Control Act (1976). All of this activity came in response to growing environmental awareness and concern among the American people. In response to environmental disasters like the Santa Barbara Oil Spill and the Cuyahoga River fire, and in support of the new environmental regulations, memberships in environmental organizations swelled during the 1970s. During that decade, membership in the Sierra Club increased by 46 percent, and membership in the Audubon Society increased by almost 250 percent. Environmentalism was a bipartisan issue, and politicians across the political spectrum jumped onto the bandwagon.

Back in California, Reagan’s aides were thrilled with the timing of the Governor’s Conference. “As a result of the highly successful [conference], the Governor is clearly in leadership position on the environmental issue,” according to one aide. “To keep that position we ought to rapidly formulate and implement a follow-up program of action in the environmental area that keeps the momentum (and news coverage) at a steady pace.

over the next year.”

Looking forward to Reagan’s reelection campaign in 1970, another aide warned against feeling too “‘smug’ about our leadership position regarding environment and quality of life” because former Assembly Speaker Jesse Unruh, Reagan’s probable opponent, was hoping to steal away the issue. “We have staked out the area now – for God’s sake – let’s hold it!”

To hold that position, Reagan and his subordinates made the environment a centerpiece for his administration’s political agenda and for the governor’s reelection campaign throughout 1970. “There is no subject more on our minds than the preservation of our environment,” the governor announced in January’s State of the State Address, “and the absolute necessity of waging an all-out war against the debauching of that environment.” After summarizing the state’s environmental problems that echoed his speech at the Governor’s Conference, Reagan presented a list of goals that he hoped the legislature would tackle in the upcoming year. These goals included the preservation of estuaries, opening up beaches and coastal areas to the public, instituting conservation education in schools, limiting the use of pesticides, and the preservation of the San Francisco Bay and Lake Tahoe regions.

The speech’s biggest target was air pollution. Reagan asked for legislators’ support of a forthcoming Omnibus Clean Air Law, which “would establish a statewide, comprehensive monitoring and control program; require compliance with even stiffer motor vehicle emission standards; include new standards for the composition and

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30 Ed Gillenwaters, memorandum to Edwin Meese III, 2 December 1969, in Box R37, Folder “GCCCE General Correspondence, 1969 (5),” RAP.
31 Jeffrey Davis, memorandum to Rus Walton, 2 December 1969, in Box R37, Folder “GCCCE General Correspondence, 1969 (5),” RAP.
volatility of gasoline, and set forth a regulatory program for agricultural and other open burning.” He called for studying the practicality of alternatives to the internal combustion engine and stricter enforcement against stationary emissions sources. “Our state laws governing motor vehicle emissions are the toughest in the country,” the governor reminded his audience, “but they must be made even tougher.”

Despite all this concern for the state’s environment, Reagan was not about to join a radical environmental group like Ecology Action. As in his speech at the Governor’s Conference, Reagan argued that “progress and preservation are compatible.” He continued to advocate a middle way that would “avoid those extremes on either end which could destroy our state.” California’s population had grown by 300,000 during the previous year, and the state could reach 25,000,000 residents within a decade. This growth created demands for jobs and infrastructure that the state could not ignore. The challenge for Californians was to meet those demands in an environmentally sustainable manner.

A month later, Reagan published an article on “our environment crisis” in Nation’s Business. He argued that “it will take the combined efforts of the businessman, the government official and the individual citizen to bring our environmental problems under control.” The government was already doing its part by establishing strict uniform environmental regulations. Now it was time for businesses to step in to help solve problems like air and water pollution. The governor singled out some progressive

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32 Ronald Reagan, State of the State Address, 6 January 1970, in Box GO16, Folder “State of the State (1/1),” GOP.
33 Ronald Reagan, State of the State Address, 6 January 1970, in Box GO16, Folder “State of the State (1/1),” GOP.
companies as examples to “show the way” for others. Pacific Lighting System in Southern California, for example, spent half a million dollars to convert its fleet of service vehicles to a combination of gasoline and natural gas for power. Humble Oil & Refining Company “invested more than $10 million to control air and water pollution” at a new refinery in Benicia. Kaiser Steel in Fontana and Lever Brothers in Los Angeles both instituted new conservation measures that radically reduced their daily water needs. Other companies, such as Reynolds Metals and Downey Fertilizer, were experimenting with new production techniques that yielded recyclable byproducts. Such changes could be costly, Reagan admitted, but they were also necessary in order to protect a “livable natural environment.”

That environment could not be protected without the help of business. “After all, private initiative provided the stimulus to give this country the world’s highest standard of living,” Reagan noted. “A whole array of private companies, acting under contract with the government and inspired by a definite goal, enabled the United States to land a man on the moon within the deadline set by President Kennedy. This same kind of national commitment and determination can help us eliminate air and water pollution as a major threat to the environment.”

By March, the governor felt comfortable enough with his environmental record to joke about the mistakes had he made in the 1966 campaign. At a campaign stop in San Francisco he answered political opponents who saw him as a “Johnny-come-lately” on environmental issues and accused Democrats of doing nothing when they held power

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before Reagan’s election. “What with trying to find the Eel River and pick out that one Redwood tree I wanted to save,” Reagan joked, “I wasn’t aware that California’s air had been preserved in wine-like purity until 1967, or that every stream and rivulet was crystal clear – with even San Francisco Bay untouched by sewage, and that somehow trash and garbage had never cluttered California’s meadow lands prior to my inauguration.” In this speech, the governor addressed the third actor in environmental policymaking from his *Nation’s Business* article, the individual citizen. “Government can do just so much with laws and regulations,” he reminded his audience. “Industry can do so much – with technology and new anti-pollution devices. The rest is up to us.” Individuals could choose to drive cleaner cars, avoid littering, avoid congested and overcrowded areas, and recycle as much as possible. “Each one of us must take the full, personal responsibility to stop fouling our own particular nest,” he noted.35

State legislators also seized on environmental issues. Many of them believed that the environment was “the most popular political issue for 1970, even replacing tax reform in the attention of elected representatives and their constituents,” according to *California Journal*.36 Assembly Speaker Robert Monagan claimed that “environmental problems rank at the top of Legislative concerns for this session” as he announced the creation of the Assembly Select Committee on Environmental Quality. Former Assemblyman Jesse M. Unruh, Reagan’s Democratic opponent in the 1970 gubernatorial election, called for the creation of a centralized environmental regulatory agency to “crack down on all

factors harmful to our environment.”  

Five of six legislators representing Orange County promised to place environmental problems, especially smog, at the top of their agenda in Sacramento during the 1970 session.

Republican legislators introduced a flurry of bills based on Reagan’s smog-fighting ideas. In the State Senate, Lewis Sherman sponsored bills requiring smog testing on every new car sold in the state, random roadside smog checks by the Highway Patrol, and assembly-line testing for all new cars by 1972. Milton Marks proposed a program to sell personalized license plates with proceeds going toward environmental protection. Marks also authored a bill requiring the establishment of air pollution control districts in every county that did not already have one. In the Assembly, Pete Scharabum submitted bills requiring oil companies to alter their gasoline composition to maximize the efficiency of smog control devices and reducing the fuel tax on natural gas to encourage fleet operators to replace gasoline powered vehicles. Don Mulford offered a wide-ranging bill that would allow the air pollution control districts to regulate agricultural burning, prohibit open burning at dumps or wrecking yards, and establish statewide limits on smoke, dust, soot, and other nuisances. Craig Biddle hoped to establish a statewide air quality monitoring network, and John Briggs wanted to require the Resources Agency to

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work with the public utilities to locate future power plants in areas to create the least possible impact on the surrounding environment.\textsuperscript{39}

Legislators also tackled the problem of overpopulation. Senator Anthony Beilenson introduced seven bills that tried to limit population growth. Among these were proposals to allow the sale of contraception to minors, require the distribution of family planning literature to marriage license applicants, establish a family planning agency within the State Department of Public Health, limit income tax credits to two children, and broaden access to abortion. These were not quite the rigid attempts to impose population control that some of the Governor’s Conference attendees had hoped for, but they demonstrated that legislators recognized the problem of overpopulation and were looking for ways to address that problem without being too intrusive in the reproductive lives of Californians.\textsuperscript{40}

The Earth Day celebrations on 22 April provided a public opportunity for California lawmakers to show their support publicly for environmental issues. Across the state, high school and college students led dozens of marches and protests, and the politicians followed close behind. Sixty high schoolers rode horses to school instead of driving while others wore surgical masks and ceremoniously buried an automobile engine in Santa Monica. Two hundred students in Covina took the day off and picked up litter. Three hundred University of California, Los Angeles, students staged a “bike-in,” riding bicycles to meetings of the City Council and Board of Supervisors to support the


construction of bike lanes. Other colleges across the state hosted environmental conferences and forums. Legislators flocked to these conferences. U.S. Representative Paul McClosky spoke at Stanford, which renamed the day “END,” for “Environment Near Death.” Assembly Speaker Monagan spoke in Sacramento, asking the public to donate money to environmental causes in addition to sympathy. Other politicians, including Senator Alan Cranston, Representatives George Brown, John Tunney, and Thomas Rees, and Assemblyman Jess Unruh, also fanned out across the state.41

Resources Secretary Livermore praised the fervor of California’s young people on Earth Day but also grumbled about the litter that the crowds left behind. Back in his office, Livermore praised the activities of the Assembly Select Committee on Environmental Quality. Assembly Speaker Monagan had established the committee in January, which included the chairmen of the Transportation, Water, Local Government, and Urban Affairs and Housing Committees, among others. The Environmental Quality Committee introduced a flood of environmental bills into the Assembly. These bills included the creation of environmental planning councils and requirements that cities and counties incorporate conservation measures and open spaces into their general plans. The committee also suggested that a constitutional amendment, known as the Environmental Bill of Rights, be submitted to the people. The Bill of Rights would declare it “a matter of statewide concern to develop and maintain a high quality environment in order to assure for the people of the state, now and in the future, clean air, pure water, freedom from excessive noise, and enjoyment of scenic, historic, natural, and aesthetic values.” Finally,

the committee recommended the passage of a California Environmental Quality Act (CEQA).42

CEQA was the sort of environmental regulation that typically angered small-government conservatives and business groups. It was patterned after the National Environmental Policy Act of 1969, which required the preparation of environmental impact statements for all federal development projects. This step added cost and time to federal projects, and would do the same for projects in California. The Assembly Committee wanted California’s law to go farther, to include private projects in addition to public projects. The proposed CEQA would require developers to submit written reports detailing the project’s impact on the local environment, any unavoidable adverse effects, mitigation efforts to reduce the impact, and alternatives to the proposed project. The legislature ultimately exempted private projects from the impact statement requirement, but the final bill was still a victory for environmentalists. The state and local projects that facilitated private development, such as water projects and road construction, would be subject to environmental review.43

Democratic Assemblyman John Knox, who carried CEQA through the Assembly, thought the bill was “pretty wild” and expected opposition from the Reagan administration. But Monagan assured him of Reagan’s support and that of the Republican administration. But Monagan assured him of Reagan’s support and that of the Republican administration. But Monagan assured him of Reagan’s support and that of the Republican administration.


leadership in the Assembly. The Planning and Conservation League, the Sierra Club, the California Wildlife Federation, and the National Audubon Society also endorsed the bill. Even the state Attorney General embraced the bill because it “gives a needed focus to our State’s environmental needs.” George Milias, the chairman of the Committee on Environmental Quality, knew of “no opposition” to CEQA, and Reagan signed it into law just in time for the 1970 election.44

Environmental quality played little role in the election. Reagan and his Democratic opponent, former Assembly Speaker Jesse Unruh, both had strong environmental credentials. Unruh had supported anti-pollution legislation throughout the 1960s. He supported a bill in 1963 that raised gasoline taxes and helped finance the construction of mass transit systems such as Muni in San Francisco, the Bay Area Rapid Transit system, and the Southern California Rapid Transit District. Two years later he backed an unsuccessful bill to place price controls on mandatory smog control devices for automobiles. Unruh had also sparred with Reagan over a moratorium on tidelands drilling after the Santa Barbara Oil Spill.45 Both men had such strong records that neither candidate could use the environment issue to attack the other.

That issue was still very important to California voters, though. One poll ranked pollution as the most important political issue in the election, followed by taxes and unemployment. Three ballot propositions provided an outlet for environmental concerns.

Proposition 1, the Clean Water Bond Act, authorized $250 million in bonds for constructing new water treatment and sewer systems. Proposition 20 authorized another $60 million in state bonds to finance the construction of campgrounds, marinas, and other recreational facilities along the State Water Project’s aqueducts and reservoirs.\(^{46}\)

The most controversial proposition on the 1970 ballot was Proposition 18, the Clean Air Amendment. Proposition 18 was the realization of Reagan’s promise in his speech to the Governor’s Conference the previous year. As it stood, the state constitution restricted the use of revenue from gasoline taxes and license fees to the construction of freeways, highways, and surface streets. Proposition 18 would have amended the state constitution to reallocate some of that money to help control air pollution caused by motor vehicles. The state or individual counties could use up to a quarter of the money earmarked for highway construction and repair to finance mass transit systems if local voters approved.\(^{47}\)

Supporters argued that the proposition was a necessary weapon in the battle against smog, and that it also made good economic sense. Rapid transit was cheaper in the long run than highway construction, according to supporters. The state would also benefit from federal funds. Congress had already authorized $10 billion for rapid transit facilities but the states were required to raise matching funds to claim any of that money. Using some of the gas tax would help California meet its matching requirement and the state could receive as much as $1.5 billion in federal funds. That it would also help fund research into smog was an added bonus. It was a popular political issue. Governor


Reagan, Democratic gubernatorial candidate Jesse Unruh, the League of California Cities, League of Women Voters, Los Angeles County Board of Supervisors (barely), most major newspapers, numerous environmental and medical organizations, and a majority of state legislators all endorsed Proposition 18. 48

A well-funded “highway lobby” of companies and organizations with interests in highway construction opposed the measure. These groups argued that the budget for highway construction and maintenance was already dangerously low and a diversion of funds would lead to congestion, accidents, and fatalities. The existing highway budget could not possibly fund both mass transit systems and needed highway construction, and would therefore require higher taxes to pay for both. Opponents also cited studies which concluded that only a small minority of Californians would use the new transit systems. 49

The charge against Proposition 18 was led by Californians Against the Street and Road Tax Trap, which launched an expensive television and billboard campaign with the slogan “More Taxes? No No. 18 [sic].” Oil companies contributed the majority of the organization’s funds. Standard Oil Company of California and Mobil Oil both contributed $30,000, Union Oil Company and Texaco both contributed $20,000, Shell Oil contributed $50,000, and smaller companies donated thousands more. Other companies that contributed to the No on 18 campaign included the California Trucking Association ($5,000), the Southern California Rock Product Association ($2,500),

California Asphalt ($1,000), Pacific Motor Trucking ($1,000), various branches of the Union of Operating Engineers ($3,500), the Automobile Club of Southern California ($22,000), and the California State Automobile Association ($11,000). Altogether, opponents spent $333,445 on defeating the proposition, compared to the $22,721 spent by proposition supporters.⁵⁰

Supporters spent relatively little on promoting Proposition 18 because it seemed like a winner. With bipartisan political support, the endorsement of newspapers across the state, and polls that showed that a majority of Californians supported it, victory seemed to be a sure thing.⁵¹ But the argument that the proposition would lead to higher taxes to pay for both roads and mass transit steadily took hold. In letters to the Los Angeles Times, Californians repeated the claims that the measure “would take gas taxes away from badly needed highways and roads,” and that “local agencies will have to raise taxes to make up the difference” if funds were diverted.⁵² Many voters also were skeptical about the practicality and convenience of mass transit. “We know there will never be any kind of public transportation close enough for us to use,” wrote a resident of Seal Beach to the Times, and a Beverly Hills resident argued that buses spewed more pollutants and exhaust than automobiles. Some environmentalists also opposed the measure because they felt it placed the responsibility for cleaning up smog on the wrong people. “The elimination of smog should rightfully be cleaned up by the gigantic auto companies and powerful industries [sic],” according to one letter writer. Robert Chass, chief of the Los Angeles

⁵¹Two weeks before the election, pollster Mervyn Field found that 64% of Californians supported Proposition 18, 22% opposed it, and 14% were undecided. See “Prop. 18 on Gas Tax Use Leads in Poll,” Los Angeles Times, 23 October 1970, B4.
County Air Pollution Control District, also opposed the measure, arguing that “I don’t think we have to do industry’s job for them.”

These arguments convinced voters to reject Proposition 18 by half a million votes on Election Day. Post-election analyses blamed the defeat on the highway lobby’s threat of increased taxes, doubts about the practicality and effectiveness of mass transit, and Californians’ love for their cars and roads. Air pollution was a popular issue for Californians to complain about, but many were unwilling to alter their lifestyles or driving habits to help alleviate the problem. The increased cost to the state, on the other hand, did not seem to concern many voters. The two bond measures, which were much more likely to increase taxes in the long run than Proposition 18, passed by wide margins. Californians thus seemed to be of two minds on funding for environmental causes.

The election brought changes to the state’s political class. Reagan easily won his reelection bid. But, as during his first two years in office, Reagan again had to work with a Democrat-dominated legislature. The Republican majority that had been swept into office in 1968 was swept back out again two years later. It was unclear how this change would affect the state’s environmental laws. During its brief existence, the Republican legislature had approved dozens of environmental bills and debated dozens more. But the Democratic legislature before that had launched the air and water pollution reform

54 Proposition 18 received 2,648,287 votes (46%) in support and 3,121,611 votes (54%) in opposition. Proposition 1 received 4,313,225 (75%) in favor and 1,402,999 (25%) in opposition; and Proposition 20 received 3,084,360 (57%) in support and 2,349,676 (43%) in opposition. See “How Highway Lobby Ran Over Opposition,” Los Angeles Times, 27 December 1970, E1; and “Proposition 18 Loses; Two Bond Issues Win,” Los Angeles Times, 5 November 1970, 1, 28.
projects and approved regional planning for the Lake Tahoe and San Francisco Bay areas. Both parties had supported legislation that gave California the strongest environmental laws in the nation. As the 1970 campaign season ended, that bipartisan consensus seemed unshaken.

The legislature debated an unprecedented number of environmental bills during the 1970 session. These bills ranged from small programs to reduce litter to grand ideas such as a constitutionally enshrined right to a clean environment. Most of the grand ideas failed to survive the gauntlet of legislative committees and debates. Jesse Unruh’s proposal for a powerful State Environmental Quality Control Board that was analogous to the federal Environmental Protection Agency died in the Assembly. Bills to create regional planning bodies and to halt the State Water Project failed to overcome the opposition of local governments and business interests. Coastline protection, either from development or from oil drilling, was another casualty of opposition from local governments and property owners. Efforts to ban automobiles from city centers and to ban the internal combustion engine from the entire state failed. The Environmental Bill of Rights, the most expansive idea of all, went nowhere.

The session was not a complete loss. The legislature approved many new environmental laws of more limited scope. Fourteen bills related to air pollution, five bills related to land use, and three bills related to noise pollution survived the session and
were signed by the governor.\textsuperscript{55} Bills like these would have been cause for celebration among environmentalists just a few years earlier. But by 1970 such measures appeared to be more of the same to many activists. These bills came from a legislature that seemed unwilling or unable to confront the real problems facing California’s environment. As the panel discussions at the Governor’s Conference demonstrated, many activists were losing patience with the slow pace of the legislature. Turnout at Earth Day celebrations and polls indicating widespread support for environmental laws helped convince those activists that they could circumvent the legislature altogether.

Chapter 7: The Rise of Popular Environmentalism and a Backlash, 1971-1974

At the Governor’s Conference on California’s Changing Environment in November 1969, Mrs. Afton Slade, a founder of Stamp Out Smog, issued a warning to the state’s politicians and businessmen. “I want to serve notice on the industrialists and the political leaders – they already know there’s a very strong tide of conservationists and environmentally concerned people,” Slade argued. “But I can testify personally that it’s very strong; maybe even stronger than you think. We have lost some of our more militant members, because they’re turning to initiatives, and if we don’t take drastic measures now and make really stringent legislation, the public will take over the making of legislation with initiatives, boycotts, and this type of thing.”¹ This warning became a reality in the early 1970s. Frustrated with the failure of measures such as Proposition 18 and other legislation, and with what they perceived as inaction from the state’s new regulatory agencies, environmentalists began to engage in more direct action.

Until the early 1970s, environmental legislation had been largely a top-down affair. Environmentalists and conservationists lobbied legislators to enact regulations and legislation throughout the postwar period but engaged in few direct democratic activities. For the most part, those legislators responded favorably, with dramatic reforms to the

¹ Mrs. Afton Slade, comment to the People and Air Panel, Governor’s Conference on California’s Changing Environment, transcript in Box R39, Folder “GCCCE – People and Air (2),” Resources Agency Papers, Ronald Reagan Presidential Library [hereafter RAP].
state’s anti-pollution programs, the creation of regional planning schemes around endangered areas like the San Francisco Bay and Lake Tahoe, and restrictions on further expansion of the state water projects. Environmentalists thus felt they did not need to resort to ballot initiatives or propositions. Even Proposition 18, a flash point for environmentalists during the 1970 campaign, had originated in the state legislature and not from a popular uprising.

This changed in the early 1970s. New environmental groups, frustrated with the slow pace of legislation, lack of action from government bureaucrats, and opposition from industry and property owners, pursued new goals through ballot initiatives. The People’s Lobby launched a proposition campaign to radically reform California’s air pollution control program. The Coastal Alliance did the same for the protection of the state’s coastline. Other activists worked for change through the court system. Residents of Riverside filed a lawsuit to make the Air Resources Board and federal Environmental Protection Agency cooperate and enforce the Clean Air Act. Activists in Mono County convinced the California Supreme Court to expand the California Environmental Quality Act’s requirements for environmental impact statements to include private development projects. All of these actions had important, lasting consequences for environmental policymaking in California.

Not everybody applauded the consequences of these initiatives and lawsuits. Property owners faced an ever-increasing number of restrictions on developments or improvements. Environmental impact statements would delay construction and increase costs for builders and developers. Outside forces, such as high unemployment and the
energy crisis, also eroded some support among the public for environmental legislation. California became home to the first full-time organization dedicated to rolling back intrusive and costly environmental laws, the Pacific Legal Foundation, in 1973. This and other organizations failed to stem the tide of environmental legislation during the Reagan years, but they were a starting point in an important trend in environmental history: the fracturing of consensus support for environmental regulations.

National Environmental Politics

California’s land use and pollution control policies were more advanced than those of the federal government and other states throughout the postwar era. The environment was a low priority for the federal government during the 1940s and 1950s. After a flurry of conservation legislation during the New Deal years, including the Taylor Grazing Act of 1934, the Soil Conservation Act of 1935, the Pittman-Robertson Wildlife Restoration Act of 1937, and numerous hydroelectric and flood-control dams, the federal government largely stayed out of environmental issues during the following two decades. Congress instead left pollution issues to the states. The Water Pollution Control Act of 1948 “authorized funding for state and local governments to identify and improve polluted waters” but took no steps toward national water quality standards or enforcement actions against polluters. The Air Pollution Control Act of 1955 acknowledged the ill effects of smog but left regulation and enforcement to the states.²

As popular interest in environmental issues rose during the 1960s, the federal government began to take a greater interest in protecting the environment. Fear of nuclear fallout from atomic tests during the Cold War, concerns over the ecological effects of pesticides, and apocalyptic visions of overpopulation drove the public’s interest in environmental issues. Congress responded with new legislation that prioritized preservation and public health over conservation, but it left the federalist structure of earlier legislation largely intact, especially regarding air and water pollution. The Wilderness Act of 1964 protected nine million acres of federal land from development. The Wild and Scenic Rivers Act of 1968 protected free-flowing and undammed rivers that possessed outstanding geologic, scenic, historic, or wildlife features. The Clean Air Act of 1963 gave the federal government the power to regulate air pollution that crossed state lines but did not provide strong enforcement mechanisms. Congress gave the Federal Water Pollution Control Administration the power to establish nationwide water quality standards in 1965 but those standards were never enforced.  

These arrangements were satisfactory to conservatives who wanted keep regulation powers as local as possible. But as environmentalists began to advocate ever stricter regulations on business and centralized planning for future growth, conservative support for environmental issues began to falter. Traditional conservatives across the country still supported the preservation of natural resources and beauty but were troubled by new policies that “sought to democratize the policy process and supplant individualism and liberty with collectivism and planning,” according to Richard Harris.

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Traditionalists joined with libertarians in condemning the expansion of bureaucratic power at the national level, especially after the passage of the National Environmental Policy Act (1969), the Clean Air Act Amendments (1970 and 1977), and the Clean Water Act Amendments (1972) and the establishment of the powerful Environmental Protection Agency (1970). Such policies “aroused libertarians by challenging the morality of the market, interposing bureaucratic analysis for managerial prerogative, and saddling the economy with unjustifiably high regulatory costs.” They “aroused traditionalists by challenging the very concept of private property and substituting judicial policy making for the representative functions of Congress.” At the national level, conservative support for environmental causes thus began to weaken in the early 1970s. California was no different.

**Failures, Scandals, and Controversies**

After the flurry of legislative and bureaucratic activity in the late sixties, the early seventies were disappointing to environmentalists. The Planning and Conservation League (PCL), the first statewide environmental organization to hire a full-time lobbyist in Sacramento, expressed its disappointment in a pamphlet titled “A Dozen Murders Solved” in 1970, which listed the legislators who voted to kill twelve important environmental bills. Although some important bills made it through the legislative gauntlet that year, including the California Environmental Quality Act, the grandest ideas did not. But environmentalists were optimistic about the new legislative session in 1971.

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The new Democratic majority in both houses promised to place environmental concerns at the top of their agenda. Assembly Speaker Robert Moretti pledged to support a bill to control development along the state’s shoreline in a speech before the Planning and Conservation League. State Senator James Mills, the author of the defeated Proposition 18, was elected Senate President pro tempore. Assemblyman Edwin L. Z’berg, who had long fought for stricter regulations over development around Lake Tahoe and supported the creation of a centralized state environmental agency, resumed his position as chair of the Committee on Natural Resources and Conservation after losing it during the two-year Republican control of the legislature.5

Environmentalists and their legislative allies entered the 1971 session with eight priorities: coastline preservation, a statewide environmental quality board or agency, wild river protection, further protections for the San Francisco Bay region, slowing suburban sprawl into rural areas, removing lead from gasoline, succeeding where Proposition 18 failed and diverting gasoline taxes toward environmental ends, and clarifying the rules about standing to file lawsuits. Environmentalists came up short on each of these priorities. Local leaders and residents who feared the loss of property rights, jobs, and home rule convinced legislators, especially those in the more conservative State Senate, to kill a number of attempts to realize those goals. A bill to create a California Coastal Conservation Commission, which would develop a comprehensive development plan for the entire coastline to guarantee public access and prevent degradation, was one such casualty. Another was a plan to create a regional planning agency that stretched across

nine counties around the San Francisco Bay. A bill designed to protect the state’s few remaining wild rivers, which seemed like a sure winner after Reagan canceled the Dos Rios Dam, failed to overcome local fears of job losses and southern Californians’ arguments that water from those rivers would be necessary to fulfill the State Water Project’s quotas. Legislators failed to pass a bill to remove lead from gasoline because of opposition from environmentalists, who argued the bill was too weak, and from representatives of the oil and gas industries, who argued it went too far. A proposal to combine all state environmental agencies into one a powerful Environmental Quality Board invited opposition from all of these groups and more, including developers, local governments, the water lobby, the highway lobby, automakers, and other industries.6

Environmentalists won partial victories for the three remaining priorities. Rather than divert existing gasoline tax revenues from highway construction to mass transit and air pollution research, the legislature raised the tax and directed the increased revenue toward public transportation. While proponents cheered the increase in funds for mass transit, environmentalists argued that such a scheme failed to slow the construction of highways, which had been an important, if subtle, goal of Proposition 18. On the issue of standing in environmental lawsuits, the legislature failed to pass three bills that would have allowed individuals to bring suits against polluters even if those individuals suffered no personal injury from the pollution. But the legislature did strengthen the standing of the state attorney general to sue to stop aesthetic and ecological damage before any harm was actually done. Environmentalists’ strongest victory came in land use planning bills

related to the expansion of suburban subdivisions into rural areas. Three successful bills gave greater authority to local governments to deny permits for new subdivisions, but there were no protections against conflicts of interest from local governments who wanted to increase population and property tax revenues.\(^7\)

As environmental bills died in the legislature, scandals and controversies rocked some of the state’s environmental agencies. In August, Governor Reagan fired J. Jamison Moore, a member of the Advisory Commission on Marine and Coastal Resources and of the Navigation and Ocean Development Commission. Moore had written a report for a group of Los Angeles land developers arguing that there was no need for greater controls over land use in the Santa Monica Mountains. Since those mountains are located along the coast, where Moore’s commissions held jurisdiction, Reagan fired Moore for an apparent conflict of interest.\(^8\)

A few months later Reagan asked Kerry Mulligan, the chairman of the State Water Resources Control Board, to resign after city officials in Honolulu charged Mulligan with bribery. Mulligan and two executives from Engineering Science Inc. allegedly offered a $20,000 bribe to the city’s urban renewal coordinator in exchange for a $2.5 million contract to design a sewage treatment plant near Pearl Harbor. Reagan insisted Mulligan was fired because he was acting as a consultant to a private engineering firm while on the state payroll, despite Mulligan’s protests that he was never paid for his service to Engineering Science. The city prosecutor later dropped the charges against

\(^7\) “Environmental Lobby Suffers Second Year of Defeat for its Major Proposals,” 301-2, 310-11.
Mulligan and the two executives because the “loss of their jobs and public exposure as the willing instruments of a bribery attempt is punishment enough.”

The State Water Resources Control Board’s headaches did not end with Mulligan’s termination. His replacement, Edward F. Dibble, made his home in Redlands his official headquarters and charged the state travel and living expenses every time he made the 395 mile commute to Sacramento. Dibble racked up $900 per week in such expenses. When the governor caught wind, he demoted Dibble and replaced him with Winfred Adams, Reagan’s cabinet secretary.

These personnel problems paled in comparison to the controversy that engulfed the Air Resources Board over its plan to implement the federal Clean Air Act. That Act had been amended in 1970 in response to the failure of every state but California to develop adequate air pollution control programs. The nation’s new program closely resembled the system created by the California’s Mulford-Carrell Air Resources Act, with the EPA taking the place of the CARB and the states taking the place of the air pollution control districts. At the national level, the EPA established uniform national ambient air quality standards and left responsibility for enforcement to the states. Each state then had to submit an implementation plan to the EPA. If the plan was inadequate, the Act required the EPA to step in and create its own implementation plan for that state.

Congress expected the EPA to take aggressive measures to force implementation, without regard for protests from industry or the states as to cost or feasibility. “The first responsibility of Congress is not the making of technological or economic judgments – or even to be limited by what is or appears to be technologically feasible,” according to Senator Edmund Muskie, a Democrat from Maine and a powerful proponent of the Amendments. “Our responsibility is to establish what the public interest requires to protect the health of persons. This may mean that people and industries will be asked to do what seems to be impossible at the present time.” The amended Act also required EPA and the states to impose transportation or land use controls aimed at discouraging driving if emissions control devices were inadequate. In doing so, Congress set environmental targets that no state could meet. Many congressmen, including Muskie, satisfied their environmentally-minded constituents through the Clean Air Act Amendments, but they gave little thought to the practical effects of such powerful legislation. These effects became clear when EPA, adhering to the spirit of the amendments, created air quality standards that were much stricter than any others in the nation, including the CARB’s.

California officials cheered Congress’s renewed interest in air pollution, but were again anxious about the imposition of national standards. The state had a difficult time meeting its own air quality standards, and had little chance of meeting the EPA’s new standards. Los Angeles, for example, met or exceeded the state’s photochemical oxidant

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standard, .10 parts per million, on 241 days during 1970. The city would have violated the new EPA standard, .08 parts per million, on at least 250 days of that year.\textsuperscript{14} The state thus faced a serious challenge with few options. State and federal laws already regulated most used and new vehicle emissions and the local air pollution control districts already effectively regulated stationary sources. The only effective options involved the transportation and land use controls mentioned in the Clean Air Act amendments. Transportation controls included a forced reduction in driving in favor of mass transit. Land use controls included placing restrictions on projects like shopping malls or suburban developments that encouraged driving and discouraged other forms of transportation.\textsuperscript{15} Californians were not enthusiastic about such controls, as their rejection of Proposition 18 and their consistent support for highway construction demonstrated. Pessimistic state officials submitted a weak implementation plan in January 1972 that included incentives and taxes to encourage carpooling and the use of public transportation, but this plan fell far short of the EPA’s requirements, and the Air Resources Board knew it. State officials believed that the EPA would nevertheless approve the plan because, if it did not, the Clean Air Act Amendments would force the agency to come up with its own unworkable plan for California.\textsuperscript{16}

Four months later, EPA Administrator William D. Ruckelshaus called California’s bluff and rejected its plan. The plan failed to incorporate adequate land use and transportation controls to reduce the concentration of four out of six air pollutants in

\textsuperscript{14} Krier and Ursin, \textit{Pollution and Policy}, 208; \textit{Federal Register} 38:14 (22 January 1973), 2194.

\textsuperscript{15} McCarthy, \textit{Auto Mania}, 194.

Los Angeles. Ruckelshaus recognized California’s dilemma and offered a two-year extension to formulate a new plan that incorporated such controls. This extension did not sit well with Californians who were sick of breathing polluted air. Angry with the slow pace of the war against smog, residents of Riverside and San Bernardino sued the EPA in federal court. The proponents argued that Ruckelshaus violated the Clean Air Act by allowing the two-year extension. The court agreed and ordered the agency to formulate an implementation plan that conformed to the requirements, and the spirit, of the Clean Air Act.¹⁷

Pursuant to the court order, Ruckelshaus announced the EPA’s implementation plan for California in January 1973. This plan called for an 82 percent reduction in gasoline consumption between May and October.¹⁸ Ruckelshaus had two reasons for announcing such a “draconian” plan, according to historian Tom McCarthy. He “wanted to shock people in California into doing more to combat air pollution, and he wanted to send a message to Congress about amending” the Clean Air Act, whose transportation and land use control provisions were unrealistic given Americans’ love of automobiles and resistance to changing their mobile lifestyles. The transportation and land use controls provisions had appealed to congressmen who wanted to appear tough on pollution, but they also forced the EPA and the states to make impossible choices. The agency rejected implementation plans from every state in 1973 because they lacked

adequate controls. Ruckelshaus secretly hoped that a crisis in California would force Congress to revise these provisions.\textsuperscript{19}

Ruckelshaus’s hope for a crisis became reality, but it took years for Congress to rethink the Clean Air Act. In the meantime, Californians vehemently protested EPA’s implementation plan. Governor Reagan and CARB Chairman Haagen-Smit complained that the plan would destroy the southern California economy. When EPA determined that its earlier calculations were incorrect and that a 100 percent reduction in gasoline consumption was necessary to meet the federal standards, Californians revolted.\textsuperscript{20} Auto clubs protested that EPA was depriving Californians of liberty and property.\textsuperscript{21} CARB sued EPA in November, arguing that EPA’s implementation plan was an unconstitutional unfunded mandate. In August 1975 the Ninth Circuit Court of Appeals ruled in favor of CARB, arguing that EPA could only compel action from California agencies if those agencies were directly responsible for pollution. If a non-state entity, such as commuters or industrial sources, violated federal standards but the state chose not to enforce those standards, EPA could not force the state to do so. The agency had to enforce its standards against individual polluters itself, and EPA’s limited manpower precluded such actions against all but the largest polluters.\textsuperscript{22}

This was a dubious victory. California had prevailed and won the ability to set and enforce its own air quality standards, but many residents in polluted areas were disappointed that the state was seemingly fighting against cleaner air. It also threw the

\textsuperscript{19} McCarthy, \textit{Auto Mania}, 198-99.
\textsuperscript{20} Federal Register 38:126 (2 July 1973), 17683-85.
\textsuperscript{21} McCarthy, \textit{Auto Mania}, 199.
federal Clean Air Act program into disarray. Congress finally amended the Clean Air Act in 1977 to give automakers, local and state governments, and industrial polluters more time to comply with EPA’s standards.\textsuperscript{23} It seemed as though the environmental victories of earlier years were being rolled back. In response, citizen activists turned to the courts and the ballot box. This new era of citizen activism began as Ralph Nader’s Raiders invaded the Golden State in 1970.

\textbf{Citizen Action, Initiatives, and Lawsuits}

Resources Secretary Norman Livermore began to receive reports in July 1970 that representatives of Ralph Nader’s Washington, D.C.-based Center for the Study of Responsive Law were on the loose in California. One of Nader’s Raiders, as the press called those representatives, contacted the Department of Water Resources asking for an organizational chart and contact list for the entire Resources Agency. Another Raider made the same request of the Department of Conservation. Director of Water Resources William Gianelli warned Livermore that Nader had “some 25 people” working in the state and that the Resources Agency should develop a policy “to deal with these people.” John Mayfield, the Deputy Director of the Department of Conservation, agreed that “there is some need for haste” because “at least six of Nader’s men are working out of the Sacramento area.”\textsuperscript{24} These officials were worried because they expected the Raiders to criticize the state’s environmental policies. Nader and his organization had already issued


\textsuperscript{24}William Gianelli, memo to Livermore, 3 July 1970; John M. Mayfield, Jr., memo to Livermore, 3 July 1970; both in Box GO13, Folder “Resources: Dept. of Water Resources (1/1),” \textit{GOP}. 219

They were correct. The Ralph Nader Task Force on California Land issued a scathing report in August 1971 that criticized the state’s land ownership patterns, tax policies, water pollution program, transportation policies, water projects, and political structure. The Task Force’s intent was to determine who owned land in California, how those owners profited unjustly from that land, how they misused the land, and why state and local governments let them get away with it. The group discovered that land ownership patterns had changed little since the nineteenth century. The Southern Pacific Railroad was still the state’s largest landowner. The railroad and twenty-four others owned thirteen percent of the state’s private land. A small number of large corporations owned more than half of all agricultural and forest land. These landowners enjoyed lucrative tax subsidies, publicly-financed water supplies, cheap labor, and the benefits of research conducted at the state’s public universities. They also profited when they sold land to developers, and indirectly contributed to urban sprawl. Landowners were able to pollute the air, water, and land with impunity, the report argued, because the state’s environmental agencies were corrupt. Representatives from polluting industries often sat on state and local pollution control boards, creating conflicts of interest that always

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favored the polluters. Only a massive overhaul of the state’s regulatory bureaucracy could fix these problems.\(^{26}\)

The three-volume, two-thousand-page report, as originally published, was nearly unreadable because it was compiled by over two dozen researchers with little editorial direction or oversight, but scores of recommendations for reforming land use and environmental regulations were scattered throughout. Most of these were familiar to environmental reformers: California should establish a powerful state planning agency with strong zoning powers to protect agricultural land from urban sprawl and to break up monopolistic land holdings, increase public representation on pollution boards and commissions at the expense of industry representation, strengthen water pollution enforcement and penalties, direct public funds toward mass transit instead of highways, and limit lobbying from special interest groups. Environmental and conservation groups had advocated such reforms for years. The Task Force report would have been consigned to the massive pile of similar reports that had been written over the years but for its connection to Nader, a renowned consumer advocate, and for the report’s most dramatic argument: California should dismantle the State Water Project.\(^{27}\)

This last suggestion struck a nerve. Although Californians often debated the costs and benefits of expanding the State Water Project, very few of them believed the whole system should be scrapped. Governors, legislators, and voters from every political party had helped design, fund, and build the project over the previous three decades. For all its


ecological damage, the project had brought numerous benefits to the entire state, including flood control, electricity, recreation, and a regular supply of water to arid areas. This attack on California’s water system from outsiders – only a handful of Raiders were native Californians; most had been recruited from Harvard and other Ivy League schools, and Nader himself had no ties to the state – sparked outrage across the state. Newspapers leapt to the project’s defense. The State Water Project was “an acclaimed monument to engineering ingenuity and the fullest use of the resources,” according to the *Sacramento Bee*, and the *Sacramento Union* called it “one of the world’s greatest engineering achievements.” The Task Force’s report was “irresponsible,” “intemperate, reckless and an unwarranted blemishing of men dedicated to public service.” Editors were also offended that Nader’s group dared to question the state’s dedication to environmental preservation. The report “wholly ignores some of the most progressive environmentally-oriented legislation enacted in any state,” noted the *Oakland Tribune.*

Just as they were proud of the State Water Project’s engineering feats, many Californians were proud of their state’s efforts to fight pollution and to preserve natural beauty.

California’s political leaders largely dismissed the report. Former Assembly Speaker and gubernatorial candidate Jesse Unruh argued that factual errors undermined many of its otherwise valid conclusions. These errors included misidentifying office holders and ignorance of the state’s disclosure laws for candidates. In one instance, the report accused Lieutenant Governor Ed Reinecke of giving preferential treatment to the Leslie Salt Company while serving as a member of the State Lands Commission even

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though Reinecke was neither lieutenant governor nor commission member when the commission decided on the company’s land claims. This and other errors led Reinecke to call the report “a publicity stunt to gain support for another ego trip by Nader and his political friends.”29 In a letter to Water Resources Director Gianelli, whom the Task Force had singled out for being a despoiler of the environment, Governor Reagan said that “my first reaction to Nader’s blast was anger, and then suddenly I thought – nuts. He really isn’t worth answering.” To Reagan, the report was the result of the “kid games” of a bunch of “juvenile delinquents.”30

The Nader Task Force’s findings and recommendations caused a stir but were quickly forgotten in the press and in the halls of power. Environmental and conservation journals, such as Cry California and the Sierra Club Bulletin, never mentioned the report (though the Sierra Club contributed $7,500 to the Task Force during the research phase). The quick dismissal of the Nader report, however, happened at the same time the legislature was seemingly turning its back on environmental issues and just as the Air Resources Board began its years-long battle against the Environmental Protection Agency over implementation of the Clean Air Act. Many environmental activists lamented these developments and began to look for other ways to create change. Issuing reports and relying on supporters in the legislature did not work anymore. Activists needed more creative solutions. In 1972 they turned to the voters and the courts instead of the legislature, with mixed results.

30 Ronald Reagan, letter to William Gianelli, 27 August 1971, in Box GO13, Folder “Resources (10/11),” GOP.
Disillusionment with the legislature and with the state’s regulatory agencies prompted the formation of the People’s Lobby. Ed Koupal, a Los Angeles-area car dealer, established the People’s Lobby in 1968 in the belief that “a more direct means of achieving a clean environment was required than was presented by the conventional legislative route.” “We’ve had air pollution boards for years and years and people are still dying of smog,” Koupal complained to a reporter in 1971. “The boards tell us to be patient and go slow. Politicians tell us to go through the Legislature. Well, we’ve tried these tactics for years and got nowhere. So we decided to bypass all that nonsense and go to the people and get it done.” Koupal and other People’s Lobby volunteers hammered out a far-reaching anti-pollution proposition and secured 325,000 signatures in 1971, qualifying it for inclusion on the ballot in the following June’s primary election.31

Proposition 9 – or the Clean Environment Act, as it was called – was a collection of nearly two dozen diverse reforms that environmentalists had wanted for years. It was primarily concerned with air pollution but also included provisions regarding energy, chemicals, and conflicts of interest. The proposition required lead to be phased out of gasoline by 1976, almost a 90% reduction in sulfur in diesel fuel, and protective equipment and monitoring devices for all sources of smog. Air pollution control districts could continue to issue variances to polluters, but only for three months. During smog emergencies, local air pollution officials could shut down all businesses or factories operating under variances for as long as those officials thought necessary, and those businesses could not appeal that decision. The monetary penalties for pollution would

increase to 0.4% of the polluter’s gross income for the previous year per day, though 75% of those penalties would be refunded after fixing the problem. Proposition 9 also forbade the issuance or renewal of leases for extracting oil and gas from the state’s tidelands, exploratory drilling, and the construction of nuclear power plants for five years. It outlawed the manufacture, possession, sale, or purchase of persistent chlorinated hydrocarbon pesticides such as DDT. The proposition embraced the Nader report’s call for stronger conflict of interest laws, forbidding anybody with any financial ties to polluters from serving on environmental regulatory boards. Finally, the Clean Environment Act could not be repealed or amended by the legislature or by popular vote except to strengthen the Act. The breadth of these reforms was unprecedented; they would affect the state’s Health and Safety, Business and Professions, Vehicle, Government, Agricultural, Water, and Public Resources Codes. This proposition was the most audacious political agenda “since Hiram Johnson threw the railroad ‘octopus’ out of government 60 years ago,” according to one observer.

It also brought together a coalition of opponents that dwarfed the group that crushed Proposition 18 two years earlier. This time, most of California’s newspapers and politicians joined with industry to oppose the proposition. Nearly 200 individuals and companies contributed to the campaign against Proposition 9. Contributors included Standard Oil ($40,000), the Construction Industry Advancement Fund ($35,000), Humble Oil and Refining ($25,000), Dow Chemical ($25,000), General Motors ($25,000), Ford

32 “Initiative Measure to be Submitted Directly to the Electors,” text of Proposition 9, in Box R23, Folder “[Proposition 9 ’72, People’s Lobby Initiative] Comments from other Sources (2),” RAP.
($20,000), Bethlehem Steel ($20,000), Union Carbide ($15,000), Atlantic Richfield
($15,000), Allied Chemical ($10,000), Phillips Petroleum ($10,000) and Union Oil
($10,000). In all, the anti-Proposition 9 campaign took in over $1.3 million, while the
People’s Lobby reported only $172,368.  

Industrialists argued that the low sulfur fuel provision would put diesel trucks,
trains, and buses out of operation, bringing widespread unemployment and stalling the
state’s economy. The Associated General Contractors of California threatened to lay off
120,000 construction workers in the Los Angeles area within 30 days if Proposition 9
passed. Since another ten workers who supply materials would be laid off for every
construction worker, the final number of layoffs would run “far into the millions,”
according to the group. Labor leaders agreed that Proposition 9 would increase
unemployment. The measure was “destructive, self-defeating and a threat to thousands of
jobs held by all Californians,” according to Teamsters Union International Vice President
Joseph Diviny. The Teamsters joined the California Labor Federation, AFL-CIO, the
Building and Construction Trades Council, and the Oil, Chemical, and Atomic Workers
International Union in opposing the proposal. The Pacific Gas and Electric Company
and others argued that by placing a moratorium on the development of nuclear power
plants, which emit no airborne pollutants, the proposition actually encouraged the

34 Robert Fairbanks, “Ford and GM Join Other Industries in Fight on Prop. 9,” Los Angeles Times, 27 May
1972, B1.
April 1972, A3; Harry Bernstein, “Builders Warn of Layoffs if Prop. 9 Succeeds on Ballot,” Los Angeles
Times, 10 May 1972, D1.
36 California Teamsters Legislative Council, “End of the Line – With Proposition 9,” 26 April 1972, in Box
R24, Folder, “[Proposition 9 ’72, People’s Lobby Initiative] Opponents,” RAP.
construction of dirty fossil fuel burning plants. Oil and gas companies also seized on an estimate from Legislative Analyst Alan A. Post that the proposed drilling ban alone would cost the state $770 million in lost revenues.

This time, the Reagan administration joined with industry in opposition to an environmental ballot initiative. Resources Secretary Livermore outlined the administration’s reasoning in a letter to Sierra Club President Raymond Sherwin. “While I agree wholeheartedly with the goal of controlling pollution,” Livermore wrote, “I find the methods involved in the Initiative ill-conceived, poorly assembled, and self-defeating if their goal is in fact to control pollution in this State.” The proposed financial penalty on polluters, 0.4% of the previous year’s gross income per day, was unfair because that penalty could be far out of proportion to the damage done, whether the polluter was a massive corporation or an individual driver. The conflict of interest provisions were also “too extreme” because, to give one example, they would prohibit anybody who merely owned stocks in a company that operated a leaky gas furnace from serving on a pollution board. Since only a very small number of Californians could meet that requirement, most pollution boards would simply cease to exist for lack of a quorum. The ban on oil and gas leases would deprive state and local governments of needed revenue and was unnecessary, Livermore argued, because the State Lands Commission had already instituted such a ban in the aftermath of the Santa Barbara Oil Spill. California should be free to reinstate gas and oil leases once the companies improve their safety procedures.

The moratorium on nuclear plants encouraged fossil fuel plants but would also lead to

more hydroelectric power facilities that damaged ecosystems in otherwise wild rivers. It would also interfere with the efforts of the Department of Water Resources to build desalinization plants that might someday supply enough water to Southern California to make the State Water Project unnecessary. For all of these reasons, Livermore and the rest of the Reagan administration opposed Proposition 9.39

Two months before the primary election, the governor announced a ten-point plan to protect and preserve California’s environment as an alternative to Proposition 9. “We must consider the adverse environmental impact of every major activity in our society and find reasonable, workable ways to minimize that impact, but without at the same time bringing economic development to a sudden and catastrophic halt,” Reagan said. “We must control pollution and preserve the best of our environment in a way that is compatible with the goals and philosophy of a free society.” This plan was long on rhetoric but short on ideas, and was mostly a plea to stay the course on reforms already put in place. He promised that the Resources Agency would soon produce a comprehensive (and, incidentally, legislatively mandated) Environmental Goals and Policy Report that would identify and provide solutions for critical problems, and that the Office of Planning and Research would develop a comprehensive report on land use policies. His administration wanted to expand the ARB’s ability to help local governments fight contaminants from stationary sources of air pollution. He also offered to reorganize the Resources Agency into a new Department of Environmental Protection (without an explanation of how this would improve the state’s environmental policies),

39 Norman Livermore, letter to Raymond Sherwin, 3 February 1972, in Box R23, Folder “[Proposition 9 ’72, People’s Lobby Initiative] Analyses and Summaries (1),” RAP.
ask the legislature for coastline protections and new forestry regulations, and establish a
Power Plant Siting Council that prioritized nuclear power. Finally, he hoped to place a
bond issue on the 1974 ballot to fund park and recreation facilities. This was a weak
plan, but Reagan framed it as a pragmatic, moderate alternative to Proposition 9.

A month before the election, polls indicated that three out of four Californians
approved of the Clean Air Amendment, but voter support declined as more and more
businesses, politicians, civic groups, and media outlets came out against the proposition.
Californians Against the Pollution Initiative, which managed the anti-Proposition 9
campaign, released an eight-page list of individuals and organizations opposed to the
proposition. In addition to prominent members of the Reagan administration, the list
included four congressmen, six state senators, ten assemblymen, nine mayors, fifty-one
newspapers, five television and radio stations, forty-seven statewide political and civic
organizations, forty-three local political and civic organizations, thirty-one labor
organizations, thirteen county boards of supervisors, and forty-nine chambers of
commerce. By the end of May, two out of three California voters opposed the
measure. That number did not change by Election Day in June, when the proposition
failed by a two-to-one margin. The People’s Lobby blamed its failure on a shortage of
funds that prevented its message from reaching a majority of Californians. Opponents

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41 Californians Against the Pollution Initiative, “Some of the Prominent Californians Who Have Urged ‘No’ on No. 9” and “Opposition to Proposition No. 9,” 2 May 1972, in Box R24, Folder “[Proposition 9 ‘72, People’s Lobby Initiative] Opponents,” RAP.
argued that Californians recognized the damage that the proposition would have done to the state economy.  

John Zierold, lobbyist for the Sierra Club, which had remained neutral on Proposition 9, offered a more detailed analysis of the defeat. The most obvious problem was that it tried to do too much. “Prop. Nine spoke to the full diversity of pollution control and offered a superabundance of provisions, each one so complex that it resisted precise analysis by all but a handful of conscientious voters,” Zierold argued. Each of the proposition’s ideas appealed to a group of environmentalists and conservationists but also likely alienated others who saw it as unworkable. Polls conducted in the weeks after the election indicated that the bans on nuclear power plants and oil and gas drilling were very unpopular and hurt the proposition’s chances among moderate voters. Few environmentalists or conservationists endorsed the proposal in its entirety, which allowed opponents to frame the issue as clumsy, destructive to the state’s economy, and unappealing even to those most dedicated to preserving the environment. “Nine’s enemies prevailed,” according to Zierold, “because they convinced Californians that passage would mean housewives would thenceforth scrub laundry on washboards, by dim candleglow, while fighting off an attack of scarlet fever.”

The most important lesson to be learned from the defeat of Proposition 9, according to Zierold, was that environmentalists should not take a “scattershot” approach to ballot initiatives. “Selectivity is fast becoming the watchword for the conservation

43 Joe Brooks, “‘We Went to the People’: The Environment Was Not the Loser,” Sacramento Union, 8 June 1972, A2.
lobby, with every energy concentrated on one major issue at a time.” A good example of this selectivity was Proposition 20, the California Coastal Initiative, scheduled to appear on the ballot in November’s general election. This proposition “will win because it is a means by which the people can enact for themselves the protection for the coastline denied them for three years running by the Legislature – each time in patent disregard for public preferences,” Zierold argued. “It will win because the threat is immediate, the solution uncomplicated, and the support united.” All of these had been lacking in the case of Proposition 9.45

The California Coastal Initiative was indeed a simpler proposition. Its goal was to preserve the natural environment and ecology along the Pacific coast and to guarantee public access to beaches. Since the nineteenth century, the state had left the regulation of land use along the coastline to the cities and counties. By the mid-twentieth century, 15 counties, 53 cities, 42 state agencies, 70 federal agencies, and dozens of special districts shared jurisdiction over nearly 1,100 miles of shoreline, and each of these institutions had its own land use priorities. Local officials prioritized growth and development and ignored the destruction of coastal wetlands, estuaries, and other ecosystems. Developers built huge condominium and apartment complexes, dense housing projects, port facilities, and power plants along the coast, obstructing views of the ocean and blocking access to the beaches that were supposed to be the communal property of all Californians. One


The condition of the state’s coastline resembled that of the San Francisco Bay, and the success of the San Francisco Bay Conservation and Development Commission spurred hopes that the legislature would create a similar agency to regulate coastal development. The legislature passed a Marine Resources Conservation and Development Act in 1967 that promoted research and advice instead of regulation and enforcement. Sympathetic legislators introduced stronger coastal protection bills every year between 1968 and 1972. Each bill passed the Assembly but died in the State Senate, where developers wielded stronger influence. Disappointed conservationists banded together in 1971 to form the Coastal Alliance, which threatened to submit a ballot initiative to the people if the legislature failed to pass a bill one more time. Soon after the State Senate killed yet another bill in early 1972, the Coastal Alliance and the Sierra Club announced a signature collecting effort to place a coastal protection proposition on the ballot for November’s general election. Within one month, supporters secured more than enough signatures to bring Proposition 20, the Coastal Initiative, to the people.\footnote{DeGrove, \textit{Land Growth and Politics}, 179-84; Duddleson, “How the Citizens of California Secured Their Coastal Management Program,” 7-10; “California Launches Coastal Initiative Campaign,” \textit{Sierra Club Bulletin} 57:5 (May 1972), 18; “Coast Initiative Wins Spot on California Ballot,” \textit{Sierra Club Bulletin} 57:7 (July-August 1972), 23.}

The Coastal Initiative called for a twelve-member state coastal commission and six regional commissions. The governor and legislature would choose half of the state
commission’s members to represent the public interest while the other half represented the regional commissions. The regional commissions varied in size but were evenly divided between local government and public representatives. Following the San Francisco Bay Conservation and Development Commission precedent, Proposition 20 gave the commissions four years to formulate a statewide coastal development plan. Until then, the commissions were charged with reviewing and issuing permits for any development within 1,000 feet of the shoreline. Individuals or organizations on both sides of the developer-conservationist divide could appeal a decision of a regional commission to the state commission, and could then appeal a decision of the state commission to state courts.48

Such a system was going to be costly and time-consuming for developers. California’s pro-development lobby thus had to launch yet another campaign against a ballot initiative just after its victory over Proposition 9. Representatives of the oil, construction, and real estate agencies hired Whitaker and Baxter, the San Francisco-based public relations agency that directed the fight against Proposition 9, to conduct a similar campaign against Proposition 20. Organizations such as Standard Oil and the Construction Industry Advanced Fund again contributed generously to the cause. Other large donors included Southern California Edison, General Electric, Kaiser Industries, Bechtel Corporation, the California Real Estate Association, and various other land and oil companies. Labor unions such as the Teamsters and Building and Construction Trades Council of California and local government organizations such as the League of

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California Cities and County Supervisors Association of California also joined the fight against Proposition 20. Opponents outspent the proposition’s supporters four to one ($1,169,691 to $269,453).  

One of the initiative’s most important opponents was Governor Reagan, who resurrected his old argument that the regulation of development should be handled at the local level. Reagan had strayed from this argument over the previous six years when he embraced stronger centralized air and water pollution control programs and when he endorsed regional planning agencies around San Francisco Bay and Lake Tahoe. The governor never explained his change of heart. Resources Secretary Livermore blamed himself. Livermore was in Stockholm for the United Nations Conference on the Human Environment throughout June and was unable to convince Reagan and the cabinet to support the Coastal Initiative from afar. The Resources Agency had been arguing to the cabinet since 1969 that the state needed to develop a coastal protection program to no avail. The Coastal Initiative was somewhat stronger than what Livermore and other Resources Agency officials had in mind, but they recognized the popularity and importance of the issue. Livermore later stated that Reagan’s opposition was “one of my few major disappointments as far as the official position of the Reagan administration goes.”

Livermore did convince Reagan to take a stand against some of the proposition opponents’ campaign strategies. Whitaker and Baxter used misleading and confusing advertising during its campaign. Billboards, posters on buses, and newspaper ads

49 Duddleson, “How the Citizens of California Secured Their Coastal Management Program,” 211 n. 27.
included slogans such as “Don’t let Them Lock up Your Coast, Vote No on 20,”
“Conservation Yes, Confiscation No, Vote No on 20,” and “Save the Coast, Vote No on
20.” Reagan joined Assembly Speaker Robert Moretti in denouncing the opponents’
campaign slogans, though the governor continued to oppose the initiative itself.
Proposition supporters cast Whitaker and Baxter as a villain in their campaign rhetoric
and convinced the Federal Communications Commission that the fairness doctrine should
apply to propositions in addition to candidates. California television stations then began
to broadcast pro-initiative messages for free to counteract the opponents’ paid
advertisements.51

The Coastal Initiative’s supporters focused on public beach access more than
environmental preservation in their campaign. According to one report, only 252 of the
state’s 1,072 miles of coastline were available for public use in 1972. The beach was an
integral part of the California image, and residents feared for the economic and social
consequences of losing access. As supporters put it in a mailing to all Californians, “our
coast has been plundered by haphazard development and land speculators [who] bank
their profits, post their ‘no trespassing’ signs and leave.” “The public has been denied
access to hundreds of miles of beaches and publicly owned tidelands,” the mailing
continued, and “ocean vistas are walled off behind unsightly high-rise apartments and
billboards.” In order to guarantee public access to the coast, voters should approve
Proposition 20.52

52 “Ballot Propositions: 1972 General Election,” California Journal 3 (October 1972), 311; Pro-Proposition
20 mailing reprinted in Duddleson, “How the Citizens of California Secured Their Coastal Management
Program,” 13.
This was a simple message and, as the Sierra Club’s John Zierold had predicted in the wake of Proposition 9’s defeat, Californians rallied to it. The Coastal Alliance grew from 8 groups to over 700 by November, including the League of Women Voters, the California Medical Association, the Federation of Western Outdoor Clubs, the United Auto Workers, Common Cause, and the American Institute of Architects. The Los Angeles Times and the McClatchy newspapers in Sacramento, Fresno, and Modesto supported the initiative. So did 60 of the state’s 120 legislators. Although the League of California Cities opposed the measure, many individual cities supported it because they recognized that some environmental threats required regional or statewide responses. California voters approved Proposition 20 by a ten-percent margin on Election Day.53

The success of Proposition 20 capped a difficult autumn for builders. Two months earlier, the California Supreme Court ruled in Friends of Mammoth v. Mono County that the environmental impact statement requirement of the California Environmental Quality Act of 1970 applied to private as well as public projects. At issue in Friends of Mammoth was a 5.5 acre condominium complex in Mammoth Lakes, a small town in Mono County that is surrounded by the Inyo National Forest. The planned complex would include nearly two hundred condominiums, specialty shops, a restaurant, and extensive parking. Mammoth Lakes was a popular ski resort, and the condominiums would largely serve as second homes for tourists and skiers. Mono County issued the necessary building permits for the complex, but a group of residents calling themselves Friends of Mammoth appealed that decision. The County Board of Supervisors denied the appeal, and the

Friends of Mammoth took the issue to court. Before the state Court of Appeals, and later before the Mono County Superior Court, the group argued that those permits were invalid because the county did not collect environmental impact statements from the builders, International Recreation, Ltd., as required by the CEQA. Mono County and International Recreation argued that while early drafts of the act included provisions governing private projects, the final product only required environmental impact statements for public projects. The Court of Appeals and the Superior Court both ruled against the Friends, who appealed again to the California Supreme Court.54

At about this time, the Friends of Mammoth found an influential ally. State Attorney General Evelle Younger, a Republican from Los Angeles, believed that the threat of environmental degradation warranted an expansive interpretation of the CEQA. Since taking office in 1971, Younger had prodded the State Office of Planning and Research to issue guidelines for act’s environmental impact statement provisions. The largest obstacle to issuing guidelines was the law’s failure to define the type of projects that would be subject to the statements. The Office of Planning and Research proposed that they applied only to projects “carried out by any or all levels of government, which would have a significant effect on the environment of the state.” Younger recommended “defining a project as any activity involving any state or local government funds, loans, permits, licenses, or certificates.” Or, as Deputy Attorney General Nicholas Yost put it, “a proper definition of the word ‘project’ would include virtually every activity in the state, no matter how small, if it could in any way significantly affect or lead to a

54 Friends of Mammoth, et al., v. Board of Supervisors of Mono County, et al., 8 Cal. 3d 247 (21 September 1972).
significant change in the environment.” Younger’s office filed a friend of the court brief in support of the plaintiffs in *Friends of Mammoth v. Mono County* in the hope that the case could force the state to fix the weaknesses of the CEQA.\(^{55}\)

The court surprised everyone when it ruled 6-1 in favor of the plaintiffs and required government agencies to collect environmental impact statements for private projects. “To limit the operation of the EQA solely to what are essentially public works projects would frustrate the effectiveness of the act,” Associate Justice Stanley Mosk argued in his opinion for the majority. It made no sense to Mosk that public projects with “admittedly deleterious ecological consequences” required impact statements but identical private projects did not. “The incongruity of such interpretation would be most vivid in the less populous counties, such as Mono, which because of limited economic capabilities might never engage in massive public works projects significantly affecting the environment, but could achieve the same result by permitting, licensing, or partially funding private activities.”\(^ {56}\) The court embraced Younger’s expansive view of the CEQA and ruled that any private project that required any government authorization or assistance required the preparation of an environmental impact statement.

The *Friends of Mammoth* decision plunged the state’s building industry into hysterical disarray. Builders and labor leaders predicted over a million layoffs and the collapse of the construction industry. County planning departments feared an avalanche of paperwork that would lengthen the review period for permits because of a lack of


manpower. Some local officials, including San Jose Mayor Norman Mineta, ordered a freeze on all new building permits. Builders and politicians predicted skyrocketing prices for homes, apartments, and any other construction. The California Chamber of Commerce contributed to the hysteria by claiming that other permits, such as kennel licenses or logging permits, could soon require impact statements. Lieutenant Governor Ed Reinecke warned that “drivers licenses [conceivably] will not be permitted simply because automobiles also contribute to pollution.” He also claimed that banks were withholding $500 million in loans for new construction projects, though he cited no source for this claim and bankers denied it.57

*Friends of Mammoth* left a number of issues unresolved, which only fueled this hysteria. First, the court ruled that its decision was retroactive to the date the CEQA became law. This effectively invalidated any building permits issued since 1970 for projects that had any significant effect on the environment. Second, the court failed to define “significant effect on the environment.” To most observers, it depended on the context. A condominium complex might have a significant effect on the environment in a small town like Mammoth Lakes but not in the middle of a large city like San Francisco. Finally, the decision failed to offer guidelines for the preparation and consideration of environmental impact statements. It did not say who was responsible for creating the statements and gave no guidance to local governments on how to evaluate them.58 The

court did not create these problems; the state had failed to formulate standards and
guidelines for environmental impact statements for two years. But the ruling exacerbated
these problems by broadening the California Environmental Quality Act’s authority.

Assemblyman James Knox, one of the principal backers of the CEQA in 1970,
criticized politicians and developers for overreacting. While some local governments
panicked and ceased to issue building permits, others “acted calmly” by passing interim
procedures and guidelines for processing environmental impact statements. Agencies
should have had guidelines in place for public projects since 1970; it should not have
been difficult to adapt those guidelines for private projects, according to Knox.59 Still, he
introduced a new bill, Assembly Bill 889, to address the concerns of builders and local
governments and to resolve some of the questions left unanswered in the Friends of
Mammoth decision.

AB 889 made nearly a dozen substantive changes to the act. In accordance with
the court decision, private projects became subject to environmental impact statements.
But the bill placed a 120-day moratorium on the impact statement requirement while the
State Office of Planning and Research formulated statewide guidelines and it created a
30-day statute of limitations for environmentalists to protest any projects. A grandfather
clause exempted statements for projects begun before the Friends of Mammoth decision
unless somebody had already challenged a project in court. The bill also established
criteria for determining if a project has a “significant impact” on the environment and
required an impact statement. These criteria included a potential for direct or indirect

environmental degradation, possible effects that are “individually limited but cumulatively considerable,” and possible “substantial adverse effects on human beings.” Knox said that the bill was “acceptable” to both environmentalists and developers but “nobody really likes it very much.” Environmentalists argued that the statute of limitations was too strict while developers continued to argue that the CEQA should only apply to public projects.

The *Friends of Mammoth* decision and AB 889 similarly divided the Reagan administration. Lieutenant Governor Reinecke was one of the most hysterical critics of the decision. James Stearns, who had recently been promoted from director of the Conservation Department in the Resources Agency to the cabinet-level Secretary for Agriculture, hoped that business leaders would fight harder to reverse the decision and keep private projects free of the impact statement requirements. Water Resources Director William Gianelli believed the bill would “greatly increase the Department’s workload” and, because “reasonable men can differ on what could have significant effects on the environment,” it would force the department to file impact statements for every project, no matter how small. E. C. Fullerton, Deputy Director of the Department of Fish and Game, agreed that AB 889 would increase his department’s workload but believed that this would pale in comparison to the environmental benefits the bill offered. John A. Maga, executive director of the Air Resources Board, supported the bill, arguing that “it is important to create cognizance of environmental impact throughout all government.” Although the Resources Agency thus was divided over AB 889, Secretary Livermore recommended the Reagan administration support the bill. Livermore had
never bought into the hysteria over the *Friends of Mammoth* decision, and he argued that AB 889 effectively solved many of CEQA’s problems. The compromises included in AB 889 appealed to Livermore and to the legislature. It passed both houses by wide margins, and Reagan happily signed the bill in order to end the controversy.

### New Issues and a Backlash

Just as environmental activists were winning these victories, however, another popular movement was forming in opposition to the expanding environmental regulatory state. Industrial groups had fought campaigns against environment laws and initiatives throughout the post-World War II era, but these efforts were mostly ad hoc attempts to preserve their business practices and opportunities. No full-time organizations dedicated to rolling back environmental regulations existed in California or anywhere in the United States. There was little political will to oppose the environmental movement until the early 1970s because both major political parties embraced the environmentalists’ agenda. It was hard to find people of any ideological persuasion who could argue effectively against state efforts to reduce air and water pollution or to preserve natural treasures.

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But as environmentalists embraced centralized or regional land use planning in the early 1970s through agencies like the Tahoe Regional Planning Agency or the coastal commissions, some conservative Californians began to organize in opposition to what they saw as threats to traditional property rights. Other issues, such as lingering high unemployment and a series of energy crises, helped fuel a backlash against environmentalism throughout the decade. As it had led the nation during the environmental era, California led the way in opposition to the environmental movement. The first “freedom-based” public interest legal organization, the Pacific Legal Foundation, was established in Sacramento in 1973. The Foundation inspired other conservatives to create similar organizations across the nation and helped to bring about the Sagebrush Rebellion in the late 1970s and early 1980s. These organizations were only active during the last year of Reagan’s time in Sacramento and had little impact on environmental legislation before he left office, but they became very important over the following decade and helped Reagan find a new home in Washington, D.C.

An important factor that allowed for the emergence of an anti-environmental movement was a sense among moderates and conservatives that the danger had passed. Conservative conservationists and environmentalists had accomplished what they set out to do. California enjoyed the cleanest air and water since the dawn of the industrial era.

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62 President Richard Nixon summed up this sentiment in 1973: “When we came to office in 1969, we tackled this problem with all the power at our command. Now there is encouraging evidence that the United States has moved away from the environmental crisis that could have been and toward a new era of restoration and renewal. Today, in 1973, I can report to Congress that we are well on our way to winning the war with environmental degradation, well on our way to making peace with nature.” From Richard Nixon, “State of the Union Message to the Congress on Natural Resources and the Environment,” 15 February 1973, quoted in J. Brooks Flippen, *Nixon and the Environment* (Albuquerque: University of New Mexico Press, 2000), 191.
Many of the state’s natural wonders, such as the redwoods and Lake Tahoe, would be preserved to some extent for future generations. Concerns about overpopulation had also dissipated somewhat in the late 1960s and early 1970s. Though California had shown the most dramatic population growth in the nation during the first decades of the postwar era, that growth rate had slowed in recent years. The state’s population growth rate had fallen from 4 percent in 1958 to 3.7 percent in 1961, 3.1 percent in 1964, and 2.1 percent in 1967. This trend continued into the 1970s. The rate of growth never fell to zero during the Reagan years, but the sense of impending doom from overpopulation lessened.

Environmentalists used the falling growth rate to argue that destructive projects such as suburbs or additions to the State Water Project were unnecessary, but some conservatives argued that the falling growth rate negated the need for stronger, and more intrusive, environmental regulations.  

New regional land use planning agencies, such as the Tahoe Regional Planning Agency (TRPA) and the coastal commissions, were responsible for the most intrusive regulations that threatened property rights. When the bi-state TRPA broke down along state lines in the early 1970s – with Nevada’s delegates approving projects that California’s delegates rejected – the legislature revived the California TRPA to regulate development on its side of the lake. The California Agency was less susceptible to pressure from local developers because half of its Governing Body came from outside the Tahoe Basin and the agency was dependent on funding from Sacramento. This organization of outsiders angered locals by limiting construction to single-family homes,  

downsizing the density of new residential areas, and creating a transportation plan that emphasized mass transit and discouraged automobile use. As of March 1973, the California TRPA faced 106 lawsuits totaling $220 million from Tahoe residents over compensation for lost land value or lost profits.\(^{64}\)

The state and regional coastal commissions faced similar reactions. Proposition 20 gave the commissions the responsibility to issue permits for almost every improvement or development along the coast, large or small. The commissions handled permits for lot splits, waste discharges, removal of major vegetation, and improvements of $7,500 or more to private residences. Stories circulated in the local media about the commissions’ excesses. One local television station interviewed a woman whose patio and possessions were crushed under a fallen tree. When the interviewer asked why she did not clean up the mess, she said she could not. “The Coastal Commission won’t let me” because “the tree trunk is still attached to the roots, and they won’t let me take the tree down.”\(^{65}\) Stories like this upset property owners along the coast and convinced critics that land use planning agencies were arbitrary, unfair, and beholden to radical environmentalists.

Governor Reagan sympathized with Californians affected adversely by such regulations but refused to intervene. He respected the voters’ decision to protect the


coast, and he appointed coastal commissioners who vigorously enforced Proposition 20. A personal tour of Lake Tahoe convinced Reagan that that region deserved protection despite the protests from locals. The governor was not a micromanager, and once he gave an agency or a program his blessing he rarely interfered. As long as the regulatory agencies could demonstrate that their programs helped preserve the state’s resources and increase public health, they enjoyed his support.

But the governor was not always immune to popular discontent. In 1973, the Air Resources Board launched an unpopular program to phase in devices to reduce nitrogen oxide emissions from automobiles. Citizens sent hundreds of letters to the ARB complaining about the cost of installing emissions control devices. The Board’s own engineers claimed that the devices would accomplish little except reduce most vehicles’ gas mileage, which made the program impractical during an energy crisis. One of Reagan’s central philosophical tenets was that “Government should not intervene in the personal or business affairs of its citizens except for protection against fraud, theft, and danger to the health and property of the citizens and the Natural Resources of this state.” With the frequency of citizen complaints about the nitrogen oxide devices and evidence from ARB staffers that the devices actually damaged some engines and would result in a negligible improvement in air quality, Reagan determined that the program did not meet

this standard and he intervened to shut down the program. He fired one Board member and accepted the resignations of two others, including Chairman Haagen-Smit, and replaced them all with appointees who opposed the nitrogen oxide program. The legislature responded to citizen complaints by phasing out the program entirely by 1975.68

Environmental activism also lost some of its luster during the 1970s because of other external political and economic factors. First, environmentalists’ opposition to nuclear and hydroelectric power seemed out of step with the state’s needs during the 1973 energy crisis. Before the crisis, Californians depended mostly on four sources of energy: oil, dams, coal, and nuclear fission. The Organization of Petroleum Exporting States’ decision to cut off oil shipments in retaliation for America’s support for Israel in the Yom Kippur War prompted Americans to reevaluate those energy sources. The demand for oil far outstripped the domestic supply in California, and the other energy sources were unable to compensate. The state could not increase the amount of available hydroelectricity because the best sites for dams were already taken or protected for environmental reasons. Coal had never been very popular in California; there were adequate coal deposits in the state but burning coal for energy threatened to undo decades of victories against air pollution. California’s utility companies, especially Southern California Edison and Pacific Gas and Electric, planned to build dozens of nuclear power plants, but only one was operating during the energy crisis and construction on others had

bogged down because of environmental concerns. Alternative energy sources, such as geothermal and solar, were still experimental and could not take up the slack from the lost oil.\textsuperscript{69} The 1973 energy crisis lasted only a few months and did not result in a widespread repudiation of environmental legislation. But the crisis lasted long enough for opponents of regulations to spread the message that environmentalists were out of touch with the needs of Californians.

The second external factor was persistent high unemployment. California had been hit hard by cuts in military spending as the Vietnam War wound down. The state had been the recipient of nearly 20 percent of defense contracts, but it saw more than one-third of all post-Vietnam cutbacks. The unemployment rate in California fluctuated between seven and nine percent through the first half of the decade, between two and three points higher than the national average. Businesses used the threat of unemployment to push back against environmental regulations. They tried to “enlist workers, their unions, and their communities in campaigns of resistance to the enforcement of those standards through overt or implied threats that such enforcement will result in loss of jobs and income through shutdowns and layoffs,” according to Leonard Woodcock, president of the United Auto Workers. Across the country, companies such as General Motors, U.S. Steel, and Union Carbide laid off thousands of workers by shutting down plants that violated environmental standards. During the campaigns for Propositions 9 and 20, and in the aftermath of the \textit{Friends of Mammoth} decision, California businesses made the same threats. Governor Reagan argued in 1974

that the federal Clean Air Act would cost 159,000 California jobs, increase unemployment by ten percent, reduce tax revenues by $65 million, and increase unemployment benefits by $200 million. Businessmen had a point; environmental regulations were costly and time consuming. In the late 1960s and early 1970s, many Americans argued that the cost of the loss of natural resources outweighed the cost of regulations. Environmental groups challenged Reagan’s numbers, but as persistent high unemployment set in, Americans became more suspicious of programs that could cost jobs.70

All of these factors – sense of complacency, concern for property rights, high unemployment, and the energy crisis – led some conservatives to organize in opposition to the environmental movement. This was a small group that did little to alter the course of environmental legislation during Reagan’s years in Sacramento, but it became a much more influential political voice later in the 1970s and 1980s. The Pacific Legal Foundation (PLF), established in Sacramento in March 1973, became the nation’s first professional organization dedicated to rolling back harmful environmental legislation.

The Foundation was the brainchild of veterans of the Reagan administration’s effort to reform welfare. That effort, which included raising benefits for the truly needy while weeding out the unworthy, had been harassed from the start by social workers, public employee unions, welfare rights groups, and legislators with the aid of liberal public interest law firms. The leaders of the reform effort, including Ronald Zumbrun,

Human Relations Agency Secretary James M. Hall, State Welfare Director Robert Carleson, and Reagan’s executive secretary Edwin Meese III, and others, established the PLF to “defend and enhance individual and economic freedom in our country by litigating and participating in administrative proceedings to support the free enterprise system, private property rights, and concepts of limited government.”71

The organization was a response to what its founders saw as disturbing trends in the American legal system. Since World War II, liberal public interest law firms with huge bankrolls had taken over the system. Law schools unleashed cohorts of attorneys, trained in the new field of environmental law, to attack private and public development projects. Activist judges began to legislate from the bench rather than interpret the law, resulting in decisions like Friends of Mammoth that went beyond legislative intent. In this new legal world, the individual’s right to develop private property became subject to public debate and state regulation. With the blessing of the courts, the state began to ignore local jurisdictions in its quest to regulate private activity.72 “There was a serious imbalance within the public interest law field,” according to Zumbrun. “It appeared that no one was litigating in support of our basic system of government: the free enterprise system, traditional private property rights, and a balanced approach to weighing

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economic, social, and environmental concerns.” The PLF would fight to restore that balance by inaugurating a freedom-based public interest law movement.\textsuperscript{73}

The Foundation took on cases in many areas of law, including welfare, collective bargaining, and affirmative action, but its most famous victories involved the environment. The organization’s favorite tactic was to use environmental laws to challenge the decisions of environmental agencies. In one of its first cases, PLF joined the fight to eradicate the Tussock Moth. This bug was destroying trees in the Pacific Northwest and threatening the timber harvest. The Environmental Protection Agency forbade the United States Forest Service from using DDT, the most effective killer of Tussock Moths, because of the chemical’s well-documented health risks. The Pacific Legal Foundation sued the EPA on behalf of the Forest Service and the timber industry, arguing that the government needed to do all it could to save forests. The EPA needed to submit an environmental impact statement in order to justify the ban on DDT. When the agency weighed the impact on the forest of uncontrolled destruction via Tussock Moth versus controlled destruction via timber companies, it reversed its decision and allowed the Forest Service to spray DDT.\textsuperscript{74} A few years later, the PLF used the Endangered Species Act to end an attempt to prevent the dumping of raw sewage into the Pacific Ocean. The EPA ordered Los Angeles to build a $250 million sewage treatment plant instead of dumping. The PLF entered the fray on the side of the city, arguing that the dumping was beneficial to the environment because it fed a type of anchovy. That fish was a source of food for the brown pelican and the gray whale, two endangered species.

\textsuperscript{73} Zumbrun, “Life, Liberty, and Property Rights,” 42.
\textsuperscript{74} Decker, “Lawyers for Reagan,” 63-64.
The EPA’s decision to cut off the supply of sewage would further endanger those species, according to the PLF. The EPA again reversed its decision.\textsuperscript{75}

Over the following decades, the PLF won numerous legal victories against the California Coastal Commission and other land use agencies for placing onerous restrictions on building permits. Its success inspired conservative attorneys around the country to establish their own organizations. By the end of the decade, the Southeastern, Atlantic, Gulf and Great Plains, and Mountain States Legal Foundations were challenging intrusive government regulations and liberal law firms across the country.\textsuperscript{76} The last of these achieved notoriety because of its prominent role in the Sagebrush Rebellions that swept the West in the late 1970s and early 1980s.\textsuperscript{77}

**Environmental Legislation during Reagan’s Final Years**

The establishment of organizations such as the Pacific Legal Foundation did not signify widespread discontent or rejection of the environmental movement during Reagan’s years in office, however. The 1973-1974 session of the legislature was “generally considered the best ever for the environmental movement,” according to *California Journal*. The legislature appropriated $63 million for the acquisition of parkland, $3 million for bicycle trails in the state park system, $10 million for land acquisition around Lake Tahoe, and $4.2 million for the preservation of wildlife habitat at


Suisun Marsh, though Reagan later cut some of these amounts. Two industry-sponsored bills that would have weakened the Porter-Cologne Water Quality Act were defeated. Legislation also increased the amount of public representation for the California Tahoe Regional Planning Agency and a revamped Board of Forestry. Voters approved ballot propositions in 1974 for a $250 million bond for parkland acquisition and finally allowing the use of some gasoline tax revenues for mass transit.\(^78\)

The most significant environmental law to come out of the 1973-1974 session was the Warren-Alquist State Energy Resources Conservation and Development Act. This bill, the legislature’s response to the energy crisis, created an Energy Commission with authority over the siting of power plants and charged with long-term energy planning. The act required electric utility companies to provide forecasts for energy use in their service areas, which the commission could use for planning. As additional power plants became necessary, the Energy Commission held final approval over the placement of new facilities, which had to conform to state and local environmental regulations. The act also directed the commission to explore alternative energy sources, establish minimum efficiency standards for household and industrial appliances, and set building standards that conserve power through more efficient lighting, insulation, and climate control systems.\(^79\) The Act thus gave sweeping powers to another new state agency, ranging from the placement of power plants to decisions over which types of light bulbs consumers would be allowed to buy.

The Energy Resources Act was one of the last environmental bills that Governor Reagan signed. Many Reagan administration officials disapproved of the act, as they had with many such bills over the previous seven years. Business and Transportation Agency Secretary Frank Walton and Reagan’s assistant for intergovernmental affairs opposed it. Agriculture and Services Agency Secretary James Stearns thought “it would be the biggest mistake that I had seen [Reagan] make in his whole administration.” Wesley Bruer, who had resigned from his position as State Geologist in 1970 in protest of passage of the California Environmental Quality Act but was brought back into the Reagan administration to head an energy planning council, resigned again in protest of the energy act. “This bill directly intrudes into economic planning and at least partial control of the energy industry,” Bruer argued.80

As with most other significant environmental legislation, however, Reagan signed the bill. Donald Livingston, Reagan’s director of programs and policies, deserved most of the credit for convincing Reagan to support it. Livingston argued that the bill was necessary to avert future energy crises and conducted weeks of negotiations with utility companies and legislators to create a broad consensus of support. Ultimately appealing to Reagan’s pragmatism, Livingston argued to the governor that “if we do nothing to try and modify this legislation, and you veto it, you will be perceived in this time of energy crisis as having done nothing,” he later recalled. It also helped that Resources Secretary

Livermore approved of the bill. Reagan signed it, creating yet another centralized state agency with broad powers over a large part of the California economy.

Reagan’s second term marked a turning point in environmental policymaking. Before 1971 a bipartisan coalition of legislators set the agenda for environmental laws, with the input of organizations such as the Sierra Club. This led to environmental legislation and regulation in areas like air and water pollution that were the strongest in the nation and popular across the political spectrum. This also prevented laws that would have radically changed property rights.

Beginning around 1971, many environmental activists decided it was time to revisit the traditional conception of property rights. Groups like the People’s Lobby and the Coastal Alliance argued that the preservation of the environment outweighed the right of landowners to improve their property however they saw fit. The People’s Lobby overreached with Proposition 9 because a majority of Californians were not comfortable with the shock to the economy that such a measure would bring. But the success of Proposition 20 a few months later demonstrated that many Californians were willing to go further than was the legislature. In recognition of the successful Coastal Initiative, the legislature began to endorse regional land use planning in threatened areas like Lake Tahoe. As environmental laws became more radical, however, conservatives began to rebel. Groups like the Pacific Legal Foundation, who recognized the value of anti-

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pollution regulations, fought back in court against intrusive planning agencies and sought to restore what they saw as balance in the formulation of environmental policies.

This was the start of the divergence between the conservative and environmental movements that only widened over time. Nader’s Raiders, the People’s Lobby, the Pacific Legal Foundation, and their fellow travelers inserted ideology into debates over issues that had formerly found resolution through negotiation and compromise. The environment became a zero sum game, which neither side could afford to lose.
Chapter 8: Epilogue

From Governor Reagan to President Reagan

Republican Assemblyman Robert Burke argued in 1974 that the Energy Resources Conservation and Development Act was “a statist-socialist measure that the Governor not only should not have approved but one which would appear to be contrary to all that he has stood for as governor these last 7½ years.”\(^1\) Burke must not have been paying attention during those 7½ years. The California Energy Commission was just the latest new centralized government bureaucracy created during the Reagan years. It followed the State Water Resources Control Board, the Air Resources Board, the permanent San Francisco Bay Conservation and Development Commission, the Tahoe Regional Planning Agency, and the Coastal Commission, along with dozens of local commissions and pollution control boards. Governor Reagan did not initiate the legislation that created these agencies, but he obeyed the will of the voters and he supported the efforts of legislators to address environmental problems, even when they pursued “statist-socialist” means.

Every discussion of Ronald Reagan’s environmental record as governor seems to end with the same question: what happened? How did Governor Reagan evolve into

President Reagan, whose administration launched what Samuel Hays called an “antienvironmental revolution”?\(^2\) Such questions are beyond the scope of this project, and definitive answers to those questions would fill a separate volume, but the evidence suggests a number of hypotheses.

First, the environment ceased to be a bipartisan issue during the 1970s. Democrats continued to support environmental issues as they had during the 1960s but Republicans outside of the northeast increasingly abandoned the environmental movement. A new generation of conservative leaders, who were more concerned with reducing the size of the federal government, marginalized environmentally friendly Republicans such as former EPA Administrators William Ruckelshaus and Russell Train. During the 1980s and 1990s, the Republican Party actively courted business interests who chafed under environmental regulations, and eventually the GOP “became a major instrument of anti-environmental policy,” Samuel Hays has argued. “Republicans with positive environmental views were placed under considerable pressure to conform to a growing official anti-environmental stance by the party as a whole.” Over time, the environment became a litmus test for conservatives in the Republican Party, and it “joined taxes and a litany of social concerns such as abortion and gay rights as wedge issues, defining one’s partisan allegiance,” according to J. Brooks Flippen.\(^3\)


Second, Reagan joined the chorus of critics who believed that environmentalists often went too far. As governor, Reagan respected moderate Californians who feared for the loss of the state’s natural treasures, but he placed environmentalists who called for population control or discarding traditional conceptions of property rights in the same category as radical student protestors and juvenile delinquents. After leaving office, he chastised environmentalists for putting the welfare of trees or animals above the welfare of humans. In one telling example, Reagan ridiculed efforts to save the Tan Riffleshell, a mussel that had once been common in rivers in Alabama, Kentucky, Tennessee, and others but became threatened with extinction because of construction along those rivers. Saving the endangered animal would require limits on development, and Reagan saw an environmental conspiracy. The Tan Riffleshell was “the latest in a string of exotic pets favored by ultra-environmentalists intent on halting construction projects they don’t like,” according to Reagan.4

Third, his conception of federalism allowed for strong regulation at the state level but rejected strong laws and standards at the federal level. In this, Reagan was consistent. As governor, Reagan supported amendments to the federal Air Quality and Clean Air Acts in 1967 and 1970, respectively, to allow California an exemption from national air quality standards, and he railed against the EPA’s attempt to impose a draconian implementation plan on the state in 1973. As president, Reagan did not interfere with state environmental programs and tried to shrink or dismantle the federal agencies that could have interfered.

Fourth, Reagan’s opinions on environmental issues depended on the people around him. After he left the governor’s office, Reagan had little contact with environmentally minded subordinates like Ike Livermore or William Penn Mott, but he had frequent contact with western entrepreneurs like Colorado brewer Joseph Coors, who complained about the costs to their businesses of environmental regulations. When Reagan won the presidency he again left personnel matters to his campaign managers and supporters. Those advisers recruited people like James Watt of the Mountain States Legal Foundation for Secretary of the Interior, conservative Colorado legislature (and frequent Watt ally) Anne Gorsuch as EPA Administrator, Colorado rancher Robert Burford as director of the Bureau of Land Management, and Exxon Corporation attorney Robert Perry as EPA general counsel. Potential members of President Reagan’s environmental policy team were “carefully selected and screened for their ideological purity and were briefed by the White House, rather than agency professional staff, to ensure that the presidential agenda would be faithfully executed,” according to political scientists Michael Kraft and Norman Vig. With advisers like these, Reagan was rarely presented with opinions or policy options that were favorable to the environmental movement.

Finally, advisers like Livermore or Watt were so influential because the environment was not a high priority for Reagan. It is almost unfair to call his first term as governor a “Reagan environmental revolution” or his first years as president a “Reagan anti-environmental revolution.” It was the people around him who sparked those

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revolutions, not the man himself. The only environmental problems that troubled Reagan were those he experienced directly. Thus, as governor he favored cleaning up the smoggy air that prevented him from seeing the mountains, and cleaning up the water that he and his constituents drank. He supported the Tahoe Regional Planning Agency only after spending time there and seeing for himself the fragility of the lake’s ecosystem. Problems that he could not see or feel did not trouble him. Endangered species such as the massive redwoods or the tiny Tan Riffleshell played no role in his life so he paid no attention to them, and he never understood why other people cared so much. As president, Reagan had even less firsthand experience with environmental degradation than he did as governor. Looking down on the country from Air Force One, the president saw vast expanses of unspoiled, uninhabited land, and he found it difficult to imagine that human activity could possibly threaten such empty wilderness. President Reagan’s primary experiences with nature came at his idyllic, sheltered ranch in the hills outside Santa Barbara, where he could ride his horse for miles for miles without seeing any other people.\(^6\)

Reagan’s advisers knew that the environment was not a pressing concern for Reagan. Resources Secretary Livermore, who was concerned with pollution and the loss of natural beauty or resources, personalized environmental issues for Governor Reagan. He brought Reagan to Tahoe so he could experience the lake’s majesty, and he brought

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\(^6\) Reagan biographer Lou Cannon recalled that “once, on a flight over Colorado in 1979, Reagan turned to me and, with a gesture toward the expanse of mountain wilderness below, remarked that the unspoiled land still available in the United States was much more abundant than the environmental movement realized. He seemed not to notice that the plane in which we were flying had taken off through a layer of smog in Los Angeles and was landing through another layer of air pollution in Denver.” See Cannon, President Reagan, 465-71.
representatives of the Yuki tribe to Sacramento to show the governor how the Dos Rios Dam would negatively affect peoples’ lives. Interior Secretary Watt, EPA Administrator Gorsuch, and other conservative environmental policymakers, who were concerned with reducing the size and the reach of government, did not follow suit. President Reagan then turned to other matters that concerned him more than did the environment.

**California after Reagan**

Californians, on the other hand, never lost their appetite for environmental laws. Legislators and the voters continued to enact regulations and legislation affecting a wide range of economic activity. The state passed the California Waterfowl Habitat Preservation Act (1987) and the Sacramento-San Joaquin Delta Protection Act (1992) to protect wetlands and other wildlife habitats. To help compensate for drought conditions, legislators passed the Water Recycling Act and amended the Porter-Cologne Water Quality Act in 1991 to bar potable water from nonpotable uses, such as watering plants or use in certain industries. The voters approved Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, in 1986 to protect Californians from chemicals known to cause birth defects or cancer. The Air Toxics “Hot Spots” Information and Assessment Act (1987) and the Atmospheric Acidity Protection Act (1988) broadened the jurisdiction of the Air Resources Board. Other new regulations included the Surface Mining and Reclamation Act (1975), the California Beverage Container Recycling and Litter Reduction Act (1986), the Hazardous Waste Management Act (1986), and the Plempert-Keene-Seastrand Oil Spill Prevention Response Act (1990). Dozens of bond issues
during those years provided millions of dollars to park land acquisition and maintenance.
In the decades since Reagan left office, Californians have repeatedly demonstrated a
commitment to protecting their state’s environment and natural resources.\(^7\)

There were exceptions. As Americans celebrated the twentieth anniversary of
Earth Day, environmentalists collected enough signatures to place Proposition 128, the
Environmental Protection Act of 1990, on the November ballot. “Big Green,” as the
proposition was called in the press, was the most ambitious environmental legislation
ever proposed in California. Its story echoed that of 1972’s Proposition 9, which had
previously held the title of most ambitious environmental legislation. Like its
predecessor, Big Green was the result of environmentalists’ frustration with the slow
pace of the state legislature. Also like Proposition 9, Big Green attempted to attack all
forms of environmental degradation with one massive, complicated law. Proposition 128
would have banned all pesticides known to cause cancer in laboratory animals,
established a $300 million bond to buy ancient stands of redwoods to prohibit logging,
banned clear cutting, required a 40 percent reduction in greenhouse gas emissions by
2010, barred the manufacture or sale of ozone destroying chemicals such as those used in
air conditioners, required builders to plant one tree for every 500 square feet of any
commercial or residential project, banned oil and gas drilling in state waters, required the
state to develop an oil spill response plan, required stronger treatment of sewage, and

\(^7\) Owen H. Seiver, “California Environmental Goals and Policy, Part II: Inventory of Major California
Environmental Legislation and Accomplishments since 1970,” presentation to the Center for California
Studies’ Faculty Fellows Program, California State University Sacramento, May 1995, available online at
http://www.csus.edu/calt/government_Affairs/reports/Inventory_of_Major_CA_Envi_Legi_since_1970.pdf,
accessed 12 April 2011.
strengthened the coastal commissions’ power to stop any project that threatened any coastline, bay, or estuary.  

The voters rejected Big Green by a two-to-one margin in 1990 for many of the same reasons the previous generation rejected Proposition 9 in 1972. It tried to do too much, and it sparked opposition from a wide variety of interests. Developers and timber companies claimed that it would cost jobs. Utilities and county officials warned of higher power and sewer bills. Chemical companies and many farmers predicted that the ban on pesticides would reduce agricultural production by 40 percent and food prices would rise by up to 50 percent.  

Supporters of Big Green, like their earlier counterparts, blamed the defeat on big business’s deep pockets and a failure to formulate a clear, simple message.

One lasting result of the Proposition 128 debate was the creation of the California Environmental Protection Agency (Cal/EPA). Newly elected Governor Pete Wilson, who had served on the Assembly committee that proposed the Environmental Bill of Rights and the California Environmental Quality Act in 1970, followed through on his campaign promise to establish the environmental superagency that environmentalists had demanded for decades. He stripped the Air Resources and Water Resources Control Boards from the Resources Agency and combined them with the new Departments of Pesticide Regulation and Toxic Substances Control to form the Cal/EPA (see Figure 5). With the creation of

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*Member of the governor's cabinet


Figure 5: California Environmental Agencies Organization, 2011
this new agency, the state’s environmental bureaucracy had two voices in the governor’s cabinet: secretary for environmental protection and secretary for natural resources.

In doing so, Wilson and his successors institutionalized the long running split between conservationists and environmentalists. The Resources Agency’s mission, “to restore, protect and manage the state’s natural, historical and cultural resources for current and future generations using creative approaches and solutions based on science, collaboration and respect for all the communities and interests involved,” would have made perfect sense to Progressive Era conservationists. The mission of the Cal/EPA, “to restore, protect, and enhance the environment, to ensure public health, environmental quality and economic vitality,” was more in line with the goals of the environmental movement of the 1960s and beyond. The differences are subtle (“manage” vs. “enhance”), but a study of the relationship between the two agencies would likely show that the debate over environmental preservation and conservation is alive and well.

As happened at the national level, bipartisan support for environmental issues in the state legislature decreased over time. Since 1973, the California League of Conservation Voters (CLCV) has tracked the votes of individual legislators and published annual scorecards that help to demonstrate the growing partisan divide. According to those scorecards, Democratic state senators’ support of CLCV-backed bills increased from 77 percent in 1975 to 91 percent in 2010. Democratic assemblymen followed a similar pattern, rising from 76 percent to 94 percent. During that same period, Republican state senators’ support dropped from 48 percent to 6 percent, and Republican

assemblymen’s support dropped from 36 percent to 7 percent (see Figure 6 for the State Senate and Figure 7 for the Assembly). In the 2010 session, the lowest score for a Democratic legislator was 30 percent (and only one other Democrat scored below 50 percent), and the highest for a Republican was 21 percent.12

These scores do not provide a perfect method of gauging partisan support for or opposition to environmental issues. The CLCV is an interest group, after all, and it issues grades according to what it believes is the “correct” vote on a bill. This system also does not differentiate between easy, noncontroversial bills such as the use of toxic chemicals in children’s toys, and complicated or controversial ones such as the regulation of greenhouse gases. Different legislative sessions also faced different environmental issues and problems, making comparisons between sessions difficult. But, in the absence of a definitive study on the partisan split over environmental issues, these scores help demonstrate the growing divide between conservatism and environmentalism.

In earlier decades, such a dramatic ideological and partisan divide could have changed the trajectory of the state’s environmental laws, but it has played almost no role in the success of such legislation in recent years. The state senate and the assembly are so dominated by high scoring Democrats that a unified Republican opposition stands little chance of blocking what they see as burdensome or intrusive regulations. AB32, the Global Warming Solutions Act of 2006, provides one example. Democrats easily pushed this act, the first in the nation to address climate change and greenhouse gas emissions, through both houses despite nearly unanimous opposition from Republicans. Ever since

12 These statistics, and those used in Figure 6 and Figure 7, are from the California League of Conservation Voters, “California Environmental Scorecard” for 1975, 1980, 1985, 1990, 1995, 2001, 2005, and 2010, all available online at http://www.ecovote.org/page/scorecard-archive, accessed 16 April 2011.
Figure 6: Party Votes on Environmental Legislation (State Senate), 1975-2010

Figure 7: Party Votes on Environmental Legislation (Assembly), 1975-2010

Governor Arnold Schwarzenegger (another Republican actor-turned-governor who built a surprisingly strong environmental record) signed the bill, Republicans have tried without success to repeal AB32 through legislation and ballot initiatives. The most recent attempt
to overturn AB32, Proposition 23, lost by a two-to-one margin in 2010. In opposing environmental regulations, today’s California Republican party seems to be out of step with the voting public.

**California, the Nation, and Beyond**

Environmental laws and regulations enacted during the Reagan years influenced legislation in other states and at the national level. “California was often the lead state” on environmental issues, according to historian Samuel P. Hays, by “originating policies in coastal-zone management, environmental-impact analysis, state parks, forest-management practices, open-space planning, energy alternatives, air-pollution control, and hazardous-waste disposal.” Environmentalists and legislators across the country tried to replicate California’s successes. California’s leadership on environmental issues continued after Reagan left office. Congress and President Nixon enacted a Coastal Zone Management Act in 1972, but other states looked to California’s Coastal Initiative for guidance on land use planning for their coastlines because the federal law seemed weak by comparison. The California Environmental Quality Act’s requirement that privately funded projects submit environmental impact reports went beyond similar laws at the state and national levels, which applied only to public projects. The State Water Resources Control Board was one of only a handful of state agencies across the country that required questions about water quality to enter into decisions about water allocation.  

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California’s lead was most apparent in the fight against air pollution. Reagan’s successor, Jerry Brown, revitalized the Air Resources Board (which had been gutted during the nitrogen oxide controversy discussed in the previous chapter), and it has remained a powerful force in California ever since. During the year after Reagan left office, the ARB forced Chrysler to recall 21,000 cars and 700 trucks because they failed emissions tests, levied $328,000 in fines for selling cars that violated air quality standards, and forced the company to repair 70 percent of its cars manufactured in California. The Board forced Chrysler to recall another 23,000 vehicles, Mitsubishi to recall 12,000 vehicles, and Peugeot to recall 5,000 vehicles for failing to meet the state’s nitrogen oxide, hydrocarbon, and carbon monoxide standards in 1988. Ten years after that, the ARB forced Toyota to recall 330,000 vehicles for faulty computer emissions control systems.\(^\text{14}\)

Automakers continued to grumble about the unfairness of having different standards in California than in the rest of the country, and sympathetic columnists have called the state’s ever- stricter standards a “shakedown,” but they have failed to convince Congress to revoke California’s exemption from the Clean Air Act. Congress went in the opposite direction in 1990 when it amended the Act to allow other states to adopt California’s emissions standards. Massachusetts, New York, Texas, Virginia, and a dozen

other states adopted California’s emissions standards, making almost half of the nation’s automobile market subject to policies set in Sacramento rather than Washington, D.C.\footnote{Matthew L. Wald, “California’s Pied Piper of Clean Air,” The New York Times, 13 September 1992, F1, F6.}

California’s anti-pollution programs began to cross national boundaries in 2001. Various state agencies cooperated with local, state, and federal governments in Mexico to establish that country’s first smog check program, monitor industrial wastewater in three border cities, and research methods for sustainable development along the Sea of Cortez. A year later, the federal EPA and its Mexican counterpart announced a more expansive version of this arrangement, called Border 2012. This program involved ten U.S. and Mexican border states and numerous American and Mexican federal agencies. The goals of Border 2012 include improving environmental health and reducing water contamination, land contamination, and air pollution.

The San Francisco Bay Conservation and Development Commission has positioned itself as an international leader on climate change. The commission is no longer worried about the Bay shrinking to the size of a river because of infilling and development. In recent years it has focused more on the dangers of rising sea levels as a result of global warming. The danger now, according to the BCDC, is that the Bay may expand and flood low lying areas. In 2009 the BCDC partnered with similar agencies in The Netherlands to share solutions and ideas and sponsored an international competition to find more effective strategies for dealing with rising sea levels. The commission hopes that many of these ideas will help other low-lying coastal communities around the world.

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18 California Environmental Protection Agency, “The History of the California Environmental Protection Agency.”
California did not lead the nation in legislation only. Many non-governmental organizations with interests in environmental issues got their start in California, which inspired similar groups across the country during the 1970s and beyond. California Tomorrow was one of the most influential planning organizations in the country, possibly because it followed a moderate approach to the environment. Its members never completely condemned development; instead they wanted to subject it to careful planning and make it sustainable within the context of a fragile and disappearing natural environment. California Tomorrow’s goals were to limit the expansion of urban areas; protect lands of ecological, scenic, or historical importance; and conserve agricultural land. These were not radical goals, though the organization proposed some radical methods of achieving those goals.\(^{21}\)

This approach inspired other organizations across the country, which embraced a broad range of perspectives. State, regional, county, and city governments, chambers of commerce, and activist groups have founded organizations modeled on some aspects of California Tomorrow, including its name. The Colorado Tomorrow Alliance supported an extensive list of “smart growth” principles, including:

- mix land uses; compact community design; create a range of housing opportunities and choices; create walkable neighborhoods; foster distinctive, attractive communities with a strong sense of place; preserve open space, farmland, natural beauty, and environmental areas; conserve water; strengthen and direct development towards existing communities; provide a variety of

\(^{21}\) For a full explanation of California Tomorrow’s goals and their proposals, see Alfred Heller, ed., “The California Tomorrow Plan: Revised Edition,” *Cry California* 7:3 (Summer 1972), 5-111.
transportation choices; and make development decisions practicable, fair and cost effective.\textsuperscript{22}

Maui Tomorrow’s purpose “is to advance the protection of the island of Maui’s precious natural areas and prime open space for recreational use and aesthetic value [and] to promote the concept of ecologically sound development.” Charlottesville (Virginia) Tomorrow’s mission is “to inform and engage the public by providing clear, non-partisan information and research on land use, transportation, and community design issues with the confidence an informed public will make decisions that will protect and build upon the distinctive character of the Charlottesville-Albemarle area.” Bluegrass Tomorrow is “a coalition of business, farming, development, and preservation interests dedicated to developing a regional unified vision focusing on land use, job growth, and quality of life innovations for the central Bluegrass Region of Kentucky, which leads to an environment that develops creative talent.” Sarasota (Florida) Tomorrow, a creation of the local Chamber of Commerce, wants to “revitalize Greater Sarasota’s economy, protect the environment and enhance the quality of life for all residents [and] reinvigorate the business climate” through support for green businesses. Similar organizations can be found in Tyson’s Corner, Virginia; Houston, Texas; Hendersonville, Tennessee; and Manhattan, Kansas.\textsuperscript{23} Some of these prioritize environmental preservation, while others

\textsuperscript{22} Urban Land Institute, “Colorado Tomorrow Alliance,” available online at http://colorado.uli.org/Community\%20Building/Colorado\%20Tomorrow\%20Alliance.aspx, accessed 10 April 2011.

focus more on promoting business, but almost all of these mission statements could have come from California Tomorrow’s literature.

Organizations opposed to environmental regulations also owe a debt to the Reagan era. As noted in Chapter 7, the Pacific Legal Foundation, which had been established by officials in Reagan’s gubernatorial administration, sparked the creation of other “freedom-based” public interest law firms across the country. The most notable offshoot of the PLF was the Mountain States Legal Foundation, established in Colorado in 1977. Bankrolled by wealthy brewer (and Reagan supporter) Joseph Coors, the MSLF’s mission was “to fight in the courts those bureaucrats and no-growth advocates who create a challenge to individual liberty and economic freedoms,” in the words of founding president James Watt. The MSLF and Watt took on cases involving the right to develop private property as the landowner saw fit and the right for all Americans to use federal lands and resources that environmentalists wanted to “lock up.” Coors, Watt, and the MSLF were among the leaders of the so-called Sagebrush Rebellion that engulfed western states during the late 1970s and early 1980s.24

Watt’s advocacy for private property rights and free enterprise earned him his position as Secretary of the Interior in President Reagan’s administration. Watt believed that his job at Interior was to open up federal resources for development as quickly as possible. “We will mine more, drill more, cut more timber to use our resources rather

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than simply keep them locked up," he promised. Watt was not the only MSLF attorney to join Reagan’s team in Washington. Reagan and his advisers appointed some of Watt’s former colleagues to the Department of Energy, Department of Justice, and the Equal Employment Opportunity Commission, where they continued to carry on the fight against environmentalists and other liberal groups.

The environmental opposition won a short-term victory with the inclusion of people like Watt and Gorsuch in President Reagan’s administration. The federal government issued few new regulations during Reagan’s first three years in Washington. The EPA lost 20 percent of its staff through cuts and resignations. Provisions of the federal budget that dealt with natural resources and environmental protection were cut in half. But environmental opponents failed to convert these short-term gains into long-term policy and regulatory changes. Watt, Gorsuch, Burford, and others were high profile members of the administration, but they were relatively few in number and they failed to build political coalitions within their agencies, among members of Congress, or within the voting public. Conservative goals, such as transferring federal land to the states, privatizing some services in the National Parks, and granting generous mining and drilling leases on federal land, angered mainstream Americans. Membership, donations, and the capabilities of environmental organizations grew dramatically during Reagan’s first term. Groups like the Sierra Club, National Resources Defense Council, Environmental Defense Fund, National Audubon Society, and Wilderness Society entered electoral politics as they never had before to support candidates who would

oppose the Reagan agenda. These organizations, their congressional allies, agency bureaucrats, and the public successfully pressured the administration to replace Watt and Gorsuch in 1983. The Reagan administration did not suddenly embrace the environmental movement after the departure of Watt and Gorsuch, but it scaled back its opposition to new legislation and its calls for privatization.  

Californians have not solved all of their environmental problems. They still generate 93 million tons of waste every year. Their state is home to 11 of the 25 American cities most polluted by air particulates and 12 of the 25 cities most polluted by ozone. Suburbs continue to expand onto former agricultural land. The state has lost 95 percent of its wetlands and 89 percent of its riparian woodlands. It is also home to more endangered and threatened species than any other state. The Golden State still provides plenty of environmental opportunities and challenges.

But California’s environmentalists, and the various state agencies, boards, and commissions that enforce environmental regulations, can also point to numerous success stories. Californians have recycled between 70% and 80% of their beverage containers every year since 1990, reducing the amount of solid waste in landfills. The surface area of the San Francisco Bay has increased by nearly 16,000 acres since 1970 through the efforts of the Bay Conservation and Development Commission (and, possibly, global warming). The state and regional water resources control boards restored salmon fisheries

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on the Klamath and other rivers. The National Park System administers 8.2 million acres of land in the state, and the National Forest Service controls 20.6 million acres. California’s 148 wilderness areas cover nearly 15 million acres, and its 278 state parks cover another 1.5 million acres. The coastal commissions have preserved and expanded public beach access through its permit program. Today’s air is the cleanest on record, and the number of smog alerts in the Los Angeles area has fallen from 200 per year in the early 1970s to less than ten in 2009. Californians managed to accomplish all of this despite doubling in population over the past four decades.

The state owes much of its success to the creative society that developed during the Reagan years to tackle environmental problems. Conservationists, students, organized labor, urban planners, scientists, environmentalists, business leaders, judges, bureaucrats, and politicians from both parties came together in forums such as the Governor’s Conference on California’s Changing Environment to discuss solutions to air and water pollution, the loss of agricultural land, and human overpopulation. Until the early 1970s, legislators from both parties and the Reagan administration enacted dozens of laws regulating the use of natural resources and the destruction of the state’s environment. When legislators’ environmental resolve seemed to weaken in the early 1970s, and new anti-pollution programs got bogged down in controversy or jurisdictional disputes,

the people stepped in to enact new regulations and programs through ballot propositions or they forced the state to address ongoing problems through lawsuits. The combined efforts of all of these groups made California the national leader on environmental issues.
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Appendix: Environmental Timeline, 1966-1974

1966

Legislature Initiated Propositions
- Prop. 3: Open Space Conservation – Passed 55.5%-44.5%

Gubernatorial Election
- Ronald Reagan (Republican): 57.7%
- Edmund G. “Pat” Brown (Democrat): 42.3%

Legislative Elections – 1967 and 1968 Sessions
- State Senate: 21 Democrats, 19 Republicans
- Assembly: 42 Democrats, 38 Republicans

1967

Major Legislation
- State Water Resources Control Board created
- Mulford-Carrell Air Resources Control Act

1968

Major Legislation
- Pure Air Act
- Tahoe Regional Planning Agency created

Other
- Redwood National Park created

Legislative Elections – 1969 and 1970 Sessions
- State Senate: 21 Republicans, 19 Democrats
- Assembly: 41 Republicans, 39 Democrats
1969

Major Legislation
- Porter-Cologne Water Quality Control Act
- Permanent San Francisco Bay Conservation and Development Commission

Other
- Santa Barbara Oil Spill
- Reagan cancels Dos Rios Dam
- Governor’s Conference on California’s Changing Environment
- Federal National Environmental Policy Act

1970

Major Legislation
- California Environmental Quality Act
- Office of Planning and Research created
- Environmental License Plate Program

Legislature Initiated Propositions
- Prop. 1: Clean Water Bond Act ($250 million) – Passed 75.4%-24.6%
- Prop. 7: Interest Rate on State Bonds – Passed 56.2%-43.8%
- Prop. 18: Motor Vehicle Taxation and Revenues – Failed 45.9%-54.1%
- Prop. 20: Recreation and Fish and Wildlife Enhancement Bond Act ($60 million) – Passed 56.7%-43.3%

Other
- Earth Day
- Federal Clean Air Act
- Environmental Protection Agency created

Gubernatorial Election
- Ronald Reagan (Republican): 52.8%
- Jesse M. Unruh (Democrat): 45.1%

Legislative Elections – 1971 and 1972 Sessions
- State Senate: 21 Democrats, 19 Republicans
- Assembly: 43 Democrats, 37 Republicans
1971

Major Legislation
- Air Resources Board reorganization
- Gasoline sales tax revenue redirected toward mass transit

Other
- CARB submits Clean Air Act implementation plan to EPA
- Ralph Nader Task Force on California Land report

1972

Major Legislation
- California Wild & Scenic Rivers Act
- Solid Waste Management and Resource Recovery Act
- Guidelines for environmental impact statements
- State Solid Waste Management Board created

Legislature Initiated Propositions
- Prop. 3: Environmental Pollution Bond Authorization – Passed 51.5%-48.5%
- Prop. 8: Tax Exemption for Anti-Pollution Facilities – Failed 27.1%-72.9%

Voter Initiated Propositions
- Prop. 9: Clean Environment Act – Failed 35.3%-64.7%
- Prop. 20: Coastal Zone Conservation Act – Passed 55.2%-44.8%

Other
- EPA rejects CARB’s implementation plan
- City of Riverside v Ruckelshaus
- Friends of Mammoth v. Mono County
- Federal Clean Water Act

Legislative Elections: 1973-1974 Session
- State Senate: 20 Democrats, 20 Republicans
- Assembly: 50 Democrats, 30 Republicans

1973

Major Legislation
- California Endangered Species Act
- Z’Berg-Nejedly Forest Practices Act
Other
- Pacific Legal Foundation established

1974

Major Legislation
- Warren-Alquist State Energy Resources Conservation and Development Act

Legislature Initiated Propositions
- Prop. 1: Recreational Lands Bond Act ($250 million) – Passed 59.9%-40.1%
- Prop. 2: Clean Water Bond Act ($250 million) – Passed 70.5%-29.5%
- Prop. 5: Highways and Mass Transit Guideways – Passed 60.3%-39.7%

Voter Initiated Propositions
- Prop. 17: Wild and Scenic Rivers Initiative – Failed 47.1%-52.9%