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CHAPTER VIII

For All, a Better Outdoor Environment

"A PRIME NATIONAL GOAL," Lyndon Johnson told the Congress in 1965, "must be an environment that is pleasing to the senses and healthy to live in."

In retrospect, one wonders why it took so long. As late as the 1950's, national policy relating to the outdoor environment had scarcely advanced from the point where Theodore Roosevelt had left it fifty years before—some public lands were to be preserved for recreation, but beyond that the nation would be content to let the forces of technology and economics, under such control as the states might exercise, determine the quality of the world in which its people lived.

In the early 1950's, hardly a word was spoken in the Congress to suggest that the beauty of countryside and city, the purity of air and water, the pressure of population upon outdoor open space were *national* concerns. Yet, a decade later the pages of the *Congressional Record,* reflecting to some extent the pages of newspapers and magazines, were filled with concern about the deterioration of the American environment. When President Johnson in February 1965 sent to the Congress the first presidential message ever devoted to natural beauty, the national government had adopted or was in the process of adopting a long series of measures declaring its responsibility for that environment. These measures, revolutionary in concept and in scope, were intended to cleanse the nation's water and air, create a network of recreation areas for urban populations, set aside wilderness areas in perpetuity, and beautify the nation's highways.

Thus did a long-standing national need burst suddenly upon the public consciousness. As the public mood changed from apathy to awareness, and then to alarm, national policies were proposed, refined, debated, and enacted. This chapter traces the development of both the mood and the measures.[1]

The Dispute over the Federal Role *(1953–60)*

"Water pollution is a uniquely local blight," said President Dwight Eisenhower in 1960. "Primary responsibility for solving the problem lies not with the Federal Government but rather must be assumed and exercised, as it has been, by State and local governments. . . . The Federal Government can help, but it should stimulate State and local action rather than provide excuses for inaction. . . ."[2]

These words from a message vetoing a Democratic bill to expand federal aid to localities for sewage treatment works—a program the President had earlier tried to abandon altogether—epitomized the continuing conflict of the 1950's. As demands for national action arose and grew, they collided with Eisenhower's faith in the principle of states' rights and states' responsibilities. And they clashed even more sharply with his views on public finance. If the issue were one that combined an increase in the federal budget with an expansion of the federal role, the President was steadfast. But most significant action proposals required money. During Eisenhower's eight years in office, consequently, the federal government undertook few major new departures to conserve or improve the outdoor environment.

Yet the problems did not go away. On the contrary, they steadily and visibly worsened. And as the bankruptcy of the states' rights principle in these fields became apparent, the agenda for national action in the 1960's was developed.

The Demand for Clean Water. Only in one six-year period since 1900 had construction of sewage treatment plants by the nation's cities kept pace with the growth of population. That was in the years 1933–39, when

[1] Much of this chapter is based upon the research of, and draft materials prepared by, Sandra Bennett.

[2] Message of Feb. 23, 1960, *Public Papers of the Presidents, 1960,* pp. 208–09.

the federal government, through the Public Works Administration, had paid a part of the cost of municipal public works.

So said a spokesman for the nation's mayors in telling Congress in 1956, "We are losing the battle against water pollution." "At the present rate of construction," he asserted, "in 1966 we will be twice as far behind as we are now."[8] The backlog of construction needs for sewage treatment plants and interceptor sewers was estimated at $1.9 billion, with another $3.4 billion needed in the next decade to replace obsolescent facilities and meet the needs of population growth. In all, more than $5 billion would be needed—yet expenditures were then running at only $200 million annually.

The federal government had entered the field of water pollution control in 1948, but on a limited scale. Under the Water Pollution Control Act, the Public Health Service (PHS) was authorized to conduct research and make research grants to the states. It was empowered to hold hearings and make recommendations on abatement problems on interstate streams, but could undertake enforcement only with the consent of the states involved. The act also authorized grants for the planning of sewage treatment plants and $22.5 million annually in low-interest loans for their construction. But no funds for the loan program were ever appropriated.

When the time came for renewal of that act in 1955, PHS was ready for the next step forward. It proposed amendments to strengthen its enforcement powers, and President Eisenhower recommended them to the Congress. The amendments would authorize PHS to initiate federal abatement action without the consent of the state in which the polluter was located if the action were requested by any other state adversely affected, and would empower PHS to set water quality standards for interstate streams if the states did not do so within a reasonable time.

Strong opposition from industry witnesses, supported by the states, persuaded the Senate committee to delete the provision for federal water quality standards. After that change, the bill moved easily through the Senate. Then the House Public Works Committee, which had been preoccupied with highway legislation, held a quick one-day hearing and sought to put the bill through the House just before adjournment. But the measure turned out to be more controversial than it had appeared.

[8] Testimony of R. P. Weatherford, Jr., mayor of Independence, Mo., for American Municipal Association, in *Water Pollution Control Act*, Hearings before the Subcommittee on Rivers and Harbors of the House Public Works Committee, 84 Cong. 2 sess. (March 13, 1956), p. 244.

Industries that feared federal enforcement stirred up so many members of the House that Speaker Sam Rayburn, Texas Democrat, decided to carry the bill over until the following session rather than attempt passage in the preadjournment rush. This unexpected development drew a sharp reaction from the bill's manager, John Blatnik, Minnesota Democrat. With the remark, "If the polluters don't like S. 890, let's give them a bill they really won't like," he assigned a staff aide, Jerome N. Sonosky, to spend the rest of the year considering what might go into a more effective statute.

By the time the new Congress met, in January 1956, Blatnik had decided upon the essential ingredient of a stronger bill: grants-in-aid to the states and cities to build sewage treatment plants. The idea had its origin, of course, in the Public Works Administration of the 1930's, and it had been kept alive ever since. In 1946 the House Rivers and Harbors Committee, predecessor of the Public Works Committee, had approved a grant bill. Senator Matthew M. Neely, Democrat of West Virginia, had introduced a similar bill in 1954, backed by labor, municipal, and conservation groups of the Ohio Valley, and Democratic Representative Lester R. Johnson of Wisconsin had a bill before Blatnik's subcommittee in 1955. The Outdoor Writers Association of America endorsed the idea at its 1954 convention. Late in 1955 the National Wildlife Federation summoned a meeting of conservation organization representatives to consider water pollution legislation, and they proposed grants for sewage treatment works, though for only 10 percent of the cost. It became clear that a distinctly Democratic measure could be drafted as a substitute for the Eisenhower bill, and that the new measure would appeal to a broad coalition of mayors, who wanted financial aid for municipal functions; sportsmen and conservationists, who wanted clean streams for recreation; and in a lesser role organized labor, which wanted jobs.

Blatnik asked the American Municipal Association to help Sonosky draft a bill and obtained help also from Murray Stein, a lawyer in the Department of Health, Education, and Welfare who had worked on the Eisenhower enforcement proposals. Their measure added to the enforcement features of the Senate bill a provision for $100 million a year in federal grants for municipal sewage treatment works. The grants would cover half the cost of a project, up to $500,000 in aid for any one project. Blatnik obtained consent of the House to return the pending bill to his committee, introduced his new bill, and reopened hearings. The coalition was now formalized. Its representatives began holding regular breakfast

meetings to pool information and coordinate tactics—sessions that became known as "sewer breakfasts."

Party lines were drawn at once on the grant proposal. State responsibilities were not adequately recognized, argued the administration; cities did not need more money, they just needed to assign higher priority to waste-treatment works.[4] Not so, responded the mayors' spokesman; how could a community set aside "desperately needed" school classroom construction in favor of a sewage treatment plant?[5] Some state witnesses were favorable to grants; but the national organization of state public health officers was officially opposed. The health officers feared that some municipalities, awaiting federal grant funds, might delay projects that otherwise would go ahead. They pointed out that many communities had bonded themselves heavily to comply with sanitation standards but "the recalcitrant . . . or those who deliberately delayed . . . would now be blessed with a sizable fiscal gift despite their former actions." They suggested the grant funds be converted to loans instead.[6] But the American Municipal Association polled its members and received what a staff member called an "avalanche" of letters favoring grants, which were sorted by congressional districts and sent on to individual congressmen. The conservation organizations likewise rallied their members. "The purpose is to speed up lagging construction," Charles H. Callison of the National Wildlife Federation told the subcommittee. "Something is needed—and needed urgently—to speed up the overall program." With particular reference to enforcement, he added: "The people get a little impatient with theoretical arguments about the line between States rights and Federal jurisdiction. Unless we get some real action, the pollution program is going to get so smelly, the public health so endangered, and the water supply situation so critical, the public is going to demand a cleanup—and the public won't be particular about who swings the enforcement ax."[7]

After Blatnik accepted a series of compromises—reducing the authorization from $100 million to $50 million, the federal share from 50 percent to one-third, and the ceiling on individual grants from $500,000 to $300,000—the committee Democrats voted the bill out over a warning

[4] Testimony of Roswell B. Perkins, assistant secretary of HEW, in *ibid.* (March 12, 1956), p. 135.

[5] Testimony of George W. Dill, Jr., mayor of Morehead City, N.C., for American Municipal Association, in *ibid.* (March 14, 1956), p. 268.

[6] Testimony of Daniel Bergsma, New Jersey commissioner of health, president, Association of State and Territorial Health Officers, in *ibid.* (March 12, 1956), p. 151.

[7] *Ibid.* (March 15, 1956), pp. 366, 369.

by an eight-man Republican minority against the "new spending spree" that would follow. The party battle continued on the floor. Since "the debt of the Federal Government exceeds the debt of all the cities and of all the states and of all the other nations of the world combined," Republican Representative Gordon H. Scherer of Ohio contended, it is the cities who are "best able to pay."[8] To Blatnik, however, the bill without the grant provision would be "about as effective as a person rapping on the windowpane with a wet sponge; no one would hear him."[9] A motion to recommit the bill to strike the grant provision was defeated, 213–165. Republicans voted four to one for recommittal, Democrats seven to one against. Senator Robert Kerr, Oklahoma Democrat, manager of the Senate bill, was at first unhappy with the Blatnik amendments,[10] but finally, with only slight concessions—reduction of the federal share to 30 percent and the ceiling to $250,000—the bill was accepted by the Senate conferees. Then it passed both houses by voice vote. President Eisenhower concluded that the construction grants alone did not justify a veto of an otherwise good bill. In signing it, he expressed hope that municipalities would not postpone construction of needed projects because of the prospect of federal grants. The next year the Democrats defeated a motion supported by more than three-fourths of the House Republicans to kill the appropriation the President had dutifully included in his budget.

But the issue was not yet settled. In 1957 President Eisenhower put to a practical test the cardinal conviction of his political philosophy—that the trend toward centralized government must and could be reversed—and water pollution control became one of the principal testing grounds. In his address to the National Governors' Conference at Williamsburg, Virginia, he proposed creation of a joint committee of governors and federal executives to identify federal functions that could be assumed by the states and federal revenue sources that could be relinquished to finance them. By the end of the year, the Joint Federal-State Action Committee had settled upon grants for sewage treatment plants and vocational education as federal functions that could be discontinued and had agreed upon a portion of the temporary federal tax on local telephone service as the revenue source that could be relinquished to the states. To assure that the

[8] *Cong. Record,* Vol. 102 (June 13, 1956), p. 10237.

[9] *Ibid.*, p. 10245.

[10] M. Kent Jennings, "Legislative Politics and Water Pollution Control, 1956–61," in Frederic N. Cleaveland (ed.), *Congress and Urban Problems* (Brookings Institution, 1969). The Jennings study traces the history of water pollution legislation up to 1961.

states actually picked up the telephone levy when the federal government dropped it, the committee proposed that for the first five years the federal tax continue unchanged in those states that did not act. Governors on the committee who generally supported federal aid programs went along with the committee's recommendation, for reasons explained this way by Democratic Governor George M. Leader of Pennsylvania: "This federal program . . . was so limited that it was really holding back our program, rather than contributing to its rapid development. In other words, for each grant that was made in Pennsylvania, we had five or ten municipalities who were waiting in line for grants."[11]

President Eisenhower was unreservedly pleased with the committee recommendations. The governors, however, were not. The principle of states' rights, they discovered, interfered with another objective sometimes more deeply cherished—the redistribution of income through federal action. Specifically, the poorer three-fourths of the states, they learned, contributed only 30 percent of the telephone tax revenues but received 59 percent of the grants for sewage treatment plants and vocational education. More than half of the states and territories would actually receive less from the taxes than from the grants. At their 1958 conference the governors accepted the Joint Action Committee's plan only on condition that it be modified so that "the revenue source made available to each state is substantially equivalent to the costs of the functions to be assumed."[12]

Representative Blatnik was unreservedly displeased with the whole idea. To him the scheme was "a new gimmick . . . for torpedoing this most vitally needed Federal function . . . under the alluring mantles of economy and States rights." Only one state, he pointed out, had established a state aid program independent of the federal aid. "The reason we enacted section 6 [the grant provision] in the first place," he told the House, "is the fact that through the years the States have not assumed their responsibilities." And he found nothing in the committee report that gave assurance that the telephone tax, if relinquished, would be used by the states to finance pollution control.[13] But the criticism from Governor Leader and others that the federal program was too limited he happily accepted. He promptly introduced legislation to restore the annual authorization to the $100 million figure of his original bill and the ceiling on grants for individual projects to the original $500,000.

[11] *Proceedings of the National Governors' Conference, 1958* (Chicago: Governors' Conference, 1958) pp. 18–19.

[12] *Ibid.*, p. 164.

[13] *Cong. Record*, Vol. 104 (Feb. 13, 1958), pp. 2165–71.

Hearings on the new Blatnik bill in 1958 produced stronger support than in 1956. As in 1956, the American Municipal Association, the conservation organizations, and the AFL-CIO were favorable, the Eisenhower administration and the polluting industries opposed. But a decisive shift had occurred among the state pollution control agencies. Even though their governors were then weighing the proposal that federal aid be terminated, the men who dealt daily with pollution problems, like the chairman of North Carolina's stream sanitation committee, found the program "quite effective in accelerating sewage treatment works construction . . . and in many instances such projects could not have been undertaken" without the federal aid.[14] The Michigan water resources commission, a leading opponent of construction grants two years before, confessed in a letter to Blatnik that "apparently we were wrong and you were right."[15] The committee reported the bill, 21–7, in a gesture of defiance of the President. No attempt was made to pass it.

By the close of the year, the federal Water Pollution Control Advisory Board, created by the original Blatnik act, had climbed aboard the construction grant bandwagon. In its recommendations to the surgeon general, it labeled the Eisenhower-endorsed termination proposal "not feasible," expressed the view that few state legislatures would enact the telephone tax if the federal government relinquished it, and endorsed the objectives of the new Blatnik bill. Meanwhile, the House subcommittee on intergovernmental relations issued a report reflecting the Governors' Conference misgivings that the Joint Action Committee's plan favored the richer states, and the House Ways and Means Committee, which would have to initiate any action on the telephone tax, chose not to do so.

Despite these unfavorable omens, Eisenhower insisted on trying again in 1959. To counter the governors' criticism, however, he introduced an equalization feature for the initial five years. Each state would be assured new revenues equal to at least 140 percent of the amounts it would have received under the two grant programs nominated for termination. The incentive was substantial: the revenues relinquished by the federal gov-

[14] Testimony of J. V. Whitfield, in *Amend Federal Water Pollution Control Act*, Hearings before the Subcommittee on Rivers and Harbors of the House Public Works Committee, 85 Cong. 2 sess. (May 22, 1958), p. 199.

[15] *Ibid.*, p. 59. State, territorial, and interstate water pollution control agencies in a November poll voted 48–2 against the Joint Action Committee's recommendation to terminate the program. By overwhelming majorities, they reported the federal aid was stimulating sewage treatment plant construction and endorsed Blatnik's proposal to double the authorization (*Federal Water Pollution Control*, Hearings before the House Public Works Committee, 86 Cong. 1 sess. [March and April 1959], p. 126).

ernment would exceed by $50 million the total amount of the grants to be abandoned. But there was no way the federal government could be assured that the states would use any of the new revenues for water pollution control.

If Eisenhower was stubborn, so was Blatnik. He renewed his 1958 legislative proposals for expanding the grant program and added a provision transferring the water pollution control program from the Public Health Service to a new office reporting directly to the secretary of HEW. The latter move, however, alienated the Water Pollution Control Advisory Board and the state pollution control agencies, and after HEW went part way by raising the status of the program within PHS, Blatnik shelved his reorganization proposal.

Once again the Public Works Committee and the House itself split on party lines. The Republican motion this time was not to kill the program but to hold federal expenditures to the same level and achieve the doubled volume of construction by forcing the states to match the federal aid. Blatnik argued that the amendment would prevent municipalities from moving ahead "until that segment, which has been the slowest of all, the State government, moves."[16] The recommittal motion lost, 240–156. Republicans voted ten to one for it, Democrats eight to one against it. Only twenty-seven Republicans voted for the bill on final passage.

The proposal of the Joint Action Committee had one other powerful opponent—the telephone industry, which wanted the temporary telephone tax not transferred in part to the states and thus made permanent, but abolished outright. When the bill to extend for another year certain temporary taxes, including the one on local telephone service, was considered in 1959, the industry had enough strength to obtain repeal, but with an effective date of June 30, 1960. Thus the Democratic Congress removed the keystone from the Joint Action Committee's structure. The President had no choice but to accept the deferred repealer, since he could not afford to veto the tax extension bill as a whole. When administration witnesses appeared a short time later before the Senate Public Works Committee to oppose the Blatnik bill, they contended that there was still time in 1960 to transfer the tax to the states rather than repeal it, but Senator Kerr—ranking Democrat on both the Finance and Public Works committees—refused to look beyond the fact that the President had signed the repealer. "So that by his own action he has already approved the termination of this tax, without a condition, hasn't he?" Kerr demanded of the Budget Bureau witness, and drew an affirmative response.[17] That was the last that anyone heard of the Joint Action Committee and President Eisenhower's effort to roll back the centripetal tides of the federal system.

[16] *Cong. Record*, Vol. 105 (June 4, 1959), p. 9906.

After the Senate in September passed the Blatnik bill handily—with a majority of Republicans again opposed—the Democrats postponed final action on the bill until the following year. The expected Eisenhower veto would then come in the presidential election year and a dramatic attempt could be made to override it to impress upon the country, as Blatnik had put it earlier, that it was the Democratic Congress, not the Republican administration, that was "concerned with their welfare."[18] The veto message duly came, with its characterization of water pollution as "a uniquely local blight." "Why is water pollution so exclusively local?" demanded Representative Edith Green, Democrat of Oregon. "Is the President aware of the fact that his own home state of Pennsylvania shares the Delaware river with New Jersey?"[19] A majority of the House voted to override, 249–157, but it fell twenty-two votes short of the necessary two-thirds majority. The partisan issue was clearly drawn: Democrats voted nine to one to override, Republicans nine to one against. And John Kennedy was able to say in the 1960 campaign: "I am not part of an administration which vetoed a bill to clean our rivers from pollution."[20]

The Demand for Clean Air. "The problem of air pollution," Republican Senator Thomas Kuchel of California told the Senate in 1955, "has become so widespread that no section of the United States is immune from it. It has posed a continually growing danger to the health and comfort of our people, a serious and increasing hazard to our Nation's agriculture, and a threat to the orderly growth of our industry."

Yet all that he proposed was a $5 million annual authorization for research. As his bill moved through both houses of Congress, not a voice was raised to suggest that a national problem of such magnitude should be dealt with more aggressively by the national government. Senator Kuchel assured his colleagues categorically: "It is not the thought that

[17] *Water Pollution Control*, Hearings before the Subcommittee on Flood Control of the Senate Public Works Committee, 86 Cong. 1 sess. (July 23, 1959), p. 39.

[18] *Cong. Record*, Vol. 105 (June 4, 1959), p. 9878.

[19] *Ibid.*, Vol. 106 (Feb. 25, 1960), p. 3491.

[2] Remarks at Warren, Ohio, Oct. 9, 1960, *The Speeches of Senator John F. Kennedy, Presidential Campaign of 1960*, S. Rept. 994, 87 Cong. 1 sess. (1961), Pt. 1, p. 535.

Congress has anything to do with control of air pollution through the proposed legislation or through any contemplated Federal legislation. That problem remains where it ought to remain—in the States of the Union, and in the cities and the counties of our country."[21] In the House, Representative John H. Ray, New York Republican, observed that when the wind was from the northwest, smoke from New Jersey industrial plants, "and all that is in that smoke," came over his Staten Island district. "In many cases the entire crop of the people who grow flowers for the market has been destroyed," he said. "Vegetable growers have often lost much of their crops overnight." Representative T. James Tumulty, Jersey City Democrat, countered that New Jersey studies showed that air pollution generally originated in New York. But that only proved Ray's point. "Local air pollution boards," said Ray, "cannot deal with the whole problem, because interstate features are involved. The States cannot cross State lines, and the cities cannot go outside their own jurisdiction."[22] But there the colloquy ended. In the same year that the administration was requesting, and the Senate approving, federal enforcement powers to control interstate water pollution, only research was proposed and authorized in the field of air pollution.

The first voice to suggest publicly that research was not enough was that of HEW Secretary Arthur Flemming three years later. From his experience in administering the Water Pollution Control Act, Flemming had concluded by the end of 1958 that comparable enforcement powers were needed to abate interstate air pollution. Opposition came, surprisingly enough, from his subordinates in the agency that would have been given the responsibility—the Public Health Service—and Flemming retreated part way. He gave up, for the time being, the idea of federal enforcement powers but suggested at a December news conference that the federal government should be empowered to hold hearings on interstate air pollution problems on its own initiative and make findings and recommendations. The Public Health Service had opposed even that step. "The advantages of such independent action," the surgeon general had argued, "would be likely to be outweighed by resentment and opposition engendered by what might be construed as an encroachment on state responsibilities."[23] Air pollution was not as serious an interstate problem

[21] *Cong. Record,* Vol. 101 (May 31, 1955), pp. 7249–50.
[22] *Ibid.* (July 5, 1955), p. 9924.
[23] Memorandum from Acting Surgeon General John D. Porterfield to Secretary Flemming, Feb. 16, 1959.

as water pollution, nor were scientific standards as clearly established as a basis for enforcement. And the opposition to federal hearings might jeopardize other features of the administration bill, which included removal of the $5 million limitation on research appropriations. But Flemming overruled the PHS objections to the proposed federal advisory role.

The Budget Bureau also had objections—and these Flemming could not overrule. Accordingly, when he presented his proposal to a House subcommittee on May 19, 1959, he was forced to add a caveat that the Budget Bureau "believes that the need for and desirability of" the legislation "require further study."[24] The Manufacturing Chemists' Association also registered opposition, calling air pollution "a matter which is peculiarly that of the community and State."[25]

The next year (by which time the Budget Bureau had withdrawn its objections) Senator Kuchel piloted the Flemming proposal through the Senate on the unanimous consent calendar, without debate, but the House subcommittee did not find time for hearings. Chairman Kenneth A. Roberts, Alabama Democrat, expressed doubts about whether "the great deal more authority" for the surgeon general was necessary. Kuchel vigorously protested Roberts' delaying tactics. "Since your subcommittee," he wrote Roberts, "already has held extensive hearings and acquired a wealth of information . . . I would think it feasible to reach a decision . . . in a rather short time."[26] But Roberts remained unmoved, and the bill was dead. The Congress did, however, pass a bill directing the surgeon general to make an "urgent" study of the problem of automobile exhaust pollution and report by 1962.

The Demand for Recreation Space. The pressure of people upon open space caught the nation unawares. Travel had been curtailed in the 1930's by the Depression and in the early 1940's by gasoline rationing. But when World War II was over, people had money to spend, plenty of gasoline, and more leisure time than ever before, and they took to the open road in unprecedented numbers. The national parks and the national forest recreation areas—still operated on constricted budgets—were inundated; so were state parks and private resorts.

[24] *Air Pollution Control,* Hearings before the Subcommittee on Health and Safety of the House Interstate and Foreign Commerce Committee, 86 Cong. 1 sess. (May 19, 195:), p. 7.
[25] *Ibid.,* p. 75.
[26] *Washington Post,* Aug. 26, 1960.

A series of articles in *The New York Times* in April 1954 deplored the condition of the national parks: obsolete roads and campgrounds, inadequate facilities, understaffing. Yellowstone National Park had twice as many visitors as in 1937 but seventeen fewer rangers to handle them; Yosemite 400,000 more visitors and fewer rangers; Great Smoky Mountains a million more and fewer man-hours devoted to management and protection. And there was no prospect for any letup in the pressure. Bernard De Voto used his *Harper's* column to paint the same gloomy picture.

To this welcome criticism, the National Park Service responded with a ten-year program to bring its facilities up to date. Christened "Mission 66," the program was approved by President Eisenhower and transmitted to the Congress early in 1956 with a supplementary budget request. In the campaign of that year the President was able to say that, "having inherited a declining system of national parks," he had launched a "bold new 10-year program" to rehabilitate them.[27] Encouraged by Sherman Adams at the White House, the Forest Service followed suit with a five-year development program for its recreation areas, whose visitors had doubled between 1947 and 1954. That program was approved by the President in 1957 as "Operation Outdoors."

But fulfilling established federal responsibilities was one thing, expanding them quite another. A proposal by the National Park Service to acquire large segments of undeveloped shoreline on the Atlantic and Gulf coasts was given a far less cordial reception within the Eisenhower administration. With private funds from anonymous donors, the service in 1954–55 had surveyed the 3,700 miles of Atlantic and Gulf shoreline and updated old studies. "Foreboding is the only word that adequately describes the situation," began the summary of the report, "Our Vanishing Shoreline," issued in July 1956. Of the 3,700 miles, only 240 were in public ownership and much of that—in the Acadia and Everglades national parks—was not beach frontage suitable for seashore recreation. Only 640 miles of beach were still available for public purchase, and they were rapidly being lost to private development. The Park Service suggested public acquisition of half the 640 undeveloped miles, so that 15 percent of the total coastline would be accessible to the public. The urgency was greatest in the Northeast, the most densely populated region of the United States.

[27] Campaign address at Portland, Ore., Oct. 18, 1956, *Public Papers of the Presidents, 1956*, p. 965.

With the report as his basis, Secretary of the Interior Fred A. Seaton proposed a bill authorizing $30 million for federal acquisition of 150,000 acres in five seashore areas, to be selected by the department, and another $15 million to pay half the cost of comparable acquisitions by the states. But the year was 1957, and the proposal perhaps foredoomed. Seaton argued that the speed with which the seashores were vanishing warranted making his proposal an exception from that year's budget stringency, and he had support within the White House and the Budget Bureau. But Budget Director Percival F. Brundage, while finding the proposal intrinsically "worthy," recommended its deferral. The Interior Department countered with a compromise: cut the number of national seashores to three, the acreage to 100,000, and the authorization to $15 million, plus $10 million for aid to the states. The answer, Brundage wrote Seaton, was still "no."

Meanwhile, the time seemed ripe for an idea that Joseph W. Penfold, conservation director of the Izaak Walton League, had first advanced in 1950: to dramatize the need for outdoor recreation development, establish a national commission to take inventory of the country's outdoor recreation resources and measure them against projected needs. Penfold flew to Washington with a draft bill and persuaded Senator Clinton Anderson, Democrat of New Mexico, to become its sponsor. The administration supported the proposal, as refined and introduced by Anderson, and the bill moved through Congress with little difficulty. President Eisenhower named Laurance S. Rockefeller chairman of the new Outdoor Recreation Resources Review Commission (ORRRC), and Anderson and Penfold were among the fifteen members. In late 1958 it held its first meeting, with a directive to report three years later.

In 1959 the Interior Department's attenuated proposal for a $15 million, three-seashore acquisition bill was accepted by Budget Director Maurice Stans, who had succeeded Brundage. "The few accessible and undeveloped beach sites that are left . . . are relatively small, and they are going fast," said Acting Interior Secretary Elmer F. Bennett's letter transmitting the bill to Congress. "Inaccessible sites, including islands, are almost the only hope for preservation today. Even many of these are now being purchased by real estate interests for subdivision purposes." To underline the inadequacy of the administration's bill, sixteen Democratic senators (joined by two Republicans) cosponsored a bill by Senator James Murray of Montana that authorized $50 million for acquisition of ten sea and lake shore areas, identified by name, and study of ten others. As

in the administration bill, another $10 million would be provided for state land purchases. Echoing Bennett's note of urgency, Murray said, "If the need is not met by this Congress, it will have to be met a few years from now. Prices then will inevitably be many times higher. . . . It is my hope that this Congress will put an end to the enormously costly and foolish economy of postponing necessary expenditures."[28]

The political point having been made, the Senate Interior Committee then proceeded to the consideration of the sea and lake shore areas, one by one, through individual bills. Each proposal stirred up opposition from those whose property would be condemned, and the boundaries and terms of acquisition had to be negotiated. Hearings were held in 1959 on acquisition of the Cape Cod outer beach, Padre Island off the Texas coast, and the Oregon coastal dunes, but the laborious task of working out compromises that would leave the people of the affected areas reasonably happy could not be completed on any of the bills during the remainder of that Congress.

The Demand for Wilderness Preservation. The pressure of people upon open space aroused not only those who wanted to develop mass recreation areas in the wilderness but also those who wanted to leave a portion of the wilderness completely undeveloped—those who, in the words of Robert Marshall, would "repulse the tyrannical ambition of civilization to conquer every niche on the whole earth."

As early as 1924, the Forest Service had begun to set aside certain remote areas of the national forests to be preserved in their primeval state. In the national parks, roads and recreation development were authorized —although much of the acreage remained roadless—but logging, grazing, and mining were generally forbidden, as they were in the national wildlife refuges and designated "wild" lands within Indian reservations. But in all of these areas, wilderness was preserved by administrative regulation rather than by statute, and the administrative agencies could always reverse themselves. Moreover, their legal authority was limited; the Forest Service, for example, could not prohibit prospecting and mining even in areas designated as wilderness.

[28] *Cong. Record*, Vol. 105 (July 29, 1959), p. 14573. Both the administration and the senators were aware that shore areas could not be acquired for $5 million each, but both bills authorized private donations. All of the existing units of the national park system had been either set aside from public lands or donated by the states and private individuals; no federal funds for land purchase for the park system had ever been authorized by Congress.

Wilderness enthusiasts found themselves pitted not only against the lumbering, mining, and livestock interests whose potential resources would be "locked up" forever, but also against those who wanted to open primeval lands to mass recreation through development of roads and campgrounds. Even that much intrusion was incompatible with the concept of wilderness. In the language of one of the early wilderness preservation bills, a wilderness was "an area where the earth and its community of life are untrammeled by man, where man himself is a member of the natural community, a wanderer who visits but does not remain and whose travels leave only trails."[29]

The Wilderness Society and the Sierra Club, which had enthusiastically backed the Forest Service when it used its discretion to set aside wilderness areas, turned more and more to the notion that the discretion of that agency—as well as the discretion of the National Park Service and other Interior Department land agencies—should be limited to prevent a reversal of their actions. By 1951 the outlines of a bill had been drafted, but the latent sentiment for such a measure was not crystalized until two years later. Then a catalytic issue, a proposal to construct Echo Park dam within the Dinosaur National Monument in Utah, aroused the public as no conservation issue had in many years; Speaker Rayburn said in 1954 that congressmen had received more mail in protest against Echo Park dam than on any other subject.[30] The conservationists won the battle. In doing so, they demonstrated that the people wanted their wildernesses preserved. The time had come for action on a broad scale.

The drive for wilderness legislation began in earnest in 1955 and followed the classic pattern for developing support for a bill. Howard Zahniser, executive director of the Wilderness Society, advanced the general proposal in a speech before an American Planning and Civic Association conference in Washington.[31] Senator Hubert Humphrey, Minnesota Democrat, inserted the speech in the *Congressional Record*. The society mailed reprints to its members and to the mailing lists of other conservation groups under the franks of cooperative legislators. Humphrey inserted favorable replies in the *Record*, and these were again circulated.

[29] S. 1176, 85 Cong. 1 sess. (1957), sec. 1(c). The *Wilderness Act*, P.L. 88–577, 88 Cong. 2 sess. (1964), sec. 2(c), contains some of the same phrases.

[30] Reported by Representative John P. Saylor (Republican of Pennsylvania), *Living Wilderness*, No. 59 (Winter-Spring 1956–57), p. 1.

[31] Speech delivered May 24, 1955; reprinted in *ibid.*, pp. 37–43.

In cooperation with other conservation leaders, Zahniser put the idea in legislative form. Humphrey and Republican Representative John Saylor of Pennsylvania agreed to be its sponsors. Neither was in an ideal position —Saylor was a minority member of the House committee and Humphrey not even on the Senate committee with jurisdiction. But wilderness was an unknown issue to most members of Congress and to the public; Zahniser's immediate need was for help not to pass a bill but to publicize one. For this purpose, zeal was more important than status, and Humphrey and Saylor could be counted among the zealots. Their bill was introduced in 1956, and the first hearings were held the following year.

The most comprehensive attack came, as expected, from commercial interests that would be excluded from the wilderness, or severely restricted in it. The American Mining Congress, the American Pulpwood Association, and the American National Cattlemen's Association were their spokesmen. They argued economics and western self-interest: wilderness meant locking up valuable resources that the country, and the West in particular, needed for economic growth. They argued administrative flexibility: the changing needs of the country for timber and minerals required changing policies. They appealed to the mass recreationists: it would be inequitable to dedicate vast acreages to the exclusive enjoyment of the hardy 1 percent who preferred to find their outdoor recreation without benefit of roads and campgrounds. They appealed to the administrative agencies: the bill implied that the agencies could not be relied upon to manage wisely the lands entrusted to them, and the proposed national wilderness preservation council (which with a majority of private citizens among its members would have the right to review and publicly advise upon administrative actions proposed by the agencies) would interfere with orderly administration. And they pleaded for delay: legislation should await the report of the Outdoor Recreation Resources Review Commission (ORRRC), then about to be created.

"It hurt our pride, to suggest we had to have our hands tied by law," a senior Forest Service official said some years later in explaining his agency's initial opposition to the wilderness bill. While expressing sympathy with the objectives of the measure, both the Forest Service and the Interior Department as spokesmen for the Eisenhower administration objected to those features that limited administrative flexibility and placed final determination of wilderness areas in Congress. The bill, said Richard E. McArdle, chief of the Forest Service, "would strike at the heart of the multiple-use policy of national-forest administration. . . . It would tend

to hamper free and effective application of administrative judgment which now determines, and should continue to determine, the use, or combination of uses, to which a particular national-forest area should be devoted. If this special congressional protection is given to wilderness use, it is reasonable to expect that other user groups will subsequently seek congressional protection for their special interests."[82] The Interior Department found special objections to inclusion of wildlife refuge and Indian lands. Both the Interior Department and the Forest Service objected to the role of the proposed preservation council. The Department of Agriculture (in which the Forest Service is located) submitted an alternative bill that would recognize wilderness as one of the multiple uses of the national forests and establish criteria and procedures for establishment of wilderness areas by the President.[83] Interior had also sought to work out an alternative bill but could not reach agreement with the Budget Bureau; in its report it recommended referring the question to the proposed ORRRC.

In successive versions of the bill in 1958 and 1959, its authors made some concessions to the views of the Interior and Agriculture departments, particularly in regard to the proposed wilderness preservation council, but not enough to win their outright endorsement. President Eisenhower showed no personal interest in the bill, either favorable or unfavorable. The sponsors, meanwhile, continued to publicize the bill, and Senator Murray, as chairman of the Interior Committee, cooperated by calling hearings at appropriate intervals. But the opposition was organizing also. In a series of hearings in the West in 1958 and 1959, the most powerful voices were those of the resource-based industries and the state and local officials and chambers of commerce whose support they could command. "This portion of the United States has been left in a wilderness condition altogether too long now and it didn't begin to fulfill its purpose until the hand of man and his ingenuity were brought to bear upon it," was a typical expression by a cattlemen's association president.[84] Washington needed 12,500 new jobs a year, said the spokesman for that state; "we live in a raw materials economy. . . . Our new jobs . . . must come from greater

[82] *National Wilderness Preservation Act,* Hearings before the Senate Interior and Insular Affairs Committee, 85 Cong. 1 sess. (June 19–20, 1957), p. 93.

[83] *Ib d.,* pp. 8–17.

[84] Testimony of Alonzo F. Hopkin, president, Utah Cattlemen's Association, at Salt Lake City, in *ibid.,* 85 Cong. 2 sess. (Nov. 12, 1958), p. 755.

use of our raw materials. . . . We need greater access to these raw materials rather than less."[85]

The bill did not become more than a muted partisan issue in those years. Congressional support and opposition were both bipartisan. The Humphrey bill had nine Democratic and three Republican cosponsors, and the leading advocate in the House continued to be Republican Saylor. The principal opponent in the House was Democrat Wayne N. Aspinall of Colorado, Interior Committee chairman, but in the Senate committee, when the bill appeared to have a narrow majority in 1960, the "filibuster" that blocked it was led by Aspinall's Republican colleague from Colorado, Gordon Allott.

The partisan positions became clearer in 1960, when neither the Republican party's platform nor its candidate mentioned wilderness but the Democratic platform and candidate did. The Democratic plank sounded somewhat like the traditional platform straddle—endorsing creation of a wilderness system embracing areas already set aside for that purpose, with extension "only after careful consideration by the Congress of the value of areas for competing uses"—but the language reflected the actual terms of the Humphrey bill. Senator Kennedy confined himself to a simple endorsement of the platform proposal, with the comment that legislation need not await the ORRRC report.[86]

The Demand for Highway Beautification. As a free-lance journalist, Richard Neuberger had specialized in singing the scenic glories of his native Pacific Northwest. When he found himself, as a freshman Democratic senator from Oregon in 1955, on the subcommittee writing the act creating an interstate highway system, he saw an opportunity to strike a blow in defense of scenery. He offered an amendment written in his own language with, as he explained it, a single purpose: "namely, that in the case of the interstate system, which the American people are going to invest and are investing billions of dollars to construct, it should not be possible to plaster it with all kinds of advertising material, which would have no value whatsoever unless the American people had invested billions of dollars in the road system."[87]

[85] Testimony of H. DeWayne Kreager, director, Washington department of commerce and economic development, in *ibid.*, 86 Cong. 1 sess. (March 30, 1959), pp. 38–39.

[86] *The Speeches of Senator John F. Kennedy*, S. Rept. 994, Pt. 1, p. 1208.

[87] *Cong. Record*, Vol. 101 (May 23, 1955), p. 6788.

When Neuberger's amendment was recast in legal language by the Bureau of Public Roads and adopted by the Public Works Committee, it was a milder measure than his statement would suggest. Far from making highway advertising impossible, it merely authorized the federal government, acting as agent of the states, to acquire advertising easements along the interstate highway system as part of the land acquisition process when the states so desired. It contained no federal compulsion, nor any incentive beyond federal sharing of the cost of the advertising easements in the same 90-10 ratio that applied to the cost of land purchased for the highways. Yet even this limited amendment ran into a withering attack on the Senate floor as an invasion of states' rights. "I do not wish to have the federal government intervene and say what the states must do in reference to lands adjacent to the public highways running through the states," declared the patriarchal Walter F. George, Georgia Democrat, in leading the assault. The opposition to billboard regulation appeared strong enough to endanger passage of the highway bill itself. After a huddle with the bill's managers, Neuberger yielded, and the amendment was deleted by unanimous consent.

The episode marked the extension to the national capital of the contest that had raged for years in the state capitals between the billboard and antibillboard lobbies. On the one side were the outdoor advertising industry and roadside business groups, supported often by organized labor reflecting the views of the sign painters and allied unions. On the other side were conservation organizations, garden clubs, and miscellaneous women's and civic groups, supported usually by newspaper editorials that extolled beauty and safety without reference to the newspapers' own self-interest in suppressing a competitive advertising medium. In a few states, notably in New England, billboards had been kept from scenic areas by state legislation. But in most states the billboard lobby had prevailed.

After the 1955 incident, both sides organized for another showdown when highway legislation would again come before Congress, in 1957. Neuberger added to his proposal a directive to the secretary of commerce to promulgate recommended standards to prohibit billboards within 500 feet of interstate highways except in certain narrowly specified areas. Again, he proposed no federal compulsion nor any federal incentive beyond the 90 percent federal cost-sharing on the purchase of advertising easements. "The new highways, once built, will not be relocated in this generation," said Neuberger in introducing his bill early in 1957. "Unless we give thought now to the question of what the traveler is to see, as he

cruises through the fields and forests and mountains and prairies of America, we know that he will see what we see along other highways today: Signs and billboards, large flat boards placed to capture his attention, designed with all the skill commercial artists can muster, to hammer into his consciousness the virtues of a cigarette, a whiskey, a brand of automobile or gasoline. . . . The motorist pays for the road with his fuel and vehicle taxes. He ought at least to have the right to glimpse the grandeur which the Almighty created throughout our countryside." And he quoted the Ogden Nash quatrain that was to echo and re-echo through the billboard debates during the next few years:[38]

> I think that I shall never see
> A billboard lovely as a tree.
> Perhaps unless the billboards fall
> I'll never see a tree at all.

Neuberger had strong allies in Bertram D. Tallamy, the federal highway administrator and former New York highway commissioner whose pride was the billboard-free New York thruway, and Commerce Secretary Sinclair Weeks, whose native Massachusetts had been a pioneer in billboard control legislation. A few weeks after Neuberger introduced his bill, they presented an alternative approach that not only contained a far stronger incentive to state action but also would achieve its goal at no cost to the federal treasury—a prime requirement in 1957. Instead of offering federal payment of 90 percent of the cost of advertising easements—which they estimated would cost the federal government $300 million—they proposed a penalty. The secretary of commerce would establish standards; noncomplying states would be required to pay 15 percent rather than 10 percent of the cost of interstate highway projects in their states. The states could comply either by buying land and easements or by exercising police power, or by a combination of these means, as New York had done in building its thruway. The Weeks proposal was presented in Senate hearings in March as "in accord with the program of the President,"[39] but Eisenhower at a news conference a month later expressed doubt that the federal government had any right to do anything. "So I think it is a very complicated question, and while I am against these

[38] *Ibid.*, Vol. 103 (Jan. 29, 1957), pp. 1129–30. Ogden Nash quatrain copyright 1932 by Ogden Nash (originally appeared in *The New Yorker*); from *Verses from 1929 On* by Ogden Nash, by permission of Little, Brown and Co.

[39] Statement of Secretary of Commerce Sinclair Weeks, in *Control of Advertising on Interstate Highways,* Hearings before the Subcommittee on Public Roads of the Senate Public Works Committee, 85 Cong. 1 sess. (March 18, 1957), p. 5.

billboards that mar our scenery, I don't know what I can do about it," he concluded.[40]

The opposing forces confronted one another in the hearings and then organized a deluge of mail to senators and congressmen. "We must look to our National Government to do that which we at the State level have been unable to do," the president of the Pennsylvania roadside council told the subcommittee.[41] The advocates made no clear-cut choice between the Neuberger and administration bills; they would gladly accept whichever the Congress preferred. But many thought both bills too weak and indecisive. They had fought their losing battles in their respective states and had little sympathy with the deference shown in both bills to the traditional rights of the states to make the regulatory decisions, subject only to financial incentives or penalties. Argued Albert S. Bard, counsel to the New Jersey roadside council: "It seems a little inconsistent to establish a national policy and then turn around and say to the States, 'Won't you please enforce our national policy?' I say that the federal government is not under any obligation to concede that it lacks the power to protect a . . . highway system that the Federal Government is proposing to create."[42]

Public opinion was with the enemies of billboards. Ten thousand Marylanders responding to an automobile club poll voted 95 percent to 5 percent in favor of prohibiting billboards on limited-access highways.[43] A Trendex telephone survey taken at the time of the hearings showed 66 percent in favor of billboard control, 26 percent against, and 8 percent with no opinion. The Trendex poll was "influenced by the public emotion of the times" which was "whipped up" by the press, responded the advertising industry spokesman.[44]

Except for the economic interests affected, no groups defended billboards. The advertising industry relied heavily upon the states' rights argument. "The states now have authority to enact any regulatory legislation which they desire or decide they need," contended Harley B. Markham, chairman of the Outdoor Advertising Association of America, Inc. "Legislation for federal control would not only preempt and usurp this

[40] On April 17, 1957, *Public Papers of the Presidents, 1957,* p. 292.

[41] Testimony of Mrs. Ernest N. Calhoun, in *Control of Advertising,* Hearings, (March 19, 1957), p. 74.

[42] *Ibid.*, p. 77.

[43] Testimony of Washington I. Cleveland, in *ibid.*, p. 75.

[44] *Advertising Agency,* Jan. 17, 1958.

right, but would assume that the States are unaware or unconcerned about their own resources," and the legislation would be "of doubtful constitutionality." He opposed "Federal regulation and control of business in general," and objected to singling out his industry for such regulation and control. Outdoor advertising was "a legitimate business use of land" subject only to the kind of local zoning controls applying to use of land generally.[45] "Outdoor advertising is a driving force in our economy," argued another of the association's spokesmen. "With the other major advertising media . . . it has its own key role in keeping the distribution of goods and services efficiently in high gear."[46] The painters, electrical workers, sheet metal workers, and carpenters unions joined in contending that their labor could "contribute materially toward the actual beautification of the countryside," and the parent AFL-CIO resolved that "highway users are entitled to full information disseminated in the American way"—from which premise it drew the conclusion that state and local restrictions on information were compatible with the American way but federal restrictions were not.[47] Roadside businesses on highways from which traffic would be diverted to the interstate system emphasized their competitive disadvantage if they were not allowed to let interstate highway travelers know of their existence.

From the beginning the subcommittee rejected the penalty approach advanced by Secretary Weeks. In the view of Chairman Albert Gore, Tennessee Democrat, to reduce the federal commitment from 90 percent to 85 percent would be "reneging" on a "moral commitment" made by the Congress when it passed the interstate highway act.[48] So the subcommittee stayed with the Neuberger approach but sought to strengthen the financial incentive. Instead of 90-10 sharing of the cost of advertising easements, it proposed to exclude such costs from federal aid but increase the federal share of all other costs of interstate highway projects from 90 to 90.75 percent in those states exercising billboard control. The effect would be to encourage the use of police power as against the procurement of easements. Police power would cost the states nothing, yet they would get the full 0.75 percent bonus.

Approved by one vote in subcommittee, the measure also carried by a

[45] *Control of Advertising*, Hearings (March 26, 1957), p. 301.
[46] Testimony of James E. McCarthy, dean emeritus, College of Commerce, University of Notre Dame, in *ibid.*, p. 296.
[47] Letter from the four unions to the AFL-CIO president, Jan. 29, 1957, and resolution adopted by AFL-CIO executive council, Feb. 6, 1957, in *ibid.*, p. 156.
[48] *Ibid.*, pp. 10, 390.

single vote in the full committee, after the committee accepted several amendments designed to meet specific objections and again altered the incentive formula—reducing the bonus from 0.75 to 0.50 percent but restoring cost-sharing on easement acquisition up to a limit of 5 percent of right-of-way acquisition costs. The committee vote on approval of the bill split both parties; three Democrats and four Republicans voted for the measure, four Democrats and two Republicans against.[49]

By the time the measure reached the Senate floor, as one provision of a broader highway bill, opponents of billboard control had mobilized far more letterwriters than had supporters, but the mail was discounted. "Obviously," said Senator Frank Lausche, Democrat of Ohio, "it comes from those who have a financial interest in perpetuating billboards along the highways" and "was artificially generated."[50] After an arduous debate, during which the bill's managers accepted several amendments designed to appease the opponents, billboard control survived by a vote of 47–41. Again, the parties split almost evenly, Democrats supporting the measure 24–21 and Republicans 23–20. The House accepted the Senate version. The President, who presumably had resolved his doubts of the previous year, signed the bill with a criticism of some of the concessions made in committee and on the floor "which might permit advertising to go unchecked in some areas."[51]

The following year Congress made one more concession. Senator Kerr, contending that the standards issued by the secretary of commerce violated the intent of Congress, persuaded the Public Works Committee, by an 8–6 vote, to approve a provision that all areas zoned for business use prior to that time would be excluded from control. Billboard control supporters protested that the action was taken without hearings and with little discussion and that it was an unwarranted restriction on state discretion, but the Senate sustained Kerr by a 44–39 vote, and the House went along with the Senate.

The Acceptance of Federal Responsibility *(1961–64)*

The major contribution of John F. Kennedy to national thinking about the outdoor environment was, perhaps, an open mind about the budget. President Eisenhower had evinced no great reluctance to expand the

[49] *Congressional Quarterly Almanac, 1958*, p. 143.
[50] *Cong. Record*, Vol. 104 (March 26, 1958), p. 5392.
[51] *Public Papers of the Presidents, 1958*, p. 323.

federal role in conservation and beautification—provided money was not involved. In water pollution control, in air pollution control, and in billboard regulation his subordinates had persuaded him to endorse extensions of the federal power to police and enforce; he had boggled only when they proposed additional expenditures. The consistency of the Eisenhower position on conservation is therefore to be found not so much in his oft-restated views about overconcentration of power in the federal government as in the moral precepts about federal spending to which he became increasingly dedicated as the years passed.

This presidential attitude was what Kennedy changed. As a senator, he had joined issue with President Eisenhower on federal grants for water pollution control, and shortly after his inauguration he urged an increase in federal aid for sewage treatment plants—noting that the rate of plant construction was barely half the need. He also recommended legislation for the procurement of certain seashore areas. For the first year he proposed only what he called "modest but symbolic increases" in expenditures for these purposes and for conservation and development of forests, parks, and recreation areas in general, but his messages contained a promise of more increases to come. On nonbudgetary matters, he endorsed the wilderness bill and followed Eisenhower's lead in calling for stronger federal enforcement powers in relation to pollution.[52]

Besides opening the budget gates, Kennedy offered a strong verbal commitment to the goals of the conservationists. "Our common goal," he told them, was "an America of open spaces, of fresh water, of green country—a place where wildlife and natural beauty cannot be despoiled."[53] His accession to the presidency, then, established a climate of greater receptivity to the demands for environmental improvement that had been growing during the Eisenhower years. These demands were given further impetus, as well as concrete form, by the landmark report of the Outdoor Recreation Resources Review Commission issued a year later. By the end of 1964 the disputes of the 1950's over the role of the federal government in the improvement of America's outdoor environment were on their way to being resolved—in favor of federal responsibility and leadership.

[52] Special messages on Natural Resources, Feb. 23, 1961, and on Budget and Fiscal Policy, March 24, 1961, *Public Papers of the Presidents, 1961*, pp. 114–21, 226.

[53] Remarks at the dedication of the National Wildlife Federation building, Washington, D.C., March 3, 1961, *ibid.*, p. 148.

Clean Water: Consensus for Federal Grants. When Kennedy assumed office, the drive for water pollution control had been stalled by President Eisenhower's veto of Representative Blatnik's 1960 bill. But even as that bill was working its way through Congress toward the veto, Blatnik and his staff aide Sonosky were working on a still bolder measure in anticipation of what they hoped would be a friendly new administration in the coming year.[54] In the summer of 1960 they circulated the bill for comment, and when the new Congress convened it was introduced. It expanded the sewage treatment grant authorization, for bargaining purposes, to $125 million a year from the $100 million in the vetoed bill and raised the maximum on individual projects from $500,000 to $600,000. It extended federal authority for pollution abatement to all navigable streams, rather than just interstate streams, but required state concurrence in any federal action on intrastate waters. And it renewed Blatnik's earlier proposal to remove pollution control from the Public Health Service and assign it to a new water pollution control agency in HEW.

Having denounced Eisenhower's 1960 veto, President Kennedy was committed at least to the bill that Eisenhower killed. But he was not prepared, at the outset of his administration, to go much further. The administration therefore recommended the grants be held to Blatnik's 1960 figure of $100 million a year. It proposed an even higher limit on individual projects, based on a sliding scale, and accepted the broader enforcement power. As for the reorganization, HEW Secretary Abraham Ribicoff asked for time to examine the situation.

In contrast to 1959, the proposed expansion of the grant program aroused only tepid dissent. The National Association of Manufacturers still contended "that the Federal grant program has resulted in Federal involvement and intervention in purely local situations; and that this program is part of an unfortunate trend toward federalization of all activities and responsibilities, no matter how local in character";[55] but at least one industrial group, the Manufacturing Chemists' Association, broke ranks to announce its willingness to accept the grant program.[56] On this point, however, the Congress was listening not to industry spokesmen but to city and state officials. While the rate of sewage treatment works construction had risen 62 percent since the initiation of the grant

[54] Jennings, "Legislative Politics."

[55] Testimony of Peter T. Short, Jr., in *Federal Water Pollution Control*, Hearings before the House Public Works Committee, 87 Cong. 1 sess. (March 15, 1961), p. 164.

[56] *Ibid.*, p. 180.

program in 1957, the state pollution control administrators argued that the $50 million grant level was holding back construction because municipalities had to wait their turn for the money.[57]

On the proposed expansion of federal enforcement authority, industry witnesses were united and forceful in their opposition while city officials and conservationists thought the provisions still too weak. The American Municipal Association wanted stronger federal sanctions even against its own member municipalities. "The level of enforcement should be prescribed by a Federal agency and Federal authority should be available when States or municipalities are unwilling or unable to act effectively," and the federal authority should extend to intrastate as well as interstate waters, the association's spokesman testified.[58]

When the bill emerged from committee, it reflected the administration position—a $100 million grant program, a higher ceiling on individual grants, the broadened enforcement powers, and no reorganization, although Blatnik did succeed in writing in a provision giving Secretary Ribicoff power to reorganize. On the House floor, Republicans faithful to the Eisenhower position sought first to eliminate and then to reduce the grants, but they were overwhelmed on each occasion by two-to-one margins. An assault on the broadening of enforcement powers lost by the same ratio. Then the bill passed, 308–110. Almost half the Republicans, 79 of 167, voted in the affirmative.

A slightly more conservative bill reported by the Senate committee encountered nothing but praise on the Senate floor and passed on a voice vote. The final measure, which Kennedy signed with "great pleasure," provided that the $100 million grant level would not be reached until the fiscal year 1964 and fixed the ceiling at $600,000 for any individual project.

Having thus overridden the Eisenhower veto of 1960 and settled finally the principle of federal responsibility, the enemies of water pollution hardly broke stride in advocating still further legislation. The cities wanted a bigger grant program, and they particularly wanted the $600,000 ceiling removed in order to permit full federal participation in major projects serving metropolitan centers. The conservationists wanted stronger enforcement and wanted the program taken away from the "medical men" and given independent status in HEW—an action the

[57] Testimony of Milton P. Adams, executive secretary, Michigan water resources commission, in *ibid.*, p. 56.

[58] Testimony of Justus H. Fugate, former mayor, Wichita, Kan., in *ibid.*, p. 14.

secretary had chosen not to take under the reorganization authority given him in the 1961 act.[59]

At this time the activists gained something they had badly needed—an effective champion in the Senate. As governor of Maine, Democrat Edmund S. Muskie had initiated a state program to upgrade the quality of water in Maine streams—an action propelled in part by the dependence of the Maine lobster industry on the purity of coastal waters. As a junior senator, Muskie had deferred to Robert Kerr of Oklahoma on water pollution control legislation, but Kerr died on January 1, 1963, and Muskie found himself the logical heir to Kerr's responsibilities in that field. He at once enlisted the aid of Hugh Mields of the U.S. Conference of Mayors,[60] Murray Stein of HEW, and others to draft a bill that would improve on the 1961 act. On the last day of January, Muskie introduced the bill and within ten days he had twenty-one cosponsors, twenty of them Democrats. Then Senator Patrick McNamara, Michigan Democrat, who as the new chairman of the Public Works Committee wanted to decentralize its activities, saw the opportunity to build a new subcommittee around Muskie and his bill. He created a special body with jurisdiction over both water and air pollution, and for the first time in a decade the Senate took the lead in water pollution control legislation.

The Muskie bill of 1963, which was cosponsored by Blatnik in the House, embodied the program of the activists. It again proposed transfer of water pollution control responsibility from the Public Health Service to a new agency in HEW. From Mields came two sections—one to raise from $600,000 to $1 million the ceiling on individual grants, the other to double the volume of grant aid by authorizing another $100 million annually to assist in separating storm and sanitary sewers in communities where they had been combined. From Stein came language reviving in stronger terms, and applying to all navigable streams, the proposal made by President Eisenhower in 1955 (but rejected by Kerr's subcommittee) that the federal government should set water quality standards. The bill also proposed, for the first time, to declare a "positive" national policy "of keeping waters as clean as possible."

The bill aroused no enthusiasm on the part of the Kennedy administration. The only provision the administration endorsed unqualifiedly, apart from the statement of policy, was the increase in the grant ceiling. It was

[59] See Jennings, "Legislative Politics," for a discussion of the reasons for the importance attached to reorganization by the conservationists.

[60] Mields had formerly been an American Municipal Association aide.

adamant against the reorganization proposal and against the $100 million for sewer separation. In the latter case it contended that more information was needed on the magnitude of the problem and the nature of alternative solutions before a commitment was made to aid that "very costly" program—estimated by the U.S. Conference of Mayors at $3 billion for ninety-two cities alone. It was agreeable to the section on water quality standards, provided the authority was made optional rather than mandatory.

Before taking his bill to the floor, Muskie sought to work out a broad consensus that would include the committee Republicans and the administration. He agreed to the need for better technical data before launching an ambitious sewer separation program and accordingly reduced that authorization to $20 million annually in demonstration grants. With Senator J. Caleb Boggs of Delaware, the ranking subcommittee Republican, he negotiated a milder standards section, which made the authority optional, restricted it to interstate waters, and required that the secretary give the states a chance to act first. With Assistant Secretary Wilbur Cohen of HEW, he compromised the reorganization proposal; a new water pollution control administration would be established but the research and grant programs would be retained by the Public Health Service. Then, aided by Representative John D. Dingell, Michigan Democrat, he persuaded President Kennedy to overrule the objections that still remained in HEW and the Budget Bureau and endorse the modified bill. It thereupon came from committee with only one Republican dissent and passed the Senate by a wide margin, 69–11.

The conservationists appealed to the House Public Works Committee to remove the Muskie compromises. But from the opposite direction industry trained heavy fire on the modified bill, particularly on what remained of the water quality standards section. "There is absolutely no need for such a drastic reversal of approach to water pollution regulation," testified the National Association of Manufacturers, and the Manufacturing Chemists' Association argued that "such a concentration of power in the hands of a single Federal official would be unwise."[61] Industry found strong support within the House committee, and Blatnik found it impossible to achieve the consensus that Muskie had worked out in the

[61] Testimony of Samuel S. Johnson, in *Water Pollution Control Act Amendments*, Hearings before the House Public Works Committee, 88 Cong. 1 sess. (Dec. 10, 1963), p. 328; testimony of Albert J. vonFrank, in *ibid.*, 88 Cong. 2 sess. (Feb. 17, 1964), p. 557.

Senate. Not until September 1964 did the committee report a bill—which ten of the fourteen committee Republicans lambasted as "premature, unnecessary, and undesirable"—and by then it was too late for action in a presidential election year. The issue thus went over until 1965.

Clean Air: Federal Enforcement Powers. As in the final Eisenhower Congress, Representative Roberts remained throughout the first Kennedy Congress the main obstacle to an expanded role for the federal government in air pollution control. As late as the end of 1962, he was saying, "I do not think the Federal Government has any business telling the people of say Birmingham or Los Angeles how to proceed to meet their air pollution problems. This was made clear in the 1955 act. Even if Washington attempted to exercise such authority, we would have a hard time writing and enforcing regulations at long range. . . . Abatement and enforcement programs to be effective must remain the responsibility of local government." The only federal role he would accept was one of research and dissemination of information.[62] Accordingly, he again blocked the Kuchel bill for federal hearings and advisory recommendations on interstate air pollution problems, which the Senate passed with administration endorsement in 1961, and he deferred action on an administration proposal of 1962 for federal grants to state and local air pollution control agencies for developing, initiating, or improving programs. But he did promise full hearings on the subject in 1963.

Meanwhile, Hugh Mields, the ubiquitous lobbyist for the U.S. Conference of Mayors, had taken up the clean air cause and was seeking ways either to move Roberts or to bypass him. He prepared a bill incorporating most of the administration measure of 1962 but adding a policy statement directing the secretary of HEW to "mount a concentrated national effort to achieve the prevention and control of air pollution within the next ten years," and persuaded Representative George M. Rhodes of Pennsylvania, ranking Democrat on the Roberts subcommittee, to introduce it. Senator Clair Engle, Kuchel's Democratic colleague from California, sponsored the same bill in the Senate. Then, with technical assistance from HEW staff, Mields proceeded to draft an even stronger

[62] Speech to National Conference on Air Pollution, quoted in testimony on behalf of National Association of Manufacturers, in *Air Pollution*, Hearings before the Subcommittee on Public Health and Safety of the House Interstate and Foreign Commerce Committee, 88 Cong. 1 sess. (March 18–19, 1963), p. 174.

bill, which would include federal enforcement powers along with research and grants-in-aid.[63]

Events in December 1962 focused public attention upon the question of federal enforcement powers, an issue that had lain quiescent since Arthur Flemming had advanced it four years before. A national conference on air pollution assembled in Washington, and even as it met, news came of a smog in London that killed 340 persons. At the conference Flemming reasserted his support of federal enforcement and denounced "those who put selfish economic interests ahead of the health of our nation and resent and resist the efforts of others who put the health of the nation ahead of all other considerations." Two staff members of the American Medical Association attending the conference decided it was time to put their association on record. They drafted a telegram declaring that "the federal government should engage in . . . enforcement in interstate or interjurisdictional difficulties in the manner of the successfully implemented Water Pollution Act" and sent it to AMA headquarters in Chicago, where it was dispatched officially to the conference.[64]

Within HEW a heated argument boiled up. Supporting enforcement powers were Wilbur Cohen and his assistant, Dean W. Coston; opposing them was the Public Health Service, consistent with its stand in Flemming's day. The PHS found an ally in the Bureau of the Budget, but Cohen had his opportunity when he presented the department's legislative program directly to President Kennedy in Palm Beach on December 26. Arguing that the administration could not well stand to the right of Republican Flemming and the American Medical Association, he succeeded in getting the President interested. Later, when the President's message to Congress on health was being drafted, Kennedy accepted the position of Cohen and Coston and recommended enforcement authority along the lines of the Federal Water Pollution Control Act. But the proponents of a strong bill were wary of trying to develop an administration measure that would have to be cleared with the Budget Bureau, so they agreed to leave the drafting to Congress.

Congress had competitive bills to consider. Senator Engle had reintroduced his bill of 1962, which lacked any enforcement provision. But

[63] This section relies upon Randall B. Ripley, "Congress and Clean Air: The Issue of Enforcement, 1963," in Frederic N. Cleaveland (ed.), *Congress and Urban Affairs* (Brookings Institution, 1968).

[64] The telegram was later "clarified" after industries allied with the AMA on such questions as medicare protested, but it was not retracted.

Senator Ribicoff, fresh from his service as HEW secretary, had decided to make air pollution his initial area of concern and had instructed his legislative assistant—the same Jerome Sonosky who had worked with Representative Blatnik on water pollution—to prepare a measure. Drawing upon the proposal Mields had been drafting and adding language of his own—some taken from water pollution bills—he assembled a "clean air act" that, besides the research and grant provisions, authorized the federal government to undertake pollution abatement upon request of any state, or of any municipality acting with state consent. He obtained nineteen cosponsors, compared to Engle's nine.

In the House, meanwhile, Kenneth Roberts had a change of heart. Only two months after his December speech rejecting federal enforcement, he introduced a bill paralleling closely the Ribicoff measure. "Consistency is a hobgoblin of little minds," he told those who reminded him of his earlier position. "Someone said, 'The wise man changes his mind and the fool never does.' . . . There have been some things that happened, particularly the recent London smog, which makes me feel that the Federal Government does have a responsibility in this field particularly when it involves the death and health of our people. Now I think there are some of these situations that we cannot reach other than by legislation of this type."[65] Many people, of course, had been in communication with Roberts —among them Coston, Mields, and Ed E. Reid of the Alabama league of municipalities—and he had received a firsthand report on the London smog from Richard A. Prindle of the Public Health Service.

The enforcement procedures set forth in the Roberts bill provided that HEW, upon request of a state or a municipality, would call a conference of representatives of the jurisdictions involved in a pollution problem and make recommendations for action. If, after a reasonable time, the actions had not been taken, the secretary of HEW could appoint a hearing board, on which the states involved would be represented. The recommendations of the hearing board would be enforceable through the courts, but only through a suit brought by a state. Roberts could contend, then, that "all this bill does so far as Federal enforcement is concerned is to give a State or the municipality of the State that is suffering from pollutants coming from over the line some opportunity to get some help."[66]

Hearings on air pollution legislation were almost a replay of the early water pollution hearings. The lineup of witnesses was much the same: on

[65] *Air Pollution,* Hearings, p. 184.

[66] *Ibid.*

one side were the mayors and the conservationists; on the other were spokesmen for the industries responsible for pollution, supported by the states. The industry spokesmen were especially solicitous of state and local rights. "Too much stress on federal enforcement," contended the Manufacturing Chemists' Association, "will discourage State and local level enforcement people and impair their programs."[67] Air pollution was not "a mounting danger to national health" that justified "intrusion of the federal government into what has hitherto been strictly local and state affairs," argued the American Iron and Steel Institute.[68] Petroleum industry spokesmen even opposed the grants to states and local communities because they would encourage unnecessary regulation "simply because the money is there to be spent."[69] The National Association of Manufacturers feared the "stifling of local initiative."[70] A noteworthy dissenter from the industry position was the U.S. Chamber of Commerce, which generally endorsed the Roberts bill and described the enforcement provision as "an orderly process."[71] For the states, the National Association of Attorneys General argued that "a self-generating federal enforcement program seems premature, to say the very least."[72]

The mayors, on the other hand, welcomed the federal "intrusion" into their affairs. "The clearly national character of this problem is pinpointed by pondering the question, How local is air?" testified Mayor Joseph M. Barr of Pittsburgh on behalf of the American Municipal Association. "How do you prevent polluted air from passing from one political jurisdiction into another, from one county to another, from one State into a neighboring State? . . . National assistance is needed in meeting a problem which cannot be bottled up within a given region. . . . It is meaningless to establish effective control programs in one locality, if another locality across a State line is unable for whatever reason to control pollution. . . . The record will show that up to the present time, local governments and States, with a few notable exceptions, have not developed adequate programs for abatement and control of air pollution."[73] At its June meeting the U.S. Conference of Mayors urged passage of a bill authorizing the

[67] Testimony of Walker Penfield, in *ibid.*, p. 230.

[68] Testimony of Erwin E. Schulze, in *Air Pollution Control,* Hearings before the Special Subcommittee on Air and Water Pollution of the Senate Public Works Committee, 88 Cong. 1 sess. (Sept. 11, 1963), pp. 282, 283.

[69] *Air Pollution,* Hearings, p. 272.

[70] Testimony of Daniel W. Cannon, in *ibid.*, p. 170.

[71] *Ibid.*, pp. 286–87.

[72] Testimony of Attorney General David P. Buckson of Delaware, in *ibid.*, p. 85.

[73] *Ibid.*, p. 97.

Public Health Service to "take action to abate interstate air pollution when state or local governments fail to do so."[74] Thus the mayors were ready to accept a bill stronger even than the Ribicoff and Roberts measures, which made federal action dependent on state initiative or consent. So were conservationist spokesmen, who found the enforcement provisions of the pending bill too weak and cumbersome.[75]

But the Democrats did not attempt to strengthen their bill. After making a few minor changes to lessen industry opposition, Roberts brought his proposal out of committee. House Democrats voted for it, 206–10. The Republicans were closely divided, sixty-seven voting for the bill and ninety-two against. Industry representatives, now resigned to the inevitability of a bill, worked with the Senate subcommittee on what amounted to minor amendments. Then the bill passed in that body by voice vote.

President Johnson made far-reaching claims for the final Clean Air Act of 1963. "Under this legislation," he predicted, "we can halt the trend towards greater contamination of our atmosphere."[76]

Outdoor Recreation: Federal Funds and Leadership. In January 1962 the outdoor recreation advocates were at last provided the springboard they had been awaiting—the report of the Outdoor Recreation Resources Review Commission. In a twelve-inch shelf of handsomely produced volumes, ORRRC elaborated in text, charts, and diagrams two fundamental points: "Outdoor recreation activity, already a major part of American life, will *triple* by the year 2000," and "the conventional approach to providing outdoor recreation is not adequate for present needs, and it will certainly not be adequate for the future." The first task ORRRC saw was to provide recreation for the great population centers. National and state policy alike had been to acquire park land in rural areas—in "far-away places"— but "the need is far more urgent close to home." "Large-scale acquisition and development programs are needed; so is money—lots of it," but "the effectiveness of land, not sheer quantity, is the key." Existing recreation areas needed to be opened to more effective use. Recreation must be made an integral part of future metropolitan growth; the environment as a whole must be shaped to serve recreation needs.[77]

[74] *Air Pollution Control,* Hearings (1963), p. 102.

[75] See, for example, statement of Spencer M. Smith, Jr., secretary, Citizens Committee on Natural Resources, *Air Pollution,* Hearings, pp. 293–95.

[76] On Dec. 17, 1963, *Public Papers of the Presidents, 1963–64,* p. 60.

[77] *Outdoor Recreation for America* (Outdoor Recreation Resources Review Commission, 1962); quotations from pp. 47, 81, 82.

While awaiting the report, Congress had pushed ahead in 1961 with two measures. One created the Cape Cod National Seashore, the first unit of the national park system in history to be acquired with appropriated funds. The second established a new program of grants to local governments for the acquisition of "open space." Taking his cue initially from a report of the Regional Plan Association on the need for open space in the New York metropolitan area, Senator Harrison A. Williams, Jr., New Jersey Democrat, had conceived the idea of a grant program, enlisted the support of the housing and urban lobby groups, and with the backing of the administration succeeded in incorporating it into the 1961 housing act.

But 1961 had been, essentially, a year of temporizing. Now, the ORRRC report called for "vigorous, cooperative leadership" by the federal government in a nationwide recreation effort. To provide the leadership, it proposed a Bureau of Outdoor Recreation in the Department of the Interior. The bureau would administer a program of grants to the states for planning recreation programs and acquiring and developing land, the money to come from the general funds of the treasury. The ORRRC also endorsed the wilderness bill, the acquisition of additional shoreline recreation areas, the preservation of certain rivers in their free-flowing state, and the new open space program.

President Kennedy followed with a message to Congress in which he said, "The need for an aggressive program of recreational development is both real and immediate."[78] His program, however, departed in major respects from that of the ORRRC. The Bureau of Outdoor Recreation was established, as recommended, in the Department of the Interior, but the President recommended grants to the states only for preparation of recreation plans, not for land acquisition or development. His major emphasis was upon federal land purchases. For that purpose, he proposed a "fiscally responsible" plan through which recreation users would pay for the land. He asked for broad authority to impose fees upon the users of federal land and water recreation areas; the new fees—along with existing ones, like admission charges at the national parks—would be paid into a land conservation fund to be used primarily for land acquisition. In particular, a new annual tax would be imposed on recreation boats. "The services that boat owners receive from the federal Government are of great value and,

[78] Message of March 1, 1962, *Public Papers of the Presidents, 1962*, p. 178.

for the most part, no compensation is paid for these services," the President observed.[79]

But this innocent-sounding proposal brought into being a whole new lobby, made up of boat manufacturers, distributors, and users. Members of Congress were surprised to learn how many of their constituents had a direct, personal, and hostile interest in the proposed new tax. Moreover, the general proposal to authorize user fees stirred fears in many other breasts. Would commercial vessels traveling inland waterways be charged new fees if they passed through an area developed for recreation? Would the fifteen million visitors a year who had had free access to Corps of Engineers reservoirs in Oklahoma now be charged admission? Would Sunday drivers have to pay tolls on the Blue Ridge Parkway? Would hunters and fishers in the national forests be obliged to obtain federal as well as state licenses? Would motorists have to pay a toll to cross national forest land between two towns?[80]

The bill also raised sectional issues. The user charges would be assessed largely in the West but the money would be spent mainly in the East. From the viewpoint of westerners, should not the money be used for developing existing federal recreation land as well as for acquiring new lands? Westerners even worried that improvement of recreation facilities in the East through the federal expenditures would decrease income in the West from the tourist industry.[81]

It took nineteen months for the House Interior Committee to work out an acceptable bill. The new boat tax was dropped at once. Then the House committee went back to the ORRRC recommendations and allocated 60 percent of the moneys in the new fund (renamed the land and water conservation fund) for grants to the states. The states could use the money for land acquisition and development as well as for recreation planning. Forty-six of the fifty states thereupon officially endorsed the bill. The House committee also wrote a series of clarifying and restrictive amendments to limit the application of user fees, but at the insistence of Chair-

[79] Letter transmitting bill to create a land conservation fund, April 4, 1962, *ibid.*, pp. 291–92.

[80] For a summary of these and other questions and "misunderstandings" about the user fee proposal, see speech by Edward C. Crafts, director of the Bureau of Outdoor Recreation, before the National Audubon Society, Nov. 11, 1963; reprinted in *Cong. Record*, Vol. 109 (Nov. 19, 1963), pp. 22282–84.

[81] See comments of Senator Peter H. Dominick, Colorado Republican, in *Land and Water Conservation Fund*, Hearings before the Senate Interior and Insular Affairs Committee, 88 Cong. 1 sess. (March 7, 1963), p. 73.

man Aspinall retained the principle. The chairman held his ground against his fellow westerners who wanted to divert a part of the federal share of the funds from acquisition to development—and he rejected the proposition in conference after the Senate had approved it. With the restrictive amendments, more of which were added by the Senate, the bill passed both houses in 1964 with only token opposition. It made available about $200 million a year for the first nationwide recreation land purchase program in the nation's history.

"We will begin, as of this day, to acquire on a pay-as-you-go basis, the outdoor recreation lands that tomorrow's Americans require," said President Johnson on signing the bill.[82]

Meanwhile, the Congress had authorized, in separate measures, three additional national seashores—Point Reyes, California; Padre Island, Texas, and Fire Island, New York—the Ozark National Scenic Riverways, in Missouri, and Canyonlands National Park in Utah. Commenting on all of these enactments, in addition to the Wilderness Act (see below), Johnson was able to say that the Eighty-eighth Congress had made a record in conservation equaled by "no single Congress in my memory."[83]

Wilderness: The National Wilderness Preservation System Is Established. President Kennedy's commitment to wilderness legislation made the difference. The Agriculture and Interior departments, which had been allowed to take a "yes, but" attitude during the Eisenhower years, became all-out enthusiasts for a strong wilderness bill in 1961. Clinton Anderson, the new chairman of the Interior Committee, assumed leadership in the Senate. The President endorsed the bill introduced by Anderson—the Humphrey bill revised on the basis of the extensive field hearings of 1958 and 1959—and the drive for legislation was underway.

Realizing that a wilderness bill of some kind was bound to pass sooner or later, the opponents of previous years now shifted their strategy from outright opposition to qualified support—the qualification being amendments designed to protect western economic interests. Most important of the amendments was one sponsored by Senator Allott of Colorado to require congressional action to set aside any wilderness beyond the 8.6 million acres in forty-six Forest Service areas designated as wilderness by the bill. This was in contrast to Anderson's procedure under which the President would designate such areas subject only to a veto by either house

[82] On Sept. 3, 1964, *Public Papers of the Presidents, 1963–64*, p. 1033.
[83] *Ibid.*

of Congress within sixty days.[84] "I know of but few people who are trying to kill this bill," said Allott; "If we can get the proper protection in a bill, I will vote for a wilderness bill." But the arguments he used in pressing for his amendment were essentially those used in earlier years by those seeking to kill the whole idea. "I believe," he said, "that in the West we cannot exist unless we develop the land, unless we provide means of conserving water, build dams, and take means toward conservation that are not provided for in the bill. The future of the West is still great, but it can be great only if it is allowed to grow." Then he concluded, "I do not want these areas tied up without giving Congress an opportunity to study their use."[85] The managers of the Anderson bill argued that since the executive branch already had complete authority to set aside wilderness areas and had been using that power, the proposed procedure for a congressional veto actually reclaimed congressional authority. A majority of Republicans supported Allott, 20–10, but the Democrats held their lines and the amendment was smothered, 53–32. After other amendments were rejected, the bill passed, 78–8.

In the House, however, the Allott view had powerful support on the Democratic side, notably that of Chairman Aspinall. At a White House conference on conservation, he had predicted: "Congress will continue to equate conservation with wise use; will not put out of reach resources that may be required for our national continuance; and . . . all the resources will be managed for the benefit of the many and not the few."[86] Accordingly, his committee outdid Allott in embracing weakening amendments. It not only proposed the requirement for affirmative congressional action that the Colorado senator had advanced, but also incorporated a proviso that mining and prospecting could continue in wilderness areas for twenty-five years and another requirement that each wilderness area be reviewed each twenty-five years to determine whether it should be continued in that status. The provision for a twenty-five year review, observed Howard Zahniser, was "as dubious in a Wilderness Act as in a marriage vow." "This is indeed a substitute bill," commented Representative Saylor

[84] New wilderness areas would be established within national parks, wildlife refuges, and game ranges or created from those primitive areas in national forests not yet reclassified as wilderness areas by the Forest Service. The forty-six areas already reclassified would be automatically incorporated in the wilderness system under both the Anderson bill and the Allott amendment.
[85] *Cong. Record*, Vol. 107 (Sept. 6, 1961), pp. 18357, 18365.
[86] *White House Conference on Conservation, Official Proceedings, May 24–25, 1962*, p. 65.

in his minority report. "For the preservation of wilderness it substitutes protection for exploiters of our wilderness areas."[87]

To guard against floor amendments that might restore the bill to its original form, the committee decided to seek its consideration under a suspension of the rules, which bars amendments and requires a two-thirds vote. But the indignant outcry from the conservationists led Aspinall and the House leadership to conclude that they could not muster the necessary two-thirds majority.[88] Under pressure to bring the measure to the floor under normal procedures, the chairman simply went home to Colorado. His committee colleagues—most of whom disliked the bill anyway—would not "slap [him] down" by acting in his absence, which continued until Congress adjourned.[89] The administration reacted with mixed feelings—disappointment at the delay but satisfaction at the frustration of what it considered a bad bill. President Kennedy told a conference of business editors that the House bill was "not very satisfactory" and that he hoped eventually for a "good bill" akin to the Senate version.[90]

Senate handling of wilderness legislation in 1963 was a near rerun of its 1961 performance. The precedent of the House bill had strengthened the proponents of weakening amendments to a degree, but they were still defeated. The congressional initiative amendment lost by a margin smaller than before, 49–34, with only six Republicans opposed, and some procedural safeguards for western economic interests were incorporated. An amendment by Allott and his Colorado Republican colleague, Peter H. Dominick, to allow mining and prospecting in wilderness areas for fifteen years was defeated 56–26. Democrats voted 48–9 against it, Republicans 17–8 for it. The bill, essentially the same as the measure passed in 1961, was approved by almost as great a margin, 73–12.

But Aspinall still gave no sign of bringing a bill out of the House committee except on his own terms. And the bill depended wholly upon him; he was, if anything, less anti-wilderness than the other westerners who made up a majority of the committee. If at any time he had taken a stand of outright opposition, those close to the House committee agreed, his colleagues would gladly have shelved the bill. But Aspinall, who had gone

[87] *Providing for the Preservation of Wilderness Areas, and for the Management of Public Lands, and for Other Purposes*, H. Rept. 2521, 87 Cong. 2 sess. (Oct. 3, 1962), p. 118; Zahniser quotation in *ibid.*, p. 129.
[88] *Cong. Record*, Vol. 108 (Sept. 20, 1962), pp. 20202–03.
[89] Robert Bendiner, *Obstacle Course on Capitol Hill* (McGraw-Hill, 1964), pp. 62–63.
[90] On Sept. 26, 1962, *Public Papers of the Presidents, 1962*, p. 714.

along with other members of ORRRC in endorsing wilderness legislation, argued that it was inevitable eventually and that the western objective should therefore be to write a bill with which western economic interests could live.

President Kennedy asked the Bureau of the Budget to take the lead in working out a compromise, and negotiations were completed just before the President's death.[91] The result was hardly a compromise—it was, rather, an acceptance of Aspinall's terms. The House committee dropped only the provision for the twenty-five year review; otherwise the bill was the same as the committee bill of 1962. Yet the atmosphere this time was one of utter harmony—wilderness advocates realized that the choice was between Aspinall's idea of a bill and no bill at all. "A significant step forward," said Representative Saylor, the bill's sponsor, in accepting as amendments the same provisions he had denounced two years before. "A highly reasonable approach," Representative Dingell agreed.[92] The bill passed the House with only one dissenting vote. What emerged from the House-Senate conference was essentially the House measure. The requirement for congressional initiative had been accepted by the Senate conferees; the permission for mining in wilderness areas had been reduced from twenty-five to nineteen years, but it was still there. Senator Anderson assured his colleagues that administrative regulations could prevent "serious depreciation of wilderness values" as a result of prospecting and mining. "A great forward step," Senator Humphrey called the Wilderness Act.[93] "Imperfect but vital," the Wilderness Society described it.[94] "The wilderness bill preserves for our posterity, for all time to come, 9 million acres of this vast continent in their original and unchanging beauty and wonder," intoned President Johnson.[95] And another fifty million acres would be reviewed for possible inclusion within ten years.

Beauty for America *(1965–66)*

When Lyndon Johnson proclaimed the goal of a "Great Society" in 1964, he defined it as a new and qualitative dimension of the national

[91] As reported by Aspinall, *Cong. Record*, Vol. 110 (July 30, 1964), p. 17427.
[92] *Ibid.*, pp. 17431, 17434.
[93] *Ibid.* (Aug. 20, 1964), p. 20602.
[94] *Living Wilderness*, No. 86 (Spring-Summer 1964), p. 2.
[95] On Sept. 3, 1964, *Public Papers of the Presidents, 1963–64*, p. 1033.

objective. "We have the opportunity," he told the graduating class of the University of Michigan, "to move not only toward the rich society and the powerful society, but upward to the Great Society." That Great Society "is a place where the city of man serves not only the needs of the body and the demands of commerce but the desire for beauty and the hunger for community. . . . It is a place where men are more concerned with the quality of their goals than the quantity of their goods."

Into each strand of the President's expression of his vision of America was woven the word "beauty"—surely for the first time in any presidential message. "We have always prided ourselves on being not only America the strong and America the free, but America the beautiful," he said. "Today that beauty is in danger. The water we drink, the food we eat, the very air that we breathe, are threatened with pollution. Our parks are overcrowded, our seashores overburdened. Green fields and dense forests are disappearing. A few years ago we were greatly concerned about the 'Ugly American.' Today we must act to prevent an ugly America. For once the battle is lost, once our natural splendor is destroyed, it can never be recaptured. And once man can no longer walk with beauty or wonder at nature his spirit will wither and his sustenance be wasted."[96]

The President announced a series of "working groups" to "assemble the best thought and the broadest knowledge" on the problems of building the Great Society and to prepare a series of White House conferences and meetings. One of these working groups, he said, would be on "natural beauty." Appointed in July, it reported in November, and its findings and recommendations (which were never made public) were the starting point for the drafting of the first presidential message to Congress in the nation's history on the subject of natural beauty. The message[97] was followed by a White House conference on natural beauty in May 1965, which published its proceedings under the heading "Beauty for America."

The phrase and the concept of "natural beauty," the presidential message, and the White House conference—these unified and dramatized as a major national objective the separate and narrower objectives that had been pursued independently during the previous decade. On each of the subsidiary objectives—water pollution control, air pollution control, recreation development, wilderness preservation, highway beautification—the President presented new and challenging proposals. They comprised an

[96] On May 22, 1964, *ibid.*, pp. 704–06.
[97] Message of Feb. 8, 1965, *Public Papers of the Presidents, 1965*, pp. 155–65.

agenda for national action to preserve, improve, and beautify man's natural environment for the enjoyment of man.

Clean Water: "We Begin To Be Masters of Our Environment." When the new Congress with its overwhelming Democratic majority met after the Johnson landslide, Senator Muskie was in no mood to await a presidential message on natural beauty before passing his water pollution control bill. He had passed a bill in 1963 by a 69–11 margin, only to be frustrated by the chemical industry and its allies in the House. This time he proposed to move before the national temper had a chance to change. With thirty-one cosponsors he introduced a bill only slightly modified from the Senate-passed bill of 1963, held a single day of hearings, brought it to the floor, and passed it on January 28, 1965, barely three weeks after Congress convened. The vote was 68–8; three Republicans who had opposed the measure two years before now joined the bandwagon.

So did the administration. In contrast to the Kennedy administration's reluctant support of the Muskie position in 1963, the Johnson administration proposed to go even further. The key proposal in the "clean water" section of the President's February message on natural beauty dealt with water quality standards; it proposed to "provide, through the setting of effective water quality standards, combined with a swift and effective enforcement procedure, a national program to prevent water pollution at its source rather than attempting to cure pollution after it occurs." The compromise provision on water quality standards that Muskie had negotiated in the previous Congress and had just put through the Senate anew fell short of this objective. It did not contemplate a *national* program; it was for the express purpose of avoiding the obligation to proceed on a nationwide basis that the Kennedy administration had insisted that the standards-setting authority be made optional. The states were to be given "reasonable time" to adopt their own standards before the federal government moved. And the federal authority would be limited to interstate streams.

At the request of Muskie and Blatnik, however, the administration withheld its new and stronger recommendations on standards and enforcement in order not to upset the course of the pending bill, which had foundered on the enforcement issue the year before. The HEW report to the House committee merely noted that the standards section fell short of carrying out the President's recommendation. The department prom-

ised to submit new proposals but urged that action on the pending bill not be delayed.[98]

In the House committee, Blatnik put the emphasis on those parts of the legislation with which he, rather than Muskie, had been originally identified. The committee raised the grant ceiling on individual sewage treatment projects to $1.2 million and the total authorization to $150 million annually (compared to $600,000 and $100 million in the 1961 law and $1 million and $100 million in the Senate-passed bill). It also placed all, rather than some, of the water pollution control activities of the Public Health Service in a new water pollution control administration. But yielding to industry threats to kill the entire bill, as in 1964, if federal water standards were retained in it, the committee developed a new approach to that problem. No power to set standards would be given the federal government; the states would retain that responsibility, but the federal government would coerce them into exercising it. In order to remain eligible for the federal grants, each state would have to file notice by June 30, 1967, of its intention to establish water quality criteria.[99] This compromise satisfied the critics, and the bill was approved by the committee and by the House by unanimous votes.

To Muskie, however, the compromise looked like surrender. For several weeks he refused even to request a conference, despite pressure from the administration and even some of the conservation groups to yield on the standards issue. All told, Blatnik calculated, it took almost four months to resolve the dispute.[100] And, he revealed, it took a presidential "nudge in the ribs . . . about as hard as you'd get from a hockey player" to get the two sides together.[101] But Muskie won his point. When the conference met, it adopted a compromise worked out by the Senate subcommittee staff that restored federal authority to impose standards. They would be imposed on any of three conditions: if the state failed within a year to file a declaration of intent to establish standards; if the standards were not established by June 30, 1967; or if the secretary of HEW considered the standards inadequate.[102] Procedural safeguards were written to assure state participation in standards-setting; in exchange, procedures for abatement action under established standards were simplified. The grant and reorganization provisions followed the House bill. Muskie acknowledged that the stalemate and the long negotiations had resulted in improving the original Senate bill.

[98] HEW report dated Feb. 18, 1965, *Water Pollution Control Hearings on Water Quality Act of 1965*, Hearings before the House Public Works Committee, 89 Cong. 1 sess. (1965), pp. 85–86.

[99] Criteria were not standards, but rather a preliminary classification upon which standards would be based, it was explained by a committee source (*Congressional Quarterly Almanac, 1965*, pp. 749–50).

[100] *Cong. Record*, Vol. 111 (Sept. 21, 1965), p. 24587.

[101] *Evening Star* (Washington), Aug. 27, 1965.

"This moment makes a very proud beginning for the United States of America," said Lyndon Johnson in signing the Water Quality Act of 1965. "Today, we proclaim our refusal to be strangled by the wastes of civilization. Today, we begin to be masters of our environment. . . . Additional, bolder measures will be needed in the years ahead. But we have begun."[103]

Senator Muskie was already at work on his version of the additional bolder measures. During the period of the House-Senate deadlock in 1965, the Muskie subcommittee set out on a series of Washington and regional hearings to take the measure of the country's water pollution problem, and in January 1966 it released its findings. It estimated the backlog of needed municipal sewage treatment facilities at $20 billion, and if the federal share of 30 percent were to be retained, a total of $6 billion in federal expenditures should be authorized. Without waiting for presidential recommendations, nearly half the Senate, forty-eight members in all, joined Muskie in introducing a bill authorizing the $6 billion over a six-year period. Among the cosponsors was the Senate subcommittee's ranking Republican, Caleb Boggs, who said that in the field hearings "it became abundantly clear to me" that the federal government must increase its aid "if we are ever going to be in a position to control and prevent water pollution."[104] The Muskie bill also removed the dollar ceilings on individual grants and provided an incentive for state matching by raising the federal share from 30 to 40 percent in those cases where the states assumed half the remaining cost. Moreover, if states proceeded before federal money was available, they would be reimbursed later—a provision designed to accommodate New York state, where under Governor Rockefeller's leadership a $1 billion bond issue for state aid for sew-

[102] All fifty states met the 1967 deadline for establishing standards. The Department of the Interior (to whom the authority had been transferred from HEW) then began the process of reviewing and approving the standards, state by state.

[103] On Oct. 2, 1965, *Public Papers of the Presidents, 1965*, p. 1034.

[104] *Water Pollution Control—1966*, Hearings before the Subcommittee on Air and Water Pollution of the Senate Public Works Committee, 89 Cong. 2 sess. (April 19, 1966), p. 25.

age treatment facilities had been approved by a "thunderous" four to one vote in a referendum.[105]

The President's own version of the needed bolder measures, submitted to Congress in February 1966, was a reorganization plan transferring the Federal Water Pollution Control Administration to the Department of the Interior and a clean rivers restoration bill that would authorize Interior to provide financial aid not just for individual sewage treatment plants but for "the management of pollution control activities on a whole river, lake, or other body of water."[106] The river basin plans would be prepared by either existing or new federal-state water resources planning agencies.[107] The plans would include water quality standards, enforcement authority, and basin-wide sewage treatment programs. For works proceeding under approved plans, grant ceiling limitations would be removed. But the expenditure level was to be raised by only $50 million a year.

The administration saw the Muskie bill as not just bold but downright audacious. Its spokesmen warned that it might render the river-basin approach ineffective, cautioned that to proceed so rapidly without comprehensive planning could result in "gross errors," and pleaded for time to consider the $6 billion authorization. "More money is needed," said HEW Assistant Secretary James M. Quigley, "but just more money is not the answer."[108] But Muskie was not deterred. He retained his $6 billion figure, conceding only that it might be used to finance a modified river-basin program as well as the existing program. At the instance of the cities, the federal grant level was raised from 30 to 40 percent for all projects, not just for those in states that shared the local cost. At the instance of the administration, which still sought an incentive to encourage river-basin planning, the federal share was raised to 50 percent for projects carried out under approved river-basin programs. The bill passed the Senate 90–0.

[105] Testimony of Hollis Ingraham, New York commissioner of health, April 28, 1966, in *ibid.*, p. 236.

[106] Interior Department letter to Senator Muskie dated May 25, 1966, *ibid.*, p. 138b.

[107] The Water Resources Planning Act, passed in 1963, authorized establishment of federal-state river basin commissions to develop comprehensive water utilization plans, encompassing plans for flood control, water supply development, pollution control, and enhancement of fish and wildlife and water-based recreation. The act grew out of the work of the Senate select committee on water resources, chaired by Senator Kerr, which reported in 1961.

[108] *Water Pollution Control—1966*, Hearings, p. 127.

At this point the administration hastily recalculated the total grant needs and arrived at $3.45 billion over six years, compared to Muskie's $6 billion. Of this amount, $2.45 billion would be spent in the first five years, ending in 1971, compared to $4.5 billion in the Muskie bill. The House committee accepted the administration's figures for a five-year program, and its bill passed the House by a vote of 313–0. The House-Senate conference split the difference, authorizing $3.55 billion for a five-year program which would begin at $150 million for the first year and rise by annual steps to $1.25 billion in the fifth year (1970–71). The final bill retained the 30 percent federal share where states did not participate but allowed 50 percent wherever a state assumed half of the remaining cost and established enforceable water quality standards for the waters into which the sewage treatment project discharged. Thus the Clean Water Restoration Act of 1966 established the administration's program in a modified form. It also finally removed the dollar ceiling on individual grants.

The country had come a long way. Only six years after President Eisenhower had vetoed a federal aid bill on the ground that water pollution was "a uniquely local blight," the Congress—without a dissenting vote in either House—had approved a program for full national leadership and participation in eradicating a national blight, with an ultimate spending rate twelve times as great as the level contemplated in the vetoed bill. In his budget for the fiscal year 1968, however, the President requested only $203 million, less than half the $450 million authorized for that year.[109]

Clean Air: "We Intend To Rewrite History." "Smog wasn't invented in Los Angeles but it was here that the fight against it was born," Governor Edmund G. Brown of California told the Muskie subcommittee in 1964. For twenty years the battle had been underway. Yet, as the governor spoke, in January 1964, it was still a losing fight. "We are not reducing the total amount of smog," he testified. "We are only keeping even with growth."

The reason: the omnipresent automobile, numbering 3.5 million in the Los Angeles basin. Oil refineries and industrial smokestacks had been brought under control, backyard trash-burning had been outlawed, but these gains had been offset by the increase in emissions from motor cars.

[109] The President requested only $225 million for the fiscal year 1969, compared to the authorization of $700 million.

This problem, too, California had attacked, with laws requiring "crankcase blowby devices" on all automobiles sold in the state. But these would eliminate only 20 percent of the tonnage of hydrocarbons emitted by automobiles.

The governor appealed for federal help. "The automobile manufacturer is no different from the maker of any other product," he argued. "His product should not be injurious to health, nor a threat to the safety of the individual. We do not permit manufacturers to add dangerous preservatives to the food we eat. . . . And we can no longer permit the automobile to contaminate the air we breathe." Then he added: "The automobile industry is in interstate commerce and the Federal Government clearly has jurisdiction."[110]

In five other cities and in five days of technical hearings in Washington, the Muskie subcommittee heard the same story. Pollutants were being added to the atmosphere faster than they were being brought under control. Automotive exhaust accounted for about half the nation's air pollution problem. After automobiles came trash-burning in municipal dumps and smoking incinerators, and the burning of coal and oil for domestic heating. Research was needed, but far more was known about air pollution control than was being applied. Citing these findings, based upon 1,408 pages of testimony and exhibits, the subcommittee in October 1964 —less than a year after passage of the Clean Air Act of 1963—recommended additional federal legislation.[111] By January 1965 the new bill was ready, and Muskie introduced it.

The bill's primary focus was the automobile, its secondary focus the municipal dump. It prescribed standards of exhaust emission for gasoline-powered vehicles and directed the secretary of HEW to develop criteria for diesels. It also authorized $25 million in grants to the states for programs of inspection to insure compliance. To cope with the problem of municipal dumps, it authorized $100 million annually in grants for construction of facilities for solid-waste disposal. On all of these problems, as well as on the problem of sulphur oxides, it authorized an accelerated program of research centered in a federal air pollution control laboratory.

HEW, which had followed the Muskie hearings, presented to the

[110] *Clean Air,* Hearings before the Special Subcommittee on Air and Water Pollution of the Senate Public Works Committee, 88 Cong. 2 sess. (Jan. 27, 1964), pp. 6–7.

[111] *Steps Toward Clean Air,* prepared by the Special Subcommittee on Air and Water Pollution for the Senate Public Works Committee, 88 Cong. 2 sess. (October 1964); the recommendations are summarized on pp. 5–6.

White House a comparable proposal for enforceable federal standards on automotive exhaust. But when it reached President Johnson, he had questions. Had the automotive industry been consulted? Industry had just demonstrated that it was willing to "reason together" with the government on fiscal legislation—indeed, Henry Ford, II, had been a leader of the business committee supporting the President's tax reduction program—would they not be willing to reason on pollution? Was a federal "crackdown" in order before the companies had had opportunity even to consider with the President a course of voluntary action? The proposal was dropped. In its stead the President in his February message to Congress on natural beauty announced only, "I intend to institute discussions with industry officials and other interested groups leading to an effective elimination or substantial reduction of pollution from liquid fueled motor vehicles."

But the President was a busy man. Two months went by with no discussions. Senator Muskie, who had already probed the automotive industry to his own satisfaction, was impatient to move. He called HEW for a witness on his bill on Tuesday, April 6. HEW was ready to move also, but the Budget Bureau ruled that the department was still bound by the President's February decision. When Assistant Secretary Quigley appeared before the subcommittee, all he could say was that the administration opposed the bill until it had had the benefit of two developments: first, further testing of control devices under the California law and on government vehicles throughout the country; second, the President's meeting with industry to explore "what can be done to cope with this problem on a voluntary basis." He also objected, pending further research, to the construction grants for solid waste disposal facilities. As for the new research authority conferred by the bill, he considered it unnecessary because existing authority was sufficient.[112]

Muskie came down hard. His bill, he said, had been "reduced to nothing." "You recommend giving the President authority to find new pollution problems but you don't recommend doing anything about the ones we know about," he told Quigley. "You recognize a problem, you recognize that it is a national problem, you say that a technological potential now exists for meeting the need and dealing with the problem. Frankly I just can't make the next jump in your reasoning. You say that having

[112] *Air Pollution Control,* Hearings before the Special Subcommittee on Air and Water Pollution of the Senate Public Works Committee, 89 Cong. 1 sess. (April 6, 1965), p. 29.

said all this we don't recommend doing anything now. . . . The tune is the same but we don't come up with the same words."[113] Other subcommittee members made clear they shared the chairman's disappointment. Next day, Muskie asked Quigley to appear again before the subcommittee, on Friday, April 9.

Perhaps more important, the newspapers came down hard. *The New York Times* said that the administration's "feeble statement" bore the "odor" of politics. It reported in its news columns that President Johnson had personally determined the administration position and that Quigley was "not happy" with it. *The Los Angeles Times* deplored the "love affair" between the President and industry. On the same theme, *The Washington Post's* cartoonist Herblock portrayed a clinching couple—the administration and the automotive industry—zooming off in a limousine spewing exhaust fumes on a jilted girl labeled "legislation to control air pollution." The President, who presumably had thought little about the subject since February, was startled to discover that the administration had blundered. He ordered HEW to extricate itself, and him, from their predicament, and now a happier Quigley found himself liberated to negotiate with Muskie the words they would sing in harmony to their common tune.

The objective was easily accomplished. Quigley reappeared before the subcommittee to say that his Tuesday testimony had "unfortunately been completely misinterpreted that we are against any legislation and all legislation to control automobile exhaust." "We favor all action that is appropriate," he went on, "and if it is the judgment of the committee that legislation is appropriate at this time we want to work with the committee in making sure that that legislation is . . . the most effective piece of legislation that we are able to put on the books." The main requirement was that the standards not be written into statute but be left for administrative determination.[114]

The automotive industry was by no means adamant either. It had made its peace with California and it was aware of the rumblings in other state capitals. A bill had been introduced in the Pennsylvania legislature. In New York a state senator was boasting that his bill imposed standards higher and tougher than those of California. This was what the industry feared most: state regulations as diverse among the fifty states as, say, the early state standards governing the size and weight of trucks. At hearings

[113] *Ibid.*, pp. 27, 28, 74.
[114] *Ibid.* (April 9, 1965), p. 295.

in Detroit, on April 7, the industry spokesmen had protested for the record that air pollution was not a national problem and that automotive exhaust was being blamed for an undue share of the trouble, but they put most of their emphasis upon asking for additional time beyond the 1966 deadline in the Muskie bill. General Motors could comply in two years, said Harry F. Barr, a vice president, assuming "that a national standard rather than diverse State or regional standards could be established and that any such national standard would be no more stringent than that now required in California."[115]

Senator Muskie was satisfied to trade a year of time for acceptance of his principle. He conceded the administration's request for administrative flexibility, moved the deadline back to 1967, and converted his solid waste disposal grant program to a research and demonstration program. Then he moved the bill through the Public Works Committee and the Senate without dissent.

The automotive exhaust provisions encountered no opposition in the House either, after the committee removed the specific 1967 deadline from the bill and left that matter, also, to administrative discretion.[116] The solid waste disposal research and demonstration program, however, drew a dissent from seven committee Republicans who, in familiar language, insisted that "no case has been made for Federal action" in what was "primarily the function of . . . local agencies."[117] But when they moved deletion of the program by the House, they were beaten by a three-to-one margin. Republicans supported the motion, 61–32, but Democrats smothered it, 188–19. The Senate accepted the House amendments.

In signing the bill, President Johnson quoted Rachel Carson: "In biological history, no organism has survived long if its environment became in some way unfit for it, but no organism before man has deliberately polluted its own environment." Added the President: "We intend to rewrite that chapter of history. Today we begin."[118]

Outdoor Recreation: "A Parks-for-America Decade." In his message on natural beauty, President Johnson proposed a "Parks-for-America dec-

[115] *Ibid.*, p. 127.
[116] As it developed, this change made no difference; the standards were announced by HEW on March 29, 1966, to take effect with 1968 models going on sale in the fall of 1967.
[117] *Clean Air and Solid Waste Disposal Acts*, H. Rept. 899, 89 Cong. 1 sess. (1965), p. 66.
[118] On Oct. 20, 1965, *Public Papers of the Presidents, 1965*, p. 1067.

ade." Using in full the moneys authorized for the land and water conservation fund, he proposed adding to the nation's system of parks and recreation areas a dozen new units scattered from coast to coast. He also proposed a companion measure to the national wilderness preservation system—a national wild rivers system that would preserve scenic stretches of water in their free-flowing state.

Four of the twelve proposed new parks and recreation areas met no local opposition and were approved quickly in 1965. Another four areas were approved in 1966, and Congress added an area not on the President's list.[119]

With that, the Eighty-ninth Congress had approved nine new park and recreation areas, for a total of fifteen since 1961. For the first time in a generation, more land was saved for permanent preservation as open space than was developed for homes, businesses, and highways. In addition, the President recommended approval of three more areas, including a redwoods park in California. These, plus the four remaining from his original 1965 list, provided an agenda for the Ninetieth Congress, and prospects were favorable for at least some of them.[120]

The proposal for a national wild rivers system appeared to have a course ahead of it as tortuous as that of the Wilderness Act. The President proposed that portions of six streams—the Salmon and Clearwater in Idaho, the Green in Wyoming, the Rogue in Oregon, the Rio Grande in New Mexico, and the Suwannee in Georgia and Florida—be designated immediately as wild rivers on which dams would be prohibited, and that nine others be studied for possible inclusion. The Senate passed the bill after restricting condemnation power, removing two rivers (the Green

[119] The four approved in 1965 were the Assateague Island National Seashore in Maryland and Virginia and three national recreation areas—Delaware Water Gap in Pennsylvania and New Jersey, Spruce Knob-Seneca Rocks in West Virginia, and Whiskeytown-Shasta-Trinity in California. The four approved in 1966 as recommended by the President were the Guadalupe Mountains National Park in Texas, the Bighorn Canyon National Recreation Area in Montana, the Cape Lookout National Seashore in North Carolina, and the Indiana Dunes National Lakeshore in Indiana. The Congress added the Pictured Rocks National Lakeshore on the Michigan shore of Lake Superior.

[120] The four remaining from the 1965 list were Sleeping Bear Dunes National Lakeshore in Michigan and Great Basin National Park in Nevada, both of which were delayed by boundary questions raised by local interests; the Oregon Dunes National Seashore, blocked by the opposition of Senator Wayne Morse, Oregon Democrat, to granting condemnation power; and the Flaming Gorge National Recreation Area in Utah and Wyoming. The new proposals, in addition to the Redwood National Park, were the North Cascades National Park in Washington and the Apostle Islands National Lakeshore in Wisconsin.

and the Suwannee), adding three others, (the Eleven Point in Missouri and the Cacapon and Shenandoah in West Virginia), and increasing to seventeen the number to be studied. "It is imperative," Chairman Henry M. Jackson (Democrat of Washington) of the Senate Interior Committee had urged upon the Senate; "We must act now. . . . Once gone, they are lost forever."[121] But Chairman Aspinall of the House committee said that his committee had "no interest in this bill"[122] and that ended the matter for the Eighty-ninth Congress.

In the face of this deadlock, advocates of wild rivers turned to individual bills, as they had done successfully in the case of the Ozark National Scenic Riverways, but results were sparse. A bill for a national scenic riverway on the St. Croix, the boundary river between Wisconsin and Minnesota, passed the Senate but not the House. No other bill passed either house. The state of Maine enacted a measure to protect the Allagash, but that was all that could be claimed by the end of 1966.

In response to the President's recommendations regarding urban recreation areas and beautification programs, Congress without controversy took several steps in 1965. It increased the federal share of acquisitions under the open space land program from 20 percent (or 30 percent in some instances) to 50 percent, broadened the program to include landscaping of public property and clearance of urban land for open space, authorized a new program of 50 percent grants for acceleration of community beautification activities, and added another $235 million in grant authorization for all these purposes.

Highway Beautification: "A First Step." President Johnson's embrace of natural beauty as a prime national goal came at a time when one of the most important congressional enactments to that end—the billboard control legislation of 1958—was conceded to have failed. By 1965 only half the states had passed enabling legislation and qualified for the bonus offered in the 1958 act to states undertaking to control billboards on the interstate highway system. Only 194 miles of the system, or less than 1 percent of the total mileage completed, had been brought under control. The legislation, said Secretary of Commerce John T. Connor, had proved "definitely . . . ineffective."[123]

[121] *Cong. Record,* Vol. 112 (Jan. 17, 1966), p. 420.

[122] *New York Times,* Jan. 19, 1966.

[123] *Highway Beautification,* Hearings before the Subcommittee on Roads of the House Public Works Committee, 89 Cong. 1 sess. (July 20, 1965), p. 4.

you had a true statement of honest indignation from the ladies of America. . . . The Outdoor Advertising Association . . . just doesn't understand the indignation of Americans against being exploited forever."[126]

A majority of the eight panelists refused to accept the administration compromise. They voted to recommend that all advertising except on-premise signs be outlawed on the entire interstate and primary highway systems, including commercial areas. Only Mr. Tocker, Senator Neuberger, and the representative of the Department of Commerce who had handled the industry negotiations, Lowell K. Bridwell, would go so far as to approve general advertising billboards even in business areas.[127]

Backed by this show of support for a strong law, the President sent his draft legislation to Congress the day after the conference adjourned. The central issue became, at once, removal of the myriads of signs located in rural, unzoned areas along primary highways advertising motels, restaurants, service stations, and other roadside businesses whose survival depended upon the highway trade. "The bill will destroy my business," wrote thousands of small businessmen to their congressmen. They were joined by the small advertising concerns who served them—and who wanted it understood that the Outdoor Advertising Association of America did not speak for them. "We are well aware that in May of this year our President talked to a small segment of the advertising industry," one of their spokesmen told the House subcommittee; "but did you know that the OAAA has less than 700 members out of the more than 6,000 licensed sign companies in the United States? And most of these members operate in urban areas which are already zoned commercial and industrial."[128]

The plea by small businessmen for survival was one to which members of the Senate Public Works Committee were bound to listen. By a unanimous vote they agreed that signs that were legal when erected should not be removed under state police power without compensation. They voted to require full compensation of both the sign owner and the owner or leaseholder of the land on which the sign stood, the cost to be shared by the federal and state governments. This made compensation necessary even in states that preferred to use police power and had used it in the past. Any loss to the advertising companies was thus averted; but what

[126] Comment of Marvin B. Durning, chairman, Inter-Agency Committee for Outdoor Recreation, Seattle, Washington, *ibid.*, pp. 269–70.

[127] *Ibid.*, p. 653.

[128] Testimony of Don Barbour, president, Florida Outdoor Advertising Association, in *Highway Beautification*, Hearings (Sept. 7, 1965), p. 386.

of the needs of roadside businesses for highway signs in unzoned areas? The decision of the committee was to retain the principle of the administration bill but leave the decision wholly to the states by letting them determine what constituted business areas in jurisdictions that had no zoning.

These changes were enough to evoke cries of "emasculation" from the enemies of billboards. "Some conservationists and beauty lovers feel that no bill at all would be better," Senator Margaret Chase Smith, Republican of Maine, told the Senate. "They contend that the committee bill gives billboard interests a virtual carte blanche by allowing them to erect signs in areas zoned commercial and industrial by state legislatures and point to the power of the billboard lobby with State legislatures."[129] The administration agreed. Before the debate began, it persuaded Democratic Senator Jennings Randolph of West Virginia, the bill's manager, to accept an amendment that would restrict the states' carte blanche by providing that the secretary of commerce must approve the state determinations regarding unzoned areas. The amendment also introduced new authority for the secretary to concur in state criteria governing the lighting, size, and spacing of signs in business areas.[130] Now it was the turn of the roadside businesses to cry "foul." Senator Spessard Holland, Florida Democrat, told the Senate that his constituents felt the amendment violated an understanding reached twelve days earlier by the national representatives of their industry and the Public Works Committee. Senator Muskie hotly denied that any such agreement had been reached,[131] but the amendment was held over for a day. After further consultation between Randolph and the administration, the senator offered still another version, this time providing for "agreement" between the secretary and the states, rather than "approval" by the secretary, regarding the designation of unzoned business areas. The new amendment "places both parties on an equal footing," he argued, while his opponents contended that it meant the same as the previous version.[132] The revised amendment squeaked through, 44–40, although the Republicans—billboard oppon-

[129] *Cong. Record*, Vol. 111 (Sept. 15, 1965), p. 23869. In 1967, Wyoming zoned all agricultural land within 660 feet of primary highways as commercial, Transportation Secretary Alan S. Boyd told Congress (*Washington Post*, May 3, 1967).

[130] For a review of the legislative history of this amendment, see statements by Senator Muskie, *Cong. Record*, Vol. 112 (Feb. 16, 1966), pp. 3127–29, and Senator George Murphy, Republican of California, *ibid.* (April 6, 1966), pp. 7915–17.

[131] *Ibid.*, Vol. 111 (1965), p. 23876.

[132] *Ibid.*, pp. 24113–15.

ents and supporters alike—united to vote 22–1 in favor of states' rights and against the amendment.

Then it was the Republicans' turn to try to tighten up the bill. Senator John Sherman Cooper of Kentucky contended that the bill, both before and after the amendment, would relax the standards set in 1958 and 1959 for the interstate highway system by permitting even those states that had qualified for bonuses to open up the interstate system to "strip zoning" for advertising. He proposed an amendment to preserve the earlier stricter standards where they had been applied. The Senate was plunged into a fog of legal argumentation, but one thing was clear—any such amendment would lose the hard-won and crucial support for the bill from the Outdoor Advertising Association of America. The Republicans again held their lines, 22–1, this time against states' rights and for the stricter standards, but the Democrats united, 44–7, to support the administration and defeat the amendment. Once this dispute was settled, the bill passed on a bipartisan basis with only token opposition, 63–14.[133]

The Randolph amendment survived two votes in the House. A motion by Representative William Cramer, Florida Republican, to give the states complete control over the unzoned areas was defeated on a teller vote, 157–115, and later on a roll call, 230–153.[134] Protesting White House pressure for "Lady Bird's bill" and contending the measure was not carefully written, House Republicans, unlike their Senate counterparts, voted against the bill on final passage, 89–26. But overwhelming Democratic support carried it to passage, 245–138.

"This bill will bring the wonders of nature back into our daily lives," declaimed President Johnson as he signed it into law with "America the

[133] The Senate made a number of other changes in the administration bill. As the penalty for noncompliance, only 10 percent (rather than 100 percent) of the state's federal aid for highways could be withheld. All costs of the bill would come from general appropriations in order to preserve the highway trust fund for road construction. Controls were restricted to 660 feet on each side of the right-of-way, as provided in the 1958 act. The requirement that states use 3 percent of their secondary road funds for beautification was deleted. Junkyards in industrial areas were exempted from federal control.

[134] The House made several other changes in the bill. It provided that junkyard owners would receive full compensation for landscaping or screening junkyards outside of industrial areas. It required that the federal-state standards for billboards in permitted areas, governing size, lighting, and spacing, conform to "customary use." The latter amendment also made explicit that the states' powers to zone areas for commercial or industrial purposes was not impaired by the bill. This language presumably made no substantive change in the bill, however, because the administration bill had been so interpreted by Secretary Connor as had the Randolph amendment by the bill's managers in the Senate.

Beautiful" as background music. "This bill will enrich our spirits and restore a small measure of our national greatness." Then he added, somewhat surprisingly in view of the fact that Congress had given him essentially what he asked: "This bill does not represent everything that we wanted. It does not represent what we need. It does not represent what the national interest requires. But it is a first step, and there will be other steps."[135]

The Never-Ending Race with Despoliation. The surge of legislation in the decade ending in 1966 asserted, for the first time through the national government, the principle that man would be, in Lyndon Johnson's phrase, the master of his environment. But assertion of the principle did not establish it. The basic laws had created only the means. The end would depend upon a steadfastness of purpose that the country had yet to prove, and upon a proportion of the national resources that the country had yet to dedicate.

Environmental improvement was not a field of legislation, like civil rights or medicare, where the issue once settled would remain settled. It was, rather, a field where the constantly accelerating pressure upon living space generated by the forces of population growth and technological development would have to be countered by an equally constant acceleration of public action. Public policy developed rapidly in the early 1960's—rapidly enough to suggest that the race with despoliation could indeed be won—but at the end of 1966 it remained at least an open question whether the rate, or even the direction, of policy development could be maintained. In some fields the race was clearly being lost. In a message to Congress asking for further legislation on air pollution, for example, President Johnson in January 1967 said that despite three laws since 1963, pollution was "getting worse."

The accumulated needs alone were enormous. By the time the national government bestirred itself, almost everywhere the water was already fouled, the urban air poisoned, the seashores and lakeshores occupied, the coal fields stripmined, the wild rivers dammed, the wetlands drained, the highways blighted. The forces making for destruction of the environment had not merely to be resisted but to be pushed back. What had been allowed to happen over the decades had now to be undone.

But the spoilers of the environment could be counted on not to relax

[135] On Oct. 22, 1965, *Public Papers of the Presidents, 1965*, p. 1074.

for a moment. They were not merely inanimate forces; they were real, live people—and people with power. Their livelihood sometimes depended on continuation of the practices that had caused the trouble. And they had powerful arguments. They provided jobs and payrolls. They were the backbone, if not of the national economy, of many local economies—in the case of outdoor advertising they had even claimed "a key role" in keeping the entire economy "in high gear." They were symbols of American freedom, of property rights, of states' rights, of local autonomy, even of struggling small business. They could plead technological uncertainty and demand more research. They had learned how to contribute to campaigns, to muster votes, to dominate state and local governments.

Despoliation could be combated in two ways. It could be regulated through the police power, as the air and water pollution control agencies were trying gingerly to do—and as Congress refused to permit in the case of billboards. Or federal money could be used—to finance sewage treatment plants, to purchase offending billboards, to buy the redwood groves and recreation land. Police power led to long-drawn-out legal processes which had yet to prove their effectiveness on a national scale, and the economic costs of its use—crankcase devices, for instance—would have to be borne by consumers. And mastery of the environment through the federal budget would require sums so enormous as to sternly test the country's dedication to the cause.

In early 1967, for example, the secretary of transportation chilled congressional enthusiasm for billboard control when he computed at $558 million the cost of compensating advertising companies for the one million signs to be removed under the 1965 act. The stringency of wartime budgeting held the allocation for sewage treatment plants to less than half the sum Congress had authorized; yet the ultimate cost of purifying the country's air and water was estimated at many tens of billions—$30 billion just for complete separation of storm and sanitary sewers. To win industry cooperation, it was being argued, substantial sums would have to be paid by the federal government through tax abatement for pollution control expenditures.

Land costs spiraling from speculation were delaying, and could ultimately limit, the purchase program under the land and water conservation fund; for this reason the redwood park would be, at best, a compromise with the aspirations of its advocates.

To complete the gloomy picture, it was evident as the decade ended

that public and congressional interest could wane as well as wax. The Congress of 1967 had a different composition than that of 1965. The White House conference on natural beauty represented a peak, not a plateau, of public enthusiasm; the zeal mobilized at that gathering could not be sustained even for the few months that the billboard control legislation was under consideration in Congress, and the beautification advocates—who had only psychic income at stake—scarcely even tried to compete with the lobbies representing those whose money income was in the balance. The political weight of the beautifiers and the spoilers was even more disparate in 1967.

As in the case of other problems—poverty, discrimination, substandard education, the manifold problems of the urban ghettoes and the rural backwaters—one could see grounds for hope, but none for certainty, that the ability of institutions to respond would be commensurate with the magnitude of the challenges.