The Creation of Enemies: Investigating Conservative Environmental Polarization, 1945-1981

by

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Abstract

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This Dissertation examines the history of the conservative relationship with environmentalism in the United States between 1945 and 1981. In response to recent calls to bring the histories of U.S. political conservatism and environmentalism into conversation with each other, it investigates postwar environmental political history through the lens of partisan and ideological polarization and generates a research agenda for the field. It then contributes three new studies in conservative environmental politics: an analysis of the environmental rhetoric of a national business magazine; the legislative history of the first law to extend the power of the federal government to fight air pollution; and a history of the conservative response to Earth Day. It concludes that conservative opposition to environmentalism in the United States has been both ideological and situational.

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Introduction

This Dissertation examines the relationship between conservatives and environmentalism in the United States between the end of World War II and the beginning of the Reagan Presidency. It tracks and attempts to shed new light on the development of what became, by the end of the study period, a largely adversarial relationship.[1]

For the purposes of this Dissertation, the term "environmentalism" is understood as a political philosophy marked by a desire to reduce the impacts of industrialization on the natural world and to improve human and non-human environmental quality;[2] the term "conservatism" is understood as a political philosophy marked by a desire to reduce the influence of government on society and individuals while preserving some prevailing social order;[3] and the idea of a "relationship" between conservatism and environmentalism is conceptualized as consisting mostly of what conservatives thought, said, or did about environmental ideas and proposals during the study period.

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[1] On polarization of opinions on environmental issues by partisan affiliation from 1965 to the present: R. E. Dunlap, Aaron M. McCright, and Jerrod H. Yarosh, "The Political Divide on Climate Change: Partisan Polarization Widens in the U.S.," *Environment: Science and Policy for Sustainable Development* 58, no. 5 (September 2, 2016): 4–23; Aaron M. McCright and Riley E. Dunlap, "The Politicization of Climate Change and Polarization in the American Public's Views of Global Warming, 2001–2010," *The Sociological Quarterly* 52, no. 2 (2011): 155–94; R. E. Dunlap and Aaron M. McCright, "A Widening Gap: Republican and Democratic Views on Climate Change," *Environment: Science and Policy for Sustainable Development* 50, no. 5 (September 1, 2008): 26–35; R. E. Dunlap, C. Xiao, and Aaron M. McCright, "Politics and Environment in America: Partisan and Ideological Cleavages in Public Support for Environmentalism," *Environmental Politics* 10, no. 4 (December 1, 2001): 23–48; R. E. Dunlap, "Trends in Public Opinion toward Environmental Issues: 1965–1990," *Society & Natural Resources* 4, no. 3 (July 1, 1991): 285–312; Riley E Dunlap and Michael P Allen, "Partisan Differences on Environmental Issues: A Congressional Roll-Call Analysis," *Western Political Quarterly* 29, no. 3 (September 1, 1976): 384.

[2] Many studies shed light on the meaning of environmentalism. A good introductory literature is found in efforts by political theorists to isolate the specifically "environmental" component of environmental politics. John Barry, *Rethinking Green Politics: Nature, Virtue and Progress* (London: SAGE Publications, 1999); Robert E. Goodin, *Green Political Theory* (Hoboken, NJ: John Wiley & Sons, 1992); Andrew Dobson, *Green Political Thought: An Introduction*, 4th ed. (New York: HarperCollins Academic, 2007). These, however, often focus on the perspectives on the natural environment and miss the pervasive concern for human health and fear of bodily contamination that mark modern environmentalism. Excellent studies of the latter idea include Linda Lorraine Nash, *Inescapable Ecologies: A History of Environment, Disease, and Knowledge* (University of California Press, 2006); Christopher C. Sellers, *Hazards of the Job: From Industrial Disease to Environmental Health Science* (UNC Press, 1997).

[3] A great deal of ink has been spilled in the struggle to define conservatism. There are two broad camps: those who attempt absolute definitions, and those who think of the problem in relative terms; with each typically conceding that there is also a situational element. In other words, many have argued that there is a core set of beliefs that define conservatism, while admitting that those beliefs change over time and are situated within a broader political society. Others argue that there is no such core set of beliefs, and self-identification, and identification by others, is all that is knowable, again within the context of a particular historical and political time. This challenge was identified long ago in the opening pages of George H. Nash, *The Conservative Intellectual Movement in America, since 1945* (New York: Basic Books, 1976). It has not been resolved. For quality entry points into the literature, see Neil Gross, Thomas Medvetz, and Rupert Russell, "The Contemporary American Conservative Movement," *Annual Review of Sociology* 37, no. 1 (2011): 325–54, https://doi.org/10.1146/annurev-soc-081309-150050; Patrick Allitt, *The Conservatives: Ideas and Personalities Throughout American History* (Yale University Press, 2009); Jan-Werner Müller, "Comprehending Conservatism: A New Framework for Analysis," *Journal of Political Ideologies* 11, no. 3 (October 1, 2006): 359–65. The characteristics of American conservatism in the study period are examined much more closely below.

This research is problem-motivated, where the "problem" is understood to be today's conservative opposition to environmental legislation and regulation. It was undertaken during a period of concerted environmental deregulation under the Trump Administration, echoing similar efforts under the Reagan, Bush I, and Bush II Administrations, and is driven by a frustrated but honest interest to understand why deregulation is a priority for conservative administrations. It begins from the following general positions: that environmental quality is valuable, that environmental legislation and regulation to protect environmental quality is valuable, that a primary barrier to the enactment and implementation of such legislation and regulation is political opposition rather than technical feasibility or other factors, and that the primary locus of such political opposition in the United States is, and has been, ideological political conservatism. These positions are not taken to be absolutes: environmental protection must be balanced against other values, environmental laws can be over- and under-protective, there are other barriers to effective implementation beyond political considerations, and political opposition to environmentalism is not exclusively conservative, nor is the conservative perspective on environmentalism exclusively oppositional. It is admitted at the outset, then, that all these positions can be, and have been, contested. Nonetheless, these ideas informed the development of this entire project, and identifying them, and admitting them as possible initial biases, should allow the reader to better assess whether the analysis below has made any unjustified or unsupported assumptions or inferences.

Notwithstanding these motivations, the relationship between conservatives and environmentalism should be viewed as a worthy and even fascinating object of study on its own merits. These are two of the most powerful, influential, and distinctive political, intellectual, and ideological traditions of the twentieth century. This alone makes their relationship an engaging inquiry. In addition, they have often found themselves in conflict, increasingly so, and while this opposition is widely recognized, the contours of its origins have not been well documented, nor well understood. This Dissertation is intended as a contribution toward the project of that documentation and understanding. That is, it attempts to answer another question – how? – in order to get to that deeper question – why? Although it holds out hope for an eventual reconciliation, it does not start from the perspective that one is desirable or even possible, or that the future should look any way at all. Rather, it is written on the conviction that the past is useful, but only if it can be understood accurately. Understanding how conservatism and environmentalism became opposed may help to move them toward some future reconciliation, or toward the conclusion that no such reconciliation will be forthcoming. Either way, the conclusion will be based on evidence, and always open to revision upon the development of further evidence.

Thus, this Dissertation proposes above all else to be empirical and inductive, rather than theoretical or deductive. As is demonstrated in the Chapter 1, there is a substantial lack of evidence on the topic and this lack should begin to be remedied, bit by bit, before any sweeping conclusions are drawn. That is, before making any broad claims about whether conservatism and environmentalism may ever peacefully coexist, it is first necessary to determine exactly what conservatives said about emerging environmental ideas, over a substantial period of time, among a scattered and often

difficult to access selection of materials. It is necessary to explore, as much as possible without an agenda, how these statements changed and developed over time, within the larger context of a developing and contested environmentalism and a developing and contested conservatism within developing and contested political institutions. Certainly, bias will persist in the selection of topics for study, the selection of materials for review, and the selection of inferences drawn and developed from these selections. But if each of these is clear, then at least that clarity can assist others who would choose other topics, who would investigate other materials, or who would develop different arguments. As this study seeks to combine several separate subjects that are each awash in motivated reasoning, there must be some effort to remain, if not objective, at least transparent. With a commitment to transparent empiricism as a lodestar, it is possible to proceed.

The research in this Dissertation is built primarily on conservative media and legislative materials. With respect to the media materials, the historical development of conservative perspectives on environmental topics may be traced through the statements and actions of people identified, by themselves or by others, as conservatives. In the United States, conservatism developed in the public forum and left an enormous paper trail. Dozens of print publications and radio programs catered to conservative audiences. Dozens of newspaper editorialists provided written commentary on current events from a conservative perspective. Almost none of them have been examined for their treatment of environmental topics. Simply reviewing them carefully to determine what they said sheds a great deal of light on the animating questions of this Dissertation.

In addition to records left by conservative intellectuals and public media personalities, traces of statements and actions by conservative politicians are scattered across the abundant and under-researched public record. Legislative materials, and particularly the statements, the speeches, the legislative proposals, and the votes of conservative politicians on proposed environmental legislation all remain to be studied. At the federal level the Congressional Record, the records of proposed bills, and the Congressional committee hearing transcripts, among many other materials, demonstrate how conservative legislators thought about environmental topics. In addition to the proceedings around the well-known environmental legislation of the 1970s, dozens of legislative initiatives and Congressional investigations on environmental topics occurred throughout the late 1940s, 1950s, and 1960s, and almost none of them have been carefully studied, whether to identify conservative views or for any other purpose. Again, simply identifying and reviewing these resources carefully and with conservatism in mind helps reveal the course of conservative thinking on a variety of environmental topics.

The research in this Dissertation has benefitted from the recent growth of online research repositories and computerized research tools. The last decade has seen an enormous expansion of digitized materials, and of digitized historical conservative media in particular. ProQuest Congressional has made a vast array of legislative materials available for study. Newspapers.com has provided access to millions of pages of previously inaccessible and unindexed local newspaper records. Large collections of previously paper-only periodicals have been digitized by Google and

are increasingly accessible and text-searchable, and more specialized media collections are also increasingly being digitized. There is, in fact, so much to study that the challenge has been to select manageable topics to explore.

To overcome that challenge, the chapters of this Dissertation each focus on different materials, and each attempt to achieve different aims in the larger project of investigating conservative environmental polarization between 1945 and 1981. In order to provide an over-arching framework for future research, Chapter 1 collects and examines the academic literature on the historical development of conservatism and environmentalism side by side. Chapter 2 then focuses on a single archive – a single periodical – but investigates it as deeply and thoroughly as possible to evaluate how conservative perspectives on many environmental issues developed over a long period of time throughout the study period. Chapter 3, by comparison, examines a single topic – the development of federal air pollution legislation – but works with a large variety of research materials, including especially legislative and historical archival materials, to understand conservative perspectives within a much larger set of concerns animating the legislation over a period of many years. Finally, Chapter 4 focuses on a single historical event – Earth Day 1970 – and works with conservative newspaper and magazine commentary to explore the development of the conservative political and intellectual critique of environmentalism immediately before and after that event. What ties these projects together is their incorporation of conservative political historical materials into the existing narrative of the development of environmental politics, policy, law, and regulation in the United States.

In addition, each of this Dissertation's chapters employs different research methods. Chapter 1 is a traditional literature review. Chapter 2 is a rhetorical study built on a customized computerized search process. Chapter 3 is a legislative study that incorporates quantitative statistical analysis. Chapter 4 is a political history and media commentary analysis. This interdisciplinary, multi-methods approach is itself a part of the overall research design of this Dissertation. The questions raised in Chapter 1 will not be answered by dogmatic adherence to specific research methods; they will require flexibility and creativity. It is hoped that this Dissertation demonstrates how to investigate conservative environmental polarization, and the kinds of projects that, if repeated with other materials and on other topics, will result in a rich and detailed understanding of the development of the relationship between conservatism and environmentalism in the postwar years, and explain how – and, perhaps, why – so many conservatives came to oppose environmental policies by 1981.

Did early initiatives in environmental politics enjoy balanced, bipartisan, and cross-ideological support? Or was there an identifiable association between environmental quality concerns and a particular political perspective or political party? Did conservative oppositional politics begin at some identifiable point or in response to a particular event? Or was it immediate and persistent throughout the development of environmentalism? Did conservative opposition to environmental politics emerge during the Reagan presidency? Or earlier? Was business the driver of that opposition? Or were the grassroots, foundations, small businesses, and Republican politicians also involved in some way? If so, how?

Chapter 1: Studying the Relationship between Conservatives and Environmentalism

This Dissertation explores topics in the same space recently claimed by James Morton Turner and Andrew C. Isenberg in *The Republican Reversal: Conservatives and the Environment from Nixon to Trump* (2018).[4] They argue that to understand the relationship between environmentalism and conservatism it is necessary "to place the histories of conservatism and environmental politics into conversation with each other." They note, however, that "[m]ost histories of environmental politics. . . focus foremost on environmentalists . . . [while] opponents of environmental reform are often cast [only] as foils for environmentalists." Citing recent historical scholarship on U.S. political conservatism in agreement with this assessment, they conclude that "no work of history provides an overarching analysis of the ways in which environmental issues have contributed to and been affected by the rise of modern conservatism."[5] As demonstrated below, they are correct. But their own brief study in response only scratches the surface of the topic. Furthermore, it promotes the idea that the so-called "Republican reversal" on environmental issues occurred at the beginning of the Reagan presidency. Consequently, they spend very little time on the period between Nixon and Reagan, and pay almost no attention to the time before Nixon. Thus, as will be demonstrated below, they misidentify not only the date of the Republican reversal (1976 for the party, roughly 1971 for Nixon), but also the date of the conservative reversal (1969-1970 at the latest). For the purposes of this Dissertation, that is good news: there is much yet to learn.

Prior to discussing what is needed in the field, it is necessary to survey what is known. Although there has not been a great deal of scholarship focused directly on point, there has been a wealth of work that does shed light on its core questions. Perhaps surprisingly, however, the most useful works are not found where most expected. These broad categories of literature are examined first, followed by a chronological investigation incorporating a broader variety of twentieth century political history.

Surveys of environmental politics. There are many excellent academic examinations of the intellectual, social, and political development of environmentalism in the United States. Although now quite dated, Samuel P. Hays' *Beauty, Health, and Permanence: Environmental Politics in the United States, 1955-1985* (1987) is still the standard starting point, and it remains persuasive as it identifies rising middle-class concerns over environmental health and scenic preservation as key precursors to the rise of the American environmental movement. However, its coverage of conservatism and oppositional politics is very weak. With respect to the relationship between conservatism and environmentalism, Hays offers the following assessment:

> Nor did the more conventional language of American public debate, conservative versus liberal, seem to fit. Environmentalists could be described as liberals in that they expressed

[4] James Morton Turner and Andrew C. Isenberg, *The Republican Reversal: Conservatives and the Environment from Nixon to Trump* (Harvard University Press, 2018).
[5] Accord: Kim Phillips-Fein, "Conservatism: A State of the Field," *Journal of American History* 98, no. 3 (2011): 723–43.

> values associated with the advanced industrial society, were instruments of innovation and change, voiced the concerns of consumers and advocated intervention in the economy on behalf of the public. But they were also conservative in that they objected to the radical role of private and public developers in altering the face of the earth and disrupting more stable ways of life. Environmentalists tended to work out their values amid a sense of place that provided roots to life's meaning much in the spirit of traditional conservative ideology.[6]

The problem with Hays' assessment – which is still extremely common – is that it is not historical. It is, rather, a repetition of an argument made by others in the early 1980s about the "real" or "appropriate" relationship between conservatism and the environment, which Hays cites. This argument said that environmentalists "could be" described as either liberals or conservatives. This is true as far as it goes. But how *were* they described, in fact, in history, by conservatives, or by anyone else? How were their initiatives described? How was their outlook on society or government described or understood by people with a stake in policy, politics, or ideology? Hays does not tell us.

Many historians of environmentalism have expanded on Hays' work on the origins of environmentalism. Some have approached the topic over the entire span of human occupation on the North American continent.[7] Many focus on the revolution in environmental politics that began in the late 1960s.[8] Some attempt to dig back farther in time to identify historical precedents and contributors to that revolution.[9] All of them, however, suffer from what Turner and Isenberg identify as the "foil" problem, and what this Dissertation prefers to call the "heroic narrative" problem: an over-focus on the people who placed environmentalism first in their thoughts and actions, developed the ideas that influenced environmental politics, organized the groups that spread the ideas, pushed forward the regulatory agendas, and wrote, implemented, enforced, and litigated the laws. These tend to be one-sided narratives. Excellent scholarship has already revealed that the heroic narrative approach has blinded political environmentalism to the people it has harmed and left behind.[10] It has also obscured the perspectives of people, such as the conservatives, who did not

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[6] Samuel P. Hays and Barbara D. Hays, *Beauty, Health, and Permanence: Environmental Politics in the United States, 1955-1985* (Cambridge University Press, 1987), 242.

[7] Richard N. L. Andrews, *Managing the Environment, Managing Ourselves: A History of American Environmental Policy*, 3d ed. (Yale University Press, 2020).

[8] Philip Shabecoff, *A Fierce Green Fire: The American Environmental Movement* (Washington, D.C.: Island Press, 2003); Hal Rothman, *The Greening of a Nation? : Environmentalism in the United States since 1945* (Fort Worth: Harcourt Brace, 1998); Kirkpatrick Sale, *The Green Revolution: The American Environmental Movement, 1962-1992* (New York: Hill and Wang, 1993).

[9] Adam Rome, *The Bulldozer in the Countryside: Suburban Sprawl and the Rise of American Environmentalism* (Cambridge University Press, 2001); Paul Sutter, *Driven Wild: How the Fight Against Automobiles Launched the Modern Wilderness Movement* (University of Washington Press, 2005); Chad Montrie, *The Myth of Silent Spring: Rethinking the Origins of American Environmentalism* (University of California Press, 2018).

[10] Dorceta E. Taylor, *The Rise of the American Conservation Movement: Power, Privilege, and Environmental Protection* (Duke University Press, 2016); Karl Jacoby, *Crimes against Nature: Squatters, Poachers, Thieves, and the Hidden History of American Conservation* (University of California Press, 2001).

share the environmentalists' political priorities, although, like environmentalists, they were concerned with the uses and activities of government, and the nature of society.

Studies of environmental legislation. There is one style of environmental political study that bucks the heroic narrative trend to some degree: studies of the passage of environmental legislation. These have tended to highlight, if inconsistently, the role of oppositional legislators in shaping environmental law, and some of these legislators have been conservatives.[11] Although conservatism is never the primary focus of such studies, it is difficult to escape the influence of conservative legislators on the operations of the U.S. Congress. The authors are also often political scientists or lawyers and therefore the political leanings and arguments of the participants tend to be treated carefully. On the other hand, studies of a particular law's development often lack the social and political context necessary to derive broader meaning from the ideological positions that are noted, and topical surveys tend to lose detail in favor of coherent narrative. Thus, there is still a great deal of legislative heroicism to be found in this kind of work, and some studies, particularly those examining Senator Edmund Muskie's work, border on hagiography.[12] Politicians may be exemplary public servants and devoted legislators, but they are rarely perfect, and often had a vested interest in their public image as environmental champions that cannot always be taken at face value, even if they deserve a great deal of credit. Nonetheless, the legislative history of almost every environmental law has been combed through and laid out, particularly by the legal academy, and while these do not always focus on political analysis, they do often highlight argument, disagreement, compromise, and opposition that may lead to a better understanding of conservative political positioning.

Case studies of Republican environmentalists. A second useful and increasingly popular literature exists in what are styled as studies of conservative environmentalists. Works examining the environmental politics of Republican President Richard Nixon, Republican CEQ Chairman and EPA Administrator Russell Train, and Republican Pennsylvania Congressman and Wilderness Act proponent John P. Saylor were each written in part to highlight the personal environmental commitments of Republican politicians.[13] The challenge with these works, however, is that they tend to neglect the finer distinctions between Republican Party membership, and conservatism during this period, when the parties had a much larger ideological spread than they do today. Richard

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[11] Quality examples are: Christopher J. Bailey, *Congress and Air Pollution: Environmental Policies in the USA* (Manchester University Press, 1998); Paul Charles Milazzo, *Unlikely Environmentalists: Congress and Clean Water, 1945-1972* (University Press of Kansas, 2006). Many others are discussed below.

[12] Robert F. Blomquist, "To Stir up Public Interest: Edmund S. Muskie and the U.S. Senate Special Subcommittee's Water Pollution Investigations and Legislative Activities, 1963-66 - A Case Study in Early Congressional Environmental Policy Development," *Columbia Journal of Environmental Law* 22, no. 1 (1997): 1–64; Robert F. Blomquist, "Senator Edmund S. Muskie and the Dawn of Modern American Environmental Law: First Term, 1959-1964," *William and Mary Environmental Law and Policy Review* 26, no. 3 (2002): 509–612; Robert F. Blomquist, "In Search of Themis: Toward the Meaning of the Ideal Legislator - Senator Edmund S. Muskie and the Early Development of Modern American Environmental Law, 1965-1968," *William and Mary Environmental Law and Policy Review* 28, no. 3 (2004): 539–658; Joel K. Goldstein, "Edmund S. Muskie: The Environmental Leader and Champion," *Maine Law Review* 67, no. 2 (2015): 226–33.

[13] J. Brooks Flippen, *Nixon and the Environment* (UNM Press, 2000); J. Brooks Flippen, *Conservative Conservationist: Russell E. Train and the Emergence of American Environmentalism* (LSU Press, 2006); Thomas G. Smith, *Green Republican: John Saylor and the Preservation of America's Wilderness* (University of Pittsburgh Press, 2006).

Nixon, Russell Train, and John P. Saylor were very, very different politicians, and these differences map to contemporary and current understandings of conservatism in important ways. Thus, while it is extremely useful to have a work that tracks the development of Nixon's environmental views, without combining these with a careful review of Nixon's changing place within the changing ideological fault lines of his time, we cannot take his views as representative of conservatism as a whole, any more than we can the views of Russell Train, John P. Saylor, or any other conservative or Republican. The same is also true for Barry Goldwater, although he presents a special case because, out of all the politicians mentioned here, his statements on what constitutes conservatism were given special weight. But even Goldwater must be taken in his context,[14] and that context must include his waxing and waning influence, and the varying acceptance by a larger body of conservatives of the many ideas he represented and espoused.

"Consistency" Agenda Pieces. Among the historical studies of Republican environmentalists are studies more oriented toward demonstrating some consistency between conservatism and environmentalism. Whether academic[15] or popular,[16] like some of the sources from the early 1980s used by Hays, these tend to be interested with those selections from history that support the thesis that conservatism and environmentalism are compatible. There are two interrelated concerns, however, with this approach. The first is that the focus involves a pre-judgment, followed by a cherry-picking of materials, to demonstrate a certain outcome, and as such loses its claim to objectivity. While it is certainly important to identify pro-environmental conservative thinking, and to study historical examples, it is also important not to over-focus on that selection of evidence. The second problem is that the available evidence suggests that pro-environmental conservatism has been a minority position within the ongoing conversation over what constitutes or can constitute conservatism. Sociological evidence suggests that this has been the case for some time, and that it is becoming increasingly so recently.[17] Thus, at best, literature focusing only on the actual or potentially positive relationship between conservatism and the environment is focusing on a small part of a larger question. A better approach is to attempt to capture – and not necessarily to resolve the tensions between – the wide range of views on the topic that have in fact existed over time.

Studies of the Opposition. A third type of study focuses on anti-environmentalism, which, given the history of polarization, often means focusing on conservative outlooks. The seminal such work

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[14] The best examinations of Goldwater's perspectives on the environment are in: Brian Allen Drake, *Loving Nature, Fearing the State: Environmentalism and Antigovernment Politics before Reagan* (University of Washington Press, 2013); Brian Allen Drake, "The Skeptical Environmentalist: Senator Barry Goldwater and the Environmental Management State," *Environmental History* 15, no. 4 (October 1, 2010): 587–611.

[15] Daniel A. Farber, "The Conservative as Environmentalist: From Goldwater and the Early Reagan to the 21st Century," *Arizona Law Review* 59, no. 4 (2017): 1005–60.

[16] James R. Dunn and John E. Kinney, *Conservative Environmentalism: Reassessing the Means, Redefining the Ends* (Westport, Conn.: Quorum, 1996); Gordon K. Durnil, *The Making of a Conservative Environmentalist: With Reflections on Government, Industry, Scientists, the Media, Education, Economic Growth, the Public, the Great Lakes, Activists, and the Sunsetting of Toxic Chemicals* (Indiana University Press, 2001); Peter W. Huber, *Hard Green: Saving the Environment from the Environmentalists: A Conservative Manifesto* (New York: Basic Books, 1999).

[17] Dunlap and McCright, "A Widening Gap."

is Jacqueline Vaughn Switzer's *Green Backlash* (1997), [18] which covers a long history of challenges to land management and environmental regulation, many of which were associated with conservative politics to some degree. Other authors have examined Western populist anti-statism,[19] corporate capitalism,[20] and conservative lobbyists[21] as anti-environmental political actors. These are important and useful contributions but tend to be limited to the extent that they only focus on opposition, to the same degree that the studies of Republican environmentalists tend to miss that opposition.

Surveys of conservative politics. After a well-recognized dearth of study well into the 1990s, there are today a large and growing number of quality explorations of twentieth-century conservative politics in the United States. Some of these are very broad historical overviews,[22] and there are many biographical studies of individual conservative activists and politicians that explore their role in the conservative movement.[23] More recent scholarship extends the view beyond the leadership into the grassroots, and particularly into the white, often middle-class communities that became strongly politically conservative in the twentieth century.[24] In addition, scholars have explored the contours of conservatism among other groups, including youth on college campuses,[25] women,[26] black communities,[27] Hispanic communities,[28] and religious communities.[29] In addition to these studies of the "demand side of conservatism" (terminology used in Matzko 2020), there are an increasing number of "supply side" examinations, including a growing literature exploring the early

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[18] Jacqueline Vaughn Switzer, *Green Backlash: The History and Politics of the Environmental Opposition in the U.S.* (Boulder: Lynne Rienner Publishers, 1997).
[19] R. McGreggor Cawley, *Federal Land, Western Anger: The Sagebrush Rebellion and Environmental Politics* (University Press of Kansas, 1993).
[20] Naomi Oreskes and Erik M. Conway, *Merchants of Doubt: How a Handful of Scientists Obscured the Truth on Issues from Tobacco Smoke to Global Warming* (New York: Bloomsbury Press, 2010).
[21] Judith A. Layzer, *Open for Business: Conservatives' Opposition to Environmental Regulation* (MIT Press, 2012).
[22] Donald T. Critchlow, *The Conservative Ascendancy: How the GOP Right Made Political History* (Harvard University Press, 2007); Allitt, *The Conservatives*; David R. Farber, *The Rise and Fall of Modern American Conservatism : A Short History* (Princeton University Press, 2010).
[23] Donald T. Critchlow, *Phyllis Schlafly and Grassroots Conservatism: A Woman's Crusade* (Princeton University Press, 2005); Robert Alan Goldberg, *Barry Goldwater* (Yale University Press, 1995).
[24] Arlie Russell Hochschild, *Strangers in Their Own Land: Anger and Mourning on the American Right* (New York: The New Press, 2018); Darren Dochuk, *From Bible Belt to Sunbelt: Plain-Folk Religion, Grassroots Politics, and the Rise of Evangelical Conservatism* (New York City: W.W. Norton & Co., 2011); Lisa McGirr, *Suburban Warriors: The Origins of the New American Right* (Princeton University Press, 2001).
[25] Gregory L. Schneider, *Cadres for Conservatism: Young Americans for Freedom and the Rise of the Contemporary Right* (NYU Press, 1999); John A. Andrew, *The Other Side of the Sixties: Young Americans for Freedom and the Rise of Conservative Politics* (Rutgers University Press, 1997).
[26] Michelle M. Nickerson, *Mothers of Conservatism: Women and the Postwar Right* (Princeton University Press, 2012).
[27] Joshua D. Farrington, *Black Republicans and the Transformation of the GOP* (University of Pennsylvania Press, 2016); Leah Wright Rigueur, *The Loneliness of the Black Republican: Pragmatic Politics and the Pursuit of Power* (Princeton University Press, 2016).
[28] Geraldo Cadava, *The Hispanic Republican: The Shaping of an American Political Identity, from Nixon to Trump* (New York: HarperCollins, 2020).
[29] Daniel K. Williams, *God's Own Party: The Making of the Christian Right* (Oxford University Press, 2012); Dochuk, *From Bible Belt to Sunbelt*; Allan J. Lichtman, *White Protestant Nation: The Rise of the American Conservative Movement* (New York: Atlantic Monthly Press, 2008).

development of conservative financial influences on grassroots conservative organizing,[30] and the development of conservative media.[31] Although these studies disagree on many things, they do agree on their universal rejection of the explanation of American conservatism by way of aberrant psychology, whether as a status-threat-oriented disorder,[32] or as the result of capitalist cultural hegemony causing the ignorant to act against their own self-interest.[33] Rather, they share a commitment to understanding a potent political and social force in American society. With respect to this Dissertation, the primary limitation of these studies is that they are focused mostly on other things, and environmentalism emerges, if at all, only as a very circumstantial association. One exception are studies of the growth of the conservative legal movement,[34] as these reveal strong associations between conservative-identified property rights advocacy and opposition to environmental regulation – a tendency also evident in studies of the Sagebrush Rebellion – about which more below. In general, however, the situation remains as it was found to be by Turner and Isenberg – it passes without comment.

Studies of conservatism and the environment. Finally, there is a very small literature on the issue that is the focus of this Dissertation: the relationship between conservatives and environmentalism between 1945 and 1981. Setting aside Turner and Isenberg, who focus primarily on a later period, the two researchers who have examined this question most directly are Alex Boynton and Brian Allen Drake, both from the University of Kansas's environmental history department. Boynton's dissertation, published in 2015,[35] "argues that opposition to environmentalism in the 1970s served as a unifying force for American conservatism." Boynton's thesis focuses on four "strains of conservative thought" – traditionalism, libertarianism, fusionism, and neoconservatism – and provides historical discussions of the stated views on environmental topics of the adherents of these traditions, exactly as this Dissertation argues should be done. He argues that traditionalists developed a characteristic outlook on the relationship between "man and nature" that could have formed the foundation of a conservative environmentalism, and that there were indications of support for this in conservative writings in the 1960s, but that these views gave way to the anti-

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[30] Jane Mayer, *Dark Money: The Hidden History of the Billionaires behind the Rise of the Radical Right* (New York: Doubleday, 2016); Kim Phillips-Fein, *Invisible Hands: The Businessmen's Crusade against the New Deal* (New York: W.W. Norton, 2010).
[31] Paul Matzko, *The Radio Right: How a Band of Broadcasters Took on the Federal Government and Built the Modern Conservative Movement* (Oxford University Press, 2020); Nicole Hemmer, *Messengers of the Right: Conservative Media and the Transformation of American Politics* (University of Pennsylvania Press, 2016); Heather Hendershot, *What's Fair on the Air?: Cold War Right-Wing Broadcasting and the Public Interest* (University of Chicago Press, 2011). Although not specifically a media study, media also plays a very important role in Nash, *The Conservative Intellectual Movement in America, since 1945*.
[32] This was the influential thesis in Daniel Bell, *The New American Right* (New York: Criterion Books, 1955).
[33] This is a somewhat intellectualized but defensible interpretation of the influential thesis in Thomas Frank, *What's the Matter with Kansas?: How Conservatives Won the Heart of America* (New York: Henry Holt and Co., 2004).
[34] Jefferson Decker, *The Other Rights Revolution: Conservative Lawyers and the Remaking of American Government* (Oxford University Press, 2016); Amanda Hollis-Brusky, *Ideas with Consequences: The Federalist Society and the Conservative Counterrevolution* (Oxford University Press, 2015); Steven Michael Teles, *The Rise of the Conservative Legal Movement: The Battle for Control of the Law* (Princeton University Press, 2008).
[35] Alex Boynton, "Confronting the Environmental Crisis: Anti-Environmentalism and the Transformation of Conservative Thought in the 1970s" (Ph.D. Dissertation, University of Kansas, 2015), https://kuscholarworks.ku.edu/handle/1808/19016.

environmentalism of free-enterprise conservatism in the early 1970s, consolidated through a growing anti-environmental consensus in conservative thought through to the end of the 1970s. In his final chapter, which was later published, Boynton examines how neoconservatives (former liberals who turned away from left-liberalism in the late 1960s) turned against environmentalism in the early 1970s.[36] Boynton's thesis, while invaluable for the ground it does cover, has several important limitations. First, it is primarily focused on the period after 1971. Second, it is silent on the political dimensions of conservatism, focusing solely on conservative writers and thinkers. Thus, third, it does not attempt to integrate its analysis of conservative anti-environmental thought into the much larger context of conservative politics, and environmental politics, taken together. Drake, by contrast, focuses on the positive relationship between conservatives and environmentalism. In his 2006 dissertation,[37] published as *Loving Nature, Fearing the State: Environmentalism and Antigovernment Politics before Reagan* (2013),[38] Drake examines the environmental views of a number of very strongly anti-statist conservatives. In addition to invaluable studies on the development of Barry Goldwater's political thought, Drake's study of conservative opposition to fluoridation of public water systems, including their entreaties to Rachel Carson to write about the issue following the publication of *Silent Spring*, complicates what it means to be a "conservative environmentalist" and stands as a reminder that just because someone says they are an environmentalist does not make it so – and just because an environmentalist says that someone isn't, also does not make it so. Drake's work, which contributes case studies that center such complexities, is unique. Drake and Boynton differ on their conclusions over the relationship between conservatism and environmentalism, with Drake framing a more positive potential than Boynton. These two scholars, taken together, have provided the best insight so far into the complex questions of the relationship under investigation here.

"Histories in Conversation" – A Generative Review

Another way to look at the available literature is to break the study period down into relevant political periods, and then assess what environmental (and conservative) political history is available, and then determine the extent to which those literatures deal with conservative (or environmental) topics. That is: "to place the histories of conservatism and environmental politics into conversation with each other." No such literature review currently exists.

The review below uses presidential administrations as boundary periods. The period 1945-1981 encompasses the presidencies of Harry S. Truman (1945-1953), Dwight D. Eisenhower (1953-1961), John F. Kennedy (1961-1963), Lyndon B. Johnson (1963-1969), Richard M. Nixon (1969-1974), Gerald Ford (1974-1977), and Jimmy Carter (1977-1981). It also encompasses the 79th through 96th biennial United States Congresses, during which time the Democratic Party held, with several short

[36] Alex Boynton, "Formulating an Anti-Environmental Opposition: Neoconservative Intellectuals during the Environmental Decade," *The Sixties* 8, no. 1 (January 2, 2015): 1–26.
[37] Brian Allen Drake, "The Unnatural State: Conservatives, Libertarians, and the Postwar American Environmental Movement" (Ph.D. Dissertation, University of Kansas, 2006), https://search.proquest.com/docview/305318569/abstract/A9B2E2E4C1ED427FPQ/1.
[38] Drake, *Loving Nature, Fearing the State.*

exceptions, majorities in both the House and Senate. It saw the Chief Justice of the U.S. Supreme Court change from Fred Vinson (1946-1953) to Earl Warren (1953-1969) to Warren Burger (1969-1983), in periods that roughly correspond to the Truman, Eisenhower to Johnson, and Nixon to Carter years, with marked shifts in doctrine accompanying each appointment. This time also saw the rise of the Cold War, including the entire Korean War, and the entire Vietnam War. It encompasses "the fifties," "the sixties," and "the seventies," each with their own distinctive cultural and political characteristics, and the birth and rising cultural dominance of the Baby Boom generation.

Presidential administrations, like decades or generations, are by no means perfect periodizations: they vary significantly in length, and a great deal of their relevant development occurs in the elections that form their boundaries, obscuring non-dominant politics that are suppressed as a result of losing nominating and general election contests. But they are also useful, in part because they are perceived by people involved in politics as the most important political events, and in part because they carry with them changes in administrative personnel, policy emphasis, communication, and relationship with the other branches of government. It is also possible to reduce the downsides of using them as period markers by expanding the narrative to keep their more subsumed politics in view – that is, by incorporating the political conventions that result in candidates, by paying attention to the shifting power structures in Congress and at the Supreme Court, and by investigating internal party politics and structural reform, to provide a more complex and complete view of the national and regional political contexts within which both environmental and conservative politics developed. In particular, the narrative must account for party ideology, which in the United States at this time means the history of party realignment and ideological polarization. On this last point, the following review leans heavily on the groundbreaking work of Sam Rosenfeld's *The Polarizers: Postwar Architects of Our Partisan Era* (2018), which describes the efforts of ideologists in both parties to transform the parties' structures to increase their internal ideological uniformity, between 1950 and today.[39]

The following discussions are intended to draw out the ideological tensions that existed in each successive presidential administration—the defining conflicts of the era that were salient to the liberal-conservative divide, and influenced how other issues, including environmental issues, were perceived and were interpreted. The point of working through the details is to begin to generate the motivating questions of this Dissertation: amid the ideological divisions, what specific role was played by environmental issues? Did the ideologues of the era have any perspective? Did the advocates for conservatism, or liberalism, or both, adopt or reject, or know about, or care about, environmentalism, or the issues that preceded it, including "conservation," "ecology," or "pollution"? If so, how? And if not, why? What is already known, and what is not, about the answers to these questions?

[39] Sam Rosenfeld, *The Polarizers: Postwar Architects of Our Partisan Era* (University of Chicago Press, 2018).

Truman years (Apr. 1945 – Jan. 1953)

Senator Harry S. Truman (D-MO) was elected to the vice presidency in November 1944 and assumed the presidency upon FDR's death in April 1945. But a key theme in this review is that ideological tension and division is present and to some degree subsumed within every such bare and unadorned statement of fact. In this case, the passive voice and the focus only on Truman hide a more interesting drama. In 1944, Roosevelt already had a vice president: Henry Wallace, the architect of much of the New Deal's agricultural policy, who was ready to serve for another four years. The problem was that Roosevelt was ill, and it was clear to Democratic Party leaders that whoever was to be nominated as vice president in 1944 had a good chance of succeeding him when he died. Wallace was an activist liberal who had expressed support for communism and opposition to segregation, the latter alienating the South and the former alienating a large and growing section of the entire national electorate. So, the 1944 Democratic convention became the stage for a brutal fight between the Wallace camp and those opposed to it, who presented Truman, although against his stated wishes, as a better option for the party. Exerting every procedural and political advantage they could muster, the party bosses put Truman in the office and took Wallace out of it.[40] Thus, there is a great deal of meaning to be found in the fact that Harry Truman was the vice-presidential nominee, and not Wallace or one of the many other possible choices. One such possible meaning is that Wallace was a liberal ideologue, and Truman was not.

Congress is even more complex. Truman, a Democrat, entered the presidency in 1945 with Democratic majorities in both houses. But it is important to remember that at this time – and throughout the period of this study – the two national parties each included liberal, moderate, and conservative wings. To one very important degree this reflected a regional historical pattern: after the Civil War, the people in the South (that is, the people in the South who were allowed to vote) would, as the saying went at the time, "rather vote for a yellow dog than a Republican."[41] These so-called "yellow-dog Democrats" of the South were white segregationists with a political philosophy that prioritized the maintenance of the southern social order, who would break repeatedly away from the Democratic Party in the coming years.[42] Thus, although the presidency may have been a bully pulpit for proposing policy, a Congressional majority for the presidential party, particularly a Democratic president, manifestly did not mean a consistent voting bloc for presidential priorities.

In addition, since the nineteenth century, Southern Democrats and northern conservative Republicans had been operating an informal partnership that, when active, could and often did harness majorities to block legislation. This Congressional "conservative coalition," as it was called,

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[40] Albert J. Baime, *The Accidental President: Harry S. Truman and the Four Months That Changed the World* (Boston: Houghton Mifflin Harcourt, 2017), 94–95; John C. Culver and John Hyde, *American Dreamer: The Life and Times of Henry A. Wallace* (New York: W. W. Norton & Co., 2000), 345–66; David McCullough, *Truman* (New York: Simon and Schuster, 1992), 383–405. Baime's title is misleading and his minimal treatment of the 1944 convention is difficult to defend.
[41] Michael J. Pomante II and Scot Schraufnagel, *Historical Dictionary of the U.S. Congress*, 2nd ed. (Lanham, MD: Rowman & Littlefield, 2020), 40.
[42] Kari Frederickson, *The Dixiecrat Revolt and the End of the Solid South, 1932-1968* (UNC Press, 2001).

continued to be active in the 1940s and throughout the following decades.[43] On the Democratic side, the maintenance of this coalition was possible because the party traditionally awarded Congressional committee leadership by seniority, and since Southern Democrats tended to be electorally secure, the Southerners tended to be senior. Thus, they held many key committee leadership positions and tended to control a great deal of the nation's legislative agenda, releasing from committee only such legislation as they wanted to release, regardless of central party policy.[44] This means that, although the Republicans took control of the House and Senate in 1947-1948, the effect of this shift was to make the Congress more conservative only by degree. With Republican committee leadership, a more proactively conservative legislative program came to vote – including the anti-labor Taft-Hartley Act – but it still took Southern Democrats to pass it on the floor.[45]

The Republicans, of course, had their own divisions. In 1948, for example, they nominated Governor Thomas E. Dewey (R-NY) for president. But in retrospect, Dewey's nomination was less interesting than the fact that he defeated Senator Robert A. Taft (R-OH) for the opportunity. Taft was a conservative, arguably the leading conservative of his day, and he represented an outlook marked by relatively absolutist policy positions, including opposition to foreign military intervention, strong support for capital over labor, aggressive anticommunism, vociferous objection to the New Deal, and indeed opposition to any federal initiative that cost money, raised taxes, or intervened in any way in social matters that were, he argued, constitutionally reserved to the states. In the eyes of Taft's supporters, 1948 was the third time the so-called "Eastern Establishment," the wealthy elites who controlled the Republican Party on the East Coast, had denied Taft the nomination to the presidency, and Dewey's surprise loss against a weakened Truman was further proof that if only the party had nominated a more activist conservative, the outcome could have been different.[46]

And why was Truman weak in 1948? Because Henry Wallace, the former vice president who had been spurned by Democratic Party leadership, had mounted a challenge to Truman from the left on the Progressive Party ticket, while Southern Democrats, opposed to Truman's emerging openness to civil rights reforms, and the national Democratic Party's increasing openness to embracing those reforms, had bolted the national party ticket and fielded their own candidate, Governor Strom Thurmond (D-SC), in an attempt to gather enough votes to deny a majority to the major party

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[43] John F. Manley, "The Conservative Coalition in Congress," *American Behavioral Scientist* 17, no. 2 (November 1, 1973): 223–47; James T. Patterson, *Congressional Conservatism and the New Deal: The Growth of the Conservative Coalition in Congress, 1933-1939* (University Press of Kentucky, 1967).

[44] Eric M. Uslaner and Robert Zittel, "Comparative Legislative Behavior," in *The Oxford Handbook of Political Science*, ed. Robert E. Goodin (Oxford University Press, 2011). On Congressional committee structure and power generally during this time, *see* Richard F Fenno, *Congressmen in Committees* (Boston: Little, Brown, 1973); George Goodwin, *The Little Legislatures: Committees of Congress* (University of Massachusetts Press, 1970). A modern update on this analysis is found in Ira Katznelson and Quinn Mulroy, "Was the South Pivotal? Situated Partisanship and Policy Coalitions during the New Deal and Fair Deal," *The Journal of Politics* 74, no. 2 (April 2012): 604–20.

[45] James T. Patterson, *Mr. Republican: A Biography of Robert A. Taft* (Boston: Houghton Mifflin, 1972), 352–94.

[46] Michael D. Bowen, *The Roots of Modern Conservatism: Dewey, Taft, and the Battle for the Soul of the Republican Party* (UNC Press, 2011), 56–74. For the later conservative interpretation of these events: Phyllis Schlafly, *A Choice Not an Echo* (Alton, IL: Pere Marquette Press, 1964), 45–51.

candidates and throw the election to the House, where the South's controlling bloc would support whichever party promised their obeisance.[47] Thus, while on the surface the Dewey-Truman race was a contest between two rather boring moderates, underneath it was a clash between two parties riven by internal ideological factionalism.

Truman scraped an upset victory over Dewey in 1948[48] and the Republicans lost both houses of Congress once again. But Dewey's defeat did not end the conservative-liberal split in the Republican Party: it only left behind an increasingly disgruntled conservative faction of Republicans. And the Dixiecrats' decision to rejoin the Democratic Party in 1949 did not represent a return to policy agreement. It simply left a restive southern conservative wing, and for that matter a restive northern progressive wing, more worried than before about the direction of the national party. In his 1949-1953 term, then, much of Truman's liberal legislative program – the Fair Deal, with proposals for national health, education, welfare, agricultural, water and power development, housing, and labor protections – foundered on the rocky shoals of the conservative coalition.[49] But the ideas embodied in these programs would form the core of the liberal legislative agenda for the next seven decades. It would simply be difficult for the electorate to express their support or disapproval via party choice.

There have been many defenders of the coalition-party system just described, and there were many at the time. But by 1950 the two parties' ideological conflicts had spurred the more activist members of each to begin pushing, independently, for a grand reorganization along ideological lines. Activist conservative Republicans and activist liberal Democrats each imagined the formation of liberal and conservative parties, in the model of many European polities, to replace the existing and increasingly strained historical coalitions of the Democrats and the Republicans. This would be accomplished, they agreed, via the expulsion of the conservatives from the Democratic Party, and the liberals from the Republicans. The Southerners and conservative Republicans would form their own party, and the liberals would form theirs. This transition was referred to as the "party realignment," and the argument was that at least then the electorate would have a clear sense of what they were voting for.[50] And that might have been the case, except for the Judiciary.

Theoretically removed from the partisan-ideological fray, the Supreme Court during the Truman years was no less engaged in the culture wars of its day. The difference was that the Court had settled for itself one division that was still active elsewhere: the world that Taft's conservatives continued to pine for was known, in the Court, as the *Lochner* era, meaning judicial destruction of

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[47] Frederickson, *The Dixiecrat Revolt and the End of the Solid South, 1932-1968*, 118–86; Culver and Hyde, *American Dreamer*, 438–99; McCullough, *Truman*, 785–86.

[48] The famous headline to the contrary, "Dewey Defeats Truman," occurred because the (very conservative) *Chicago Tribune* had to go to press several hours earlier than it otherwise might have, as its printers were striking to protest the Taft-Hartley Act. Lloyd Wendt, *Chicago Tribune: The Rise of a Great American Newspaper* (Chicago: Rand McNally, 1979), 680. In fact, Truman's margin of victory was quite substantial, but polling at the time was even worse than it is today, and everyone was surprised. McCullough, *Truman*, chap. 14.

[49] Katznelson and Mulroy, "Was the South Pivotal?," 616.

[50] Rosenfeld, *The Polarizers*, 67–76. The persistence of this pressure to sort the parties ideologically, and the ultimate success of that purposeful effort, is the central contention of Rosenfeld's book.

the New Deal by incorporation of laissez-faire political economy into the U.S. Constitution. But after 1937, the Supreme Court had abandoned this conservative judicial activism, albeit under much duress from Franklin Roosevelt, leaving the issue to fester only among a fringe who felt the Court had been corrupted by FDR's malfeasance. The Court itself had turned to other disagreements. Justice Felix Frankfurter and Justice Robert Jackson tended to advocate for a jurisprudence of conservative judicial restraint and were opposed to using the power of the courts to encourage social change. In opposition, Justice Hugo Black and Justice William O. Douglas championed a more activist judicial social progressivism. Truman appointed Fred Vinson, his Treasury Secretary, to mediate this conflict, but mediation was not exactly the result. Instead, Chief Justice Vinson tended to vote with the conservatives while provoking vigorous dissents from the liberals. The cases brought before the Vinson Court, furthermore, began to reflect the rising ideological divisions of U.S. society. The Court's conservative majority sanctioned aggressive domestic anticommunism while the liberals dissented against the government's trampling of civil liberties. The conservatives avoided major intervention into Southern segregation, while the liberals increasingly advocated for using judicial power toward its end.[51] Yet even so, reflecting the diversity of the parties as much as the independence of the Judiciary, notwithstanding the conservative-progressive split at Court, the Justices' divisions at this time did not reflect their party affiliations, nor the policies of the presidents who appointed them, and (other than the bygone fight for *Lochner*) judicial appointments were not yet understood to entail massive partisan-ideological stakes.[52]

With the above as guide, it is possible to ask: what role did the environment play in these divisions? At the outset, it is important to confirm that there is no scholarship focused directly on this question. That is to say, there is not yet any quality analysis of the degree to which proto-environmental interests in the immediate postwar period, emerging from the New Deal and World War II, interacted with, were affected by, or were associated with anti-New Deal, anticommunist, isolationist, or segregationist politics, or for that matter pro-New Deal, socialist, internationalist, or

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[51] On the 1937 crisis and its pro-New Deal resolution, *see* Marian Cecilia McKenna and Joseph McKenna, *Franklin Roosevelt and the Great Constitutional War: The Court-Packing Crisis of 1937* (Fordham University Press, 2002); Jeff Shesol, *Supreme Power: Franklin Roosevelt vs. the Supreme Court* (New York: W. W. Norton & Company, 2011). On the Vinson Court's decisions and divisions, *see* Robert M. Lichtman, *The Supreme Court and McCarthy-Era Repression: One Hundred Decisions* (University of Illinois Press, 2012), 24–53; Michal R. Belknap, *The Vinson Court: Justices, Rulings, and Legacy* (ABC-CLIO, 2004), 89–160; Russell W. Jr. Galloway, "The Vinson Court: Polarization (1946-1949) and Conservative Dominance (1949-1953)," *Santa Clara Law Review* 22, no. 2 (1982): 375–418. Many of the Vinson Court justices have quality biographies that deal with this period, including Noah Feldman, *Scorpions: The Battles and Triumphs of FDR's Great Supreme Court Justices* (New York: Twelve, 2010); John M. Ferren, *Salt of the Earth, Conscience of the Court: The Story of Justice Wiley Rutledge* (UNC Press, 2004); Bruce Allen Murphy, *Wild Bill: The Legend and Life of William O. Douglas* (New York: Random House, 2003); Howard Ball, *Hugo L. Black: Cold Steel Warrior* (Oxford University Press, 1996); Melvin I. Urofsky, *Felix Frankfurter: Judicial Restraint and Individual Liberties* (Woodbridge, CT: Twayne, 1991); H. N. Hirsch, *The Enigma of Felix Frankfurter* (New York: Basic Books, 1981); James F. Simon, *Independent Journey: The Life of William O. Douglas* (New York: Harper & Row, 1980); Gerald T. Dunne, *Hugo Black and the Judicial Revolution* (New York: Simon and Schuster, 1977).

[52] For a historical overview and quantitative analysis of Supreme Court partisan polarization, *see* Brandon L. Bartels, "The Sources and Consequences of Polarization in the U.S. Supreme Court," in *American Gridlock: The Sources, Character, and Impact of Political Polarization*, ed. James A. Thurber and Antoine Yoshinaka (Cambridge University Press, 2015).

postwar progressive politics, or competing conceptions of the appropriate role of the federal government in domestic social affairs – the key divisions of the then-prevailing liberal-conservative divisions. There are, instead, literatures on environmental politics and conservative politics that, taken together, cast overlapping shadows on these questions. Each of these must be taken up in turn, in order to be thorough, and to see, if nothing else, what questions might emerge from their side-by-side consideration.

Although this study does begin in 1945, at this point it is necessary to look backwards, because 1945 did come from somewhere, as did the modes of thought of conservation, and of liberalism, and of conservatism that prevailed at the time. In environmental politics, there are two literatures to examine in order to appreciate this legacy: first, the study of the emergence of the conservation movement in the Progressive Era, and second, the conservation implications of the New Deal. Each of these is important to the question of reaction in the postwar years. If conservationism were strongly associated with progressivism, or with New-Deal liberalism, it may be the case that conservatives, defined in part by their opposition to both, would of a piece have come to oppose conservation. So, did that happen?

Samuel Hays' seminal work on the Progressive Era, *Conservation and the Gospel of Efficiency: The Progressive Conservation Movement, 1890-1920* (1958), was concerned with demonstrating the degree to which Progressive conservationism was motivated by a faith in applied science, expertise, and rational management, and not, as was claimed at the time, by a populist or democratic desire to push back against capitalist special interests on behalf of "the people."[53] This is suggestive for two reasons: first, as it raises questions about how applied science, expertise, and rational management themselves were politicized (or were not) during this time, and second, because it indicates that a great deal of the politics of conservation was perceived, at the time, to carry some valence of populist, democratic virtue – ideals that may, or may not, have found purchase in ideological splits of the era. This is useful, but it is also complicated, and it only gets more so. Stoll, summarizing the state of the field, noted that historians by now "have invoked a long list of factors to explain the motivations behind [the rise of Progressive Era] conservation . . . : nationalism; monumentalism; Transcendentalism; democratic ideals; growing appreciation for wilderness; nostalgia for the disappearing frontier; alarm at disappearing game; antimodernism; fear of urban pollution, corruption, disorder, immigrants, and class conflict; automobiles and leisure time; and masculine ideals of conquest and domination." Each of these could be examined on its own for ideological or political associations over time, and Stoll goes on to contribute another compelling argument: that preservationism up to 1945 was especially influenced by Congregationalist religious perspectives on nature.[54] That is, if politics were not complex enough, the inquiry must now also include the

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[53] Samuel P. Hays, *Conservation and the Gospel of Efficiency: The Progressive Conservation Movement, 1890–1920* (University of Pittsburgh Press, 1959), chap. 1.

[54] Mark Stoll, *Inherit the Holy Mountain: Religion and the Rise of American Environmentalism* (Oxford University Press, 2015), 9. In addition to Stoll's summary, for an excellent, if now dated, bibliography on historical studies of conservation and

question of religion. The ongoing challenge is to match such values onto political or ideological perspectives, and, particularly in this case, the largely understudied perspectives of conservatism. For example, it would be interesting to explore the interactions between the early conservationist ideals identified by Hays, and the New Humanist antimodernists and their skepticism of mass democracy and scientific management, or the Southern Agrarian anti-industrialists and their distrust of centralized government, or H.L. Mencken's general mockery of progressivism.[55] Following Stoll, it would also be interesting to examine the conflicting views of nature in protestant fundamentalist traditions from this same period, and begin to understand how they might have differed (or have not) from those of the Congregationalists. But this has not been done.

Moving forward toward the New Deal, the classic study of the history of environment of this period is Worster's *Dust Bowl*,[56] and it is among other things a critique of the human costs of unfettered capitalism and agricultural industrialization. It also begins to paint a picture of the anti-statist politics of American agriculturalists of the 1930s and to suggest a potential division between pro-capitalist ideologues and conservationists of the New Deal era. Sarah Phillips has contributed a much-needed update to this analysis with *This Land, This Nation*, which emphasizes the concerns over rural poverty and welfare that animated New Deal agricultural and conservation policies, and notes that these were also sources of conflict among the larger conservative-progressive divisions of the New Deal age.[57] But the study that focuses most squarely on the question at hand is Neil Maher's examination of the Civilian Conservation Corps and conservation generally in the New Deal.[58] Maher argues that both Progressive Era and New Deal conservation policy "linked natural resource policy to contestation over the expanding power of the federal state," and asks:

> [H]ow did the United States get from Hetch Hetchy to Echo Park? From a reliance on scientific experts to dependence as well on grassroots activists? From policies promoted by conservative Republicans to those embraced by liberal Democrats? From a narrow focus on natural resources located primarily in rural areas to a broader concern, often expressed by city dwellers and suburbanites, for the preservation of open space, outdoor recreation, and

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environmental politics, see Adam Rome, "Conservation, Preservation, and Environmental Activism: A Survey of the Historical Literature," January 16, 2003, https://www.nps.gov/parkhistory/hisnps/NPSThinking/nps-oah.htm.

[55] These are the subjects of the discussion of conservatism in the 1920s and 1930s in Allitt, *The Conservatives*, 126–57.

[56] Donald Worster, *Dust Bowl: The Southern Plains in the 1930s* (Oxford University Press, 1979).

[57] Sarah T. Phillips, *This Land, This Nation: Conservation, Rural America, and the New Deal* (Cambridge University Press, 2007). Phillips' bibliography is also excellent.

[58] Neil M. Maher, *Nature's New Deal: The Civilian Conservation Corps and the Roots of the American Environmental Movement* (Oxford University Press, 2008). A more recent study of the CCC primarily focuses on the lived experiences of enrollees. *See* Benjamin F. Alexander, *The New Deal's Forest Army: How the Civilian Conservation Corps Worked* (JHU Press, 2018). *See also* Maher's critical review: Neil Maher, "The New Deal's Forest Army: How the Civilian Conservation Corps Worked. By Benjamin F. Alexander. Baltimore: Johns Hopkins University Press, 2018," *Environmental History* 23, no. 4 (October 1, 2018): 872–74. A third recent book is Douglas Brinkley, *Rightful Heritage: Franklin D. Roosevelt and the Land of America* (New York: HarperCollins, 2016). Although Brinkley expands the historical narrative of the New Deal-era conservation services, he does not push forward the assessment of liberalism that Maher began. See also David J. Nelson, *How the New Deal Built Florida Tourism: The Civilian Conservation Corps and State Parks* (University Press of Florida, 2019).

> ecological balance, or what one historian has called "beauty, health, and permanence"? Quite simply, how did Americans get from Progressive Era conservation to post–World War II environmentalism? As important, what was the impact of this transformation from conservation to environmentalism on the American political system?

Maher argues that the CCC was the largely unappreciated bridge – a human welfare program, a jobs program attractive to rural and urban residents, a prolific customer of small business goods and services, a stable source of political pork and patronage, and an aggressive transformer of the wild – that both injected ecology into the national conversation over conservation, and injected conservation into the national debate over the role of government that consumed the liberal-conservative divide.[59] Although the CCC ended in 1942 and other debates were set aside due to the United States' entry into World War II (a development that carried its own enormous implications for environmental quality[60] and emerging perspectives on world ecology and conservation[61]), Maher makes a strong argument for the role of conservation in the definition of New Deal liberalism in the 1930s and early 1940s. Maher does not, however, undertake a detailed analysis of ideological opposition to the CCC, or conservative perspectives on conservation more widely during the New Deal period, and therefore it is not quite possible to argue that the associations between conservation and the New Deal state that Maher identifies gave rise to an initial association among anti New-Deal conservatives between conservation and creeping statism. What did the American Liberty League, or members of the America First Committee, or antisemitic anti-banking populists like Father Charles Edward Coughlin, think about the Civilian Conservation Corps, if anything? Did they join the critique developed by Aldo Leopold on the CCC's ecological downsides, perhaps indicating an interest in delegitimizing the effort? Or did they defend it on other grounds? Or did they ignore it as they focused on other things? What did the National Association of Manufacturers have to say? Or Robert Taft? Again, this has not yet been studied.[62]

In environmental political history, there is then a gap of about ten years between the end of World War two and the beginning of the processes discussed by Hay's *Beauty, Health, and Permanence* and its progeny. These missing years are, specifically, the Truman years. What is known of environmental politics during this time? It is clear that certain modes of management and advocacy that developed in the pre-war years persisted into the late 1940s and early 1950s. Federal agencies responsible for forest resources, soil conservation, wildlife protection, grasslands allocation, reclamation, and park

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[59] Maher, *Nature's New Deal*, 151–210. See also Andrews, *Managing the Environment, Managing Ourselves*, 143–68. However, Andrews does not explore Maher's work.

[60] Thomas Robertson et al., *Nature at War: American Environments and World War II* (Cambridge University Press, 2020); Simo Laakkonen, Richard P. Tucker, and Timo Olavi Vuorisalo, *The Long Shadows: A Global Environmental History of the Second World War* (Oregon State University Press, 2017). See also Richard P. Tucker et al., eds., *Environmental Histories of the First World War* (Cambridge University Press, 2018).

[61] Perrin Selcer, *The Postwar Origins of the Global Environment: How the United Nations Built Spaceship Earth* (Columbia University Press, 2018); Jacob Darwin Hamblin, *Arming Mother Nature: The Birth of Catastrophic Environmentalism* (Oxford University Press, 2013).

[62] For an examination of rightwing conservation in Europe at this time, *see* Frank Uekötter, *The Green and the Brown: A History of Conservation in Nazi Germany* (Cambridge University Press, 2006).

development continued to broker between, or be captured by, special interests, while older conservation organizations like the Izaak Walton League, Sierra Club, Audubon Society, and National Wildlife Federation continued to seek to influence that decisionmaking.[63] In addition to the maintenance of older models, there was intellectual advancement in conservation thinking during the Truman years, for example with the publications of William Vogt's *The Road to Survival* (1948), Fairfield Osborn's *Our Plundered Planet* (1948), and Aldo Leopold's posthumous *A Sand County Almanac* (1949), and there were new groups founded, including the Conservation Foundation (1948), the Defenders of Wildlife (1949), and the Nature Conservancy (1946), each of which adapted these emerging ideas into the older organizational models.[64] Simultaneously, important new technologies emerged from wartime research, including atomic weapons and DDT, that carried with them new public perceptions of the benefits and risks of science and industry.[65] And there were many new instances of old pollution problems, including the deadly and high-profile Donora and London smog events in 1949 and 1951, that generated calls for a response and would make worthwhile subjects of further study.

Unfortunately, nothing resembling Maher's analysis exists with respect to the environmental elements of the Fair Deal period. The literature on Truman himself makes it clear that he had little personal interest in conservation and approached the debates of his day over the development of federal public water and power projects primarily as an opportunity to expand the New Deal-era Tennessee Valley Authority model to other parts of the country.[66] In this, he faced opposition as much from special economic interests opposed to federal competition as from conservationists or preservationists.[67] Although congressional interest in conservation during the Truman years likewise has not been carefully studied, Congress nonetheless did pass the Federal Water Pollution Control Act of 1948 (FWPCA), and the Federal Insecticide, Fungicide, and Rodenticide Act of 1947

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[63] Andrews, *Managing the Environment, Managing Ourselves*, 166.
[64] *See* Randal Beeman, "Friends of the Land and the Rise of Environmentalism, 1940–1954," *Journal of Agricultural and Environmental Ethics* 8, no. 1 (March 1, 1995): 1–16.
[65] On postwar perceptions of nuclear weapons: Spencer R. Weart, *The Rise of Nuclear Fear* (Harvard University Press, 2012), 55–69. On wartime and postwar perceptions of DDT: Gordon Patterson, *The Mosquito Crusades: A History of the American Anti-Mosquito Movement from the Reed Commission to the First Earth Day* (Rutgers University Press, 2009), 143–94.
[66] A general overview of the Truman administration environmental policies is provided in Andrews, *Managing the Environment, Managing Ourselves*, 173–89, 355–57. *See also* Otis L. Graham, *Presidents and the American Environment* (University Press of Kansas, 2015), 153–73; Byron W. Daynes and Glen Sussman, *White House Politics and the Environment: Franklin D. Roosevelt to George W. Bush* (Texas A&M University Press, 2010), 36–45. The sole full work focused on Truman's environmental legacy is Karl Boyd Brooks, *The Environmental Legacy of Harry S. Truman*, The Truman Legacy Series: V. 5 (Truman State University Press, 2009). However, these were written following a conference at the Truman library devoted to investigating this environmental record and they come up short on the subject. The best contribution is an essay on the politics of the development of the Administrative Procedure Act of 1946, which at the time this was not understood to be a conservation law at all. On the topic of the APA, *see also* Roni A. Elias, "The Legislative History of the Administrative Procedure Act," *Fordham Environmental Law Review* 27, no. 2 (2016): 207–24.
[67] Elmo Richardson, *Dams, Parks and Politics: Resource Development and Preservation the Truman-Eisenhower Era* (University Press of Kentucky, 1973), 1–70; Karl Boyd Brooks, *Public Power, Private Dams: The Hells Canyon High Dam Controversy* (University of Washington Press, 2009), 1–118.

(FIFRA),[68] during this time. To what extent is it appropriate to discuss this legislation as a part of Fair Deal liberalism? To what degree did conservatives see it that way at the time? To what degree did their perspectives impact the laws that were passed? How did the prewar conservation institutional arrangements adapt to these new developments, and to what degree did conservatives play a part?[69]

There is, in fact, no study of conservative perspectives on environmental issues in the Truman years. The year 1945, however, is the traditional boundary for the study of the modern conservative intellectual movement, and continues to be used as a boundary marker for the historical analysis of a "new" or "modern" political conservatism.[70] Very briefly, the late 1940s and early 1950s saw the rise of the Second Red Scare – the fall of China, a nuclear Soviet Union, a revived House Un-American Activities Committee (HUAC), and the internal and external anticommunist conspiracism of Senator Joseph McCarthy (R-WI).[71] These years also saw the first coordinated efforts to create what would come to be called the "new right," as disaffected Taftians, anti-interventionists, anti-New Dealers, pro-capitalists, and other dissenters from the Roosevelt years built new and complex interrelationships using print media, talk radio, corporate finance, academic economics departments, protestant evangelical organizations, grassroots book clubs, and the Republican Party to attack the foundations of American liberalism.[72] The new historical literature on conservatism makes it clear that these activities and perspectives had prewar precedents, including for example the American Liberty League run by the Du Pont family, and Spiritual Mobilization, a protestant libertarian organization funded by Sun Oil president J. Howard Pew.[73] But the studies also demonstrate that the 1940s saw a great deal of organizational innovation on the right. In 1943, the first conservative thinktank, the American Enterprise Association (AEA) (today, the American Enterprise Institute) was founded to provide specifically conservative economic legislative and policy analysis.[74] In 1944,

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[68] The Truman years are not covered in Milazzo, *Unlikely Environmentalists*. The longest extant examination of the Federal Water Pollution Control Act of 1948 appears to be William L. Andreen, "The Evolution of Water Pollution Control in the United States - State, Local, and Federal Efforts, 1789-1972: Part II," *Stanford Environmental Law Journal* 22, no. 2 (2003): 235–39. The best coverage of immediate postwar air pollution control legislation and Congressional politics is the very brief treatment is found in Bailey, *Congress and Air Pollution*, 84–93.

[69] The BLM was established during the Truman years, as was the Atomic Energy Commission. James R. Skillen, *The Nation's Largest Landlord: The Bureau of Land Management in the American West* (University Press of Kansas, 2009). Richard G. Hewlett, Oscar E. Anderson, and Francis Duncan, *A History of the United States Atomic Energy Commission* (University of California Press, 1990). The partisan or ideological politics surrounding the establishment of these new agencies is not well studied.

[70] Nash, *The Conservative Intellectual Movement in America, since 1945*; Allitt, *The Conservatives*, 158–91.

[71] See generally" Landon R. Y. Storrs, *The Second Red Scare and the Unmaking of the New Deal Left* (Princeton University Press, 2013); M. J. Heale, *McCarthy's Americans: Red Scare Politics in State and Nation, 1935-1965* (University of Georgia Press, 1998); David M. Oshinsky, *A Conspiracy So Immense: The World of Joe McCarthy* (New York: Simon and Schuster, 1983).

[72] Phillips-Fein, "Conservatism."

[73] Phillips-Fein, *Invisible Hands*.

[74] Howard J. Wiarda, *Conservative Brain Trust: The Rise, Fall, and Rise Again of the American Enterprise Institute* (Lanham, MD: Lexington Books, 2009), 4–5.

the avowedly conservative political journal *Human Events* began its long run.[75] In 1946, Leonard Read founded the Foundation for Economic Education (FEE) to spread libertarian economic gospel via direct mailings.[76] In 1947, Henry Regnery founded Regnery Publishing to provide a new outlet for conservative books,[77] while conservative economists founded the Mont Pelerin Society to defend the world against creeping collectivism, and Austrian pro-capitalist economist and Mont Pelerin Society founder Friedrich Hayek – with the help of FEE and the conservative Volker Fund – came to teach at the University of Chicago.[78] And the late 1940s saw the emergence of future stars of the conservative movement. In 1945, Phyllis Stewart moved to Washington, D.C. and took a job as an analyst at the newly founded AEA, several years before meeting her future husband, Fred Schlafly.[79] In 1949, a department store scion in Phoenix named Barry Goldwater ran for city council and won his first election to public office.[80] In 1951, a recent college graduate and enthusiastic critic of "Liberals," William F. Buckley, Jr., published his first book, *God and Man at Yale* (with Regnery), after which he went to work as an editor at the conservative *American Opinion* magazine before striking out on his own.[81] In 1952, a recent Stanford Law School graduate, William Rehnquist, accepted an offer to clerk for a year with the conservative Justice Jackson on the Vinson Court, and wrote a memo arguing against overturning *Plessy vs. Ferguson*, in his analysis of a suit then currently pending before the Court called *Brown v. Board of Education of Topeka*.[82] And in the same year, a B-list film star and actor's union president, Ronald Reagan, agreed to stump for the Republican Party ticket of Dwight D. Eisenhower – the first time he had supported a member of that party.[83]

Do these histories of immediate postwar political partisan, ideological, environmental, or conservative politics, however told, ever talk to one other? Unfortunately, they do not. There is no study at all of the specifically conservative perspectives – whether old guard or new right – on the conservation, environment, or natural resources issues of the Truman years. There is no study of the conservative perspectives, or voting patterns, on conservation, natural resources, or pollution or environmental health legislation of this period, even though Robert Taft sponsored the Federal Water Pollution Control Act of 1948. There is no study of the perspectives of the conservative media writers, organizers, or funders on any of the conservation or environmental publications,

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[75] George A. Lopez et al., *The Conservative Press in Twentieth-Century America* (Westport, CT: Greenwood Publishing Group, 1999).
[76] Phillips-Fein, *Invisible Hands*, chap. 2.
[77] Hemmer, *Messengers of the Right*, 36–37.
[78] For a detailed history of the Austrian school economists' transition to the postwar United States: Janek Wasserman, *The Marginal Revolutionaries* (Yale University Press, 2019). On the genesis of the Mont Pelerin Society. Ronald Max Hartwell, *A History of the Mont Pelerin Society* (Indianapolis: Liberty Fund, 1995). On Hayek's life" Bruce Caldwell, *Hayek's Challenge: An Intellectual Biography of F.A. Hayek* (University of Chicago Press, 2008).
[79] Critchlow, *Phyllis Schlafly and Grassroots Conservatism*, 25–27.
[80] Goldberg, *Barry Goldwater*, 77–81.
[81] Alvin Felzenberg, *A Man and His Presidents: The Political Odyssey of William F. Buckley Jr.* (Yale University Press, 2017), chaps. 2–3.
[82] **John A. Jenkins, *The Partisan: The Life of William Rehnquist* (New York: PublicAffairs, 2012).** On Rehnquist's memo: Brad Snyder and John Q. Barrett, "Rehnquist's Missing Letter: A Former Law Clerk's 1955 Thoughts on Justice Jackson and Brown Essay," *Boston College Law Review* 53, no. 2 (2012): 631–60.
[83] Robert Mann, *Becoming Ronald Reagan: The Rise of a Conservative Icon* (University of Nebraska Press, 2019), chap. 4.

organizations, or laws discussed above, notwithstanding the increasing availability of their materials. Other than passing references, there is no study of specifically conservative perspectives on public water, public power, public lands, atomic energy, reclamation, or conservation politics during these years. There is no study of the extent to which the 1946 effort to "return the public lands to the West," examined closely in the opposition literature,[84] had conservative ideological valence or importance. Nor are there any studies on the extent to which opposition to conservation or even ecology from this time can be understood to be "conservative." To what degree was James C. Malin's late 1940s opposition to the developing popularization of the science of ecology, as mentioned briefly in Worster's *Dust Bowl*,[85] representative of rural agrarian conservatism? To what degree was the Western public lands opposition of the time part of, recognized by, or discussed by the emerging conservative ideology? Or opponents of public power? What if anything did the conservative wing of the U.S. Supreme Court make of conservation? What about the AEA? What about the Progressive Party, or the Dixiecrats, or Felix Frankfurter, or the early Austrian school? These and many other questions emerge in the consideration of the histories of conservatism, environmentalism, and ideological polarization as they begin to be considered side by side, and there is next to nothing known about the answers.

Eisenhower years (Jan. 1953 – Jan. 1961)

Liberalism and conservatism both changed meaning in the 1950s, and each lost power and found it in new places for a time. The Supreme Allied Commander of Europe, General Dwight D. Eisenhower, had had offers from both parties for the presidential ticket. He was a fiscal conservative convinced of the supremacy of American democracy, with many friends in business, and found the Republicans better suited to his outlook. Still, his nomination had been fiercely contested in the party by Taft and his conservatives, on the grounds that his commitment to foreign military and financial intervention would lead the nation to ruin. Taft lost that fight and was denied a presidential nomination for the fourth time, the final loss before his death in 1953. In an effort at reconciliation, Eisenhower selected junior Senator Richard M. Nixon (R-CA), a vocal HUAC member who had innovated in painting his political opponents as communist sympathizers, as his running mate.[86] The Democrats, wary of another Dixiecratic walkout, and under assault by Senator Joseph McCarthy (R-WI) in his hunt for leftists, softened their 1952 party platform on civil rights, nominated the well-spoken but largely unknown moderate Governor Adlai Stevenson (D-IL), paired him with conservative segregationist John Sparkman (D-AL), ran a campaign based on the party's years-old

[84] Switzer, *Green Backlash*, 41–44.
[85] Worster, *Dust Bowl*, 205–7.
[86] On the primaries and Eisenhower's selection of Nixon: Irwin F. Gellman, *The President and the Apprentice: Eisenhower and Nixon, 1952-1961* (Yale University Press, 2015), 17–18; Jeffrey Frank, *Ike and Dick: Portrait of a Strange Political Marriage* (New York: Simon and Schuster, 2013), 33–34. On Nixon's anticommunist credentials: Greg Mitchell, *Tricky Dick and the Pink Lady: Richard Nixon vs. Helen Gahagan Douglas - Sexual Politics and the Red Scare, 1950* (New York: Random House, 1998); John A. Farrell, *Richard Nixon: The Life* (Knopf Doubleday Publishing Group, 2017), chaps. 5–8.

New Deal record, and lost to Eisenhower in the landslide that everyone had expected.[87] Whatever liberals were, they were not in control of the Executive any more.

Although the Republican Party also retook both houses of Congress in 1953, this was little comfort to the right. The conservative coalition was unchanged, and though Eisenhower was a check on whatever more liberal legislative endeavors got past the Southern Democrats, and was a doctrinaire conservative on finance, he accepted the public popularity of the social welfare programs that existed, and rejected reactionary calls by the conservatives to roll any of it back. He referred to this strategy as a "modern" or "moderate" Republicanism and thought of himself as charting a middle way between extremes.[88] The Democrats then took back the House and Senate in the 1954 midterms and the Southern Democrats retook their control of the legislative agenda. In 1956, the Democrats again nominated Stevenson, who in his aloof and academic way declined to select his own running mate and requested the convention nominate one, after which his most vociferous opponent, an idiosyncratic Tennessean named Estes Kefauver, received the votes, but only over a surprisingly strong showing from the junior Senator from Massachusetts, John F. Kennedy.[89] Conservative primary challenges to Eisenhower failed to materialize, and the Eisenhower ticket defeated Stevenson by an even wider margin in 1956 than in 1952. Whatever conservatives were, they had the veto, but they did not have a mandate. But at least the liberals were out of power.

Or would have been, except for one of Eisenhower's most consequential decisions as president. In 1953, Chief Justice Vinson died. In his place, Eisenhower appointed Governor Earl Warren (R-CA), a former Republican "establishment" vice presidential candidate who had just lost gracefully to Eisenhower in the primaries.[90] From his new position, Warren would transform the high court into a force for Constitutional liberalism unparalleled in U.S. history. Nowhere would this have more impact than the Court's 1954 decision in *Brown v. Board of Education*, in which the Court ruled that southern segregation was unconstitutional, and where Warren's contribution was to build consensus within the court for a unanimous opinion, significantly increasing its perceived legitimacy. Although *Brown* is one of the most important domestic policy decisions in the history of the United States, for the purposes of this discussion it is important because it moved the ultimate responsibility for desegregation to the courts, allowing politicians to distance themselves to a degree to gather votes. Adlai Stevenson could even speak against presidential enforcement of *Brown* in his 1956 presidential

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[87] On the Democratic nominations of Stevenson and Sparkman: John Robert Greene, *I Like Ike: The Presidential Election of 1952* (University Press of Kansas, 2017), 90–128. On the 1952 election: Gary A. Donaldson, *When America Liked Ike: How Moderates Won the 1952 Presidential Election and Reshaped American Politics* (Lanham, MD: Rowman & Littlefield, 2016).
[88] On conservative criticism of Eisenhower: Bowen, *The Roots of Modern Conservatism*, 153–200. On Eisenhower's governing approach and fiscal conservatism: William I. Hitchcock, *The Age of Eisenhower: America and the World in the 1950s* (New York: Simon & Schuster, 2018); Steven Wagner, *Eisenhower Republicanism: Pursuing the Middle Way* (Northern Illinois University Press, 2006); Iwan W. Morgan, *Eisenhower versus "the Spenders": The Eisenhower Administration, the Democrats and the Budget, 1953-60* (London: Pinter Publishers, 1990).
[89] Jeff Broadwater, *Adlai Stevenson and American Politics: The Odyssey of a Cold War Liberal* (Westport, CT: Twayne, 1994); Joseph Bruce Gorman, *Kefauver: A Political Biography* (Oxford University Press, 1971).
[90] On Eisenhower's and Warren's interactions during the primaries, and Eisenhower's nomination: Jim Newton, *Eisenhower: The White House Years* (New York: Doubleday, 2011), chaps. 6–7.

campaign, and Eisenhower was able to point to his constitutional responsibility to uphold the orders of the court when he later did so. And so, Earl Warren became a target for anyone upset about the court's new liberal activism.[91] Whatever the liberals were, they suddenly controlled the Constitution.

Not precisely as a consequence, but in conversation with these political developments, the conservative movement grew. There is an increasingly robust literature on movement conservatism and organization during the Eisenhower years. Its media grew significantly: Clarence Manion's *Manion Forum* talk radio program began in 1954; William F. Buckley, Jr.'s *National Review* print journal appeared in 1955; and the Dan Smoot Report weekly syndicated memorandum began its run in 1957. New organizations also formed, including Robert Welch's John Birch Society, and Young Americans for Freedom on college campuses. The standard-bearers of the rising movement changed as Senator Taft had died and Senator McCarthy's star fell early in the Eisenhower years and he died himself in 1957, but Barry Goldwater won a Senate seat in the 1952 elections and quickly made a name for himself as a fierce opponent of both unions and communism. In the same year, Ronald Reagan began hosting General Electric Theater, which, although not political work per se, began to expose him to GE's pro-corporate conservative political culture and the populist conservatism of many GE employees, and put him steadily on the political speaking circuit. Religion also began to play an increasingly important role in grassroots conservative politics, as evangelicals promoted and supported the Christian statism of Eisenhower's "one nation under God", and preachers like Jerry Falwell brought evangelical anticommunism to the South as part of the exponential expansion of talk radio. The literature on the conservative movement, therefore, demonstrates that the 1950s saw an emerging synthesis of anticommunism, traditionalism, and right-libertarianism that would be called "fusion conservatism," or the "new right," a coalition of interests much divided, but united primarily in their opposition to liberalism.[92]

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[91] On the Warren Court's legacy and impact: Geoffrey R. Stone and David A. Strauss, *Democracy and Equality: The Enduring Constitutional Vision of the Warren Court* (Oxford University Press, 2020); Lucas A. Powe, *The Warren Court and American Politics* (Harvard University Press, 2009); Michal R. Belknap, *The Supreme Court Under Earl Warren, 1953-1969* (USC Press, 2005). On Warren's role in *Brown*: Mark Tushnet and Katya Lezin, "What Really Happened in Brown v. Board of Education," *Columbia Law Review* 91, no. 8 (1991): 1867–1930. On the *Brown v. Board* decision: Michael J. Klarman, *Brown v. Board of Education and the Civil Rights Movement* (Oxford University Press, 2007); James T. Patterson, *Brown v. Board of Education: A Civil Rights Milestone and Its Troubled Legacy* (Oxford University Press, 2001). On Eisenhower's handling of the South and civil rights: James F. Simon, *Eisenhower vs. Warren: The Battle for Civil Rights and Liberties* (New York: Liveright Publishing, 2018); David A. Nichols, *A Matter of Justice: Eisenhower and the Beginning of the Civil Rights Revolution* (New York: Simon and Schuster, 2007); Hitchcock, *The Age of Eisenhower*, 225. On the South's blaming Warren for *Brown*: Frederickson, *The Dixiecrat Revolt and the End of the Solid South, 1932-1968*, 235. On Stevenson's 1956 campaign statements on segregation: Lincoln Fitch, "Throwing the Switch: Eisenhower, Stevenson and the African-American Vote in the 1956 Election," *Student Publications*, April 1, 2014, https://cupola.gettysburg.edu/student_scholarship/219. On the JBS "Impeach Warren" campaign: D. J. Mulloy, *The World of the John Birch Society: Conspiracy, Conservatism, and the Cold War* (Vanderbilt University Press, 2014), 109–17.

[92] On the rise of conservative media in the 1950s: Hemmer, *Messengers of the Right*. On Buckley's career: Felzenberg, *A Man and His Presidents*. On the rise of the John Birch Society: Mulloy, *The World of the John Birch Society*. On college conservatism's origins in the 1950s: Schneider, *Cadres for Conservatism*; Andrew, *The Other Side of the Sixties*. For strongly contrasting views on McCarthy: Larry Tye, *Demagogue: The Life and Long Shadow of Senator Joe McCarthy* (Boston: Houghton

As part of this development, conservative intellectuals began to attempt to enforce the boundaries of a national consensus definition of conservatism. In one early example, the *National Review* successfully excluded Ayn Rand's objectivist philosophy from "the movement." In another, the Americans for Constitutional Action developed the "ACA Index," a scorecard of the "conservative-ness" of Congressional voting records, to publicize the faithful, shame the errant, and subsume the complexities of non-ideological voting patterns within a simple numerical paradigm.[93] The liberal academy contributed to the conservative definitional effort as well, but in a very different way. Attempting to isolate and delegitimize the "radical right," the prevailing theory was that those who thought such things were suffering from mental disorders and class anxiety, while the "academic mind" was one that was, it just so happened, inherently liberal.[94] In the South, meanwhile, a newspaper editor from Richmond named James J. Kilpatrick, who rose to prominence as he re-articulated John C. Calhoun's doctrine of nullification for a Southern audience hungry for means to oppose *Brown v. Board*, began to recharacterize Southern conservatism's states' rights arguments into an outwardly urbane, principled, and, it was claimed, not-intentionally-racist-at-all perspective on constitutional philosophy, to transform southern conservatism into a perspective of wider and more generalized appeal. But towering all above these efforts and their outcomes was the work of Clarence Manion. As conservative political activists began to coalesce around Barry Goldwater as a presidential candidate, Manion convinced Goldwater to accede to the ghostwriting of a tract setting out "his" conservative philosophy. The book was released in 1960 as *The Conscience of a Conservative*. It articulated a philosophy of small-government conservatism and it became the new American conservative manifesto.[95]

Mifflin Harcourt, 2020); Arthur Herman, *Joseph McCarthy: Reexamining the Life and Legacy of America's Most Hated Senator* (New York: Simon and Schuster, 2000).On Goldwater's early years in politics: Goldberg, *Barry Goldwater*. On Reagan's work at General Electric: Thomas W. Evans, *The Education of Ronald Reagan: The General Electric Years and the Untold Story of His Conversion to Conservatism* (Columbia University Press, 2006); Mann, *Becoming Ronald Reagan*. On Billy Graham and the NAE's influence during the Eisenhower Administration: Kevin Michael Kruse and Brent Wilcox, *One Nation under God: How Corporate America Invented Christian America* (New York: Basic Books, 2015). On the rising influence of fundamentalists in movement conservatism in the 1950s: Williams, *God's Own Party*. On the expansion of talk radio: Matzko, *The Radio Right*, 1–29.

[93] On the *National Review's* fusionism and the debate over inclusion of Rand among others: Nash, *The Conservative Intellectual Movement in America, since 1945*, chap. 6. On the rising use of ideological index scores (and their weaknesses when used in political science): Emily J. Charnock, "More Than a Score: Interest Group Ratings and Polarized Politics," *Studies in American Political Development* 32, no. 1 (April 2018): 49–78, https://doi.org/10.1017/S0898588X18000056; John E. Schwarz, Barton Fenmore, and Thomas J. Volgy, "Liberal and Conservative Voting in the House of Representatives: A National Model of Representation," *British Journal of Political Science* 10, no. 3 (1980): 317–39.

[94] The seminal work in this genre is: Bell, *The New American Right*. For criticism of Bell's and similar approaches as a matter of historiography, see: McGirr, *Suburban Warriors*; Alan Brinkley, "The Problem of American Conservatism," *The American Historical Review* 99, no. 2 (1994): 409–29. On the 1950s-era claims of the inherent liberalism of the academy: Jon A. Shields and Joshua M. Dunn, *Passing on the Right: Conservative Professors in the Progressive University* (Oxford University Press, 2016), chap. 3.

[95] On Kilpatrick's contributions to the development of a "color blind" Constitutional conservatism consistent with states' rights defenses of segregation: William P. Hustwit, *James J. Kilpatrick: Salesman for Segregation* (UNC Press, 2013); William P. Hustwit, "From Caste to Color Blindness: James J. Kilpatrick's Segregationist Semantics," *The Journal of Southern History* 77, no. 3 (2011): 639–70; Garrett Epps, "The Littlest Rebel: James J. Kilpatrick and the Second Civil

The liberals were less successful in organization and communication, but the 1950s were no less years in which they struggled for self-definition – attempting to move beyond the legacy of the New Deal, toward a clearer articulation of a liberal governing philosophy for the postwar world. The first challenge was to develop any sort of politics of the left at all in a time of virulent anticommunism, and American liberals overcame this by becoming nearly as anticommunist and pro-war as their conservative counterparts, as embodied by the rising prominence of a political advocacy group called Americans for Democratic Action (ADA), inventor of the voting index system that the ACA had copied, and early articulator of a synthesis liberalism that incorporated militant interventionist anticommunism with domestic social improvement. Throughout the 1950s, Adlai Stevenson was the strange public face of this emerging liberalism, as translated through the coalition politics of the Democratic Party. Stevenson "hated public housing, opposed 'socialized medicine,' . . . could hardly make up his mind on whether he supported the repeal of [Taft-Hartley]" and "considered himself a Southerner" on issues of segregation. But Stevenson's campaign advisors included ADA founders John Kenneth Galbraith and Arthur Schlesinger, Jr., who developed a more coherent liberal political and economic philosophy for Stevenson to follow. Galbraith did so in *American Capitalism* (1952) and *The Affluent Society* (1956), and Schlesinger had done so in *The Vital Center* (1949).[96] Schlesinger, in particular, called for what he later termed a "qualitative liberalism," meaning development of public support for education, medicine, cities, the elderly, and civil rights. Galbraith similarly argued for public investment in social welfare programs. That is, the liberals' years in the wilderness in the 1950s resulted in the key intellectual predecessors to Kennedy's New Frontier and Johnson's Great Society domestic legislative programs.

The same questions asked during the Truman years might then be asked again: did conservation or the environment play any part in debates in the 1950s over anticommunism, isolationism, fiscal conservatism, or segregation? And to these older divisions and conflicts must be added the new tensions of the 1950s. That is, what analysis exists on the degree to which existing conservation issues or emerging environmental interests interacted with, for example, Eisenhower's moderate Republicanism, or played any part in disagreements (or agreements) between his administration and the Republican conservative faction? Or with the Southern Democrats? Or with the liberals, whether Democratic or Republican? Was there any difference in the treatment of these issues between the more conservative Republican Congress of 1953-1954, than the prior or following Democratic congresses? Did the issues come up in the primaries or convention politics of either party in 1952, or in 1956? To what degree was the environment ever relevant to arguments over the

War," *Constitutional Commentary* 10, no. 1 (1993): 19–36. On the creation of the Goldwater book: Rick Perlstein, *Before the Storm: Barry Goldwater and the Unmaking of the American Consensus* (New York: PublicAffairs, 2009), chap. 1. The book itself: Barry Morris Goldwater, *The Conscience of a Conservative* (Victor Publishing Company, 1960).

[96] On Stevensonian definitions of liberalism: Eric Alterman and Kevin Mattson, *The Cause: The Fight for American Liberalism from Franklin Roosevelt to Barack Obama* (New York: Viking Press, 2012), chap. 7; Broadwater, *Adlai Stevenson and American Politics*; Kent M. Beck, "What Was Liberalism in the 1950s?," *Political Science Quarterly* 102, no. 2 (1987): 233–58; Richard T. Ruetten, "Adlai Stevenson and the Rhetoric of Moderate Liberalism," *Reviews in American History* 3, no. 3 (1975): 389–93.

expansion or limitation of federal power, whether executive, legislative, or judicial? And to what degree did conservative or liberal efforts at self-definition examine conservation?

This last question, particularly, is suggestive, because Galbraith's efforts at defining 1950s-era liberalism are also the first clear efforts to connect a liberal political ideology with environmental quality. Both Galbraith's *American Capitalism* and *The Affluent Society* seem to contain the seeds of the modern environmental critique, the latter now quite famously. There, in a single passage that he almost excised from the final draft, Galbraith first expressed the tensions of environmental quality in the 1950s, when he wrote: "The family which takes its mauve and cerise, air-conditioned, power-steered, and power-braked automobile out for a tour passes through cities that are badly paved, made hideous by litter, blighted buildings, billboards, and posts for wires," and travel a "countryside… rendered largely invisible by commercial art" in order to "picnic on exquisitely packaged food from a portable icebox by a polluted stream" before going on "to spend the night at a park which is a menace to public health and morals." Adlai Stevenson, influenced by his advisors, began to echo these themes on the campaign trail in 1956. In his primary policy speech of the campaign, on a "New America," he said: "We live in a second industrial revolution; we live at a time when the powers of the atom are about to be harnessed for ever greater production. We live at a time when even the ancient specter of hunger is banished. This is the age of abundance! Never in history has there been such an opportunity to show what we can do to improve the quality of living, now that the old, terrible, grinding anxieties of daily bread, shelter, and raiment, are disappearing." In other words, environmental quality was at the heart of the liberal effort to find a purpose in the 1950s.[97] This liberal concern for quality also found its way to the Judiciary for the first time in these years. Although the Warren Court's perspectives on conservation have not been studied, it has been noted that Galbraith's and Stevenson's quality of life concerns were echoed by Justice William O. Douglas, a passionate conservationist who, in the first modern expression of environmentalism in the annals of the Supreme Court, argued in 1960 that the court should not have declined to hear a case that would have allowed it to consider the negative impacts of DDT on agricultural and dairy products.[98]

While at least one historian of environmental politics has linked the postwar liberals' quality of life concerns to the rise of the environmental movement,[99] and another has recognized a connection in the rise of the population movement,[100] there has been no connection of these materials to the

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[97] See also: John Kenneth Galbraith, "How Much Should a Country Consume?," in *Perspectives on Conservation: Essays on America's Natural Resources*, ed. Henry Jarrett (Johns Hopkins Press, 1958), 89–99; Arthur M. Schlesinger, "The Challenge of Abundance," *The Reporter*, May 3, 1956, 8. For a representative collection of research on environmental issues from this time: William L. Thomas, ed., *Man's Role in Changing the Face of the Earth: International Symposium Organized by the Wenner-Gren Foundation for Anthropological Research at Princeton, June 1955* (University of Chicago Press, 1956).

[98] Adam M. Sowards, *The Environmental Justice: William O. Douglas and American Conservation* (Oregon State University Press, 2009), 119. The case is *Murphy v. Butler*, *cert. denied* 362 U.S. 929 (1960) (Douglas, dissenting).

[99] Adam Rome, "'Give Earth a Chance': The Environmental Movement and the Sixties," *The Journal of American History* 90, no. 2 (2003): 525–54.

[100] Derek S. Hoff, *The State and the Stork: The Population Debate and Policy Making in US History* (University of Chicago Press, 2012), 129–32.

ideological or partisan polarization of environmentalism. Yet at this time, the dominant conservative political theory was of a strictly limited federal government, and its definition was in large part formulated as an opposition to liberalism. How did the intense debate over federal power triggered by *Brown*, or the proliferation of movement conservatism, or the debate over the meaning of fusion conservatism – of liberty and individualism – contend with the liberal arguments for government intervention toward an improved quality of life in the 1950s? The studies on the environmental politics of the Eisenhower Administration do not answer this question. Certainly, concern over environmental health and the downsides of industrialization were growing throughout society.[101] In 1955, Congress passed the Air Pollution Control Act, which began to push federal money toward pollution control research and development,[102] and in 1956 it amended FWPCA to strengthen federal water pollution abatement authority.[103] In the same year, in response to rising criticism over park neglect, Eisenhower endorsed the "Mission 66" program, a ten-year investment in the national park system.[104] But the 1950s are primarily understood as a period of resource use and consumption intensification that brought with it a rising awareness of pollution and waste problems, without a concomitant national governmental response.[105] The most compelling argument to date about the importance of the Eisenhower presidency to environmental politics is that the conflict over proposed 1959 FWPCA amendments, and Eisenhower's 1960 veto of the resulting bill on fiscal conservative grounds put federal environmental pollution control on the national policy agenda when it became an issue in the 1960 presidential election.[106] Recent scholarship has also delved into the late-1950s-era roots of scientific concern over DDT's impact on bird life, as a key precursor to Rachel Carson's work on *Silent Spring*, and these years saw rising Congressional interest in pesticides from a food safety perspective.[107] But for the most part, the older conservation paradigm has predominated scholarship. The most studied environmental conflict of the period is the Echo Park Dam controversy, which did demonstrate the rising power of preservationists to delay, alter, and even halt federal dam projects on conservation grounds during the 1950s, but in its competing

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[101] For a general overview of environmental policy developments in the Eisenhower years: Andrews, *Managing the Environment, Managing Ourselves*, 181–92. On the Eisenhower Administration's policies and actions specifically: Graham, *Presidents and the American Environment*, 173–86; Daynes and Sussman, *White House Politics and the Environment*, 123–39.
[102] Bailey, *Congress and Air Pollution*, 84–97.
[103] Milazzo, *Unlikely Environmentalists*, 19–37.
[104] For a window into the politics of national parks conservation in the 1950s: Bernard DeVoto, *DeVoto's West: History, Conservation, and the Public Good*, ed. Edward K. Muller (Ohio University Press, 2005), 179–218.
[105] On consumption and waste in the 1950s: Lizabeth Cohen, *A Consumer's Republic: The Politics of Mass Consumption in Postwar America* (New York: Vintage Books, 2004); Vance Packard, *The Waste Makers* (New York: D. McKay Co., 1960). On nascent suburban environmentalism in the 1950s: Rome, *The Bulldozer in the Countryside*, 2001; Christopher C. Sellers, *Crabgrass Crucible: Suburban Nature and the Rise of Environmentalism in Twentieth-Century America* (UNC Press, 2012).
[106] William D. Solecki and Fred M. Shelley, "Pollution, Political Agendas, and Policy Windows: Environmental Policy on the Eve of *Silent Spring*," *Environment and Planning C: Government and Policy* 14, no. 4 (December 1, 1996): 451–68.
[107] Bill Berry, *Banning DDT: How Citizen Activists in Wisconsin Led the Way* (Wisconsin Historical Society, 2014). Bruce S. Wilson, "Legislative History of the Pesticide Residues Amendment of 1954 and the Delaney Clause of the Food Additives Amendment of 1958," in *Regulating Pesticides in Food: The Delaney Paradox* (National Academies Press, 1987), 161–73.

interests did not present a very different politics than had Hetch Hetchy decades earlier.[108] Perhaps more importantly, the 1950s were an incubating period for future leaders in the development of the environmental administrative state, including the Sierra Club's newsletter editor, David Brower, who became that organization's Executive Director in 1952,[109] and Congressional career lawyer and U.S. Court Tax Judge Russell E. Train, who founded his first wildlife conservation foundation in 1959 while still on the bench,[110] and 28-year old state lawyer William Ruckelshaus, who was appointed to the Indiana Attorney General's office and assigned to handle the state's water pollution cases for the first time in 1960.[111] And beginning in the late 1950s, popular science author Rachel Carson began to study the question of pesticides.[112]

As was the case in the previous decade, however, the conservative perspective on environmental matters in the 1950s is essentially unstudied. It is well understood that Eisenhower's decision to veto the FWPCA expansion was derived from his fiscal conservatism, but unclear to what degree this perspective was shared by politically active conservatives during this time. There are glancing references to Clarence Manion and Barry Goldwater opposing public power development on conservative principles, and the development of support for conservatism in the electric utility sector by dint of this position, but it is unclear to what degree conservation or preservation was ever a factor in these positions. What did the literature circulated by Lemuel Boulware to GE employees, including Ronald Reagan, have to say, if anything, about nature or industrial pollution? What about the Manion Forum, Dan Smoot Report, or literature of the John Birch Society? What was the relationship with nature preached on evangelical talk radio in the late 1950s? Was environmental protection ever associated with communism? With liberalism? Or, if not, why not? To what degree were regional patterns recognizable, and were there any differences in environmental views between the emerging coastal intellectual, Western rural, rural evangelical, Southern pro-segregation, or midwestern industrial conservatives? As efforts began to define conservatism, to what degree were environmental issues examined or debated or used to create meaning? What did the 1950s-era publications of the American Enterprise Institute, or the Austrian-school economists, have to say about resource conservation at this time? Again, none of this is known.

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[108] Owen Stratton and Phillip Sirotkin, *The Echo Park Controversy* (University of Alabama Press, 1959); Mark W. T. Harvey, "Echo Park, Glen Canyon, and the Postwar Wilderness Movement," *Pacific Historical Review* 60, no. 1 (1991): 43–67; Mark W. T. Harvey, *A Symbol of Wilderness: Echo Park and the American Conservation Movement* (University of Washington Press, 2011). The primary differences were, first, that the Eisenhower Administration turned away from Truman-era TVA-style development in preference for privatization, and second, that the preservationists finally claimed a victory.
[109] Tom Turner, *David Brower: The Making of the Environmental Movement* (University of California Press, 2015), 65–67; Robert Wyss, *The Man Who Built the Sierra Club: A Life of David Brower* (Columbia University Press, 2016), chaps. 3–4.
[110] Flippen, *Conservative Conservationist*, 5–6, 40–41.
[111] William D. Ruckelshaus, U.S. EPA Oral History Interview, interview by Michael Gorn, January 1993, william-d-ruckelshaus-oral-history-interview.html.
[112] Linda Lear, *Rachel Carson: Witness for Nature* (New York: Henry Holt and Co., 1997), chaps. 14–15.

Kennedy years (Jan. 1961 – Nov. 1963)

In 1960, the conservatives failed in their effort to transform the Republican Party in their image by drafting Barry Goldwater for a presidential run. Goldwater did not even attempt it, understanding that he did not yet have sufficient national support. Instead, Vice President Richard Nixon brokered a deal for support from liberal Governor Nelson Rockefeller (R-NY) and chose eastern moderate Henry Cabot Lodge (R-MA) as his running mate, and secured the nomination over conservative ideological objections.[113] But Nixon was then defeated, if by an extremely thin margin, by Senator John F. Kennedy (D-MA), running with Senator Lyndon Johnson (D-TX). Again, the conservatives would ask themselves, *what if*?

Kennedy was a liberal. Although there has been a recent revisionist effort to claim him as a conservative,[114] this is little more than an ahistorical word game based on the shifting meaning of the relevant terms and is entirely inconsistent with how conservatives and liberals of the time perceived Kennedy's administration, and with how he and his own advisors perceived their governing philosophy and mandate. Among those advisors were Arthur Schlesinger, Jr. and John Kenneth Galbraith, both of whom had played important roles in the self-definition of American political liberalism throughout the 1950s. If that were not enough, Kennedy's liberalism is evident in his New Frontier legislative program and policy priorities, which focused on the same issues that had occupied the Fair Deal agenda of the Truman Administration: health, education, welfare, employment, housing, and civil rights.[115] Although he combined this with an interventionist anticommunist foreign policy, that also reflected the liberal consensus since Truman. In addition, Kennedy's legislative agenda was opposed at every turn by Republican conservatives,[116] although with Democratic control of both houses of Congress and the Warren Court firmly in support of civil rights, the limiting factor on domestic social legislation shifted from the Executive to the powerful Southern Democrats who controlled the House and the conservative coalition.[117]

The environmental political legacy of the Kennedy years has received little focused study to date. The new administration and Congress cooperated to pass the previously vetoed Federal Water Pollution Control Act amendments (providing funds for sewage treatment plants and expanding federal abatement powers), developed what would become the Clean Air Act of 1963 (passed immediately after Kennedy's death), and passed a variety of legislation expanding national park holdings. Controversy continued over the development of atomic energy, and the role of the federal government in hydroelectric power development, both from conservation and public-private competition perspectives.[118] The best single-volume treatment on environmental politics in these

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[113] Goldberg, *Barry Goldwater*, 118–48.
[114] Ira Stoll, *JFK, Conservative* (Boston: Houghton Mifflin Harcourt, 2013).
[115] Irving Bernstein, *Promises Kept: John F. Kennedy's New Frontier* (Oxford University Press, 1991).
[116] Andrew Hoberek, *The Cambridge Companion to John F. Kennedy* (Cambridge University Press, 2015), 67–68.
[117] Katznelson and Mulroy, "Was the South Pivotal?"
[118] Graham, *Presidents and the American Environment*, 187–207; Daynes and Sussman, *White House Politics and the Environment*, 46–56.

years is the new biography of Kennedy's Interior Secretary, Stewart Udall, which provides substantial insight into Kennedy-era pro-conservation and early pro-environmental politics and policy, and paints Kennedy as uninterested in the topic, with Udall as the heroic voice for environmentalism in a political world not quite ready for his message.[119] Another high-quality, if tangential, perspective comes from studies of the overpopulation debate, where the Kennedy administration's commitment to international development and attempts to "modernize" India particularly are understood as precursors to the vilification of rural population growth that marked a good deal of the environmentalism of the late 1960s.[120] Other works tend to build larger narratives that span the early 1960s without focusing on them overmuch, including larger examinations of the rising conflict over the California redwoods,[121] the rising fear of radiation as pollution,[122] the international development activities of the Department of the Interior, [123] and the legislative details of federal pollution legislation.[124] The topic receives almost no discussion in Kennedy political biographies or defenses of the New Frontier legislative program.[125] And, although a considerable amount of environmental scholarship has reviewed the early 1960s in investigating the origins of the environmental movement as a social phenomenon, little of it focuses on the Kennedy years specifically. Taken together, these materials paint an indistinct picture of the environmental politics of the early 1960s. The time must be considered important for no other reason that that Rachel Carson's *Silent Spring* was published in 1962 and influenced media presentation and public perception of pesticide risks even if it did not single-handedly begin the environmental movement.[126] But, although less well known today, it was Stewart Udall's *The Quiet Crisis*, written in order to convey the importance of the environmental crisis to JFK, that would articulate a new vision of environmental politics.[127]

Udall's book is important for this Dissertation as a largely unrecognized historical argument for the pan-ideological value of environmental protection. John F. Kennedy's introduction (actually written by Arthur Schlesinger, Jr.) begins: "The history of America is, more than that of most nations, the history of man confronted by nature. Our story has been peculiarly the story of man and the land, man and the forests, man and the plains, man and water, man and resources." Minus the gendered language and Udall's references to such things as "the wisdom of the Indians," this is not so different from the perspective on national history undertaken by environmental historians to this

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[119] Thomas G. Smith, *Stewart L. Udall: Steward of the Land* (UNM Press, 2017). This book expands on Thomas G. Smith, "John Kennedy, Stewart Udall, and New Frontier Conservation," *Pacific Historical Review* 64, no. 3 (1995): 329–62.
[120] Thomas Robertson, *The Malthusian Moment: Global Population Growth and the Birth of American Environmentalism* (Rutgers University Press, 2012); Hoff, *The State and the Stork*.
[121] Susan R. Schrepfer, *The Fight to Save the Redwoods: A History of the Environmental Reform, 1917–1978* (University of Wisconsin Press, 2003).
[122] Natasha Zaretsky, *Radiation Nation: Three Mile Island and the Political Transformation of the 1970s* (Columbia University Press, 2018).
[123] Megan Black, *The Global Interior: Mineral Frontiers and American Power* (Harvard University Press, 2018).
[124] Milazzo, *Unlikely Environmentalists*, 61–74; Bailey, *Congress and Air Pollution*, 101–8.
[125] E.g., Theodore C. Sorensen, *Kennedy* (Hodder & Stoughton, 1965); Bernstein, *Promises Kept*.
[126] Priscilla Coit Murphy, *What a Book Can Do: The Publication and Reception of Silent Spring* (University of Massachusetts Press, 2005).
[127] On the development of *The Quiet Crisis*: Smith, *Stewart L. Udall*, 2017, 156–57, 181, 187–88.

day. Udall's primary task was to demonstrate the universalist political heritage of conservation in the United States, identifying conservation impulses in figures from Thomas Jefferson, to Daniel Boone, to Henry David Thoreau, to John Wesley Powell, to Gifford Pinchot, to Teddy Roosevelt, to John F. Kennedy, contrasted against the voracious rapine of American settlement and special interest extraction, rendering conservationism a putative part of the national political heritage. Secondarily, the book articulated the "quality" problem that had first occurred to Schlesinger and Galbraith in the 1950s, which Udall called "our environmental standard of living" (the only use of the word "environmental" in the book). To Udall, the tension of modernity was a rising economic standard of living but a degraded environmental standard of living. In other words, while designed to demonstrate the broad appeal and traditional bona fides of conservation, and to encourage JFK to engage more enthusiastically in conservation politics, *The Quiet Crisis* also emerged from and adopted a particular conception of the purpose of government that was self-referentially liberal. It was a best-seller and received wide praise from conservation groups.

What might conservatives in the early 1960s have thought of Udall's argument for the pan-ideological nature of conservationism? Before answering this, it is important to appreciate the trends of Kennedy-era movement conservatism. Above all else, conservatism in these years was defined by its rising dominance in Republican Party leadership, and the championing of Barry Goldwater as a conservative national party presidential nominee. The bulk of literature on conservatism during this period focuses on the beginnings of the Goldwater campaign and its rise of social support throughout the conservative grassroots. Every conservative organization and person mentioned to this point who was alive at the time (Phyllis Schlafly, Ronald Reagan, and William Rehnquist among them) was involved in the Goldwater campaign, as were countless grassroots organizers.[128] Beyond Goldwaterism, there are also excellent studies on the formation of the modern Christian Right in the Kennedy years, as protestant evangelicals and fundamentalists worked to keep the Catholic Kennedy out of the White House, and then spent the years of his presidency in the proverbial political wilderness, before splitting between Johnson and Goldwater in 1964.[129] Recent scholarship has also explored the focused government suppression of conservative talk radio during the Kennedy administration, finding a concerted campaign to eliminate radical conservative views from the airwaves and a justification for a rising sense of grievance against government censorship and oppression not unlike today's arguments over social media deplatforming of right-wing extremists.[130] Another recent contribution explores the thesis that vocal ultraconservatives were important players in the process of legitimizing more moderate and "respectable" conservatives, by way of a case study of the extreme religious and pro-capitalist members of the Dallas, Texas Republican Party in the late

[128] McGirr, *Suburban Warriors*; Kevin Michael Kruse, *White Flight: Atlanta and the Making of Modern Conservatism* (Princeton University Press, 2005); Dochuk, *From Bible Belt to Sunbelt*; Nickerson, *Mothers of Conservatism*; Matthew D. Lassiter, *The Silent Majority: Suburban Politics in the Sunbelt South* (Princeton University Press, 2013).
[129] Williams, *God's Own Party*.
[130] Matzko, *The Radio Right*.

1950s and early 1960s.[131] The Kennedy era was also particularly important for the John Birch Society, as it came under increasing public scrutiny, until the *National Review* turned on it publicly in 1962, and once again performed a sort of excommunication from the ranks of acceptability in the name of consensus conservatism.[132] By November 1963, then, the national conservative political apparatus was hard at work within the Republican Party, and the larger movement was seeking, not always successfully, to shed public perceptions of radicalism and gain national legitimacy. Although Goldwater had not yet announced his candidacy, in November 1963 Phyllis Schlafly was hard at work on anti-Kennedy speeches she had been preparing for the coming Goldwater-Kennedy contest she expected. When Kennedy was assassinated, she shelved these and turned her attention to the coming nominating fight. Her work on the topic, titled *A Choice, Not an Echo*, presented a critical analysis of the Republican Party's electoral nominating process, laying out the theory that the Eastern Establishment had denied conservatives the nomination again and again, that the Republicans had suffered from playing "me too" to the Democrats, and that the time had come for the Republicans to offer a tangible alternative to Democratic liberal governance: a choice, not an echo. Goldwater announced his candidacy in late January 1964.

Thus, it is possible to place the existing scholarship on conservative thinking on environmental issues in the early 1960s into this broader movement conservatism. Although the two careful examinations of Goldwater's environmentalism[133] focus mainly on the 1970 chapter on the environment in *Conscience of a Majority*, Drake's work also examines Goldwater's statements and actions from the early 1960s. Drake summarizes Goldwater's anti-environmental voting record in the early 1960s as follows: "he voted against what was perhaps the era's most significant piece of federal environmental legislation, the Wilderness Act of 1964, and devoted considerable energy to enlisting the federal government's help in damming the West's rivers, a questionable crusade to many of the nation's wilderness lovers, not to mention a significant qualification to his small government philosophy." In this regard, Goldwater was essentially indistinguishable from Rep. Wayne Aspinall (D-CO), a powerful member of the House Interior Committee during the Kennedy and Johnson years who was considered to be a conservative Democrat heavily devoted to federal reclamation projects for the West and who worked against what he called "extreme conservationists" in order to insulate western resource development interests from the hardest impacts of the Wilderness Act.[134] In other words, Goldwater and Aspinall were Westerners, and therefore had a primarily Western pro-development perspective on reclamation and conservation, which overruled ideological or party considerations, at least in the early 1960s. The most interesting study is of John P. Saylor,[135] an idiosyncratic and possibly *sui generis* Republican member of the House of Representatives from Pennsylvania who was described as more conservative than

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[131] Edward H. Miller, *Nut Country: Right-Wing Dallas and the Birth of the Southern Strategy* (University of Chicago Press, 2015).
[132] Hemmer, *Messengers of the Right*.
[133] Farber, "The Conservative as Environmentalist"; Drake, "The Skeptical Environmentalist."
[134] Steven C. Schulte, *Wayne Aspinall and the Shaping of the American West* (University Press of Colorado, 2002).
[135] Smith, *Green Republican*.

Eisenhower on fiscal matters and more liberal than him on social issues, and who became both a consistent opponent to federal reclamation and a major proponent of wilderness legislation during the Kennedy years. But what is missing from Smith's examination of Saylor is his influence (or lack of it) on movement conservatives, conservative media, and his conservative colleagues. As an almost total independent, it is doubtful that Saylor's views were germane to, for example, the Christian Right, the conservative intellectual or populist media, or movement conservative advocates for Goldwater in the GOP. Finally, Boynton's study of conservative intellectual writings on the environment includes the best coverage of the early 1960s on this topic. In particular, Boynton identifies Russell Kirk as a frequently pro-environmental conservative commenter in these years, and contributors to the conservative magazine *The Freeman* as frequently skeptical conservative voices on the same topic. Boynton argues for understanding this apparent tension by understanding the many intellectual traditions that were vying for dominance in the effort to define a conservative intellectual movement at this time, with Kirk, the co-founder of *National Review*, representing a "traditionalist" conservative school, while *The Freeman*, a project of the Foundation for Economic Education, represented the growing right-libertarian, *laissez-faire* pro-capitalist conservative position. In other words, there are the beginnings of a scholarship on conservative perspectives on environmentalism during this period, but it is by no means complete when compared to the very broad developments of the conservative movement at this time. Where did the John Birch Society, or southern evangelicals, or Goldwater movement organizers, or GE-era Ronald Reagan, or the National Association of Manufacturers, or other conservative politicians, or the many other contributors to the developing conservative media ecosystem, fall along the spectrum of support or opposition to the emerging environmental quality perspective? What did they say, think, or do about emerging ideas on natural resources, pollution, and environmental quality? How did conservative organizers looking to generate a clear political "choice" respond to the emerging bipartisan "echo" of environmentalism? A great deal of further research is still needed.

Johnson years (Nov. 1963 – Jan. 1969)

Lyndon Johnson assumed the presidency following Kennedy's assassination in November 1963, served the remainder of Kennedy's term, and won reelection in 1964. With his popularity cratering in the face of opposition to his escalation of the Vietnam War, and facing primary challenges by the antiwar faction of his own party, he announced his decision not to seek a second term rather than suffer the embarrassment of the loss that appeared to be coming.

The war was not the first ideological tension of the Johnson presidency, however. The several excellent political histories of Johnson's political career, led by Robert Caro's magnum opus on his life, reveal the pressures that the Democratic Party's liberal-conservative schism placed on Johnson. As Senate Majority Leader he had accumulated unprecedented power, but he had also undermined his national political aspirations by brokering and weakening the 1957 and 1960 Civil Rights Acts to

the dissatisfaction of both liberals and Southern conservatives.[136] This cost Johnson not only the 1960 Democratic presidential nomination, but also, almost, the vice-presidential nomination.[137] Literature on the development and eventual passage of the 1964 Civil Rights Act applauds Johnson for his eventual reconciliation of his ambiguities on civil rights, but also recognizes the political cost to the Democratic Party in the Deep South for his having done so.[138] As Johnson is alleged to have said on the night he signed the bill into law: "I think we just delivered the South to the Republican Party for a long time to come." Even if he did not say it, it was no less true. Studies of Alabama Governor George Wallace that consider his 1964 segregationist democratic primary challenge to Johnson in 1964 reveal a great appetite in the South for an alternative to a Democratic Party that supported civil rights.[139] Could the Republican Party offer them a new home?

Histories of the conservative ascendancy in the 1960s all describe the 1964 Republican nomination of Barry Goldwater as a victory of the party's conservative activist wing, a conclusion supported here.[140] It is also possible to interpret this time as the beginning of the Southern realignment. Although Phyllis Schlafly did not address race in 1964, recent studies have explored the manner in which her conservative activism was echoed by white female Goldwater supporters in the South, who equated conservatism with southern massive resistance to federal civil rights interventions.[141] Although he explained his position as an ideological aversion to big government intervention in society, the important thing for the South was that Goldwater voted against the 1964 Civil Rights Act, cementing a working relationship between small-government libertarians and the maintenance of southern white supremacy,[142] even if Goldwater distanced himself from explicit support for southern racism, by, among other things, declining George Wallace's offer to switch parties and join as his running mate.[143] Johnson would go on to defeat Goldwater in a landslide in the 1964 election, but the leaders of the Republican Party, with conservative activists temporarily sidelined following Goldwater's loss, began to master the dark art of courting Southern white voters with rhetoric on political philosophy that happened to be compatible with the maintenance of Southern white

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[136] Robert A. Caro, *Master of the Senate*, vol. 3, The Years of Lyndon Johnson (New York: Alfred A. Knopf, 2002), chap. 36.
[137] Robert A. Caro, *The Passage of Power*, vol. 4, The Years of Lyndon Johnson (New York: Alfred A. Knopf, 2012), chap. 4.
[138] Robert D. Loevy, *The Civil Rights Act of 1964: The Passage of the Law That Ended Racial Segregation* (SUNY Press, 1997); Taylor Branch, *Pillar of Fire: America in the King Years 1963-65* (New York: Simon and Schuster, 1998); Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014); Todd S. Purdum, *An Idea Whose Time Has Come: Two Presidents, Two Parties, and the Battle for the Civil Rights Act of 1964* (New York: Henry Holt and Co., 2014).
[139] Frederickson, *The Dixiecrat Revolt and the End of the Solid South, 1932-1968*; Dan T. Carter, *The Politics of Rage: George Wallace, the Origins of the New Conservatism, and the Transformation of American Politics*, 2nd ed. (LSU Press, 2000); Dan T. Carter, *From George Wallace to Newt Gingrich: Race in the Conservative Counterrevolution, 1963-1994* (LSU Press, 1996).
[140] Critchlow, *The Conservative Ascendancy*; Jonathan Schoenwald, *A Time for Choosing: The Rise of Modern American Conservatism* (Oxford University Press, 2001); McGirr, *Suburban Warriors*; Mary C. Brennan, *Turning Right in the Sixties: The Conservative Capture of the GOP* (UNC Press, 1995).
[141] Elizabeth Gillespie McRae, *Mothers of Massive Resistance: White Women and the Politics of White Supremacy* (Oxford University Press, 2018).
[142] Hustwit, *James J. Kilpatrick*.
[143] Perlstein, *Before the Storm*.

supremacy,[144] permitting the political realignment that had been called for by advocates in both parties since the 1940s. In a sign of things to come, former Dixiecrat leader Strom Thurmond had switched to the Republicans to campaign for Goldwater. Thus, Democratic Party support for the 1964 Civil Rights Act, and Republican willingness to see it undermined, were the fulcra around which party realignment swung. Meanwhile, a backlash was growing against the Republican conservatives. The 1964 Republican election losses intensified a revolt by junior House members against conservative party leadership in that chamber. In 1963, Reps. Donald Rumsfeld (R-IL, first elected 1962) and Bob Dole (R-KS, first elected 1960), among others, had recruited the older moderate Gerald Ford (R-MI, first elected 1948) to compete against the incumbent Conference Chair, a contest Ford had won. After 1964, these so-called "Young Turks" ran Ford again, this time for House Minority Leader, and he won again – well on his way to his ultimate political goal: to become Speaker of the House.[145] The alignment, or not, of these new leaders to the post-1964 ideological conservatism would begin to define the modern Republican Party.

Scholars have recently focused on how conservatism developed over the course of the Johnson presidency, first as conservatives recovered from Goldwater's loss, then dominated the 1966 midterms, and finally participated in the maelstrom of 1968 and the national election. It is now understood that Goldwater's loss marked its own new beginning. In October 1964, Ronald Reagan, who had been campaigning for Goldwater, recorded a speech that has come to be called "A Time for Choosing," in which he delivered an attack on the weaknesses of liberal governance, and in so doing set himself up as the new standard-bearer of American political conservatism.[146] At the grassroots, these years were marked by the right's growing reaction to the rise of the New Left – a shift from party-oriented proactive support of Goldwater to a society-focused counterprotest on what was called "the social issue," and today is more likely to be called "the culture war."[147] To be a movement conservative in the Johnson years was to support the Vietnam War,[148] or at least to blame Johnson for losing it, and to be angry at the hippies and college kids who were protesting it.[149] It was to vote for William F. Buckley, Jr. when he ran for mayor of New York City in 1965.[150] It was to be horrified by the Berkeley student protests in 1964,[151] and to vote for Reagan in the California governor's race in 1966 because he promised to do something about it.[152] Indeed, it was to vote in

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144 Ian Haney López, *Dog Whistle Politics: How Coded Racial Appeals Have Reinvented Racism and Wrecked the Middle Class* (Oxford University Press, 2015).
145 Scott Kaufman, *Ambition, Pragmatism, and Party: A Political Biography of Gerald R. Ford* (University Press of Kansas, 2017), 94–99.
146 Mann, *Becoming Ronald Reagan*, chaps. 14–16.
147 Rosenfeld, *The Polarizers*, chap. 4.
148 Schneider, *Cadres for Conservatism*, 93–109.
149 Sandra Scanlon, *The Pro-War Movement: Domestic Support for the Vietnam War and the Making of Modern American Conservatism* (University of Massachusetts Press, 2013), 43–124.
150 William F. Buckley, Jr., *The Unmaking of a Mayor* (New York: Viking Press, 1967); Schoenwald, *A Time for Choosing*, 162–89.
151 McGirr, *Suburban Warriors*.
152 Gerard J. De Groot, "Ronald Reagan and Student Unrest in California, 1966-1970," *Pacific Historical Review* 65, no. 1 (1996): 107–29.

the 1966 midterms across the country, as the Republicans gained 47 House seats, three Senators, and eight governors, many of whom, like new Rep. George H.W. Bush (R-TX) and Governor Spiro Agnew (R-MD), reflected a newly dominant conservatism in the party.[153] And it was to join the "antisecular alliance," in which protestant evangelicals and Catholics began to focus less on fighting each other, and more on fighting the secular society they saw as the foundation of the country's problems.[154] With respect to conservatism, then, the Johnson years saw the increasingly mainstream acceptance and expression of the conservative critique of liberalism, and the acceleration of southern realignment toward an increasingly ideologically monolithic Republican Party.

What of the environment? Although Johnson entered his full term with high hopes for his Great Society domestic legislative agenda and accomplished some of what he set out to do, his tenure was increasingly defined by the escalating catastrophes of the Vietnam War and domestic civil unrest. Yet, during this same time, Congress produced a great deal of environmental legislation, including the Clean Air Act of 1963 (developed during the Kennedy Administration), further Clean Air Act amendments in 1965 and 1967, the Wilderness Act of 1964, the Solid Waste Disposal Act of 1965, the Highway Beautification Act of 1965, the Clean Water Restoration Act of 1966, the Endangered Species Preservation Act of 1966, the Wild and Scenic Rivers Act of 1968, and a number of new federal land reservations.[155] Martin Melosi has provided the best overview and bibliography of the Johnson-era environmental initiatives.[156] There is also a substantial literature on the passage of the Wilderness Act.[157] But this material generally does not discuss the full range of political perspectives on these legislative programs, suffering from the general "heroic narrative" problem of environmental political history, and is also poorly integrated with the literature on the rise of the organized environmental movement at this time.[158] Although antinuclear advocacy had a long history by Johnson's term, the Johnson years also saw the beginning of concerted protest efforts

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153 Brennan, *Turning Right in the Sixties*, 119.

154 Daniel K. Williams, "Richard Nixon's Religious Right: Catholics, Evangelicals, and the Creation of an Antisecular Alliance," in *The Right Side of the Sixties: Reexamining Conservatism's Decade of Transformation*, ed. Laura Jane Gifford and Daniel K. Williams (New York: Palgrave Macmillan, 2012), 141–58; Axel R. Schäfer, *American Evangelicals and the 1960s* (University of Wisconsin Press, 2013).

155 Graham, *Presidents and the American Environment*, 209–21; Daynes and Sussman, *White House Politics and the Environment*, 56–63.

156 Martin V. Melosi, "Environmental Policy," in *A Companion to Lyndon B. Johnson* (Hoboken, NJ: John Wiley & Sons, Ltd, 2012), 187–209; Martin V. Melosi, "Lyndon Johnson and Environmental Policy," in *The Johnson Years: Vietnam, the Environment, and Science*, ed. Robert A. Divine, vol. 2, 2 vols. (University Press of Kansas, 1987). In addition, the Johnson Administration water quality policies are examined in David J. Eaton, "The Past and Future of the Johnson Administration's Water Quality Policies," in *LBJ's Neglected Legacy: How Lyndon Johnson Reshaped Domestic Policy and Government*, ed. Robert H. Wilson, Norman J. Glickman, and Laurence E. Lynn (University of Texas Press, 2015). This expands on Milazzo, *Unlikely Environmentalists*. On air pollution, see also: Bailey, *Congress and Air Pollution*.

157 James Morton Turner, *The Promise of Wilderness: American Environmental Politics since 1964* (University of Washington Press, 2012); Roderick Frazier Nash, *Wilderness and the American Mind: Fifth Edition* (Yale University Press, 2014).

158 A notable exception is Susan R. Schrepfer, "The Nuclear Crucible: Diablo Canyon and the Transformation of the Sierra Club, 1965-1985," *California History* 71, no. 2 (July 1, 1992): 212–37. Schrepfer explores the development of Sierra Club opposition to Diablo Canyon during the Johnson years as transformative turning point for that organization. The new biographies of David Brower also focus on organizational politics in these years. Turner, *David Brower*; Wyss, *The Man Who Built the Sierra Club*.

against nuclear power plant construction in the U.K., Europe, and the United States.[159] There is also scholarship on Johnson's wife, Lady Bird, who at times was recognized as an equal administrative partner on environmental issues, particularly with respect to the Highway Beautification Act and the national beautification program.[160] As he was retained as Interior Secretary in the Johnson Administration, the biography of Stewart Udall remains relevant especially with respect to evolution in conservation policy following the 1964 Wilderness Act.[161] These materials taken together demonstrate a presidency and a country that did not yet fully embrace environmental causes, but which were increasingly supportive of them, and a core of environmental issue advocates and policy entrepreneurs finding increasing traction as the nation's entire politics shifted toward a more unstable, ideological, and issue-driven structure. What is not clear in the literature is exactly how this increased advocacy mapped onto the ideological divisions of the day.

The literature examining conservative outlooks on the environment during the Johnson years includes the studies on Wayne Aspinall, Russell Train, John P. Saylor, and Barry Goldwater already discussed, as well as two studies of Ronald Reagan's conservation record during his years as California's governor, which run through his generally pro-environmental positioning during this time but do not explain his later transition.[162] These highlight the pro-environmental perspectives of these individuals without placing them within the larger trends of the conservative social or political movements. Boynton, on the other hand, again provides a perspective on anti-environmentalism in conservative writing during this period, particularly from Chicago School economists Ronald Coase and Milton Friedman, as well as James Q. Wilson's rising critiques of Great Society urban renewal interventions, the right-libertarian critiques of the population question in *The Freeman*, as well as countervailing pro-beautification perspectives from Russell Kirk and William F. Buckley, Jr. Yet these studies, while valuable, leave many gaps. Even only in terms of conservative politicians, there is no academic analysis of the environment-relevant portions of William F. Buckley's mayoral campaign (or career at *National Review*). Nor is there any detailed study of Southern Democratic, or conservative Republican outlooks on, among other things, the Johnson-era environmental legislation covering air pollution, water pollution, solid waste disposal, endangered species protection, scenic resource preservation, and beautification of American highways. How did conservatives characterize the increasingly aggressive conservation activists from the Sierra Club, or the rising antinuclear movement, and their associations with the counterculture to which conservatives objected? What did they think about the thesis of *The Population Bomb*, or the countercultural perspectives of *The*

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[159] On early antinuclear politics: Dario Fazzi, *Eleanor Roosevelt and the Anti-Nuclear Movement: The Voice of Conscience* (Palgrave Macmillan, 2016); Andrew Rojecki, *Silencing the Opposition: Antinuclear Movements and the Media in the Cold War* (University of Illinois Press, 1999). On European and U.S. antinuclear politics in the 1960s: Thomas R. Rochon, *Mobilizing for Peace: The Antinuclear Movements in Western Europe* (Princeton University Press, 2014); Paul Rubinson, *Rethinking the American Antinuclear Movement* (Routledge, 2018).

[160] Lewis L. Gould, *Lady Bird Johnson and the Environment* (University Press of Kansas, 1988); Lewis L. Gould, *Lady Bird Johnson: Our Environmental First Lady* (University Press of Kansas, 1999).

[161] Smith, *Stewart L. Udall*, 2017.

[162] Lou Cannon, *Governor Reagan: His Rise To Power* (New York: PublicAffairs, 2003), 297–321; Farber, "The Conservative as Environmentalist."

Whole Earth Catalog? What about the formation of environmental legal advocacy organizations like the Environmental Defense Fund, Natural Resources Defense Council, or Sierra Club Legal Defense Fund? What did they think about Lynn White's attack on Christian dominion theology in *The Historical Roots of Our Ecological Crisis*, published in *Science* in March 1967?[163] Or Garrett Hardin's influential expression of *The Tragedy of the Commons*, published in the same journal in 1968?[164] How did conservatives perceive environmental protection and write about it, if at all? To what degree did it become an ideological issue during this time? What role did it play in the debates and elections of 1964, 1966, or 1968? Much more work is needed.

Nixon years (Jan. 1969 – Aug. 1974)

In 1968, Republican ideological conservative support for the presidential nomination had built around California Governor Ronald Reagan. But, although Reagan made a strong showing at the 1968 convention, the 1964 conservative defeat was still fresh in the party's memory and he had only been governor for two years. Instead, the growing cadre of Southern Republicans, led by Strom Thurmond, had joined behind the campaign of former vice president Richard Nixon. With a coalition encompassing party moderates, Southern conservatives, and cautious but pragmatic Goldwater faithful looking to win an election, Nixon clinched the 1968 Republican nomination. In a sign of things to come, the party's liberal candidate, Nelson Rockefeller, took only about twenty percent of the convention delegates. Reflecting current politics, Nixon, a visionary cynic, then selected Governor Spiro Agnew (R-MD) as his running mate. The choice was based on Agnew's record as a "law and order" governor, as Agnew, much like Reagan, had vocally condemned the disruptive protest and increasingly radical activism of the civil rights and antiwar movements, and had used force to quell unrest.[165]

The environmental valences of the 1968 Republican nominating contest, however, are unstudied. How did the environment figure, if at all, in the 1968 Republican primaries and convention? How did conservatives perceive, discuss, or present the environmental records of Reagan's first years as Governor as part of his candidacy? What did Nelson Rockefeller say about it, and what did conservatives think of that? Was environmental protection ever a priority of the Southern Republicans? And to what degree did Nixon address any of this in his efforts to win the nomination? Who was responsible for articulating the Republican Party's environmental policies in their national platform in 1968? Did anyone object? Did law and order rhetoric make use of environmental themes, for example by framing their objectives in health and safety terms?

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[163] Lynn White, "The Historical Roots of Our Ecologic Crisis," *Science* 155, no. 3767 (1967): 1203–7.
[164] Garrett Hardin, "The Tragedy of the Commons," *Science* 162, no. 3859 (1968): 1243–48.
[165] For an entertaining and cynical account of the convention politicking: Rick Perlstein, *Nixonland: The Rise of a President and the Fracturing of America* (New York: Scribner, 2008), chap. 14. On "law and order" and the Nixon campaign victory: Michael W. Flamm, *Law and Order: Street Crime, Civil Unrest, and the Crisis of Liberalism in the 1960s* (Columbia University Press, 2005), 162–78. The convention is also covered in the election studies discussed below.

The 1968 election is the subject of a wealth of new scholarship, much of which reveals the disarray of the liberal field in the face of the events of the preceding year. In addition to recent quality work focused solely on Lyndon Johnson's decision not to run,[166] and on Nixon's organizational activities during the years leading up to his run,[167] there have been several high-quality books recently published on the election itself.[168] Johnson's March 1968 decision not to run was due to his losses to antiwar primary challengers Robert F. Kennedy and Eugene McCarthy, a sign that liberal foreign policy was parting ways with the absolutist anticommunist and militarist consensus. RFK's assassination in June shifted his support base to McCarthy, while Johnson's Vice President, Hubert Humphrey,[169] much more of a liberal than Johnson was, inherited Johnson's support but also struggled to distance himself from Johnson's unpopular Vietnam legacy. Humphrey's eventual nomination was overshadowed by the televised chaos of the protests and violent police reaction at the 1968 Chicago convention. Humphrey, a founder of the ADA and a key contributor to efforts to define liberalism in the 1950s and 1960s, failed to resolve the long-festering resentment of the Southern Democrats to northern party liberals, and lost the majority of them to a third party campaign run by Alabama Governor George Wallace.[170] Although Nixon's victory was not overwhelming, when combined with southern segregationist turnout flocking to George Wallace's third party, the conservative candidates together took almost 60 percent of the 1968 popular vote.

What role, if any, did the environment play in the 1968 campaigns? Here, there is some existing inquiry. The best source is Flippen, in his essential study of Nixon's evolving environmental views, which explains that the environment was largely a non-issue for both Nixon and the Democrats in the campaign, even though both members of the Democratic presidential ticket – Hubert Humphrey and Edmund Muskie – had been enthusiastic and powerful Senate supporters of wildlife protection and pollution control legislation throughout the Johnson years.[171] The Democratic campaign said very little, as did Nixon's. This, however, leaves a great deal unanswered, including especially the reasoning and strategy behind these omissions, particularly on the Democratic side. Did conservatives operating on Nixon's behalf during the election criticize the environmental record of the Democratic candidates at any time? If so, what did they say? If not, why not? And did the

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[166] Kyle Longley, *LBJ's 1968: Power, Politics, and the Presidency in America's Year of Upheaval* (Cambridge University Press, 2018).
[167] Victor Li, *Nixon in New York: How Wall Street Helped Richard Nixon Win the White House* (Lanham, MD: Rowman & Littlefield, 2018).
[168] Lewis L. Gould, *1968: The Election That Changed America* (Chicago: Ivan R. Dee, 1993); Dennis Wainstock, *Election Year 1968: The Turning Point* (New York: Enigma Books, 2012); Michael A. Cohen, *American Maelstrom: The 1968 Election and Politics of Division* (Oxford University Press, 2016); Lawrence O'Donnell, *Playing with Fire: The 1968 Election and the Transformation of American Politics* (Penguin, 2017); Michael Nelson, *Resilient America: Electing Nixon in 1968, Channeling Dissent, and Dividing Government* (Nashville: University Press of Kansas, 2017); Michael Schumacher, *The Contest: The 1968 Election and the War for America's Soul* (University of Minnesota Press, 2018); Aram Goudsouzian, *The Men and the Moment: The Election of 1968 and the Rise of Partisan Politics in America* (UNC Press Books, 2019).
[169] Arnold A. Offner, *Hubert Humphrey: The Conscience of the Country* (Yale University Press, 2018); Carl Solberg, *Hubert Humphrey: A Biography* (Minnesota Historical Society Press, 2003).
[170] Offner, *Hubert Humphrey*; Andrew L. Johns, *The Price of Loyalty: Hubert Humphrey's Vietnam Conflict* (Lanham, MD: Rowman & Littlefield, 2020).
[171] Flippen, *Nixon and the Environment*, 18–21.

environment figure in the Wallace campaign, whether directly or by analogy to quality of life, public health, or social welfare issues translated through the lens of segregationist politics?

Nixon won the 1968 election with the conservatives' support. But although they had supported him, Nixon had not been the conservative coalition's favorite candidate, and their relationship did not improve as he governed. Sarah Katherine Mergel has studied this relationship, and argues that although they supported him as an electable compromise in 1968, and as the incumbent in 1972, intellectual conservatives in particular were disenchanted and increasingly critical of Nixon's leadership, and in fact began to define and distinguish their own movement by reference to opposition to Nixon's (to them) overly liberal policies on national defense, budget balancing, monetary policy, and social welfare.[172] Could a president approach détente with China and the USSR, run a deficit, abandon the gold standard, and support the passage of domestic social welfare legislation, and still be supported by conservatives?

What Mergel does not study is the key question here: what did these conservatives think of Nixon's policies on the environment? This is surprising because among Nixon's many domestic causes during his first years in office, one of the most prominent was his support of environmental protection initiatives. Flippen demonstrates decisively that Nixon's personal interest in the field was pragmatic politics: the year 1969 saw a huge increase in the public salience of "ecology" as a political issue, this wave of public opinion, concern, and interest culminated in the first Earth Day in April 1970,[173] and by early 1970 Nixon was declaring the environment to be the defining issue of the 1970s and supporting a variety of proposals for new environmental laws. But Nixon's purpose was to court public electoral support away from Senator Edmund Muskie, who looked in 1969 and 1970 to be the most likely Democratic challenger to Nixon in the 1972 electoral race.[174] Nixon, for a time, was trying to "out-Muskie Muskie." What did the conservatives think of that? Boynton's study on the neoconservatives establishes that, at least for this one group of intellectuals, the conservative "reversal" on environmental issues dates to 1970.[175] When combined with Mergel's work on the growing division between Nixon and conservatives generally on matters of social policy, it is necessary to ask: if conservatives support Nixon, how? If they did not, how did they articulate their critique? Indeed, beyond the neoconservatives studied by Boynton, it is necessary to ask: what did conservatives think of the first Earth Day at all? How did they react to the huge surge in support for environmentalism in 1969? How did they respond to Nixon's State of the Union, or the following expansion in domestic social legislation and the regulation that accompanied it?

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[172] Sarah Katherine Mergel, *Conservative Intellectuals and Richard Nixon: Rethinking the Rise of the Right* (New York: Palgrave Macmillan, 2010).
[173] Adam Rome, *The Genius of Earth Day: How a 1970 Teach-in Unexpectedly Made the First Green Generation* (New York: North Point Press, 2013); Bill Christofferson, *The Man from Clear Lake: Earth Day Founder Senator Gaylord Nelson* (University of Wisconsin Press, 2004).
[174] Flippen, *Nixon and the Environment*.
[175] Boynton, "Formulating an Anti-Environmental Opposition"; Boynton, "Confronting the Environmental Crisis."

At this point, it is necessary to focus briefly on Barry Goldwater, because it is at this moment that he published his one major statement on environmentalism: a chapter-length treatment of the issue in a book titled *The Conscience of a Majority*. This chapter, according to Drake "unlike anything in Goldwater's previous oeuvre," indicated not only Goldwater's rising concern for environmental quality, but also his openness to governmental regulation to reverse the trend. And unlike Nixon, it appears from Drake's analysis that Goldwater was really serious in his convictions, even as he later became bitter toward movement environmentalists who criticized him. The important question here is: to what degree were Goldwater's positions on these issues representative of conservatism more generally by this time? In 1970, long after his 1964 defeat, Goldwater had receded a great deal in public stature, and was no longer the recognized leader of the conservative movement, and *The Conscience of a Majority* had nowhere near the same impact or influence as *The Conscience of a Conservative*. The role of conservative standard-bearer had, by this time, passed from Goldwater very firmly to Ronald Reagan. So, to what degree can Goldwater's statement be taken as an accurate expression of movement conservatism environmentalism, particularly given the later course of the movement on these issues? Given that Reagan was now the standard-bearer, the more important question would be: what were Reagan's politics on the environment at this time?

There is very little scholarship on Reagan's environmentalism, but what exists demonstrates that he was, in fact, quite vocally supportive of environmental causes in 1970. Cannon is the primary source, covering Reagan's relationship with his state director of resources and his role in the creation of Redwoods National Park, creation of the California Air Resources Board, and others, although Cannon's work then jumps from about 1974 to 1981, and does nothing to elucidate Reagan's dramatic transformation on conservation during his time running for office.[176] The question then becomes, what were the motivations for Reagan's expressions of environmentalism during this time? Was he, like Nixon, expressing a pragmatic support of a popular issue, or, like Goldwater, attempting to articulate a sincere and principled position on how the new environmentalism should be accommodated with the conservative movement? What was Reagan's perception of the growing gulf between his own highly public pro-environmental statements, and the more cautious and even negative perspective of movement conservatism on the same topic?

Adding to this complexity, it is clear from recent scholarship that there was a very large anti-environmental perspective associated with the early organization of the conservative legal movement. However, to get to that story, it is first necessary to step back and examine the polarization of the judiciary more generally during this time. This had its origins in conservative backlash to the Warren Court, and had begun in earnest during the waning days of the Johnson presidency, when conservative anger over Warren had resulted in the first successful Senate filibuster of a Supreme Court nomination in the postwar period. In 1968, Warren announced his intention to retire. Johnson then nominated his friend, the liberal but ethically-compromised

[176] Cannon, *Governor Reagan*, 297–321. *See also* Farber, "The Conservative as Environmentalist," 1019–22. There is also an almost entirely unknown pro-environmental article from Reagan published in *Nation's Business* at this time. Ronald Reagan, "Our Environment Crisis," *Nation's Business*, February 1970.

Associate Justice Abe Fortas, to the position of Chief Justice. The Republicans and Southern Democrats exercised their conservative veto and voted down the nomination, delaying Warren's replacement until after the 1968 election. After Nixon won, he took the opportunity to transform the Supreme Court, largely in line with anti-Warren conservative wishes. His first act was to fill the Chief Justice position by nominating D.C. Circuit Judge Warren Burger, understood at the time as a highly conservative selection. Thereafter, Nixon's second and third nominations, now largely forgotten, were federal appellate Judges Clement Haynseworth and Harrold Carwell, both extremely conservative southerners, both of whose nominations were defeated in the Senate on the basis of judicial records demonstrating opposition to civil rights. During this period, Fortas had also resigned following an investigation into his finances, and in 1970 this investigation was expanded by House Minority Leader Gerald R. Ford (R-MI) in an effort, ultimately unsuccessful, to have liberal Justice William O. Douglas impeached or driven from the Court.[177] After this, two more Justices retired, and Nixon was ultimately able to successfully nominate three Justices in addition to Burger, each perceived to be highly qualified but extremely conservative: Burger's close friend Harry Blackmun, Virginia corporate lawyer Lewis F. Powell, Jr., and Justice Department attorney William Rehnquist. This anti-Warren conservative judicial appointment politics would have profound consequences for the court. Although Blackmun would turn out to be one of the most consistently liberal votes on the high bench, Powell and Rehnquist were another story entirely.

Powell, particularly, was the harbinger of a powerful new development in the history of American conservatism. With grassroots conservatism well established in the 1960s, and with increasing influence in the Republican Party, business-oriented conservatives took steps to counter liberal organizational superiority by mirroring their successes in activism. Although not publicly disclosed at the time, the new Justice Powell was one of the primary architects of this development. Perceiving a failure by American business interests to respond to the threats of public interest activism, while still in private practice Powell had written a now-famous memorandum on the topic to a friend in the U.S. Chamber of Commerce. The so-called "Powell Memorandum" advocated for the development of conservative equivalents to the academic departments, policy thinktanks, public interest litigation firms, and aggressive lobbying campaigns of the civil rights and consumer protection movements of the 1960s, only devoted to pro-business causes, or, as Powell put it, the "defense of the American free enterprise system." Although scholarship on conservatism indicates that this process was already to some degree underway, Powell's statement crystallized what had been a disorganized strategy and proved to be influential throughout the 1970s.[178] On the basis of Burger's, Powell's, and

[177] Joshua E. Kastenberg, *The Campaign to Impeach Justice William O. Douglas: Nixon, Vietnam, and the Conservative Attack on Judicial Independence* (University Press of Kansas, 2019).
[178] For an excellent and balanced discussion of the Powell Memorandum, see: Benjamin C. Waterhouse, *Lobbying America: The Politics of Business from Nixon to NAFTA* (Princeton University Press, 2013), 60–64.

Rehnquist's increasingly conservative perspectives, the Burger Court is understood as an increasingly conservative period on the Court.[179]

The increasing polarization of the nominating process, and the judiciary's increasing Republican-oriented conservatism, coincided with two important shifts in litigation. The first was the rise of environmental litigation associated with the new environmental law, discussed below. The second was the rise of the conservative legal movement. There have been several recent studies of this phenomenon, of which Jefferson Decker's *The Other Rights Revolution: Conservative Lawyers and the Remaking of American Government* (2016) is the most involved with environmental topics.[180] Decker demonstrates that although a great deal of the legal infrastructure of the conservative legal movement would not emerge for several more years, the earliest initiatives influenced by Powell involved the environment, including the U.S. Chamber of Commerce's 1972 initiation of the "Total Environmental Law Firm," evidently the first organization dedicated to opposing the expansion of the environmental regulatory state. But most important of all was the creation, in 1973, of the Pacific Legal Foundation, which was developed along the lines suggested in the Powell memorandum, and which had opposition to environmental regulation as one of its highest priorities from its beginning.[181] Around this same time, a Wyoming lawyer who had previously lobbied for the U.S. Chamber, James G. Watt, was elevated to Deputy Assistant Secretary at the Nixon Interior Department. Nixon's administration, then, marked a formative period for the Western militant pro-private-property, anti-environmental legal public interest advocacy community, their allies in government, and on the federal bench. As discussed below, these conservatives would find much to oppose in the environmental regulatory state that had just been founded.

With Nixon in the White House, conservatives increasingly on the Court, and a rising professional infrastructure supporting conservative causes, what about Congress? While the traditional power arrangements still prevailed, with conservative Southern Democrats in control of a great many committees, forming a conservative coalition at times and supporting social legislation in others, the Nixon Administration is an important boundary point for the process of Congressional polarization as well. At this time, in addition to the parties realigning along ideological lines, the "ideological distance" between the two parties began increasing, as the "poles," i.e., the mean conservative and liberal voting patterns of the two parties, began moving apart.[182] This process was asymmetrical: it was not simply the case that the ideological distribution of Congressional representatives was becoming more cleanly sorted between the two parties, and it was not the case that the two parties

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[179] Michael J. Graetz and Linda Greenhouse, *The Burger Court and the Rise of the Judicial Right* (New York: Simon & Schuster, 2016).
[180] Decker, *The Other Rights Revolution. See also* Hollis-Brusky, *Ideas with Consequences*; Teles, *The Rise of the Conservative Legal Movement*.
[181] Decker, *The Other Rights Revolution*, 46–47, 56–57.
[182] Barbara Sinclair, *Party Wars: Polarization and the Politics of National Policy Making* (University of Oklahoma Press, 2014), 9–12.

were both becoming more extreme, but primarily that the average Republican member of Congress was now more conservative than before.[183]

Nonetheless, the late 1960s and early 1970s were a period of enormous legislative productivity, and Nixon's presidency would result in the enactment of a series of laws that would expand federal regulatory authority over a broad range of topics. In the language of the regulatory reformers of the late 1970s and early 1980s, this time embodied the expansion of the "new social regulation," meaning particularly regulation of business for purposes of social welfare: public health, worker safety, and environmental protection.[184] However, given that the majority of the reform literature is pointed toward diagnosing the perceived ills of such regulations, there is surprisingly little pointed at explaining *why*, with increasing ideological polarization and conservativism, the Congress went on such an extraordinary legislative spree in the early 1970s. Was Congress, as it was sometimes caricatured, eager to please a public desirous of solutions but not appreciating the gravity of what they were demanding? It is not entirely clear. Investigations of the legislation itself tend to focus on the work of the committees and key members who worked to pass the bills, but largely fail to focus on the larger political orientation of the 91st, 92nd, and 93rd Congresses, the votes of which enacted the National Environmental Policy Act (1969), the modern Clean Air Act (1970), the Occupational Safety and Health Act (1970), the modern Clean Water Act (1972), the modern FIFRA (1972), the Marine Mammal Protection Act (1972), the Noise Control Act (1972), the Coastal Zone Management Act (1972), the Endangered Species Act (1973), and the Safe Drinking Water Act (1974).[185] Was any conservative opposition expressed to the passage of these laws? What did conservatives in Congress think, say, or do? And what did conservatives have to say about Nixon's consolidation of scattered conservation and environmental health programs within a new Environmental Protection Agency? This has not been seriously studied.

The new environmental legislation of the early 1970s would form the foundation not only of the modern environmental regulatory state, but also of the modern environmental litigation state, by which federal regulatory decisions were increasingly subject to litigation and review by the federal courts. Melnick's is the most masterful description of the development of this dynamic during the 1970s, in the context of air regulation,[186] and it was repeated under every other federal regulatory regime simultaneously. Although it had its origins in the anti-DDT advocacy and precedents in oppositional litigation from the late 1960s, the 1970s would bring an explosion of environmental litigation in the federal courts. The first "modern" decision on a question of environmental law by

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[183] Matt Grossmann and David A. Hopkins, *Asymmetric Politics: Ideological Republicans and Group Interest Democrats* (Oxford University Press, 2016).
[184] Eugene Bardach and Robert Kagan, *Social Regulation: Strategies for Reform* (Oakland, CA: Institute for Contemporary Studies, 1983); Charles T. Goodsell, *The Case for Bureaucracy: A Public Administration Polemic* (London: Chatham House Publishers, 1983); Jack H. Knott et al., *Reforming Bureaucracy: The Politics of Institutional Choice* (Upper Saddle River, NJ: Prentice-Hall, 1987).
[185] Richard J. Lazarus, *The Making of Environmental Law* (University of Chicago Press, 2008), 67–72.
[186] R. Shep Melnick, *Regulation and the Courts: The Case of the Clean Air Act* (Brookings Institution, 1983).

the Supreme Court, *Sierra Club v. Morton*,[187] arose from the Sierra Club's increasingly aggressive litigation strategy, and enshrined a permissive standard for organizational access to the courts. The D.C. Circuit transformed NEPA into a powerful action-forcing statute in its decision in *Calvert Cliffs' Coordinating Committee, Inc. v. United States Atomic Energy Commission*.[188] And Congress itself wrote citizen suit provisions into many of the new laws, allowing public interest litigants the opportunity to enforce the laws' provisions in court. Thus, the early 1970s were a time of increasing professionalization of the environmental advocate. Yet the early 1970s also saw the rise and increasing prominence of radical environmentalism, including particularly the foundation of Greenpeace (1971) as the first environmental direct-action group.[189] Beyond the professionalized opposition that was developing in response, what did conservatives think of this broader phenomenon? Did they regret it? Celebrate it? Condemn it? Accept or oppose it? How did they articulate their views, and what did they do? Did they appreciate the distinctions between Sierra Club and Greenpeace environmentalism? Or did they conflate then? If so, how, and to what end?

The best evidence on this question comes from the social sciences rather than the histories. It is during this time that political scientists and sociologists began to take note of, and study, growing evidence for a partisan divide on environmental issues.[190] In an examination of the environmental voting records of the House during the 92nd Congress, i.e., in 1971-1972, Dunlap and Allen found a strong correlation between Republican Party membership, ideological conservatism, and oppositional votes to environmental legislation. Although they struggled to handle Southern Democratic votes (their primary analysis simply dropped the South entirely), and they qualified their conclusions on causation as "tentative," they ascribed the differences primarily to the "greater pro-business orientation, greater opposition to governmental power, and less innovative use of governmental action" as tenets of conservatism as the most likely explanations. But they were not able to explain the historical genesis of this division, only establish that it appeared to exist.

At the same time, the South was shifting toward the Republican Party. If Nixon was a poor conservative ideologue, he was a masterful party politician. As he personally lost conservative ideological support, he nonetheless played a key role in the translation of the 1968 conservative vote into a 1972 Republican vote, for himself in the short term, and for the party in the long term. Although current literature on the development of the opening of the Republican Party to southern voters identifies the roots of that transition in 1948 and even earlier (an approach followed here), and emphasizes that Nixon's role in what was later called "the Southern Strategy" was only one step

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[187] 405 U.S. 727 (1972).
[188] 449 F.2d 1109 (D.C. Cir. 1971). Adam D. Orford, "Power to the People: Primer on NEPA and Transmission Lines," *Natural Gas & Electricity* 29, no. 10 (May 1, 2013): 16–22.
[189] Keith Makoto Woodhouse, *The Ecocentrists: A History of Radical Environmentalism* (Columbia University Press, 2018).
[190] Riley E. Dunlap and Richard P. Gale, "Party Membership and Environmental Politics: A Legislative Roll-Call Analysis," *Social Science Quarterly* 55, no. 3 (1974): 670–90; Dunlap and Allen, "Partisan Differences on Environmental Issues: A Congressional Roll-Call Analysis."

in a process of courting white southern votes that has continued to the present day,[191] it is nonetheless the case that courting the South was a key part of Nixon's election strategy in 1968 and 1972, just as it had been for Barry Goldwater in 1964. This also appears to play an important part in the environmental story of the Nixon years. Flippen, again the primary authority on this history, explains that Nixon courted the environmental vote through 1970 and 1971 before concluding, first, that it was never possible to satisfy the environmentalists, and second, that their support was unneeded for electoral success when an alternative pathway lay open through the South. In other words, Nixon could give environmentalists what they wanted and they would demand more from him, or he could give the Southerners what they wanted and win the next presidential election in a landslide. He chose the latter. In addition, by 1972, Nixon was already hearing a great deal of criticism about environmental regulation from his party's business constituencies. Thus, by 1972, several things had crystalized: that the Republican Party would move away from environmental protection as a core advocacy issue, that it would continue to aggressively court the Southern white vote, and that it would pay more attention to business concerns about environmental regulation.

By 1972, Nixon did not face concerted conservative opposition within the Republican Party. In fact, he was challenged most successfully from the left, by antiwar liberal Congressman Pete McCloskey (R-CA), the Republican Congressional co-sponsor of Earth Day.[192] But McCloskey's "success" amounted to a single vote for him at the 1972 Republican convention, the only vote not cast for Nixon. On the Democratic side, on the other hand, the contest for the nomination had been extraordinarily brutal. Senator Edmund Muskie's campaign had started strong but had been destroyed by Nixon's dirty tricks team, while George Wallace's southern segregationist campaign was ended when an attempted assassination left him badly injured and hospitalized. The race then played out between Hubert Humphrey and George McGovern, with Humphrey himself attacking McGovern as an unhinged liberal in support of "acid, amnesty, and abortion," unelectable in an electorate perceived to be shifting to the right. The latter part at least was correct, as Nixon defeated McGovern with 60 percent of the popular vote and, as part of his victory, took the Deep South's electoral college votes for the Republican Party for the first time since 1868. The Democratic Party had suffered an electoral disaster as resounding as the Republican loss in 1964.

To what degree did environment play a role in the 1972 election? McGovern's campaign? Nixon's? Very little is known. The Nixon administration had had almost complete control over the Republican Party platform in 1972,[193] and had highlighted Nixon's productive environmental record while blaming the Democratic Congress for failing to move quickly to pass the many environmental bills still pending at the time.[194] Nixon's 1972 platform also included robust statements on energy,

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[191] Angie Maxwell and Todd Shields, *The Long Southern Strategy: How Chasing White Voters in the South Changed American Politics* (Oxford University Press, 2019).
[192] Paul Pete McCloskey, *The Story of the First Earth Day 1970: How Grassroots Activism Can Change Our World* (Eaglet Books, 2020). McCloskey would change parties in 2007.
[193] Martha Wagner Weinberg, "Writing the Republican Platform," *Political Science Quarterly* 92, no. 4 (1977): 655–62.
[194] 1972 Republican Party Platform (online here).

proposing among other things a new Department of Natural Resources to develop a national integrated energy policy, federal development of "clean energy," advancement of energy efficiency initiatives, and stated that there "is nothing inherently incompatible between an adequate energy supply and a healthy environment," and, recognizing the need to expand energy supplies, offered the Republican Party's "pledge to meet this need without doing violence to our environment." Even though Nixon himself had personally become disenchanted with the demands of environmentalists, he was at least committed to using environmentalism to his advantage. There is no research on what conservatives might have thought of these policies during the election.

But then came the oil shock. On October 6, 1973, a coalition of Arab states launched a surprise attack on Israel. As part of the resulting war, the United States provided material support to Israel's defense, and the Arab oil-producing states retaliated by imposing an embargo on oil exports to the United States. The resulting supply constraint resulted in emergency federal allocation controls, and a shortage and resulting price increase which would play a major role in the energy industry's arguments against environmental regulation.[195] This, however, would be a problem largely for the Ford administration. During Nixon's second presidential campaign, reports began emerging that implicated him in a break-in at the Democratic headquarters at the Watergate office complex. Although he had managed to win reelection despite these issues, the resulting investigation had refused to go away and on October 30, 1973, Nixon fired a number of officials who had themselves refused to fire the special prosecutor who had been seeking production of secret tapes that would, it would turn out, establish Nixon's criminal wrongdoing. Following this so-called "Saturday Night Massacre" of public servants, Congress initiated impeachment proceedings in February 1974, and turned to litigation for the production of the tapes. The case arrived at the Supreme Court, and on July 24, 1974, the United States Supreme Court forced the production of the Nixon tapes. He resigned two weeks later. The most consequential presidency in the history of environmental politics had ended. The nation is still working through the implications of its legacy.

Ford years (Aug. 1974 – Jan. 1977)

Gerald Ford became the vice president in December 1973, after an October that had included the Yom Kippur War, the OPEC oil embargo, the Saturday Night Massacre, and Spiro Agnew's resignation from the vice presidency in the face of criminal bribery charges. In Ford's selection, ideology again played a part. The newly-ratified Twenty-Fifth Amendment allowed Nixon to nominate a replacement, but required both House and Senate approval of the nominee. Nixon wanted John Connally, a conservative Texan who had just switched to the Republican Party, but Connally never would have gotten the Democratic House vote. Ford was a popular House leader and his nomination was opposed only by a small number of very liberal democrats (the most notable

[195] Meg Jacobs, *Panic at the Pump: The Energy Crisis and the Transformation of American Politics in the 1970s* (New York: Farrar, Straus and Giroux, 2016).

of whom was Sen. Gaylord Nelson, the Democratic sponsor of Earth Day).[196] Ford was duly nominated and approved, and was sworn in to the vice presidency on December 6, 1973. Eight months later, in August 1974, Nixon resigned the presidency, and Ford became the first person to become president without having been elected to either the presidency or vice presidency first.

With respect to conservatism during Ford's presidency, the period between late 1974 and early 1977 tends to be treated as a portion of a larger evolutionary process that occurred throughout the 1970s. With battle lines largely drawn before the 1970s, conservatives also found new causes around which to organize: antifeminists opposed the Equal Rights Amendment, and Catholics and then evangelicals organized against *Roe v. Wade*.[197] Ford himself, however, was not understood to be a movement conservative. Thus, when Nixon resigned and Ford took office, the conservative wing of the Republican Party immediately set its sights on the 1976 Republican Party presidential nomination, and organized not behind Ford, but behind the candidacy of Governor Ronald Reagan, who had been the movement's figurehead since 1964, and Governor of California from 1966 to 1974, when he declined to run for a third term, to focus on his national candidacy.[198] Ford, however, was more concerned about a challenge from his left, and so positioned himself toward the center of the party, and selected the liberal Nelson Rockefeller as his vice president.

The trends that had been redefining Congress and environmentalism also continued throughout the mid-1970s. The Southern Democrats were being replaced with Republicans who were "conservative across more dimensions of policy, more steeped in the ethos of a well-defined national conservative movement, and far more partisan in orientation."[199] The Democrats elected Northern, liberal, and reform-minded so-called "Watergate babies," a new group of young legislators who swept into office in the 1974 midterms after Nixon's resignation, who helped usher in structural reform within the party that weakened what incentives still remained for senior Southern Democrats to stay loyal to the party.[200] The legislative and administrative trends of the Nixon years continued, with further environmental regulatory regimes created by the Toxic Substances Control Act (1976), the Resource Conservation and Recovery Act (1976), and the Federal Land Policy and Management Act (1976). The regulatory state, the public interest litigants, the pro-business and antiregulatory respondents, and the federal courts all deepened and expanded the field of conflict over environmental law. Ford's primary contribution was to exercise his veto power to a much greater degree than had Nixon, more publicly opposing the environmental legislative agenda than Nixon ever had.[201]

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[196] Kaufman, *Ambition, Pragmatism, and Party*, 175–76. On the vote: https://www.govtrack.us/congress/votes/93-1973/s499, https://www.govtrack.us/congress/votes/93-1973/h468.
[197] Allitt, *The Conservatives*, 210–20; Critchlow, *Phyllis Schlafly and Grassroots Conservatism*; Bruce J. Schulman and Julian E. Zelizer, *Rightward Bound: Making America Conservative in the 1970s* (Harvard University Press, 2008).
[198] Craig Shirley, *Reagan's Revolution: The Untold Story of the Campaign That Started It All* (Nashville: Nelson Current, 2005).
[199] Rosenfeld, *The Polarizers*, 177.
[200] Rosenfeld, chaps. 4–5.
[201] Graham, *Presidents and the American Environment*, 243–52; Daynes and Sussman, *White House Politics and the Environment*, 139–54.

But above all else, the mid-1970s were a time of rising economic crisis, and the diagnosis of the causes and efforts at solution began to define domestic politics of the Ford administration, and, ultimately, perceptions of environmental politics. The causes of the economic troubles of the 1970s were debated then and are still debated today, and those economic debates are often difficult to distinguish from the political ideological commitments that underlie them. But what was happening was clear enough: inflation was rising, economic output and employment were declining, and the tools to fix these problems worked at cross-purposes and could not address both at once. The political issue was to identify the causes of the "stagflation," as it was called, and undertake to correct them.[202] Thus, it is less important for this review what caused the stagflation of the mid-1970s, then what people said caused it. Among the many candidates were environmentalists.

The OPEC oil shock and subsequent energy supply crisis, fuel shortages, and price increases initiated a very public debate over political economy. Among the stakeholders in that debate were interests who had been increasingly exposed to environmental and health regulation over the last several years: the energy industry. This industry also happened to be populated by a number of people with very conservative political views. When the opportunity arose to lay blame for the energy crisis, they took that opportunity to lay it upon their new opponents, the environmentalists increasingly fighting to curtail their industrial activities. This was the core argument of what would become, during the Ford years, the thesis that "the economy" and "the environment" required a tradeoff. Although this rhetoric was not new, the mid-1970s marked the emergence of this idea into the national political dialogue.[203] Thus, the Ford years mark the rise of coordinated objections by conservative interests to the environmental legislation of the early decade. Also of note, the Ford years mark the rise of the idea of deregulation. Although initially oriented toward restructuring existing economic regulatory programs, the deregulatory project grew under Ford to encompass a reassessment not only of old-style economic regulation, but also the (very) new social regulation, including especially OSHA, but also the new environmental laws. The prevailing argument was that these laws placed an unreasonable and unnecessary burden on business at a time when the economy was already in deep difficulties.[204]

The complexity of the Ford years is to locate and connect political conservatism to the rising opposition to environmental regulation. Here, the best analysis to date comes from Judith Layzer, in *Open for Business: Conservatives' Opposition to Environmental Regulation* (2012), which devotes a chapter to

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[202] For a summary of these debates, and the materials from a conference adding even more, see: Michael D. Bordo and Athanasios Orphanides, *The Great Inflation: The Rebirth of Modern Central Banking* (University of Chicago Press, 2013).
[203] Jacobs, *Panic at the Pump*. Graham points simply to Ford's "basic probusiness outlook, reinforced by corporate lobbyists and an economic recession tilting policy toward curbing federal expenditures," without further explanation. Daynes and Sussman recognize that Ford was the first president to consider modern environmentalism and economic growth to be strongly at odds with each other.
[204] On Ford's strategy for determining and changing the direction of national economic policy, and its differences from Nixon, see: James A. Reichley, *Conservatives in an Age of Change: The Nixon and Ford Administrations* (Brookings Institution Press, 1981), 382–406. On OSHA politics, *see* David P. McCaffrey, *OSHA and the Politics of Health Regulation* (New York: Plenum Press, 1982).

antiregulatory conservatism in the 1970s.[205] In particular, Layzer traces the antiregulatory theories of conservative economists, and tracks the widening articulation of an "antiregulatory storyline" among business-oriented conservative commentators during the Ford years, supported enthusiastically by corporate interests committed to opposing environmental regulation.[206] But Layzer's analysis, while excellent, is only a first step toward a deeper understanding of the development of the phenomenon within conservatism more broadly. How did conservatives in the mid-1970s who were not devoted to forwarding business interests respond to the antiregulatory narrative? How or why did conservative voters find this "storyline" compelling? To what degree, when, or how did the conservative grassroots adopt it? Did cultural conservatives, meaning particularly religious conservatives, accept this emerging anti-environmental conservative perspective? If not, what did they say? If so, why? Did they discuss it? If not, why not? And how was the distance bridged between large automobile manufacturers opposing the Clean Air Act, and conservative small business owners supporting Ronald Reagan's 1976 bid for the Republican presidential nomination? How did the Reagan campaign think about these issues, and how did the national Republican Party respond to them?

Throughout 1976, Gerald Ford and Ronald Reagan conducted a highly publicized primary contest to win delegates for the Republican nomination. They remained neck and neck throughout the race, and the outcome was uncertain throughout the summer and even during the August 1976 convention, in what would be the last truly contested major party convention to date. Reagan, like Goldwater before him and Taft before that, lost the nomination to a more moderate coalition, and when Ford lost to Carter, the conservatives once again asked: what if? The small amount of scholarship on the 1976 convention argues that conservative influence at the convention was channeled most forcefully by Senator Jesse Helms (R-SC) and a small group of other committed conservative activists who, beyond supporting Reagan, focused on transforming the party platform. The major platform fights, however, were over foreign policy and abortion. But as Layzer notes, the 1976 Republican Party platform on the environment was also much more conservative than any prior platform, and particularly the conservative platform. To what degree did conservative activists influence this outcome? How did the candidates frame the problem of regulation, or the balance between economy and environment, and to what degree did they criticize the Democratic Party or liberal positions on these issues? How, exactly, was environmental opposition brought into the national Republican Party platform, and why was the Republican Party open to it? And when Ford lost to Carter in November, how was the emerging conservative stance on the environment perceived to have impacted that result?

Carter years (Jan. 1977 – Jan. 1981)

In 1976, the Democrats solved their Southern problem for a time by doing what they had not done since 1964: nominating a Southerner, Georgia Governor Jimmy Carter. The nomination was decided

[205] Layzer, *Open for Business*, 31–81.
[206] Layzer, 58–61.

by state primary races and caucuses, and the strongest challengers to Carter had been a southwestern independent and environmentalist Representative Mo Udall (D-AZ, Stewart Udall's younger brother), countercultural environmentalist Governor Jerry Brown (D-CA), and southern segregationist perennial candidate Governor George Wallace (D-AL). The strong showings of Udall and Brown indicate that environmentalism by 1976 was already strongly associated with Democratic Party liberalism, but the environmental politics of the 1976 Democratic primary race have not been studied.[207] One analysis of 1976 presidential race, however, identifies Carter's run for president as the first time a presidential candidate successfully harnessed the environmental vote as a special interest voting bloc, indicating a successful transfer of those enthusiasms from Udall and Brown to Carter during or following the nomination.[208] What seems clear is that the environmental vote in 1976 was largely liberal, or progressive, and above all Democratic, and this was also reflected in the 1976 Democratic Party platform and to a lesser degree in Carter's campaign, which called for stronger environmental protections among a range of liberal causes.[209] There was, in other words, a clear polarization of environmental issues in the 1976 race.

Carter ultimately prevailed, although his presidency struggled to address the massive economic dislocations he was elected to confront. During the Carter presidency, Congress passed the last major legislative initiatives of the "environmental decade" – among them the Clean Air Act Amendments of 1977 (initiating the Prevention of Significant Deterioration program), the Clean Water Act of 1977 (amending and strengthening the Federal Water Pollution Control Act), the Surface Mining Control and Regulation Act of 1977 (regulating strip mining), the National Energy Act of 1978 (the first national omnibus energy bill), the Federal Pesticides Act of 1978 (strengthening FIFRA), the National Parks and Recreation Act of 1978 (expanding the National Park System), the Endangered American Wilderness Act of 1978 (expanding the wilderness system), the Alaska National Interest Lands Conservation Act of 1980 ("ANILCA," conserving public lands in Alaska), and the Comprehensive Environmental Response, Compensation, and Liability Act if 1980 ("CERCLA," commonly called "Superfund," creating a national toxic sites cleanup program).[210]

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[207] On Udall's and Brown's liberal and environmental credentials and details on the other candidates: Daniel K. Williams, *The Election of the Evangelical: Jimmy Carter, Gerald Ford, and the Presidential Contest of 1976* (University Press of Kansas, 2020), 31–39, 207–16.

[208] Jeffrey Stine, "Environmental Policy in the Carter Administration," in *The Carter Presidency: Policy Choices in the Post-New Deal Era*, ed. Gary M. Fink and Hugh Davis Graham (University Press of Kansas, 1998).

[209] Williams, *The Election of the Evangelical*, 222–28.

[210] On the 1977 Clean Air Act Amendments: Craig N. Oren, "Prevention of Significant Deterioration: Control-Compelling Versus Site-Shifting," *Iowa Law Review* 74, no. 1 (1988): 1–114. On ANILCA: Glenn E. Cravez, "The Alaska National Interest Lands Conservation Act: Directing the Great Land's Future," *UCLA Alaska Law Review* 10, no. 1 (1980): 33–62; Stuart E. Eizenstat, *President Carter: The White House Years* (New York: St. Martin's Publishing Group, 2018). On CERCLA: Frank P. Grad, "A Legislative History of the Comprehensive Environmental Response, Compensation and Liability (Superfund) Act of 1980," *Columbia Journal of Environmental Law* 8, no. 1 (1982): 1–36; J.P. Sean Maloney, "A Legislative History of Liability under CERCLA Superfund Liability," *Seton Hall Legislative Journal* 16, no. 2 (1992): 517–50.

The available reviews of the Carter administration's environmental policies balance Carter's articulation of a robust environmental policy agenda – including a his attempts to reform water resources development policy, his strengthening of the regulatory bureaucracy, and his signing of significant legislation – against his administration's internal disagreements over Endangered Species Act litigation, and increasing demotion of environmental concerns in the face of economic exigencies and pro-development energy policies.[211] Recently, Stuart Eizenstat, Carter's chief domestic policy advisor, devoted eight chapters of a book on his work to the administration's energy and environmental policies, and identifies Carter's poor communication and inability or unwillingness to work constructively with Congress as major limitations on his success. He also highlighted the quality of Carter's appointments (particularly Cecil Adrus as Interior Secretary and Douglas Costle as EPA Administrator), while suggesting that the "limits to growth" implications of Carter's energy and environmental strategy contributed to his reputation as an unpopular pessimist.[212] Stine notes that Carter countered the Ford-era "environment vs. economy" narrative with early articulations of "green jobs" rhetoric: i.e., that an "economic framework for environmental policy" was built on the idea that "environmental protection is consistent with a sound economy," "pollution control jobs have created many more jobs than they have lost," and the economic costs of pollution to health and resources were higher than their costs.[213] In other words, by Carter's time in office, the insistence by economists and business interests that environmental regulation be treated as a cost-benefit equation had taken hold so completely that the fight became over the details of that analysis, rather than whether it was the correct approach in the first place.

In conservative politics, the Carter years were defined above all else by the rise of supply-side economics as the new conservative economic orthodoxy. This approach was consistent with older conservative economic policy in the sense that involved cutting taxes, but differed in that it did not involve the balancing necessity of undertaking the federal budget cutting that went with tax cuts, on the theory (untested and ultimately untrue) that cutting tax rates would result in stable federal tax revenues through unleashed economic activity. This idea was embodied legislatively in the Kemp-Roth tax bill, which began as a tax cut proposal in 1977. Adherence to this orthodoxy was the foundation of the Republican Party gains in the 1978 midterms, which brought a new and even more partisan and conservative group of Republican legislators into the House, including future conservative Republican leader Newt Gingrich (R-GA). The environmental perspectives of the 1978 Republican Congressional candidates, however, have not been studied in detail.

Strangely, none of the studies focusing on Carter's environmental policy examines the most potent anti-environmental political development of the Carter Administration: the Sagebrush Rebellion.

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[211] Graham, *Presidents and the American Environment*, 252–75; Daynes and Sussman, *White House Politics and the Environment*, 84–100. On *TVA v. Hill*, *see also* Holly Doremus, "The Story of *TVA v. Hill*: A Narrow Escape for a Broad New Law," in *Environmental Law Stories*, ed. Richard Lazarus and Oliver Houck (New York: Foundation Press, 2005).
[212] Eizenstat, *President Carter*.
[213] Stine, "Environmental Policy in the Carter Administration," 184.

Instead, this has received examination only as part of the backlash literature.[214] In fact, the effort by western states to challenge federal ownership of vast tracts of western land grew out of specific disagreements between the western states (none of which had supported Carter over Ford) and the Carter Administration's development policies.[215] Among the intriguing question that remain to be examined is the degree to which the emerging conservative anti-regulatory consensus was influenced by or interacted with the broader anti-statist perspectives of the "sagebrush rebels."

By 1980, Carter was under attack from the left and right. After shifting right following losses in the 1978 midterms, Carter faced a potent primary challenge from Senator Ted Kennedy. Ronald Reagan, who had nearly won the 1976 Republican nomination, was the clear favorite to win the nomination in 1980, although he was challenged by relative moderate George H. W. Bush, who famously coined the term "voodoo economics" to describe the conservative campaign's supply-side theories. Bush's argument was unavailing to the Republican electorate, however, and Ronald Reagan – declaring himself a sagebrush rebel, among other things – won the Republican Party nomination in landslide. He won the 1980 presidential election in November by the same large margin. The Republican Party also won control of the Senate, the first time they had held a legislative majority in either house since 1955. Democrats still controlled the House, although the "boll weevil" Southern Democratic caucus largely voted with the Republicans, providing a conservative ideological governing coalition in the Presidency, House, Senate, and Supreme Court for the first time since 1932.

A rising conservative antipathy to environmentalism could be traced back through western anti-statism, the economic anti-regulatory consensus, pro-business right-libertarianism, antipathy toward the counterculture and "the social issue," opposition to the Great Society and the New Frontier, and association with environmentalism and liberalism in the 1950s. For the first time, conservatives had elected a president who would govern in accordance with their political philosophy. The environmental dimensions of that election were not yet clear. But in his inaugural address in January 1981, Reagan expressed his governing philosophy quite succinctly. "In this present crisis, government is not the solution to our problem; government is the problem." His presidency would implement that vision.

Conclusion

The preceding review has identified dozens of unanswered questions about the relationship between conservatives and environmentalism in the United States between 1945 and 1981. Put simply, what is needed is investigations of the answers. How did conservatives understand the proto-environmental components of the Fair Deal? What did they think of the 1950s-era rise of liberal concerns over environmental quality? How did they react to those concerns becoming more dominant in the New Frontier and Great Society legislative programs of the 1960s? How did they react to the explosion of the ecology movement in 1969-1970? And how did the anti-environmental

[214] Cawley, *Federal Land, Western Anger*. Switzer, *Green Backlash*.
[215] Cawley, *Federal Land, Western Anger*, 71–91.

critiques originating in the early 1970s find such fertile ground within conservatism, and go on to influence the post-Nixon Republican Party so profoundly? To answer these kinds of questions, the history of the development of environmentalism in the United States requires a significant expansion, incorporating at every step along the way the role of conservatism in shaping what occurred. In this regard, the history of U.S. environmentalism is no different from the history of American society and culture more broadly, except that in the latter case, a great deal more work has already been done.

References

Alexander, Benjamin F. *The New Deal's Forest Army: How the Civilian Conservation Corps Worked*. JHU Press, 2018.

Allitt, Patrick. *The Conservatives: Ideas and Personalities Throughout American History*. Yale University Press, 2009.

Alterman, Eric, and Kevin Mattson. *The Cause: The Fight for American Liberalism from Franklin Roosevelt to Barack Obama*. New York: Viking Press, 2012.

Andreen, William L. "The Evolution of Water Pollution Control in the United States - State, Local, and Federal Efforts, 1789-1972: Part II." *Stanford Environmental Law Journal* 22, no. 2 (2003): 215–94.

Andrew, John A. *The Other Side of the Sixties: Young Americans for Freedom and the Rise of Conservative Politics*. Rutgers University Press, 1997.

Andrews, Richard N. L. *Managing the Environment, Managing Ourselves: A History of American Environmental Policy*. 3d ed. Yale University Press, 2020.

Bailey, Christopher J. *Congress and Air Pollution: Environmental Policies in the USA*. Manchester University Press, 1998.

Baime, Albert J. *The Accidental President: Harry S. Truman and the Four Months That Changed the World*. Boston: Houghton Mifflin Harcourt, 2017.

Ball, Howard. *Hugo L. Black: Cold Steel Warrior*. Oxford University Press, 1996.

Bardach, Eugene, and Robert Kagan. *Social Regulation: Strategies for Reform*. Oakland, CA: Institute for Contemporary Studies, 1983.

Barry, John. *Rethinking Green Politics: Nature, Virtue and Progress*. London: SAGE Publications, 1999.

Bartels, Brandon L. "The Sources and Consequences of Polarization in the U.S. Supreme Court." In *American Gridlock: The Sources, Character, and Impact of Political Polarization*, edited by James A. Thurber and Antoine Yoshinaka. Cambridge University Press, 2015.

Beck, Kent M. "What Was Liberalism in the 1950s?" *Political Science Quarterly* 102, no. 2 (1987): 233–58.

Beeman, Randal. "Friends of the Land and the Rise of Environmentalism, 1940–1954." *Journal of Agricultural and Environmental Ethics* 8, no. 1 (March 1, 1995): 1–16.

Belknap, Michal R. *The Supreme Court Under Earl Warren, 1953-1969*. USC Press, 2005.

———. *The Vinson Court: Justices, Rulings, and Legacy*. ABC-CLIO, 2004.

Bell, Daniel. *The New American Right*. New York: Criterion Books, 1955.

Bernstein, Irving. *Promises Kept: John F. Kennedy's New Frontier*. Oxford University Press, 1991.
Berry, Bill. *Banning DDT: How Citizen Activists in Wisconsin Led the Way*. Wisconsin Historical Society, 2014.
Black, Megan. *The Global Interior: Mineral Frontiers and American Power*. Harvard University Press, 2018.
Blomquist, Robert F. "In Search of Themis: Toward the Meaning of the Ideal Legislator - Senator Edmund S. Muskie and the Early Development of Modern American Environmental Law, 1965-1968." *William and Mary Environmental Law and Policy Review* 28, no. 3 (2004): 539–658.
———. "Senator Edmund S. Muskie and the Dawn of Modern American Environmental Law: First Term, 1959-1964." *William and Mary Environmental Law and Policy Review* 26, no. 3 (2002): 509–612.
———. "To Stir up Public Interest: Edmund S. Muskie and the U.S. Senate Special Subcommittee's Water Pollution Investigations and Legislative Activities, 1963-66 - A Case Study in Early Congressional Environmental Policy Development." *Columbia Journal of Environmental Law* 22, no. 1 (1997): 1–64.
Bordo, Michael D., and Athanasios Orphanides. *The Great Inflation: The Rebirth of Modern Central Banking*. University of Chicago Press, 2013.
Bowen, Michael D. *The Roots of Modern Conservatism: Dewey, Taft, and the Battle for the Soul of the Republican Party*. UNC Press, 2011.
Boynton, Alex. "Confronting the Environmental Crisis: Anti-Environmentalism and the Transformation of Conservative Thought in the 1970s." Ph.D. Dissertation, University of Kansas, 2015. https://kuscholarworks.ku.edu/handle/1808/19016.
———. "Formulating an Anti-Environmental Opposition: Neoconservative Intellectuals during the Environmental Decade." *The Sixties* 8, no. 1 (January 2, 2015): 1–26.
Branch, Taylor. *Pillar of Fire: America in the King Years 1963-65*. New York: Simon and Schuster, 1998.
Brennan, Mary C. *Turning Right in the Sixties: The Conservative Capture of the GOP*. UNC Press, 1995.
Brinkley, Alan. "The Problem of American Conservatism." *The American Historical Review* 99, no. 2 (1994): 409–29.
Brinkley, Douglas. *Rightful Heritage: Franklin D. Roosevelt and the Land of America*. New York: HarperCollins, 2016.
Broadwater, Jeff. *Adlai Stevenson and American Politics: The Odyssey of a Cold War Liberal*. Westport, CT: Twayne, 1994.
Brooks, Karl Boyd. *Public Power, Private Dams: The Hells Canyon High Dam Controversy*. University of Washington Press, 2009.
———. *The Environmental Legacy of Harry S. Truman*. The Truman Legacy Series: V. 5. Truman State University Press, 2009.
Buckley, Jr., William F. *The Unmaking of a Mayor*. New York: Viking Press, 1967.
Cadava, Geraldo. *The Hispanic Republican: The Shaping of an American Political Identity, from Nixon to Trump*. New York: HarperCollins, 2020.
Caldwell, Bruce. *Hayek's Challenge: An Intellectual Biography of F.A. Hayek*. University of Chicago Press, 2008.

Cannon, Lou. *Governor Reagan: His Rise To Power*. New York: PublicAffairs, 2003.
Caro, Robert A. *Master of the Senate*. Vol. 3. The Years of Lyndon Johnson. New York: Alfred A. Knopf, 2002.
———. *The Passage of Power*. Vol. 4. The Years of Lyndon Johnson. New York: Alfred A. Knopf, 2012.
Carter, Dan T. *From George Wallace to Newt Gingrich: Race in the Conservative Counterrevolution, 1963-1994*. LSU Press, 1996.
———. *The Politics of Rage: George Wallace, the Origins of the New Conservatism, and the Transformation of American Politics*. 2nd ed. LSU Press, 2000.
Cawley, R. McGreggor. *Federal Land, Western Anger: The Sagebrush Rebellion and Environmental Politics*. University Press of Kansas, 1993.
Charnock, Emily J. "More Than a Score: Interest Group Ratings and Polarized Politics." *Studies in American Political Development* 32, no. 1 (April 2018): 49–78. https://doi.org/10.1017/S0898588X18000056.
Christofferson, Bill. *The Man from Clear Lake: Earth Day Founder Senator Gaylord Nelson*. University of Wisconsin Press, 2004.
Cohen, Lizabeth. *A Consumer's Republic: The Politics of Mass Consumption in Postwar America*. New York: Vintage Books, 2004.
Cohen, Michael A. *American Maelstrom: The 1968 Election and Politics of Division*. Oxford University Press, 2016.
Cravez, Glenn E. "The Alaska National Interest Lands Conservation Act: Directing the Great Land's Future." *UCLA Alaska Law Review* 10, no. 1 (1980): 33–62.
Critchlow, Donald T. *Phyllis Schlafly and Grassroots Conservatism: A Woman's Crusade*. Princeton University Press, 2005.
———. *The Conservative Ascendancy: How the GOP Right Made Political History*. Harvard University Press, 2007.
Culver, John C., and John Hyde. *American Dreamer: The Life and Times of Henry A. Wallace*. New York: W. W. Norton & Co., 2000.
Daynes, Byron W., and Glen Sussman. *White House Politics and the Environment: Franklin D. Roosevelt to George W. Bush*. Texas A&M University Press, 2010.
De Groot, Gerard J. "Ronald Reagan and Student Unrest in California, 1966-1970." *Pacific Historical Review* 65, no. 1 (1996): 107–29.
Decker, Jefferson. *The Other Rights Revolution: Conservative Lawyers and the Remaking of American Government*. Oxford University Press, 2016.
DeVoto, Bernard. *DeVoto's West: History, Conservation, and the Public Good*. Edited by Edward K. Muller. Ohio University Press, 2005.
Dobson, Andrew. *Green Political Thought: An Introduction*. 4th ed. New York: HarperCollins Academic, 2007.
Dochuk, Darren. *From Bible Belt to Sunbelt: Plain-Folk Religion, Grassroots Politics, and the Rise of Evangelical Conservatism*. New York City: W.W. Norton & Co., 2011.

Donaldson, Gary A. *When America Liked Ike: How Moderates Won the 1952 Presidential Election and Reshaped American Politics*. Lanham, MD: Rowman & Littlefield, 2016.

Doremus, Holly. "The Story of *TVA v. Hill*: A Narrow Escape for a Broad New Law." In *Environmental Law Stories*, edited by Richard Lazarus and Oliver Houck. New York: Foundation Press, 2005.

Drake, Brian Allen. *Loving Nature, Fearing the State: Environmentalism and Antigovernment Politics before Reagan*. University of Washington Press, 2013.

———. "The Skeptical Environmentalist: Senator Barry Goldwater and the Environmental Management State." *Environmental History* 15, no. 4 (October 1, 2010): 587–611.

———. "The Unnatural State: Conservatives, Libertarians, and the Postwar American Environmental Movement." Ph.D. Dissertation, University of Kansas, 2006. https://search.proquest.com/docview/305318569/abstract/A9B2E2E4C1ED427FPQ/1.

Dunlap, R. E. "Trends in Public Opinion toward Environmental Issues: 1965–1990." *Society & Natural Resources* 4, no. 3 (July 1, 1991): 285–312.

Dunlap, R. E., and Aaron M. McCright. "A Widening Gap: Republican and Democratic Views on Climate Change." *Environment: Science and Policy for Sustainable Development* 50, no. 5 (September 1, 2008): 26–35.

Dunlap, R. E., Aaron M. McCright, and Jerrod H. Yarosh. "The Political Divide on Climate Change: Partisan Polarization Widens in the U.S." *Environment: Science and Policy for Sustainable Development* 58, no. 5 (September 2, 2016): 4–23.

Dunlap, R. E., C. Xiao, and Aaron M. McCright. "Politics and Environment in America: Partisan and Ideological Cleavages in Public Support for Environmentalism." *Environmental Politics* 10, no. 4 (December 1, 2001): 23–48.

Dunlap, Riley E, and Michael P Allen. "Partisan Differences on Environmental Issues: A Congressional Roll-Call Analysis." *Western Political Quarterly* 29, no. 3 (September 1, 1976): 384.

Dunlap, Riley E., and Richard P. Gale. "Party Membership and Environmental Politics: A Legislative Roll-Call Analysis." *Social Science Quarterly* 55, no. 3 (1974): 670–90.

Dunn, James R., and John E. Kinney. *Conservative Environmentalism: Reassessing the Means, Redefining the Ends*. Westport, Conn.: Quorum, 1996.

Dunne, Gerald T. *Hugo Black and the Judicial Revolution*. New York: Simon and Schuster, 1977.

Durnil, Gordon K. *The Making of a Conservative Environmentalist: With Reflections on Government, Industry, Scientists, the Media, Education, Economic Growth, the Public, the Great Lakes, Activists, and the Sunsetting of Toxic Chemicals*. Indiana University Press, 2001.

Eaton, David J. "The Past and Future of the Johnson Administration's Water Quality Policies." In *LBJ's Neglected Legacy: How Lyndon Johnson Reshaped Domestic Policy and Government*, edited by Robert H. Wilson, Norman J. Glickman, and Laurence E. Lynn. University of Texas Press, 2015.

Eizenstat, Stuart E. *President Carter: The White House Years*. New York: St. Martin's Publishing Group, 2018.

Elias, Roni A. "The Legislative History of the Administrative Procedure Act." *Fordham Environmental Law Review* 27, no. 2 (2016): 207–24.

Epps, Garrett. "The Littlest Rebel: James J. Kilpatrick and the Second Civil War." *Constitutional Commentary* 10, no. 1 (1993): 19–36.

Evans, Thomas W. *The Education of Ronald Reagan: The General Electric Years and the Untold Story of His Conversion to Conservatism*. Columbia University Press, 2006.

Farber, Daniel A. "The Conservative as Environmentalist: From Goldwater and the Early Reagan to the 21st Century." *Arizona Law Review* 59, no. 4 (2017): 1005–60.

Farber, David R. *The Rise and Fall of Modern American Conservatism : A Short History*. Princeton University Press, 2010.

Farrell, John A. *Richard Nixon: The Life*. Knopf Doubleday Publishing Group, 2017.

Farrington, Joshua D. *Black Republicans and the Transformation of the GOP*. University of Pennsylvania Press, 2016.

Fazzi, Dario. *Eleanor Roosevelt and the Anti-Nuclear Movement: The Voice of Conscience*. Palgrave Macmillan, 2016.

Feldman, Noah. *Scorpions: The Battles and Triumphs of FDR's Great Supreme Court Justices*. New York: Twelve, 2010.

Felzenberg, Alvin. *A Man and His Presidents: The Political Odyssey of William F. Buckley Jr.* Yale University Press, 2017.

Fenno, Richard F. *Congressmen in Committees*. Boston: Little, Brown, 1973.

Ferren, John M. *Salt of the Earth, Conscience of the Court: The Story of Justice Wiley Rutledge*. UNC Press, 2004.

Fitch, Lincoln. "Throwing the Switch: Eisenhower, Stevenson and the African-American Vote in the 1956 Election." *Student Publications*, April 1, 2014. https://cupola.gettysburg.edu/student_scholarship/219.

Flamm, Michael W. *Law and Order: Street Crime, Civil Unrest, and the Crisis of Liberalism in the 1960s*. Columbia University Press, 2005.

Flippen, J. Brooks. *Conservative Conservationist: Russell E. Train and the Emergence of American Environmentalism*. LSU Press, 2006.

———. *Nixon and the Environment*. UNM Press, 2000.

Frank, Jeffrey. *Ike and Dick: Portrait of a Strange Political Marriage*. New York: Simon and Schuster, 2013.

Frank, Thomas. *What's the Matter with Kansas?: How Conservatives Won the Heart of America*. New York: Henry Holt and Co., 2004.

Frederickson, Kari. *The Dixiecrat Revolt and the End of the Solid South, 1932-1968*. UNC Press, 2001.

Galbraith, John Kenneth. "How Much Should a Country Consume?" In *Perspectives on Conservation: Essays on America's Natural Resources*, edited by Henry Jarrett, 89–99. Johns Hopkins Press, 1958.

Galloway, Russell W. Jr. "The Vinson Court: Polarization (1946-1949) and Conservative Dominance (1949-1953)." *Santa Clara Law Review* 22, no. 2 (1982): 375–418.

Gellman, Irwin F. *The President and the Apprentice: Eisenhower and Nixon, 1952-1961*. Yale University Press, 2015.
Goldberg, Robert Alan. *Barry Goldwater*. Yale University Press, 1995.
Goldstein, Joel K. "Edmund S. Muskie: The Environmental Leader and Champion." *Maine Law Review* 67, no. 2 (2015): 226–33.
Goldwater, Barry Morris. *The Conscience of a Conservative*. Victor Publishing Company, 1960.
Goodin, Robert E. *Green Political Theory*. Hoboken, NJ: John Wiley & Sons, 1992.
Goodsell, Charles T. *The Case for Bureaucracy: A Public Administration Polemic*. London: Chatham House Publishers, 1983.
Goodwin, George. *The Little Legislatures: Committees of Congress*. University of Massachusetts Press, 1970.
Gorman, Joseph Bruce. *Kefauver: A Political Biography*. Oxford University Press, 1971.
Goudsouzian, Aram. *The Men and the Moment: The Election of 1968 and the Rise of Partisan Politics in America*. UNC Press Books, 2019.
Gould, Lewis L. *1968: The Election That Changed America*. Chicago: Ivan R. Dee, 1993.
———. *Lady Bird Johnson and the Environment*. University Press of Kansas, 1988.
———. *Lady Bird Johnson: Our Environmental First Lady*. University Press of Kansas, 1999.
Grad, Frank P. "A Legislative History of the Comprehensive Environmental Response, Compensation and Liability (Superfund) Act of 1980." *Columbia Journal of Environmental Law* 8, no. 1 (1982): 1–36.
Graetz, Michael J., and Linda Greenhouse. *The Burger Court and the Rise of the Judicial Right*. New York: Simon & Schuster, 2016.
Graham, Otis L. *Presidents and the American Environment*. University Press of Kansas, 2015.
Greene, John Robert. *I Like Ike: The Presidential Election of 1952*. University Press of Kansas, 2017.
Gross, Neil, Thomas Medvetz, and Rupert Russell. "The Contemporary American Conservative Movement." *Annual Review of Sociology* 37, no. 1 (2011): 325–54. https://doi.org/10.1146/annurev-soc-081309-150050.
Grossmann, Matt, and David A. Hopkins. *Asymmetric Politics: Ideological Republicans and Group Interest Democrats*. Oxford University Press, 2016.
Hamblin, Jacob Darwin. *Arming Mother Nature: The Birth of Catastrophic Environmentalism*. Oxford University Press, 2013.
Hardin, Garrett. "The Tragedy of the Commons." *Science* 162, no. 3859 (1968): 1243–48.
Hartwell, Ronald Max. *A History of the Mont Pelerin Society*. Indianapolis: Liberty Fund, 1995.
Harvey, Mark W. T. *A Symbol of Wilderness: Echo Park and the American Conservation Movement*. University of Washington Press, 2011.
———. "Echo Park, Glen Canyon, and the Postwar Wilderness Movement." *Pacific Historical Review* 60, no. 1 (1991): 43–67.
Hays, Samuel P. *Conservation and the Gospel of Efficiency: The Progressive Conservation Movement, 1890–1920*. University of Pittsburgh Press, 1959.

Hays, Samuel P., and Barbara D. Hays. *Beauty, Health, and Permanence: Environmental Politics in the United States, 1955-1985*. Cambridge University Press, 1987.

Heale, M. J. *McCarthy's Americans: Red Scare Politics in State and Nation, 1935-1965*. University of Georgia Press, 1998.

Hemmer, Nicole. *Messengers of the Right: Conservative Media and the Transformation of American Politics*. University of Pennsylvania Press, 2016.

Hendershot, Heather. *What's Fair on the Air?: Cold War Right-Wing Broadcasting and the Public Interest*. University of Chicago Press, 2011.

Herman, Arthur. *Joseph McCarthy: Reexamining the Life and Legacy of America's Most Hated Senator*. New York: Simon and Schuster, 2000.

Hewlett, Richard G., Oscar E. Anderson, and Francis Duncan. *A History of the United States Atomic Energy Commission*. University of California Press, 1990.

Hirsch, H. N. *The Enigma of Felix Frankfurter*. New York: Basic Books, 1981.

Hitchcock, William I. *The Age of Eisenhower: America and the World in the 1950s*. New York: Simon & Schuster, 2018.

Hoberek, Andrew. *The Cambridge Companion to John F. Kennedy*. Cambridge University Press, 2015.

Hochschild, Arlie Russell. *Strangers in Their Own Land: Anger and Mourning on the American Right*. New York: The New Press, 2018.

Hoff, Derek S. *The State and the Stork: The Population Debate and Policy Making in US History*. University of Chicago Press, 2012.

Hollis-Brusky, Amanda. *Ideas with Consequences: The Federalist Society and the Conservative Counterrevolution*. Oxford University Press, 2015.

Huber, Peter W. *Hard Green: Saving the Environment from the Environmentalists: A Conservative Manifesto*. New York: Basic Books, 1999.

Hustwit, William P. "From Caste to Color Blindness: James J. Kilpatrick's Segregationist Semantics." *The Journal of Southern History* 77, no. 3 (2011): 639–70.

———. *James J. Kilpatrick: Salesman for Segregation*. UNC Press, 2013.

Jacobs, Meg. *Panic at the Pump: The Energy Crisis and the Transformation of American Politics in the 1970s*. New York: Farrar, Straus and Giroux, 2016.

Jacoby, Karl. *Crimes against Nature: Squatters, Poachers, Thieves, and the Hidden History of American Conservation*. University of California Press, 2001.

Jenkins, John A. *The Partisan: The Life of William Rehnquist*. New York: PublicAffairs, 2012.

Johns, Andrew L. *The Price of Loyalty: Hubert Humphrey's Vietnam Conflict*. Lanham, MD: Rowman & Littlefield, 2020.

Kastenberg, Joshua E. *The Campaign to Impeach Justice William O. Douglas: Nixon, Vietnam, and the Conservative Attack on Judicial Independence*. University Press of Kansas, 2019.

Katznelson, Ira, and Quinn Mulroy. "Was the South Pivotal? Situated Partisanship and Policy Coalitions during the New Deal and Fair Deal." *The Journal of Politics* 74, no. 2 (April 2012): 604–20.

Kaufman, Scott. *Ambition, Pragmatism, and Party: A Political Biography of Gerald R. Ford*. University Press of Kansas, 2017.

Klarman, Michael J. *Brown v. Board of Education and the Civil Rights Movement*. Oxford University Press, 2007.

Knott, Jack H., John H. Knott, Gary J. Miller, and C. Miller. *Reforming Bureaucracy: The Politics of Institutional Choice*. Upper Saddle River, NJ: Prentice-Hall, 1987.

Kruse, Kevin Michael. *White Flight: Atlanta and the Making of Modern Conservatism*. Princeton University Press, 2005.

Kruse, Kevin Michael, and Brent Wilcox. *One Nation under God: How Corporate America Invented Christian America*. New York: Basic Books, 2015.

Laakkonen, Simo, Richard P. Tucker, and Timo Olavi Vuorisalo. *The Long Shadows: A Global Environmental History of the Second World War*. Oregon State University Press, 2017.

Lassiter, Matthew D. *The Silent Majority: Suburban Politics in the Sunbelt South*. Princeton University Press, 2013.

Layzer, Judith A. *Open for Business: Conservatives' Opposition to Environmental Regulation*. MIT Press, 2012.

Lazarus, Richard J. *The Making of Environmental Law*. University of Chicago Press, 2008.

Lear, Linda. *Rachel Carson: Witness for Nature*. New York: Henry Holt and Co., 1997.

Li, Victor. *Nixon in New York: How Wall Street Helped Richard Nixon Win the White House*. Lanham, MD: Rowman & Littlefield, 2018.

Lichtman, Allan J. *White Protestant Nation: The Rise of the American Conservative Movement*. New York: Atlantic Monthly Press, 2008.

Lichtman, Robert M. *The Supreme Court and McCarthy-Era Repression: One Hundred Decisions*. University of Illinois Press, 2012.

Loevy, Robert D. *The Civil Rights Act of 1964: The Passage of the Law That Ended Racial Segregation*. SUNY Press, 1997.

Longley, Kyle. *LBJ's 1968: Power, Politics, and the Presidency in America's Year of Upheaval*. Cambridge University Press, 2018.

Lopez, George A., Ronald Lora, William Longton, and William Henry Longton. *The Conservative Press in Twentieth-Century America*. Westport, CT: Greenwood Publishing Group, 1999.

López, Ian Haney. *Dog Whistle Politics: How Coded Racial Appeals Have Reinvented Racism and Wrecked the Middle Class*. Oxford University Press, 2015.

Maher, Neil. "The New Deal's Forest Army: How the Civilian Conservation Corps Worked. By Benjamin F. Alexander. Baltimore: Johns Hopkins University Press, 2018." *Environmental History* 23, no. 4 (October 1, 2018): 872–74.

Maher, Neil M. *Nature's New Deal: The Civilian Conservation Corps and the Roots of the American Environmental Movement*. Oxford University Press, 2008.

Maloney, J.P. Sean. "A Legislative History of Liability under CERCLA Superfund Liability." *Seton Hall Legislative Journal* 16, no. 2 (1992): 517–50.

Manley, John F. "The Conservative Coalition in Congress." *American Behavioral Scientist* 17, no. 2 (November 1, 1973): 223–47.

Mann, Robert. *Becoming Ronald Reagan: The Rise of a Conservative Icon*. University of Nebraska Press, 2019.

Matzko, Paul. *The Radio Right: How a Band of Broadcasters Took on the Federal Government and Built the Modern Conservative Movement*. Oxford University Press, 2020.

Maxwell, Angie, and Todd Shields. *The Long Southern Strategy: How Chasing White Voters in the South Changed American Politics*. Oxford University Press, 2019.

Mayer, Jane. *Dark Money: The Hidden History of the Billionaires behind the Rise of the Radical Right*. New York: Doubleday, 2016.

McCaffrey, David P. *OSHA and the Politics of Health Regulation*. New York: Plenum Press, 1982.

McCloskey, Paul Pete. *The Story of the First Earth Day 1970: How Grassroots Activism Can Change Our World*. Eaglet Books, 2020.

McCright, Aaron M., and Riley E. Dunlap. "The Politicization of Climate Change and Polarization in the American Public's Views of Global Warming, 2001–2010." *The Sociological Quarterly* 52, no. 2 (2011): 155–94.

McCullough, David. *Truman*. New York: Simon and Schuster, 1992.

McGirr, Lisa. *Suburban Warriors: The Origins of the New American Right*. Princeton University Press, 2001.

McKenna, Marian Cecilia, and Joseph McKenna. *Franklin Roosevelt and the Great Constitutional War: The Court-Packing Crisis of 1937*. Fordham University Press, 2002.

McRae, Elizabeth Gillespie. *Mothers of Massive Resistance: White Women and the Politics of White Supremacy*. Oxford University Press, 2018.

Melnick, R. Shep. *Regulation and the Courts: The Case of the Clean Air Act*. Brookings Institution, 1983.

Melosi, Martin V. "Environmental Policy." In *A Companion to Lyndon B. Johnson*, 187–209. Hoboken, NJ: John Wiley & Sons, Ltd, 2012.

———. "Lyndon Johnson and Environmental Policy." In *The Johnson Years: Vietnam, the Environment, and Science*, edited by Robert A. Divine, Vol. 2. University Press of Kansas, 1987.

Mergel, Sarah Katherine. *Conservative Intellectuals and Richard Nixon: Rethinking the Rise of the Right*. New York: Palgrave Macmillan, 2010.

Milazzo, Paul Charles. *Unlikely Environmentalists: Congress and Clean Water, 1945-1972*. University Press of Kansas, 2006.

Miller, Edward H. *Nut Country: Right-Wing Dallas and the Birth of the Southern Strategy*. University of Chicago Press, 2015.

Mitchell, Greg. *Tricky Dick and the Pink Lady: Richard Nixon vs. Helen Gahagan Douglas - Sexual Politics and the Red Scare, 1950*. New York: Random House, 1998.

Montrie, Chad. *The Myth of Silent Spring: Rethinking the Origins of American Environmentalism*. University of California Press, 2018.

Morgan, Iwan W. *Eisenhower versus "the Spenders": The Eisenhower Administration, the Democrats and the Budget, 1953-60*. London: Pinter Publishers, 1990.

Müller, Jan-Werner. "Comprehending Conservatism: A New Framework for Analysis." *Journal of Political Ideologies* 11, no. 3 (October 1, 2006): 359–65.

Mulloy, D. J. *The World of the John Birch Society: Conspiracy, Conservatism, and the Cold War*. Vanderbilt University Press, 2014.
Murphy, Bruce Allen. *Wild Bill: The Legend and Life of William O. Douglas*. New York: Random House, 2003.
Murphy, Priscilla Coit. *What a Book Can Do: The Publication and Reception of Silent Spring*. University of Massachusetts Press, 2005.
Nash, George H. *The Conservative Intellectual Movement in America, since 1945*. New York: Basic Books, 1976.
Nash, Linda Lorraine. *Inescapable Ecologies: A History of Environment, Disease, and Knowledge*. University of California Press, 2006.
Nash, Roderick Frazier. *Wilderness and the American Mind: Fifth Edition*. Yale University Press, 2014.
Nelson, David J. *How the New Deal Built Florida Tourism: The Civilian Conservation Corps and State Parks*. University Press of Florida, 2019.
Nelson, Michael. *Resilient America: Electing Nixon in 1968, Channeling Dissent, and Dividing Government*. Nashville: University Press of Kansas, 2017.
Newton, Jim. *Eisenhower: The White House Years*. New York: Doubleday, 2011.
Nichols, David A. *A Matter of Justice: Eisenhower and the Beginning of the Civil Rights Revolution*. New York: Simon and Schuster, 2007.
Nickerson, Michelle M. *Mothers of Conservatism: Women and the Postwar Right*. Princeton University Press, 2012.
O'Donnell, Lawrence. *Playing with Fire: The 1968 Election and the Transformation of American Politics*. Penguin, 2017.
Offner, Arnold A. *Hubert Humphrey: The Conscience of the Country*. Yale University Press, 2018.
Oren, Craig N. "Prevention of Significant Deterioration: Control-Compelling Versus Site-Shifting." *Iowa Law Review* 74, no. 1 (1988): 1–114.
Oreskes, Naomi, and Erik M. Conway. *Merchants of Doubt: How a Handful of Scientists Obscured the Truth on Issues from Tobacco Smoke to Global Warming*. New York: Bloomsbury Press, 2010.
Orford, Adam D. "Power to the People: Primer on NEPA and Transmission Lines." *Natural Gas & Electricity* 29, no. 10 (May 1, 2013): 16–22.
Oshinsky, David M. *A Conspiracy So Immense: The World of Joe McCarthy*. New York: Simon and Schuster, 1983.
Packard, Vance. *The Waste Makers*. New York: D. McKay Co., 1960.
Patterson, Gordon. *The Mosquito Crusades: A History of the American Anti-Mosquito Movement from the Reed Commission to the First Earth Day*. Rutgers University Press, 2009.
Patterson, James T. *Brown v. Board of Education: A Civil Rights Milestone and Its Troubled Legacy*. Oxford University Press, 2001.
———. *Congressional Conservatism and the New Deal: The Growth of the Conservative Coalition in Congress, 1933-1939*. University Press of Kentucky, 1967.
———. *Mr. Republican: A Biography of Robert A. Taft*. Boston: Houghton Mifflin, 1972.

Perlstein, Rick. *Before the Storm: Barry Goldwater and the Unmaking of the American Consensus*. New York: PublicAffairs, 2009.
———. *Nixonland: The Rise of a President and the Fracturing of America*. New York: Scribner, 2008.
Phillips, Sarah T. *This Land, This Nation: Conservation, Rural America, and the New Deal*. Cambridge University Press, 2007.
Phillips-Fein, Kim. "Conservatism: A State of the Field." *Journal of American History* 98, no. 3 (2011): 723–43.
———. *Invisible Hands: The Businessmen's Crusade against the New Deal*. New York: W.W. Norton, 2010.
Pomante II, Michael J., and Scot Schraufnagel. *Historical Dictionary of the U.S. Congress*. 2nd ed. Lanham, MD: Rowman & Littlefield, 2020.
Powe, Lucas A. *The Warren Court and American Politics*. Harvard University Press, 2009.
Purdum, Todd S. *An Idea Whose Time Has Come: Two Presidents, Two Parties, and the Battle for the Civil Rights Act of 1964*. New York: Henry Holt and Co., 2014.
Reagan, Ronald. "Our Environment Crisis." *Nation's Business*, February 1970.
Reichley, James A. *Conservatives in an Age of Change: The Nixon and Ford Administrations*. Brookings Institution Press, 1981.
Richardson, Elmo. *Dams, Parks and Politics: Resource Development and Preservation the Truman-Eisenhower Era*. University Press of Kentucky, 1973.
Rigueur, Leah Wright. *The Loneliness of the Black Republican: Pragmatic Politics and the Pursuit of Power*. Princeton University Press, 2016.
Risen, Clay. *The Bill of the Century: The Epic Battle for the Civil Rights Act*. New York: Bloomsbury Press, 2014.
Robertson, Thomas. *The Malthusian Moment: Global Population Growth and the Birth of American Environmentalism*. Rutgers University Press, 2012.
Robertson, Thomas, Richard P. Tucker, Nicholas B. Breyfogle, and Peter Mansoor. *Nature at War: American Environments and World War II*. Cambridge University Press, 2020.
Rochon, Thomas R. *Mobilizing for Peace: The Antinuclear Movements in Western Europe*. Princeton University Press, 2014.
Rojecki, Andrew. *Silencing the Opposition: Antinuclear Movements and the Media in the Cold War*. University of Illinois Press, 1999.
Rome, Adam. "Conservation, Preservation, and Environmental Activism: A Survey of the Historical Literature," January 16, 2003. https://www.nps.gov/parkhistory/hisnps/NPSThinking/nps-oah.htm.
———. "'Give Earth a Chance': The Environmental Movement and the Sixties." *The Journal of American History* 90, no. 2 (2003): 525–54.
———. *The Bulldozer in the Countryside: Suburban Sprawl and the Rise of American Environmentalism*. Cambridge University Press, 2001.
———. *The Genius of Earth Day: How a 1970 Teach-in Unexpectedly Made the First Green Generation*. New York: North Point Press, 2013.

Rosenfeld, Sam. *The Polarizers: Postwar Architects of Our Partisan Era*. University of Chicago Press, 2018.

Rothman, Hal. *The Greening of a Nation? : Environmentalism in the United States since 1945*. Fort Worth: Harcourt Brace, 1998.

Rubinson, Paul. *Rethinking the American Antinuclear Movement*. Routledge, 2018.

Ruckelshaus, William D. U.S. EPA Oral History Interview. Interview by Michael Gorn, January 1993. william-d-ruckelshaus-oral-history-interview.html.

Ruetten, Richard T. "Adlai Stevenson and the Rhetoric of Moderate Liberalism." *Reviews in American History* 3, no. 3 (1975): 389–93.

Sale, Kirkpatrick. *The Green Revolution: The American Environmental Movement, 1962-1992*. New York: Hill and Wang, 1993.

Scanlon, Sandra. *The Pro-War Movement: Domestic Support for the Vietnam War and the Making of Modern American Conservatism*. University of Massachusetts Press, 2013.

Schäfer, Axel R. *American Evangelicals and the 1960s*. University of Wisconsin Press, 2013.

Schlafly, Phyllis. *A Choice Not an Echo*. Alton, IL: Pere Marquette Press, 1964.

Schlesinger, Arthur M. "The Challenge of Abundance." *The Reporter*, May 3, 1956, 8.

Schneider, Gregory L. *Cadres for Conservatism: Young Americans for Freedom and the Rise of the Contemporary Right*. NYU Press, 1999.

Schoenwald, Jonathan. *A Time for Choosing: The Rise of Modern American Conservatism*. Oxford University Press, 2001.

Schrepfer, Susan R. *The Fight to Save the Redwoods: A History of the Environmental Reform, 1917–1978*. University of Wisconsin Press, 2003.

———. "The Nuclear Crucible: Diablo Canyon and the Transformation of the Sierra Club, 1965-1985." *California History* 71, no. 2 (July 1, 1992): 212–37.

Schulman, Bruce J., and Julian E. Zelizer. *Rightward Bound: Making America Conservative in the 1970s*. Harvard University Press, 2008.

Schulte, Steven C. *Wayne Aspinall and the Shaping of the American West*. University Press of Colorado, 2002.

Schumacher, Michael. *The Contest: The 1968 Election and the War for America's Soul*. University of Minnesota Press, 2018.

Schwarz, John E., Barton Fenmore, and Thomas J. Volgy. "Liberal and Conservative Voting in the House of Representatives: A National Model of Representation." *British Journal of Political Science* 10, no. 3 (1980): 317–39.

Selcer, Perrin. *The Postwar Origins of the Global Environment: How the United Nations Built Spaceship Earth*. Columbia University Press, 2018.

Sellers, Christopher C. *Crabgrass Crucible: Suburban Nature and the Rise of Environmentalism in Twentieth-Century America*. UNC Press, 2012.

———. *Hazards of the Job: From Industrial Disease to Environmental Health Science*. UNC Press, 1997.

Shabecoff, Philip. *A Fierce Green Fire: The American Environmental Movement*. Washington, D.C.: Island Press, 2003.

Shesol, Jeff. *Supreme Power: Franklin Roosevelt vs. the Supreme Court*. New York: W. W. Norton & Company, 2011.
Shields, Jon A., and Joshua M. Dunn. *Passing on the Right: Conservative Professors in the Progressive University*. Oxford University Press, 2016.
Shirley, Craig. *Reagan's Revolution: The Untold Story of the Campaign That Started It All*. Nashville: Nelson Current, 2005.
Simon, James F. *Eisenhower vs. Warren: The Battle for Civil Rights and Liberties*. New York: Liveright Publishing, 2018.
———. *Independent Journey: The Life of William O. Douglas*. New York: Harper & Row, 1980.
Sinclair, Barbara. *Party Wars: Polarization and the Politics of National Policy Making*. University of Oklahoma Press, 2014.
Skillen, James R. *The Nation's Largest Landlord: The Bureau of Land Management in the American West*. University Press of Kansas, 2009.
Smith, Thomas G. *Green Republican: John Saylor and the Preservation of America's Wilderness*. University of Pittsburgh Press, 2006.
———. "John Kennedy, Stewart Udall, and New Frontier Conservation." *Pacific Historical Review* 64, no. 3 (1995): 329–62.
———. *Stewart L. Udall: Steward of the Land*. UNM Press, 2017.
Snyder, Brad, and John Q. Barrett. "Rehnquist's Missing Letter: A Former Law Clerk's 1955 Thoughts on Justice Jackson and Brown Essay." *Boston College Law Review* 53, no. 2 (2012): 631–60.
Solberg, Carl. *Hubert Humphrey: A Biography*. Minnesota Historical Society Press, 2003.
Solecki, William D., and Fred M. Shelley. "Pollution, Political Agendas, and Policy Windows: Environmental Policy on the Eve of *Silent Spring*." *Environment and Planning C: Government and Policy* 14, no. 4 (December 1, 1996): 451–68.
Sorensen, Theodore C. *Kennedy*. Hodder & Stoughton, 1965.
Sowards, Adam M. *The Environmental Justice: William O. Douglas and American Conservation*. Oregon State University Press, 2009.
Stine, Jeffrey. "Environmental Policy in the Carter Administration." In *The Carter Presidency: Policy Choices in the Post-New Deal Era*, edited by Gary M. Fink and Hugh Davis Graham. University Press of Kansas, 1998.
Stoll, Ira. *JFK, Conservative*. Boston: Houghton Mifflin Harcourt, 2013.
Stoll, Mark. *Inherit the Holy Mountain: Religion and the Rise of American Environmentalism*. Oxford University Press, 2015.
Stone, Geoffrey R., and David A. Strauss. *Democracy and Equality: The Enduring Constitutional Vision of the Warren Court*. Oxford University Press, 2020.
Storrs, Landon R. Y. *The Second Red Scare and the Unmaking of the New Deal Left*. Princeton University Press, 2013.
Stratton, Owen, and Phillip Sirotkin. *The Echo Park Controversy*. University of Alabama Press, 1959.

Sutter, Paul. *Driven Wild: How the Fight Against Automobiles Launched the Modern Wilderness Movement*. University of Washington Press, 2005.

Switzer, Jacqueline Vaughn. *Green Backlash: The History and Politics of the Environmental Opposition in the U.S*. Boulder: Lynne Rienner Publishers, 1997.

Taylor, Dorceta E. *The Rise of the American Conservation Movement: Power, Privilege, and Environmental Protection*. Duke University Press, 2016.

Teles, Steven Michael. *The Rise of the Conservative Legal Movement: The Battle for Control of the Law*. Princeton University Press, 2008.

Thomas, William L., ed. *Man's Role in Changing the Face of the Earth: International Symposium Organized by the Wenner-Gren Foundation for Anthropological Research at Princeton, June 1955*. University of Chicago Press, 1956.

Tucker, Richard P., Tait Keller, J. R. McNeill, and Martin Schmid, eds. *Environmental Histories of the First World War*. Cambridge University Press, 2018.

Turner, James Morton. *The Promise of Wilderness: American Environmental Politics since 1964*. University of Washington Press, 2012.

Turner, James Morton, and Andrew C. Isenberg. *The Republican Reversal: Conservatives and the Environment from Nixon to Trump*. Harvard University Press, 2018.

Turner, Tom. *David Brower: The Making of the Environmental Movement*. University of California Press, 2015.

Tushnet, Mark, and Katya Lezin. "What Really Happened in Brown v. Board of Education." *Columbia Law Review* 91, no. 8 (1991): 1867–1930.

Tye, Larry. *Demagogue: The Life and Long Shadow of Senator Joe McCarthy*. Boston: Houghton Mifflin Harcourt, 2020.

Uekötter, Frank. *The Green and the Brown: A History of Conservation in Nazi Germany*. Cambridge University Press, 2006.

Urofsky, Melvin I. *Felix Frankfurter: Judicial Restraint and Individual Liberties*. Woodbridge, CT: Twayne, 1991.

Uslaner, Eric M., and Robert Zittel. "Comparative Legislative Behavior." In *The Oxford Handbook of Political Science*, edited by Robert E. Goodin. Oxford University Press, 2011.

Wagner, Steven. *Eisenhower Republicanism: Pursuing the Middle Way*. Northern Illinois University Press, 2006.

Wainstock, Dennis. *Election Year 1968: The Turning Point*. New York: Enigma Books, 2012.

Wasserman, Janek. *The Marginal Revolutionaries*. Yale University Press, 2019.

Waterhouse, Benjamin C. *Lobbying America: The Politics of Business from Nixon to NAFTA*. Princeton University Press, 2013.

Weart, Spencer R. *The Rise of Nuclear Fear*. Harvard University Press, 2012.

Weinberg, Martha Wagner. "Writing the Republican Platform." *Political Science Quarterly* 92, no. 4 (1977): 655–62.

Wendt, Lloyd. *Chicago Tribune: The Rise of a Great American Newspaper*. Chicago: Rand McNally, 1979.

White, Lynn. "The Historical Roots of Our Ecologic Crisis." *Science* 155, no. 3767 (1967): 1203–7.

Wiarda, Howard J. *Conservative Brain Trust: The Rise, Fall, and Rise Again of the American Enterprise Institute*. Lanham, MD: Lexington Books, 2009.

Williams, Daniel K. *God's Own Party: The Making of the Christian Right*. Oxford University Press, 2012.

———. "Richard Nixon's Religious Right: Catholics, Evangelicals, and the Creation of an Antisecular Alliance." In *The Right Side of the Sixties: Reexamining Conservatism's Decade of Transformation*, edited by Laura Jane Gifford and Daniel K. Williams, 141–58. New York: Palgrave Macmillan, 2012.

———. *The Election of the Evangelical: Jimmy Carter, Gerald Ford, and the Presidential Contest of 1976*. University Press of Kansas, 2020.

Wilson, Bruce S. "Legislative History of the Pesticide Residues Amendment of 1954 and the Delaney Clause of the Food Additives Amendment of 1958." In *Regulating Pesticides in Food: The Delaney Paradox*, 161–73. National Academies Press, 1987.

Woodhouse, Keith Makoto. *The Ecocentrists: A History of Radical Environmentalism*. Columbia University Press, 2018.

Worster, Donald. *Dust Bowl: The Southern Plains in the 1930s*. Oxford University Press, 1979.

Wyss, Robert. *The Man Who Built the Sierra Club: A Life of David Brower*. Columbia University Press, 2016.

Zaretsky, Natasha. *Radiation Nation: Three Mile Island and the Political Transformation of the 1970s*. Columbia University Press, 2018.

Chapter 2: A Study of Discourse – *Nation's Business* and the Environment, 1945-1981

As discussed in Chapter 1, the development of the relationship between conservatism and the environment would benefit from a great deal of further investigation. Such studies could take many forms. But given the centrality of shared media to the development of the American conservative movement, an especially productive line of investigation would involve more extensive media analysis. Fortunately, this has been facilitated by the increasingly digital research environment, making it possible to access and analyze conservative media materials more quickly and thoroughly than ever before. This Chapter, therefore, provides an analysis of the treatment of environmental ideas in *Nation's Business*, the monthly magazine of the U.S. Chamber of Commerce, which has recently been digitized in its entirety.

To accomplish this review, the Chapter also contributes a new method to the literature. Prior investigations of conservative media treatment of environmental issues have suffered from methodological obscurity. Typically, the search parameters used to identify subject materials are not well specified. Consequently, there is little to no information available to judge how thorough a given review has been. How were articles identified? What search terms were employed? What portions of the publications were reviewed? If subject indexes were used, how complete were they? If digital text search was employed, what were its parameters? How did the investigator determine whether their samples were representative? Usually this is all very difficult to determine. The study presented in this Chapter deploys a computer-assisted research method utilizing a custom-built full-text repository of every issue of *Nation's Business* between 1945 and 1981 (50,000 pages of material), and endeavors to make its process transparent and, therefore, fully repeatable. Using this method, a researcher can claim with more confidence to have identified every instance of a specific concept over time, and can, therefore, more easily justify claims regarding trends in the treatment of that concept in the publication.

Using this method, the Chapter is able to contribute a variety of new insights about the nature and timing of the business response to environmental matters. Among the new findings:

- A "strategy of silence" by business media on the topic of DDT throughout the height of national media coverage of the issue.
- A brief period at the height of the environmental movement during which business interests experimented with positive framings of environmentalism.
- The emergence of anti-environmentalist rhetoric from business participants in the National Industrial Pollution Control Council, and the sustained negative portrayal of environmentalists and their interests in the following years.
- The key role of Gerald Ford in articulating environmental critique, both as vice president and president, especially with respect to the idea of tradeoffs between economic prosperity and environmental protection.

- The early emergence of the rhetoric of deregulation, and the role of Murray Weidenbaum and Gerald Ford in the early development and popularization of that rhetoric to business.
- The elision of deregulatory rhetoric against sectoral economic regulatory bodies such as the Federal Communications Commission and Civil Aeronautics Board, and the newer agencies responsible for environment, health, and safety regulations of the early 1970s, including OSHA and EPA.
- The key importance of OSHA in generating anti-regulatory sentiment that carried over into anti-environmental discourse, particularly among small business.
- Persistent support among business for government funding for research and development of non-fossil alternative energy sources like wind and solar power, even through 1980.

While there are important limitations to this study, its findings may be generalized beyond the pages of the magazine, to the U.S. Chamber of Commerce and U.S. business interests more broadly, and improves the understanding of how that community confronted and adapted to the pressures of the environmental movement and environmental regulation. In addition, it suggests new avenues of study regarding the relationship between conservative funding sources, academic economics departments, conservative thinktanks, conservative media, and Republican Party politicians with respect to the development and dissemination of the anti-regulatory discourse.

Nation's Business ***and the Environment: The U.S. Chamber's Changing Relationships with DDT, "Ecologists," Regulations, and Renewable Energy***

The presidencies of Ronald Reagan, George W. Bush, and Donald Trump are rightly understood to represent hostility to environmental governance and regulation. Each of these administrations, of course, was Republican, and ideologically conservative in its own way, and the partisan and ideological divide on environmental issues is widely recognized. This article explores some of the origins of that divide prior to its more public emergence during the Reagan Administration – a topic that is surprisingly understudied but that should concern anyone interested in building political support for environmental causes. It does so by examining how environmental topics were treated in *Nation's Business*, the national monthly magazine of the U.S. Chamber of Commerce.

Through this analysis I demonstrate that *Nation's Business* was published with a keen awareness of the rise of environmental politics, and that it, and the business community it represented, initially struggled to frame an effective response. Initial efforts at conforming to environmental expectations were quickly abandoned and, following a period of prominent expressions of frustration and hostility toward environmentalists, the dominant consensus framing shifted toward portraying environmental regulation as burdensome to business. This research shows the rising importance of ideologically conservative institutions and actors in the business response, but also tensions between

absolutist anti-government positions and those that supported government, at least to the extent that government could support business.

The study suggests that intensifying environmental regulation posed a difficult choice to business: to change drastically, or to dig in and protect vested interests. Over the course of the 1970s, the U.S. Chamber moved toward the latter course, ultimately committing to a strategy of weakening government institutions, and challenging the regulatory implementation of laws rather than the laws themselves – contributing to the process of regulatory conflict that continues to this day, as changes in presidential administrations bring with them enormous fluctuations in the strength of environmental law in the United States, even as the law itself does not change.

Background

There is a partisan and ideological polarization in the framing and evaluation of environmental issues in the United States, with self-identified conservatives and members of the Republican Party reporting less concern with environmental problems and more opposition to government action to protect the environment (Dunlap et al. 2016; McCright and Dunlap 2011; Dunlap and McCright 2008; Dunlap et al. 2001; Dunlap 1991). Understanding how and why this has happened is a multidisciplinary inquiry. Early studies of anti-environmental politics examined business opposition and grassroots and elite conservative opposition separately (Switzer 1997; Helvarg 1994; Cawley 1993). But these distinctions have been complicated by growing literatures on conservative politics and the environment (Turner and Isenberg 2018; Drake 2013, 2010; Smith 2006; Flippen 2000), conservative ideology and the environment (Boynton 2015a, 2015b; McCright and Dunlap 2013), conservative institutions and the environment (Jacques et al. 2008), conservative presidential administrations and the environment (Andrews 2020; Provost et al. 2009; Vig and Kraft 1984), business and the environment (Supran and Oreskes 2017; Layzer 2012; Oreskes and Conway 2011; Kraft and Kamieniecki 2007), the conservative legal movement (with a strong focus on the environment) (Decker 2016; Teles 2008), and conservative-business political activism (Phillips-Fein 2010). With respect to environmental politics and policy, it has become increasingly necessary to consider ideological conservatism, pro-business advocacy, and the Republican Party as separate components of a larger political whole.

Every year since 2001, the U.S. Chamber of Commerce has been the top lobbying spender in the United States, often by a wide margin.[1] It has typically lobbied for reduced environmental regulation and has been a regular participant, through the U.S. Chamber Litigation Center, in federal environmental regulatory litigation – typically taking anti-regulatory positions and opposing

[1] https://www.opensecrets.org/federal-lobbying/top-spenders. Between 1998 and 2001, the U.S. Chamber of Commerce spent $1.6 billion on lobbying. By comparison, during the same period the largest sectoral industry association spender was the National Association of Realtors ($646 million), while the largest single corporate spender was General Electric ($368 million).

environmental controls.[2] The organization, however, has not been the topic of a great deal of study, in part because it is suspicious of academic agendas (Katz 2015). Uniquely, it was created to articulate legal and policy positions on behalf of the entire national business community. However, it became increasingly ideological, activist, and combative in the 1970s, abandoning a slow consensus-identification strategy for a more pro-capitalist anti-government *laissez faire* ideology. It was the recipient of the infamous "Powell Memorandum" (Powell 1971), written by future Supreme Court Justice Lewis Powell, Jr., which advocated for a more activist defense of "the American free enterprise system" and contributed to the development of many of today's ideologically conservative institutions – thinktanks, foundations, lobbying firms, and media enterprises – funded by business, to promote business interests and pro-capitalist ideology to the same degree that the ACLU championed civil liberties (Decker 2016, Stahl 2014, Philips-Fein 2010). "During the 1970s, the Chamber increased its membership approximately fourfold, dramatically scaled up its direct and indirect lobbying activities, forged lasting ties to other conservative political organizations, and strengthened its networks with local affiliates, trade associations, and individual business owners around the country" (Waterhouse 2013).

Nation's Business was a monthly magazine published by the U.S. Chamber of Commerce between 1912 and 1999. At its height in the 1970s, its paid circulation exceeded 1.25 million – more than *Business Week*, *Forbes*, or *Fortune*.[3] It was the Chamber's "house magazine" (Katz 2015) and it is one of the best publicly available sources of information on the evolution of the Chamber's thinking on a variety of issues. Its complete run was made available online in 2012,[4] allowing new research on questions of interest to environmental studies. How did the Chamber react to the rising environmental consciousness of the 1960s? How did it respond to the enactment of the major environmental legislation of the early 1970s? What did its members think about environmentalists? Were particular industrial sectors or politicians influential in generating rhetoric, discourse, or logic about environmental protection? And when and how did the U.S. Chamber begin to move toward its present oppositional stance?

To begin to answer these questions, this study tracks *Nation's Business's* evolving coverage of environmental issues between 1945 and 1981. However, it is important at the outset to acknowledge some of the limitations of such a study. All that can be said with certainty is that particular words appeared in the print run of *Nation's Business* during the study period. It is not necessarily the case that any sentiment expressed there is attributable or generalizable – to the editors of the magazine,

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[2] https://www.chamberlitigation.com/what-we-do/regulatory-lawsuits.

[3] The magazine regularly reported its circulation on its cover, and as of 1962 also included mandatory paid subscription figures in each issue. In 1980, its advertising editor noted that its paid circulation of 1.25 million compared favorably with Business Week (820,000), Forbes (690,000), Fortune (670,000), and Dun's Review (260,000). "And over 60% of Nation's Business circulation goes to top management." 1980.08.

[4] https://www.hagley.org/librarynews/digital-collections-nations-business-online.

to the Chamber of Commerce, to a particular business sector, to a particular political party, or to the business community or conservative political movement at large. It is possible, however, to note patterns in the framing of environmental issues in the magazine's many texts (Chong and Druckman 2007; Pezzullo and Cox 2017). It is also possible to note who is expressing what opinions or employing which frames; to notice patterns in the use of particular words; to consider the likely positive or negative valences of the words used; and to mark changes in the treatment of subject matter over time. Preliminary inferences and conclusions may be drawn from such evidence, and lines of further investigation identified.

Data and Method

Prior studies of business journals have reviewed only a very small sample of magazine issues (Grandy 2014; Rowley and Kurpius 2003; Mayo and Pasadeos 1991). While this may be sufficient to study phenomena that appear in most or all issues, it is not sufficient when matters are discussed sporadically, and is not always helpful in identifying shifts across time. Today, however, it is possible to identify all instances of a particular phenomenon over a given study period using computerized search support.

Consequently, this study was conducted on the complete text of *Nation's Business* between 1945 and 1981 – approximately 50,000 pages of material. The study period was intended to capture postwar political development up to the beginning of the Reagan Administration, although the majority of the results turned out to date from the 1970s. To facilitate computerized search, every issue between 1945 and 1981 was run through Google's Cloud Vision API, with the resulting texts compiled into a single large file containing every word from every issue, searchable with software built to handle very large text files. This method identified more instances of the search terms and allowed for much faster search than html-based platforms.

Working from a list of search terms known to appear in texts on environmental issues,[5] the *Nation's Business* compilation was first reviewed for occurrences of each search term, including their total number and their distribution over time. Three of the subjects chosen for analysis here – DDT, environmentalists, and renewable energy – were chosen because they demonstrated notable patterns: in the case of DDT, a large gap in coverage during the 1960s; in the case of environmentalists and renewable energy, sudden increases in 1968 and 1974, respectively. Articles containing these search terms were collected and sorted into two categories: those wholly focused on environmental issues,

[5] The search terms were air pollution, water pollution, smog, sewage treatment, solid waste, DDT, fluoride, Rachel Carson, Silent Spring, thalidomide, national park, wilderness, wildlife, conservationist, Audubon Society, Sierra Club, ecology, ecologist, environment, environmentalist, Edmund Muskie, Ralph Nader, Barry Commoner, Paul Ehrlich, Earth Day, overpopulation, population problem, population control, petroleum, natural gas, energy crisis, solar energy, and renewable energy. This list was developed by the author prior to the review of *Nation's Business*, to support research of media treatment of environmental issues. Some of these terms (e.g., "air pollution" and "petroleum") yielded many hundreds of results and would reward further research.

and those containing passing references to the search terms. For articles containing passing references, the text of the sentences containing the search terms were collected, together with information about the source(s) of the relevant statement. For articles focused more completely on the environment, the entire article was collected. These texts were then examined for similarities, differences, or other patterns in their treatment of the search terms, as reported below. The fourth subject, "overregulation," was identified as a common theme in the later treatment of environmentalists and was then examined in the same way – a full-text search, identification of a notable pattern (a sharp increase in 1975), collection, and analysis.

To evaluate the body of collected texts, this analysis employs the conceptual terminology of "strategies." Although this terminology is influenced by studies in rhetoric, linguistics, and environmental communication (Burke 1945; Stillar 1998; Rademaekers and Johnson-Sheehan 2014), it is itself a frame: a "strategy" implies some final aim, and a coordinated plan of action to achieve that aim, which would require some knowledge of interior motivation that is impossible to establish based only on written text. Nonetheless, as used in this study the term is meant to convey a strategy in the exigent sense of coping strategies, meaning efforts to manage, tolerate, or reduce stress, which are necessarily responsive, reactive, experimental, developing, and short-term. The theory is that environmentalism created enormous stresses on "business" – on its identity, and on the claims to moral superiority, respect, legitimacy, and power, that business held. These stresses required some sort of response, and it took time and experimentation to develop something that worked. The materials discussed below are consistent with this interpretation.

Crisis Strategies: Silence, Distancing, and Reassessment in DDT

Between the late 1950s and late 1960s, evidence mounted that the pesticide DDT caused significant harm to wildlife populations, and, following the publication of Rachel Carson's *Silent Spring* and efforts by the nascent environmental legal movement, states and eventually the federal government began to severely curtail its use (Dunlap 2014). Research into the business community's response to these developments has focused on the agricultural and chemical industries' efforts to discredit and attack Rachel Carson (Lear 1997; Murphy 2007). The response of the business community outside of the directly impacted industries has not received the same attention.

Knowing what we know today, it is difficult to appreciate how profoundly grateful the world was for DDT when it was first made widely available. The excitement for the new pesticide's possibilities permeates the pages of *Nation's Business* after World War II. DDT was "the new wonder product," and the magazine commented on its many promising applications in public health (1945.08.17, 1948.09.35), the meat industry (1945.12.113), and agriculture (1946.07.56; 1949.04.34); and on its ancillary benefits to other business ventures, including chemical research (1946.01.52), pesticide spraying service industries (1951.07.55), and even salt production (1954.05.34). DDT was said to be a discovery on par with radar and atomic energy (1946.11.37). Its dangers, on the other hand, were not much discussed. In December 1945, a news bulletin noted recommendations to avoid acute

exposure (1945.12.18), and a 1950 article said that DDT, "when sprayed or dusted in highly concentrated form over a wide area . . . may kill as many friends as foes and do damage to all animal life which will take Nature years to repair." (1950.03.40). But that was all.

Then, *Nation's Business* stopped talking about DDT entirely. Following a single indirect reference in February 1960 (1960.02.14), the word "DDT" did not appear again in the magazine's pages until February 1968. Similarly, the terms "insecticide" and "pesticide" were almost never mentioned, and never in the context of the nationwide controversy over their use (e.g., 1960.04.14, 1962.12.90, 1963.03.38, 1964.07.42, 1964.07.47, 1964.07.50). This period encompassed the emergence of scientific literature on the topic of DDT's ecological impacts, the serialized publication of Rachel Carson's *Silent Spring*, the corporate response to the book, the subsequent state and federal discussions over new regulatory controls, the resulting series of bans, and the nationwide press coverage of all of these events in the newspapers and magazines of the era. The first response, then, in the national magazine of the organization claiming to represent U.S. industry interests, including those of the chemical and agricultural industries, was to entirely avoid the topic of the single greatest challenge to their power that they had ever confronted.

This strategy of silence, however, did not survive the rise of the ecology movement in the late 1960s. Between 1968 and 1970, there was an enormous increase in awareness and concern about environmental degradation (Shabecoff 2003), and, for a brief time, a wide bipartisan consensus on the need for federal intervention – with national politicians vying to be seen as demonstrating leadership on the subject (Flippen 2000). At the same time, the silence on DDT in *Nation's Business* ended. Instead, contributors began referring to their own history with DDT in favorable ways. The most illustrious of these voices was the then-Governor of California, Ronald Reagan, who, in a lengthy pro-regulatory commentary titled "The Environment Crisis," published in *Nation's Business* two months before Earth Day, said among other things that California's treatment of DDT proved his progressivism on this topic (1970.02.25). Similarly, Dow Chemical reported that it was engaged in developing safer alternatives to DDT as part of its pro-social business mission (1968.02.56). The publisher of *Sunset* magazine defended his magazine's treatment of social problems with the following explanation: "We probably are more constructive in relating to problems than many magazines that simply dwell on the problems. We were pioneers in conservation. We were using the word 'environmental' 40 years ago. We were the first to ban DDT as an advertising category. That was in 1969." (1973.01.35). DDT, then, became a byword for a mistake that could be used to demonstrate the technological advancement and learning that were the hallmarks of strong business and intelligent government. This strategic distancing, and the narrative of learning, attempted to build something positive on top of the damaging narrative of DDT.

This contrition shift, however, was about as short-lived as Richard Nixon's heartfelt interest in environmental laws (which is to say, it lasted about two years). As was the case on other topics, more anti-ecological perspectives began to emerge around DDT in monthly business briefings beginning in late 1970. As an assistant editor at the magazine wrote: "DDT and other persistent

pesticides are archvillains to ecologists. But they haven't been replaced yet with suitable substitutes . . . Scientists find that DDT can be made to detoxify in a matter of days. . . . Since patents on DDT have expired, federal funding of research this costly is a must" (1970.10.106), and "[the gypsy moth], once kept in check through use of chemicals such as DDT, has been spreading rapidly in nine Northeast states." (1971.10.85). Each of these statements contained an implication that the recent bans on DDT were ill-advised: there were no suitable substitutes, it could be detoxified with further research, and bans were having damaging follow-on effects. Along the same lines, the magazine published a letter to the editor from a bank executive who said: "For example, the social and economic benefits of DDT were substantial, but it is not available today because of some exaggerated concern about its possible future effects." (1976.07.20). Although these were the only instances of this narrative during the study period, even a cursory review of the revisionist literature on DDT makes it clear that this is now the dominant framing of the question of DDT in conservative political circles (Beatty 1973; Whelan 2010; Kelly and Miller 2016; Roberts et al. 2016).

On the regulation of DDT, then – the question of the banning of a chemical pesticide causing ecological harm – it is possible to trace the emergence of an oppositional rhetorical strategy – a shift from defense to offense, from contrition to self-justification, during the early 1970s. DDT, however, was largely an issue of the late 1960s and early 1970s. Following the enactment of the first major federal environmental laws and the creation of the EPA in 1970, business attention shifted.

Personalizing Strategies: Emotional, Unreasonable, Demanding Environmentalists

The late 1960s saw the rise of the environmental movement as a popular social and political force, and with it, the rising use of words to describe people who held such views: first, "ecologist," and later, "environmentalist" (the former being displaced by the latter beginning around 1968). It became possible to articulate impressions of the people who held pro-environmental beliefs, as a group, using these terms. Before 1970, the magazine did not much discuss ecologists or environmentalists (or conservationists). In fact, as suggested by its treatment of DDT, it had remained largely silent on all ecological issues throughout the 1960s. This changed, however, in a shift that also began in late 1970. *Nation's Business* began talking about environmentalists, and *every* reference to them was negative.

The charge of "environmental hysteria" – that environmental concerns are overly emotional and insufficiently rational – traces back at least to sexist criticism of *Silent Spring* (Smith 2001), and has been a hallmark of anti-environmental rhetoric ever since (Killingsworth & Palmer, 1995). This rhetorical association was also present in the very first use of the word "environmentalist" in *Nation's Business*, in January 1971. In a report on the work of the National Industrial Pollution Control Council, one of the council members was quoted: "From the outset there has been a clear realization that we couldn't catch up with some of the near hysteria that had been cooked up by some of the environmentalist groups." (1971.01.18). As will become clear, several representative themes emerged here: environmentalists were discussed only from the perspective of business elite

in major polluting industries, those discussions were uniformly critical, and the criticisms were generally directed only toward some putative subset of environmentalists. While the NIPCC's conflicts of interest and other shortcomings were well understood at the time (Rodgers 1971; Steck 1974) , the point here is that powerful industry leaders were developing a characterization of irrational environmentalists that began permeating business discourse more broadly. The specific word "hysteria," however, did not reoccur in association with environmentalism in *Nation's Business*. Rather, environmentalists began to be consistently associated with destructive emotionality. For example, pesticides were "archvillains to ecologists" (1970.10.106), civil suits were filed by "indignant ecologists" (1971.08.20); "glum" ecologists (1973.08.68D) had their "hackles" up (1972.08.70); coal was "a villain to environmentalists" (1973.12.36); ecologists would become "infuriate[d]" (1974.06.30), and would "fear for the fish, the sea birds and the beaches." (1974.01.44). They were, in other words, simultaneously fearful and angry – a delegitimizing emotional combination (Valor et al. 2020).

In addition to being emotional, environmentalists in *Nation's Business* were unreasonable, a charge that found expression in two separate ideas: first, that the problems they saw were imaginary, and second, more commonly, that they failed to consider the cost of their desires or to regulate their thirst for purity. The petroleum industry was "lambasted [by ecologists] for various problems - real and *imagined*" (emphasis added) (1973.09.53). The fish and bird deaths from the Santa Barbara oil spill were "not in the numbers that ecologists' cries implied" (1974.01.44). The head of American Electric Power explained: "The environmentalists have an advantage because they don't have to be responsible to anybody. They can speak in terms of hyperbole, making the most exaggerated statements without facts. And, what's more, they regularly do so." (1974.09.47). According to the Chairman of Mobil Oil, "some" environmentalists "push causes without knowing facts . . . They never put a cost to what they want. They simply decide what they want and, regardless of cost to everybody else, that's their only goal. . . . You have to have some 'give' on both sides. . . . Some environmentalists simply want to dictate to meet their own desires, and to hell with the cost." (1973.09.53). In a similar vein, environmentalists called for pesticide bans but did not offer substitutes; and called for banning coal but "fail[ed] to nominate a substitute for the needed energy" (1971.07.29), while a utility was the "victim of a pendulum that seems to have swung too far – a pendulum pushed by zealous environmentalists whose purity of purpose can look very different in the bright light of reality." (1973.10.60). In an otherwise favorable discussion of pollution control, a conservative Senator explained that "[t]here are certain environmentalists who can never be satisfied even by going back to the kerosene lamp, which the public is not going to do," and warned of backlash if demands led to "severe dislocations, such as prolonged blackouts or rationing of fuel" (1973.04.29). Lacking oil drilling on the continental shelf: "Do they want to stop heating and air-conditioning their homes and offices, stop driving their cars, and start eating their food raw?" (1974.01.44). The business diagnosis of environmentalism, then, identified a pressure toward overzealousness that would result, if left unchecked, in costs beyond what society at large would be willing to accept.

By 1974 the "environmentalists are unreasonable" rhetoric was also coming from the top of the Republican Party. In an interview, then-Vice President Gerald Ford echoed the Chair of Mobil Oil: "I have said to my environmental and ecological friends that they can't be as inflexible as they might want to be, because if we don't have a healthy economy we are not going to have a country where we can save the ecology or the environment . . . We would be far wiser to be a little less rigid, to permit the economy to continue its steady growth. We can only have a better environment if we have a strong enough economy to support those things that people want done" (1974.03.54). That is, Ford premised tradeoffs between economic growth and environmental protection, and promoted environmental forbearance in the case of conflict. There were expressions of doubt that this was possible, however. As the future national chairman of the U.S. Chamber put it: "Insofar as burning coal is concerned, there's no return to sanity by the environmentalists" (1974.06.30). "Some environmentalists and their allies in Congress don't agree that the [EPA's] standards go too far. In fact, they say, the regulations don't go far enough." (1977.10.38A). By the end of the decade, the first appearance of the word "obstructionist" to describe environmentalists appeared (1978.07.32), and the two words most often used to describe what environmentalists did were to "demand," and to "fight" – unpleasant combative associations associated with power-seeking and manipulation (Anderson et al. 2020).

Government, for its part, was said to have caved to pressure from the "bearded jerks and little old ladies" who did not care for business (1974.07.52). The nation had gone on an "ecology binge" in the early 1970s and had made some poor decisions (1973.10.86). Industrialist Willard Rockwell explained: "when the Clean Water bill was passed by the Senate in 1972, there were no votes against it, I believe. One senator admitted to me that just about none of the Senate had read it before voting on it. The issue was voted in without really being thought out – because the senators felt it was like motherhood and the flag. Everybody had to vote for it. . . . Environmental laws passed without due consideration of what they do costwise have quite a snowball effect." (1975.07.45). Thus, by 1976, business faced a "thickening network of governmental regulations" and were warned that "[f]ormerly passive, unorganized interest groups have become highly organized and strident in their demands for detailed governmental regulation of business." (1976.08.36). In response, business was called on to act: "Specifically, business must do everything within its power to communicate with Congress and to let Congress know where it stands on current issues and the reasons for its views. Labor engages in lobbying. The environmentalists engage in it. The consumerists engage in it. And so do many other organized groups." (1976.10.38). Whatever their other flaws might be, then, the environmentalists' tactics had worked, and the representation of those tactics as combative and obstructionist would justify a more combative reaction.

That response, however, would not be directed toward the environmentalists. Environmentalism was popular. Rather than criticize the critics, business would turn its sights toward the government itself.

Depersonalized Strategies: Overregulation and "Regulatory Reform"

In 1975, *Nation's Business* began shifting its critical focus away from the people who supported environmental laws and regulations, and toward the government regulation of business generally. Although there were still some attempts to personalize attacks against unthinking politicians and government "regulators," the targets were usually now more abstract: the government, overly burdensome regulation, and costly red tape. In mid-1975, this bloomed into a broad anti-regulatory consensus among conservative economists, regulated business owners, pro-business voters, and the Republican Party. This is several years earlier than is typically recognized as the beginning of business's overregulation discourse (e.g., Layzer 2012), and the sources reveal important associations between conservative foundations, conservative academic economists, business interests, and the Republican Party.

Although "regulation" was a constant topic of discussion at *Nation's Business* throughout the study period, the term "overregulation" had only appeared a few times prior to the 1970s, during the New Deal era, and was not used at all in the 1940s, 1950s or 1960s. Then, in 1973, Senator James L. Buckley (Conservative Party-NY, and brother of *National Review* editor William F. Buckley, Jr.) used the word when discussing the then-proposed Consumer Protection Agency: "At some point I think the public is going to begin to understand the cost of this type of consumerism – of overregulation, of the attempt to take so many risks out of life that the consumers ends up being ill-served." (1973.04.29). "Overregulation of the economy" was next identified as a cause of inflation in 1974, with the emphasis on wage and price controls imposed by regulatory agencies such as the Interstate Commerce Commission, Civil Aeronautics Board, Federal Communications Commission, and Federal Power Commission (1974.10.24). But there was not yet a coordinated problematization of government regulation as burdensome or costly to business.

This changed in June 1975, when "overregulation" was the *Nation's Business* cover story for the first time, and the subject of an article-length interview with economist Murray Weidenbaum, presented together with excerpts from a speech on deregulation by the President of the United States, Gerald Ford. Weidenbaum had just founded the Center for the Study of American Business at Washington University in St. Louis with a grant from the conservative John M. Olin Foundation, and had just published a book against price controls with the conservative American Enterprise Institute. That is, he was a government-oriented academic with strong connections to the growing world of conservative thinktanks. He would go on to head Reagan's Council of Economic Advisors and be credited as the primary architect of Reaganomics.

With respect to the environment, Weidenbaum's interview first focused on what he saw as problems of regulatory conflict – he used the examples of solid waste byproducts of coal desulfurization that "creates water pollution problems," and materials requirements in food processing that also created additional noise and therefore problems under OSHA. But he also claimed that "350 foundries in this country have closed in the past three years because they couldn't meet EPA or OSHA

requirements," contributing to unemployment and military production bottlenecks, and argued that although the economic impacts of ICC and FCC regulation were increasingly understood: "No one has ever accused newer agencies like EPA and OSHA of that. All they're concerned about is their programs. Somehow, we've got to get that broader idea of the total national interest across to OSHA, EPA, and the rest of the federal regulators Congress created." (1975.06.26). To do this, he advocated for raising awareness of the costs of regulatory programs, and for injecting cost-benefit analysis into all regulatory decisions. "Take a leaf from the environmentalists. They pushed through a rule that before you do anything, anywhere, you must determine what impact this will have on the environment. I would turn that around. I'd like to see legislation which says that, before EPA or any other regulatory body does anything, it must file a statement describing what this will do to the economy – an economic impact statement." The strategy, therefore, was one of communication and framing: associating environmental protection with economic cost, explicitly, every time it was considered. It was justified as a proportional reaction to the actions of the environmentalists.

Gerald Ford had ascended to the Presidency in August 1974, following Nixon's resignation. In April 1974, as Vice President, he had been the subject of a cover-story interview in *Nation's Business* in which he had discussed his views on the energy crisis and inflation, argued for the lifting of all federal wage and price controls, and called for compromise between environmentalists and business (1974.03.54). In excerpts from a speech he gave to the National Chamber annual convention early in his presidency, he discussed the September 1974 Summit Conference on Inflation, where, "[a]lmost without exception, the conferees recommended reform or elimination of obsolete and unnecessary regulations." With respect to newer environmental, health, and safety regulations, he argued that the "central issue here is the need for a proper assessment, or evaluation, of costs and benefits," and particularly the costs in consumer prices. "We must know [the] costs and measure those costs against the good that the regulations seek to accomplish." (1975.06.34). Ford, then, began working on anti-regulatory issues during his Vice Presidency in the Nixon Administration, and began advocating for the injection of cost-benefit analysis into the regulatory process in order to weaken environmental controls much earlier than is typically appreciated.

Syndicated conservative columnist James J. Kilpatrick, who contributed a monthly piece to *Nation's Business* at this time, picked up on these themes in his column the following month (1975.08.11). Quoting Weidenbaum, the President of General Motors, Edmund Burke, and Alexis de Tocqueville, Kilpatrick wrote that the United States had entered the "Age of the Regulators," where emotional responses to tragedies that "pluck the heartstrings" are converted into regulatory regimes like pesticides control and consumer protection from flammable toys, to such a degree that a "new national nightmare" of stifled individual freedom, increased business costs and prices, and inflated

government payrolls had begun. He heartily welcomed deregulation – not only of the older sectoral regulatory agencies, but especially of the newer environmental health and safety regulations.[6]

From this point forward, "overregulation" and "deregulation" were a constant presence on the pages of *Nation's Business*. In an article exploring issues important to voters, Oregon tire business pioneer Les Schwab was said to be "irked by what he called environmental overregulation," particularly about prohibitions on burning tires for energy (1975.11.22). A Citicorp survey was said to have found 75% agreeing that there was "too much government control of our lives" (1976.01.06). There was another large feature on overregulation the following spring (1976.03.20). Overregulation was named one of the top six "big challenges to business" in August (1976.08.36). The President of Pitney Bowles identified overregulation as one of the top three problems facing business (1977.04.40). The CEO of Continental Airlines said: "I feel we are vastly overregulated. And the cost of overregulation is high." (1976.09.41). Another feature article claimed that "regulation poses [the] biggest challenge to growth" of U.S. business (1976.10.8A). Senate Majority Leader Mike Mansfield (D-MT) agreed that government's size was getting out of hand, and that overregulation was a major problem for business (1976.11.30). Senator Charles H. Percy (R-IL) offered a deregulatory prescription for "our regulatory ills" (1976.12.25). James J. Kilpatrick celebrated the initiation of constitutional litigation over OSHA inspections (1977.03.15). By the time Shearon Harris, the head of Carolina Power & Light, was elected chairman of the U.S. Chamber in May 1978, he was able to summarize the business outlook by reference to only two general problems: "the U.S. can overcome many of its problems by rejecting deficit spending and overregulation." (1978.05.58). By 1981, the subheading of the cover-story interview with Vice President George H.W. Bush, entirely about deregulation, explained: "The Vice President, leading a drive to end overregulation, pledges that the job will be done." (1981.09.28). After exploding onto the scene around 1975, the rhetoric of overregulation grew to an all-encompassing diagnosis for the problems of the nation's business, until it was one of the primary missions of government.

Within this larger anti-regulatory sentiment, specific criticism was most often reserved for OSHA, which was mentioned far more than any environmental law in the 1970s. Of the environmental laws, criticism was most often pointed toward the Clean Air Act. The treatment of the law prior to 1974 reflected a conciliatory strategy, emphasizing the way that businesses had responded to the new requirements (1974.03.60D). But after the rise of the overregulation discourse, the U.S. Chamber, and *Nation's Business*, turned against the law entirely. The first critiques followed the enactment of the Clean Air Act Amendments of 1977, which had created the program for the Prevention of Significant Deterioration, effectively closing "escape valves" in the 1970 law and "tightening the screws" on industries that, it was said, were already struggling to comply (1978.07.29). It became apparent that the cost-benefit analysis framework was gaining traction: the article reported critically

[6] While outside the scope of this review, Kilpatrick was an important architect of the South's "massive resistance" desegregation strategy following *Brown v. Board of Education*, and had spent the 1960s and 1970s reinventing himself as a nationally syndicated columnist and early political pundit. For more information, see (Atwood 2014; Hustwit 2013).

on EPA's claims of savings, and the U.S. Chamber's efforts to discredit EPA's analysis, and highlighted other costs, particularly business relocation costs, that the Chamber argued were associated with air regulation but ignored by EPA. New strategies were also present: first, the fact that the Chamber was taking positions at all, and highlighting them – not something that previously occurred – second, the interest in developing "independent evaluation of the research EPA used" in standard-setting, and conflicts between the EPA and its Scientific Advisory Board. (1979.06.83). After Reagan's election, supported enthusiastically by the business community for his commitment to deregulation, the Chamber was said to be waiting expectantly for the recommendations of the administration's environmental deregulatory taskforce: "Scrapping superfluous red tape is a specialty of new EPA Administrator Anne McGill Gorsuch." (1981.07.36).

Throughout this period, overregulation was very rarely blamed on Congress, which had passed the laws requiring regulation, and had power to change them should they wish. It was never pointed at the voters who demanded environmental protection and whose interests Congress represented. Rather, the blame was cast toward environmental groups – particularly the Sierra Club and Friends of the Earth – who were said to have pressured Congress not to weaken the laws, and toward the agencies that had been handed the responsibility for implementing the laws that Congress had passed. The business anti-regulatory movement had developed in the Nixon and Ford administrations in response to long-standing economic regulation, the consumer protection movement, and new business regulations following the creation of OSHA and EPA, and had continued even under the Carter Administration, particularly but not exclusively as a project of the Republican Party. By 1981, efforts to deregulate the air travel, electric utility, railway, communications, and other business sectors were well underway, and environmental regulation, particularly under the Clean Air Act, had become the target of contestation in strategies emphasizing dispute over benefit and cost calculation, and decisionmaking under scientific uncertainty.

The Reagan Administration did not invent this program: it implemented it. Although in 1970 he had joined other Republicans in encouraging a commitment to environmental regulation (1970.02.25), the 1970s saw Reagan's abandonment of those commitments in preference for ideological conservatism. In his inaugural address in January 1981, Reagan summed up his governing philosophy with the famous phrase: "government is not the solution to our problem; government is the problem." In this, he was echoing what had been said in *Nation's Business* for the last five years. Instead, he issued Executive Order 12,291 (Feb. 17, 1981), requiring a cost-benefit analysis statement to accompany all major federal regulation – as Murray Weidenbaum had suggested to the readers of *Nation's Business* in July 1975. His absolutist pursuit of deregulation would be his lasting legacy to the environment. In this, he reflected the new consensus position of business interests, the conservative movement, and the Republican Party.

Innovation Strategy? The Case of Renewable Energy

Throughout the study period, energy was a major topic of concern for *Nation's Business*. However, it became one of the most important topics during and following the energy crises of 1973, and the energy industry was often the source of the anti-environmentalist and anti-regulatory rhetoric discussed above. This criticism was especially prevalent in the fossil fuel exploration industries, and among electric utilities that relied on coal to serve their customers. The 1970s, however, brought a major change in the energy industry with the tentative rise of renewable energy development. *Nation's Business's* initial response was enthusiastic, and through 1981 it appeared that there was a chance for business community support for wind and solar energy industry development in a manner that would resolve environmental concerns and create new high-technology industries.

Renewable energy was first reported positively in *Nation's Business* in 1955. In a review titled "Solar Energy May Reshape the World," the magazine reported on an "analysis – the first of its kind" that predicted a major role for solar energy in the future energy mix (1955.11.43). The "most promising" commercial sources of energy would be "nuclear, chemical, and solar," together with "winds, tides, and geothermic energy" resources (1959.01.66). Wind power similarly began being mentioned as a potential source of power, although much less frequently (1958.08.60). Revolutions in energy resources due to solar were occasionally predicted in the 1960s (1960.04.100, 1965.01.58).

After the October 1973 oil shock, *Nation's Business* became strongly interested in the expansion of domestic fossil energy production, and in nuclear energy development. But in the immediate wake of the crisis, the President of Gulf Oil also promoted "a federal government-supported research effort . . . in such systems as geothermal energy, solar energy, magnetohydrodynamics, nuclear fusion, fuel cells, use of agricultural and waste products for power, tidal power, wind power, ocean currents and thermal gradient power." (1973.10.77). Other energy majors followed suit, supporting government research and highlighting industry efforts (1975.02.23). In April 1974, an article on "the energy sources of tomorrow" examined solar energy and many other potential alternative energy resources (1974.02.20), and the magazine ran another feature-length positive treatment of solar a few months later (1974.09.38). The magazine promoted the development of the solar industry repeatedly, reported on its noteworthy technological breakthroughs, and kept readers abreast of federal research and demonstration projects (1975.05.76, 1975.05.8B, 1975.06.14B, 1977.04.18, 1977.12.42B, 1979.01.8E). The industry received a third positive writeup in September 1975 (1975.09.78).

There were a few notes of caution, but not many. AEP warned that "the exotic paths of geothermal, tidal or solar energy" were not the way to energy independence. "As intriguing as they may seem they're probably decades away from being our answer. / Coal . . . and electricity generated by coal . . . is the answer." (1975.10.7). James J. Kilpatrick agreed, in a laudatory piece on California's decision to permit nuclear energy development: "Come the millennium, we may have so much solar power, wind power, tidal power, and geothermal power that power from both nuclear and fossil fuels may

be largely replaced, but . . . the millennium, literally and figuratively, is a ways off." (1976.08.13). These types of warnings, however, were few and far between, and *Nation's Business* was content to highlight many more techno-optimistic views, especially where that enthusiasm overlapped with the other high-technology field of the late 1970s: space exploration (1976.09.25, 1978.02.25, 1980.11.46, 1981.03.57).

Immediately before the 1976 election, when asked about their views on energy independence, both President Ford and Governor Carter answered with support for solar power development combined with fossil fuel expansion – Ford with oil drilling in Alaska and Carter emphasizing energy efficiency, "a major shift to coal," or "increased dependence on nuclear power," of which only the latter he wished to avoid (1976.09.30). After Carter's victory, however, solar power and other renewable energy options spent several years being ignored. In October 1977, the writeup on the newly-formed Department of Energy barely mentioned it. (1977.10.44), and other writeups on energy similarly treated it very cursorily (1978.09.78, 1978.12.28). However, solar began to receive neutral and then positive treatment again in 1979 (1979.03.62, 1979.04.26B, 1979.05.21, 1980.03.76A). The difference was that it was now regularly framed as a far-future solution that could not replace immediate investment in large-scale centralized nuclear and fossil resources (1980.01.52, 1981.02.17). "Alternate sources of energy like solar power are still in the Tinkertoy stage." (1978.06.64). As Rep. Mike McCormack (D-WA) – author of solar development legislation – was quoted as saying: "'We've developed a solar energy cult that has distorted what we can expect from this resource. . . . [D]ramatic breakthroughs are wishful thinking." (1980.08.22). Thus, by the beginning of the Reagan Administration, the pages of *Nation's Business* had begun to reflect an ambivalence toward renewable energy development, but not an all-out rejection of support for government research in the field.

Although the Reagan Administration's later actions are beyond the study period, it is notable that *Nation's Business* voiced no support at all, up to the end of 1981, for defunding public investment in renewable energy development, or for the concept that the free market should decide which energy resources should prevail in the United States. Although the magazine had increasingly highlighted doubts about the immediate potential of renewable energy resources, these doubts had always been combined with support for government-funded research and development into new technologies, and enthusiasm for government financial support for emerging renewable energy industries. But this did not translate into federal policy during the Reagan Administration, which instead defunded federal solar energy development and energy efficiency research programs (Narum 1992; Kraft and Axelrod 1984) under a "let the market decide" logic that benefited established energy technologies and practices. Under Reagan, the overriding ideological commitment became to reduce the size of government. In addition to the weakening of environmental protections, this resulted in the undermining of one of the few governmental functions that the business community had typically supported: financial assistance in the development of new technologies.

Conclusion

It is not claimed that texts from *Nation's Business* – a single publication from a single organization highlighting a diverse range of contributors and opinions – can provide a complete representation of the business community's opinions about and responses to environmentalism or environmental regulation. Nor can it be said that the arguments and rhetoric published in *Nation's Business* necessarily reflected the views of the entire U.S. Chamber, or even the magazine's editors. It is claimed, however, that these texts capture many of the broad contours of the business community's development of anti-environmental discourses over the study period. That development occurred in many venues, public and private, and has left traces of itself throughout the historical record, requiring careful review and interpretation. *Nation's Business* is but one archive among many, but the consistency of the patterns observed in its treatment of the topics examined here is suggestive of a wider generalizability.

If the broader business community's discourse on the environment developed as it did in the pages of *Nation's Business*, then it emerged through a progression of strategies, from silence, to distancing, to questioning, to personalized attacks, to institutional attacks. This progression suggests a community taken by surprise and struggling to adapt and respond to a new challenge – first by attempting to be conciliatory, but increasingly discontented and oppositional – first directly, and then, more effectively, indirectly. With the clarity of hindsight, this progression demonstrates the importance of the business community's embracing of deregulation generally, and cost-benefit assessment of environmental, health, and safety regulations specifically, as unifying political strategies that transformed the focus of problematization from individuals or pro-environmental opinions to a more abstract and vilifiable federal government and regulatory state. Even so, there remained support for business innovation and an accompanying approval for the federal support of emerging industry – at least for a time. This suggests that it is the combination of anti-regulatory economic policymaking, and the protection of vested interests, that, combined, became the hallmark of business anti-environmentalism.

This posited narrative progression is, of course, an oversimplification of what was in fact a more complex, layered, and multi-faceted reality encompassing many individual and organizational responses. Comparing the findings of this study to, for example, the periodicals studied in (Boynton 2015a, 2015b) reveals that other pro-business conservative publications developed response strategies to environmentalism that, while broadly similar to those discussed here, had their own unique emphases, approaches, and timings. Ideas appeared elsewhere before and after they appeared in *Nation's Business*, and other ideas gained currency in pro-business conservative circles without ever making an explicit appearance in the magazine, as it and its contributors participated in a larger conversation within and between business communities and organizations, conservative political communities and organizations, and the Republican Party, about the appropriate approach to environmental law and policy. The methods used here may be usefully applied to materials from these other organizations in the future, to develop an even more detailed understanding of how the

current conservative-business anti-environmental consensus developed. Nor does this review exhaust the study of the U.S. Chamber, which did a great deal of organizational and lobbying work on environmental and natural resources topics (Decker 2016, Jacobs 2012) that were never mentioned in *Nation's Business*. Nor has this study uncovered everything to be found in *Nation's Business*. This article has relied on human interpretation of a relatively small selections from the total text of *Nation's Business*, but the use of other environment-relevant terms that appear at higher frequency may require natural language processing or other quantitative approaches to understand.

Nonetheless this study contributes to the growing body of evidence of the complex and evolving relationship between the business community, the Republican Party, conservative institutions and elites, and academia. In particular, the close association between the John M. Olin Foundation, Murray Weidenbaum, Gerald Ford, and the rise and spread of the broad anti-regulatory consensus deserve further study. It is remarkable that "overregulation" was conceived in such a way to align the interests of major national industries (air transportation, communication, energy) opposing traditional regulatory programs such as the Civil Aeronautics Board and Federal Communications Commission, and smaller businesses primarily activated by opposition to OSHA. It seems particularly notable that fossil fuel and coal-powered electric utility interests were strongly represented in the Chamber – and that their views on environmentalists were those most often quoted in *Nation's Business*. The degree to which fossil fuel and other vested interests began to dominate the Chamber's leadership, and its fundraising, as against new and potentially competitive industries, would be an interesting question for future research into the organization. In addition, it would be worthwhile to further examine the Reagan Administration's abandonment of federal support for renewable energy development, and the way that the Chamber's views developed on these questions, to understand how and why the technological optimism of the late 1970s and early 1980s was abandoned in favor of *laissez-faire* policies that favored entrenched business interests.

Ultimately, this research also demonstrates the high value of openly available information. The Chamber is a powerful and influential political force in the United States, but it operates largely in secret. While there has been an increasing focus on financial activities and "dark money" in lobbying and American politics generally (Mayer 2016), and in environmental politics specifically (Brulle 2014), the development of ideological commitments and rhetorical strategies is also important, and worth examining further in part because it suggests avenues of political response in addition to political finance reform. Finally, the research shows the value of in-depth examination of a magazine over time, and consequently the potentials in exploring the increasingly comprehensive digital repositories of previously obscure or inaccessible periodicals and other materials. A close review of *Nation's Business* has revealed new information about how the response to environmentalism developed within the U.S. business community, conservative movement, and Republican Party. It is hoped that future investigations will reveal much more.

References

Anderson C, Sharps DL, Soto CJ, John OP (2020) People with disagreeable personalities (selfish, combative, and manipulative) do not have an advantage in pursuing power at work. Proc Natl Acad Sci 117:22780–22786. https://doi.org/10.1073/pnas.2005088117

Andrews RNL (2020) Managing the environment, managing ourselves: a history of American environmental policy, 3rd edn. Yale University Press

Atwood E (2014) Reaching the pinnacle of the "punditocracy": James J. Kilpatrick's journey from segregationist editor to national opinion shaper. Am Journal 31:358–377. https://doi.org/10.1080/08821127.2014.936730

Beatty RG (1973) The DDT myth: triumph of the amateurs. John Day Co., New York

Boynton A (2015a) Formulating an anti-environmental opposition: neoconservative intellectuals during the environmental decade. The Sixties 8:1–26

Boynton A (2015b) Confronting the environmental crisis: anti-environmentalism and the transformation of conservative thought in the 1970s. Dissertation, University of Kansas

Brulle RJ (2014) Institutionalizing delay: foundation funding and the creation of U.S. climate change counter-movement organizations. Climatic Change 122:681–694. https://doi.org/10.1007/s10584-013-1018-7

Burke K (1945) A grammar of motives. Prentice-Hall, Inc., Upper Saddle River, NJ

Cawley RM (1993) Federal land, western anger: the Sagebrush Rebellion and environmental politics. University Press of Kansas

Chong D, Druckman JN (2007) Framing theory. Annu Rev Polit Sci 10:103–126. https://doi.org/10.1146/annurev.polisci.10.072805.103054

Decker J (2016) The other rights revolution: conservative lawyers and the remaking of American government. Oxford University Press

Drake BA (2013) Loving nature, fearing the state: environmentalism and antigovernment politics before Reagan. University of Washington Press

Drake BA (2010) The skeptical environmentalist: Senator Barry Goldwater and the environmental management state. Environ Hist 15:587–611. https://doi.org/10.1093/envhis/emq086

Dunlap RE (1991) Trends in public opinion toward environmental issues: 1965–1990. Soc Nat Resour 4:285–312. https://doi.org/10.1080/08941929109380761

Dunlap RE, McCright AM (2008) A widening gap: Republican and Democratic views on climate change. Environ Sci Policy Sustain Dev 50:26–35. https://doi.org/10.3200/ENVT.50.5.26-35

Dunlap RE, McCright AM, Yarosh JH (2016) The political divide on climate change: partisan polarization widens in the U.S. Environ Sci Policy Sustain Dev 58:4–23. https://doi.org/10.1080/00139157.2016.1208995

Dunlap RE, Xiao C, McCright AM (2001) Politics and environment in America: partisan and ideological cleavages in public support for environmentalism. Environ Polit 10:23–48. https://doi.org/10.1080/714000580

Dunlap T (2014) DDT: scientists, citizens, and public policy. Princeton University Press

Flippen JB (2000) Nixon and the environment. University of New Mexico Press, Albuquerque

Grandy K (2014) You've come a short way, baby: gender of information sources in American and Canadian business magazines, 1991-92 and 2011-12. Journal Mass Commun Q 91:578–589. https://doi.org/10.1177/1077699014538832

Helvarg D (1994) The war against the Greens: the Wise-Use Movement, the new right and anti-environmental violence. Sierra Club Books, San Francisco

Hempel M (2018) AnthropoTrumpism: Trump and the politics of environmental disruption. J Environ Stud Sci 8:183–188. https://doi.org/10.1007/s13412-018-0491-8

Hempel M (2014) Ecoliteracy: knowledge is not enough. In: State of the World 2014: Governing for Sustainability. Island Press/Center for Resource Economics, Washington, DC, pp 41–52

Hustwit WP (2013) James J. Kilpatrick: salesman for segregation. University of North Carolina Press

Jacques PJ, Dunlap RE, Freeman M (2008) The organisation of denial: conservative think tanks and environmental scepticism. Environ Polit 17:349–385. https://doi.org/10.1080/09644010802055576

Jacobs M (2012) The politics of environmental regulation: business-government relations in the 1970s and beyond. In: Phillips-Fein K & Zelizer JE (eds) What's good for business: business and American politics since World War II. Oxford University Press

Katz A (2015) The influence machine: the U.S. Chamber of Commerce and the corporate capture of American life. Spiegel & Grau, New York

Kelly J, Miller HI (2016) The phony case against glyphosate. In: Natl. Rev. https://www.nationalreview.com/2016/08/epa-herbicide-ban-ddt/. Accessed 7 Nov 2020

Kraft ME, Axelrod RS (1984) Political constraints on development of alternative energy sources: lessons from the Reagan administration. Policy Stud J Urbana Ill 13:319–330

Kraft ME, Kamieniecki S (2007) Business and environmental policy: corporate interests in the American political system. MIT Press

Layzer JA (2012) Open for business: conservatives' opposition to environmental regulation. MIT Press

Lear L (1997) Rachel Carson: witness for nature. Henry Holt and Co., New York

Mayer J (2016) Dark money: the hidden history of the billionaires behind the rise of the radical right. Doubleday, New York

Mayo C, Pasadeos Y (1991) Changes in the international focus of U.S. business magazines, 1964–1988. Journal Q 68:509–514. https://doi.org/10.1177/107769909106800322

McCright AM, Dunlap RE (2011) The politicization of climate change and polarization in the American public's views of global warming, 2001–2010. Sociol Q 52:155–194. https://doi.org/10.1111/j.1533-8525.2011.01198.x

McCright AM, Dunlap RE (2013) Bringing ideology in: the conservative white male effect on worry about environmental problems in the USA. J Risk Res 16:211–226. https://doi.org/10.1080/13669877.2012.726242

Murphy PC (2007) What a book can do: the publication and reception of *Silent Spring*. University of Massachusetts Press

Narum D (1992) A troublesome legacy: the Reagan Administration's conservation and renewable energy policy. Energy Policy 20:40–53. https://doi.org/10.1016/0301-4215(92)90146-S

Oreskes N, Conway EM (2011) Merchants of doubt: how a handful of scientists obscured the truth on issues from tobacco smoke to global warming. Bloomsbury USA, New York

Pezzullo PC, Cox R (2017) Environmental communication and the public sphere. SAGE Publications, Newbury Park, CA

Phillips-Fein K (2010) Invisible hands: the businessmen's crusade against the New Deal. W.W. Norton, New York

Powell LF (1971) Confidential memorandum: attack on American free enterprise system

Provost C, Gerber BJ, Pickup M (2009) Flying under the radar? political control and bureaucratic resistance in the Bush Environmental Protection Agency. In: Provost C, Teske P (eds) President George W. Bush's influence over bureaucracy and policy: extraordinary times, extraordinary powers. Palgrave Macmillan, New York

Rademaekers JK, Johnson-Sheehan R (2014) Framing and re-framing in environmental science: explaining climate change to the public. J Tech Writ Commun 44:3–21. https://doi.org/10.2190/TW.44.1.b

Roberts D, Tren R, Bate R, Zambone J (2016) The excellent powder: DDT's political and scientific history. Dog Ear Publishing, Indianapolis

Rodgers WHJ (1971) The National Industrial Pollution Control Council: advise or collude. Boston Coll Ind Commer Law Rev 13:719

Rowley KM, Kurpius DD (2003) Separate and still unequal: a comparative study of blacks in business magazines. Howard J Commun 14:245–255. https://doi.org/10.1080/716100429

Shabecoff P (2003) A fierce green fire: the American environmental movement. Island Press, Washington, D.C.

Smith MB (2001) "Silence, Miss Carson!" Science, Gender, and the Reception of "Silent Spring." Fem Stud 27:733–752. https://doi.org/10.2307/3178817

Smith TG (2006) Green Republican: John Saylor and the preservation of America's wilderness. University of Pittsburgh Press

Stahl J (2016) Right moves: the conservative think tank in American political culture since 1945. UNC Press

Steck HJ (1974) Private influence on environmental policy: the case of the National Industrial Pollution Control Council. Environ Law 5:241–282

Stillar GF (1998) Analyzing everyday texts: discourse, rhetoric, and social perspectives. SAGE Publications, Newbury Park, CA

Supran G, Oreskes N (2017) Assessing ExxonMobil's climate change communications (1977–2014). Environ Res Lett 12:084019. https://doi.org/10.1088/1748-9326/aa815f

Switzer JV (1997) Green backlash: the history and politics of the environmental opposition in the U.S. Lynne Rienner Publishers, Boulder, CO

Teles SM (2008) The rise of the conservative legal movement: the battle for control of the law. Princeton University Press

Turner JM, Isenberg AC (2018) The Republican reversal: conservatives and the environment from Nixon to Trump. Harvard University Press

Valor C, Lloveras J, Papaoikonomou E (2020) The role of emotion discourse and pathic stigma in the delegitimization of consumer practices. J Consum Res. https://doi.org/10.1093/jcr/ucaa028

Vig NJ, Kraft ME (1984) Environmental policy in the 1980s: Reagan's new agenda. CQ Press, Washington, D.C

Waterhouse BC (2013) Lobbying America: the politics of business from Nixon to NAFTA. Princeton University Press

Whelan EN (2010) The deadly war against DDT. In: Natl. Rev. https://www.nationalreview.com/2010/09/deadly-war-against-ddt-elizabeth-m-whelan/. Accessed 7 Nov 2020

Nation's Business Articles Cited (chronological)

1945.08.17 Management's Washington Newsletter (1945). Nation's Bus 33.8:17
1945.12.17 Management's Washington Newsletter (1945). Nation's Bus 33.12:17
1945.12.113 DDT for Cheaper Meat (1945). Nation's Bus 33.12:113
1946.01.52 Velie L (1946) Seven Opportunities to Make Money. Nation's Bus 34.1:52
1946.07.55 Vine V (1946) Science Comes to the Farm, Nation's Bus 34.7:55
1946.11.37 Ruml B (1946) Need We Tax Away Prosperity? Nation's Bus 34.11:37
1948.09.35 Henry TR (1948) Disease Beats a Slow Retreat, Nation's Bus 36.9:35
1949.04.34 Manchester H (1949) The Farmer Planned His Luck. Nation's Bus 37.4:34
1950.03.40 Manchester H (1950) Mother Nature's Balancing Act. Nation's Bus 38.3:40
1951.07.55 Kennerly AB (1951) Killing Bugs Is a Business. Nation's Bus 39.7:55
1954.05.34 Noble JW (1954) Salt Use Doubles to Fill 1400 Needs. Nation's Bus 42.5:34
1955.11.43 Solar Energy May Reshape the World (1955). Nation's Bus 43.11:43
1958.08.60 Newcomb R (1958), Stage Set for Faster Progress. Nation's Bus 46.8:60
1959.01.66 Watch for These Space Age Changes (1959), Nation's Bus 47.1:66
1960.02.14 Who Owns Inventions? (1960) Nation's Bus 48.2:14
1960.04.14 President's Message May Spur Farm Action (1960), Nation's Bus 48.4:14
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1963.03.38 What Chinese Threat Means To You (1963) Nation's Bus 51.3:38
1964.07.42 A Look Ahead (1964), Nation's Bus 52.7:42
1964.07.47 Advertisement: Hughes Tool Company (1964) Nation's Bus 52.7:47
1964.07.50 Cerami CA (1964) Make the Most of New Ideas. Nation's Bus 52.7:50
1965.01.58 The World Science Will Create (1965), Nation's Bus 53.1:58
1968.02.56 How Dow Saves Lives (1968). Nation's Bus 56.2:56
1970.02.25 Reagan R (1970) Our Environment Crisis. Nation's Bus 58.2:25
1970.10.106 Heiman G (1970) Business: A Look Ahead. Nation's Bus 58.10:106
1971.01.18 Practical Answers to Pollution (1970) Nation's Bus 59.1:18

1971.07.29 Oil: No Need to Scrape the Bottom of the Barrel (1971) Nation's Bus 59.7:29
1971.08.20 Torrent of Trouble (1971) Nation's Bus 59.8:20
1971.10.85 Heiman G (1971) Business: A Look Ahead. Nation's Bus 59.10:85
1972.08.70 Heiman G (1972) Business: A Look Ahead. Nation's Bus 60.8:70
1973.01.35 Lessons of Leadership Part XCII: Laurence William Lane Jr. of Sunset – Rising in the West (1973) Nation's Bus 61.1:34
1973.04.29 Gray RT (1973) A Conservative Looks at Congress. Nation's Bus 61.4:29
1973.08.68D The World of Industry (1973) Nation's Bus 61.8:68D
1973.09.53 Lessons of Leadership Part C: Rawleigh Warner Jr. of Mobil Oil – The Best Job in the World (1973) Nation's Bus 61.9:53
1973.10.60 While the Fish Play, the Company Pays (1973) Nation's Bus 61.10:60
1973.10.77 The Man in the Middle of the Energy Crunch (1973) Nation' Business 61.10:77
1973.10.86 Doherty L (1973) Letter to the Editor. Nation's Bus 61.10:86
1973.12.36 Coal Is Coming in from the Cold (1973) Nation's Bus 61.12:36
1974.01.44 America's Great Untapped Oil Fields (1974) Nation's Bus 61.1:44
1974.02.20 Energy Sources of Tomorrow (1974) Nation's Bus 61.2:20
1974.03.54 Louviere V (1974) The Vice President Views Business Issues. Nation's Bus 61.3:54
1974.03.56 Kilpatrick JJ (1975) The New National Nightmare. Nation's Bus 61.3:56
1974.03.60D Birmingham Banners Wave in Cleaner Air (1974) Nation's Bus 61.3:60D
1974.06.30 Will the Power Go Off This Winter? (1974) Nation's Bus 61.6:30
1974.07.53 Lessons of Leadership Part CX: John D. MacArthur of Bankers Life and Casualty – Building His Own Empire (1974) Nation's Bus 61.7:53
1974.09.38 The Dawn of an Industry (1974) Nation's Bus 61.9:38
1974.09.47 Lessons of Leadership Part CXII: Donald C. Cook of American Electric Power – Calling the Right Shots in the Energy Crunch (1974) Nation's Bus 61.9:47
1974.10.24 Grayson CJ (1974) Beating Inflation Without Controls. Nation's Bus 61.10:24
1975.02.23 Advertisement: Mobil Oil Corp. (1975) Nation's Bus 62.2:23
1975.05.76 Byrom FL (1975) Is Our Government Obsolescent? Nation' Business 62.5:76
1975.05.8B The World of Industry (1975) Nation's Bus 62.5:8B
1975.06.14B The World of Industry (1975) Nation's Bus 62.6:14B
1975.06.26 Where Overregulation Can Lead: An Interview with Dr. Murray L. Weidenbaum (1975) Nation's Bus 62.6:26
1975.06.34 Ford GR (1975) The Need to Reform Obsolete and Unnecessary Regulations. Nation's Bus 62.6:34
1975.07.45 Lessons of Leadership Part CXXII: How Willard Rockwell Piles Success on Top of Success (1975) Nation's Bus 62.7:45
1975.08.11 Kilpatrick JJ (1975) The New National Nightmare. Nation's Bus 62.8:11
1975.09.78 Getting Energy from the Sun (1975) Nation's Bus 62.9.78
1975.10.7 Advertisement: American Electric Power Co. (1975) Nation's Bus 62.10:7
1975.11.22 Issues That Will Decide the '76 Elections (1975) Nation's Bus 62.11:22
1976.01.06 Costello J (1976) Executive Trends: How Companies Emphasize Communication. Nation's Bus 63.1:6
1976.03.20 Kendal DM (1976) How to Halt Excessive Government Regulation. Nation's Bus 63.3:20
1976.07.20 Snyder CA (1976) Letter to the Editor. Nation's Bus 63.7:20
1976.08.13 Kilpatrick JJ (1976) A Victory for Common Sense on Energy. Nation's Bus 63.8:13

1976.08.36 Jacoby NH (1976) Six Big Challenges Business Will Face in the Next Decade. Nation's Bus 63.8:36
1976.09.25 A Space Scientist's Solutions: An Interview with Dr. Wernher von Braun (1976) Nation's Bus 63.9:25
1976.09.30 The Next President's Views on Business Issues (1976) Nation's Bus 63.9:30
1976.09.41 Lessons of Leadership: Route to Profits in a Tough Business (1976) Nation's Bus 63.9:41
1976.10.8A Costello J (1976) What's Ahead for Industrial Development: Regulation Poses the Biggest Challenge to Growth. Nation's Bus 63.10:8A
1976.10.37 Morgens HJ (1976) A Third Century Look at the Balance Between Government and Business. Nation's Bus 63.10:37
1976.11.30 Mike Mansfield Speaks Out: A Washington Insider's View of the Future (1976) Nation's Bus 63.11:30
1976.12.25 Percy CH (1976) A Prescription for Curing Our Regulatory Ills. Nation's Bus 63.12:25
1977.03.15 Kilpatrick JJ (1977) New Hope for Employers Harassed by OSHA. Nation's Bus 64.3:15
1977.04.18 Energy: America at the Crossroads (1977) Nation's Bus 64.4:18
1977.04.40 Lessons of Leadership: Winning and Holding Employee Loyalty (1977) Nation's Bus 64.4:40
1977.10.38A Costello J (1977) A Growing Threat to Economic Growth. Nation's Bus 64.10:38A
1977.10.44 New Energy Department: Where It Goes From Here (1977) Nation's Bus 64.10:44
1977.12.42B The World of Industry (1977) Nation's Bus 64.12:42B
1978.02.25 Louviere V (1978) Space: Industry's New Frontier. Nation's Bus 65.2:25
1978.05.58 Lessons of Leadership: Speaking Out for Fundamental National Principles (1978) Nation's Bus 65.5:58
1978.06.64 Schwab P (1978) People in Business: Ex-Professor Teaches How to Burn Coal. Nation's Bus 65.6:64
1978.07.29 Fowler H (1978) How the Clean Air Law Can Choke Industry. Nation's Bus 64.7:29
1978.07.32 Endangered Species: What's Being Done in the Name of the Orange-Footed Pimpleback (1978). Nation's Bus 64.7:32
1978.09.78 Heiman G (1978) Energy: Searching for Substitutes. Nation's Bus 64.9:78
1978.12.28 Louviere V (1978) Energy: Here Today, Gone Tomorrow? Nation's Bus 64.12:28
1979.01.8E Industry Update: SBA Starts Special Loan Program for Energy Firms (1979) Nation's Bus 65.1:8E
1979.03.62 Nobody Loves Mr. Carter's Budget (1979) Nation's Bus 65.3:62
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1979.05.21 Nation' Business Outlook (1979) Nation's Bus 65.5:21
1979.06.83 Eddinger JM (1979) Business Needs a Breather from the Clean Air Act. Nation's Bus 65.6:83
1980.01.52 Nuclear Energy: Survival at Stake (1980) Nation's Bus 66.1:52
1980.03.76A Thoryn M (1980) The Turnover Two-Step. Nation's Bus 66.3:76A
1980.08.22 Energy: Elusive Solutions (1980) Nation's Bus 66.7:22
1980.11.46 Velocci T (1980) How Bright Is Sunpower's Future? Nation's Bus 66.11:46
1981.02.17 Kilpatrick JJ (1981) The Coming Catastrophe. Nation's Bus 67.2:17
1981.03.57 Butz S (1981) Hail Columbia! Nation's Bus 67.3:57

1981.07.36 Marth M and Joseph EZ (1981) Cleaning Up the Clean Air Act. Nation's Bus 67.7:36
1981.09.28 Louviere V (1981) Bush's Big Task. Nation's Bus 67.9:28

Chapter 3: A Study of Politics – The Clean Air Act of 1963

As examined in Chapter 1, the literature of environmental politics, policy, and law have traditionally failed to incorporate the perspectives or influences of conservatism. As a consequence, the origins of conservative opposition to environmental legislation and regulation are very poorly understood. Although there is some suggestive evidence that conservative politicians and legislators were more likely than others to oppose environmental initiatives even in the 1940s, 1950s, and early 1960s, there has been almost no deeper investigation of this phenomenon. In the field of environmental law, this neglect has combined with a general inattention to the postwar period, in favor of study almost completely devoted to tracking the evolving complex of legislation, regulation, and litigation arising after 1970. But the postwar years, as has been shown, involved a great deal of proto-environmental legislation, and a conservative-liberal divide as distinct and active as it is today.

One of the central tenets of American conservatism has been its opposition to the expansion of the powers of the U.S. federal government. Conservatives have had different reasons for this opposition, and advocated for it inconsistently, but it is rare that the pressure to constrain federal power has not been brought to bear by conservative voices throughout the nation's history. Environmental law, meanwhile, has entailed a consistent expansion of the powers of the federal government into health, welfare, and quality domains that were traditionally reserved to the state governments. Furthermore, this expansion occurred during the tenure of the Congressional "conservative coalition," during the height of Southern massive resistance to federal desegregation initiatives. How did it come to pass, then, that laws expanding federal power over environmental quality ever made it out of Congress? Understanding how this happened could provide a great deal of insight into the contours of the early conservative relationship to environmentalism.

Consequently, this Chapter contributes a detailed study of the genesis and development of the 1963 Clean Air Act. The Chapter's central argument is that conservatism is the most productive lens through which to best understand the law's development. Specifically, the law was developed and passed in the face of constant conservative concern over the scope of federal activity in the field of air pollution, and there is no way to understand it without factoring in the conservative perspectives on federalism that it was responding to. In carrying out its task, however, the study attempts to avoid another mistake of prior investigations of conservatism and environmentalism: studying *only* conservatism, as if doing so provided absolute explanatory power. Rather, it seeks to locate the law within the larger context of the pollution politics of the late 1940s, the 1950s and the early 1960s, with special attention paid to the role of conservatives in the process. Given that the law has been neglected even by the environmental "heroic narrative," this also required a great deal of investigation into the law's proponents and authors, many of whom have not been previously recognized. Thus, this Chapter brings to bear a variety of research methods: interdisciplinary environmental analysis, environmental political historical research, legal and legislative research, textual comparison, and statistical analysis of voting patterns. This multi-method, cross-disciplinary approach produces a greater body of relevant evidence with which to draw inferences and build

conclusions. By examining not only conservatism, but other relevant ideologies and interests, the Chapter is able to better characterize conservatism when it does appear. By examining the larger trends in economy and environmental harm, it avoids overattributing cause to political ideology. By being painstaking in its review of legislative proposals, it identifies new avenues for exploring conservative ideology. By being painstaking in its attribution of authorship to the language of the scores of bills that preceded the final law, it reveals the political influences actually at play and makes possible an investigation of the conservative outlook on those influences (in this case, urban affairs). And by investigating the contribution of conservatism to the final House vote, it demonstrates that there was an identifiable conservative opposition to the 1963 Act, and highlights the degree to which it was necessary to gather Southern Democratic support for the bill in order to get it through Congress, and how that was done.

With the regulatory programs of the 1970 Clean Air Act amendments defining the future of environmental legislation, it has been tempting to ignore the 1963 Act as an ineffective and uninteresting failed predecessor to something more important. This Chapter argues that this is misguided for two reasons: first, because all of the arguments over federal authority that occurred in the development of the 1963 Act remain relevant today, perhaps increasingly so as conservative conceptions of the role of the federal government continue to gain power; and second, because the purpose of the 1963 Act was less to create a successful regulatory regime than it was to have the federal government "do something" about air pollution, and that redefinition of the role of the federal government was a defining feature of the Kennedy administration's domestic policy program. That is, understanding where the 1963 Act came from helps fill in gaps in the narrative of environmental politics, and conservative reactions to environmental politics, that cannot be found in the later debates of the 1970s and beyond.

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[*] Adam D. Orford, *The Clean Air Act of 1963: Postwar Environmental Politics and the Debate Over Federal Power*, 27 Hastings Envtl. L. J. 1 (2021). Available online at https://repository.uchastings.edu/hastings_environmental_law_journal/.

The Clean Air Act of 1963:
Postwar Environmental Politics and the Debate Over Federal Power

Introduction

On December 11, 1963, the 88th Congress enacted a law "to improve, strengthen, and accelerate programs for the prevention and abatement of air pollution."[1] Press reports focused on the new law's allocation of $95 million ($800 million today[2]) for federal grants-in-aid to state pollution control programs, and it was typically framed as an incremental extension of the 1955 Air Pollution Control Act, which had piloted federal-state cooperative air pollution research at a smaller scale. Less remarked upon at the time, however, the new law also permitted the U.S. federal government to fight air pollution in American cities for the first time. This new authority – wrapped though it had been inside layer upon layer of procedural safeguards to ensure it would be difficult to use – was recognized both by its authors and by its opponents as a significant expansion of federal power. Only a single newspaper bothered to mention the law's official name: the Clean Air Act of 1963 (the "1963 Act").[3]

The 1963 Act remains obscure and understudied today,[4] existing as it does under the shadow of the comprehensive 1970 amendments that form the foundation of U.S. national air pollution law to this day.[5] The 1963 Act is recognized as a contributor to the development of state regulatory programs, but otherwise as an ineffective precursor to more modern, successful legislation – that is, in comparison to the 1970 Act and its long decades of subsequent amendments and execution. However while these comparisons are not unwarranted, this Article argues that they are insufficient, and that the 1963 Act stands on its own as a landmark environmental law, because it overcame the resistance to treating air pollution as a federal problem. It was a "foot in the door" toward a robust national air pollution enforcement program, a signature environmental legislative achievement of the Kennedy

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[1] Clean Air Act of 1963, Pub. L. 88-206, 77 Stat. 392 (1963) (the "1963 Act") (codified as amended at 42 U.S.C. § 7401 (2020)).
[2] All dollar equivalencies calculated using the U.S Inflation Calculator, https://perma.cc/LM6U-RDDK.
[3] The short title is found at 1963 Act § 14, 77 Stat. 392, 401. For a typical report on the bill's passage, *see Johnson Signs Fund Bill to Help States Fight Air Pollution*, APPLETON POST-CRESCENT, Dec. 17, 1963, at 1. Reporters in jurisdictions most active in air pollution control did note the enforcement elements. *See, e.g.,* John H. Averill, *House Approves Bill Giving U.S. Broad Smog Authority*, THE LOS ANGELES TIMES, Dec. 11, 1963, at 3; *Pollution Control Gets Teeth*, THE PHILADELPHIA INQUIRER, Dec. 13, 1963, at 34. The one paper to mention the short title (based on searches of newspapers.com and ProQuest) was the Los Angeles Times. Robert C. Toth, *U.S. Moves to Combat Increasing Air Pollution: Federal Government Given New Powers as Contamination Bill Hits $11 Billion Year*, THE LOS ANGELES TIMES, Dec. 22, 1963, at B2.
[4] There is very little literature on the 1963 Clean Air Act. The best is Randall P. Ripley, *Congress and Clean Air: The Issue of Enforcement, 1963*, *in* CONGRESS AND URBAN PROBLEMS (1969). However, as discussed *infra* note 105, Ripley is a challenging source because it contains no citations. Unfortunately, nothing more recent has improved on it. *Compare* Arthur C. Stern, *History of Air Pollution Legislation in the United States*, 32 J. AIR POLLUT. CONTROL ASSOC. 44–61 (1982). CHRISTOPHER J. BAILEY, CONGRESS AND AIR POLLUTION: ENVIRONMENTAL POLICIES IN THE USA 103–08 (1998). Arnold W. Reitze, Jr., *The Legislative History of U.S. Air Pollution Control*, 36 HOUS. L. REV. 679–741, 689–90 (1999). Christopher D. Ahlers, *Origins of the Clean Air Act: A New Interpretation*, 45 ENVTL. L. 75–127, 84–94 (2015). WILLIAM H. RODGERS, JR., 1 ENVIRONMENTAL LAW 169–184 (1986).
[5] 42 U.S.C. §§ 7401–7671.

Administration, and a surprising outcome in a legislative context that was hostile to the expansion of federal power.

To put the 1963 Act into its proper context, this Article proceeds in two Parts:

- Part I provides background. Section I.A explores the physical and social trends and circumstances that defined air pollution as a policy problem circa 1960. Section I.B examines the relevant interests involved in air pollution – players in a world pre-dating the words "environmentalist" and "environmentalism" in their modern senses. By the end of Part I, the reader should have a clearer feeling for the world of air pollution politics circa 1960, when it was first suggested that a federal agency should have the authority to clean it up.

- Part II describes the development of federal air pollution law, from its genesis through what would become the Clean Air Act of 1963, tracking in detail the bills, advocacy, hearings, and legislative actions that produced the text of the final law. The Part begins by examining the development of federal air pollution control legislation between 1948 and 1958. It then examines the development, from year to year, of the legislative proposals that would eventually form the Clean Air Act of 1963. Throughout the discussion, the Article focuses on the debate over the appropriate role of the federal government in air pollution control, and particularly on whether it should have any independent power to fight air pollution on its own authority, without permission from or interference by state or local governments.

A key theme throughout is the ongoing role of conservative politics in the development of air pollution control law during this period. Federal entry into the air pollution problem space was a departure from the past, and conservative opposition consistently defined the scope of the law. This Article arose out of a larger project to examine the development of anti-environmental-regulatory politics in U.S. conservative circles between 1945 and 1981.[6] I found that, prior to developing that thesis, I needed to build out the history of environmental regulatory programs during the same period, because existing materials simply did not shed enough light on the physical, social, or political contexts within which early oppositions developed.[7] To bring the period to life, I chose to focus on the Clean Air Act of 1963 – itself rarely examined – and this Article is the result.

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[6] Prior quality studies of conservative opposition to environmental law and regulation include JAMES MORTON TURNER & ANDREW C. ISENBERG, THE REPUBLICAN REVERSAL: CONSERVATIVES AND THE ENVIRONMENT FROM NIXON TO TRUMP (2018); JACQUELINE VAUGHN SWITZER, GREEN BACKLASH: THE HISTORY AND POLITICS OF THE ENVIRONMENTAL OPPOSITION IN THE U.S. (1997); Alex Boynton, *Formulating an Anti-Environmental Opposition: Neoconservative Intellectuals during the Environmental Decade*, 8 THE SIXTIES 1–26 (2015).

[7] Quality overviews of the environmental policy, politics, and regulation in the United States often do not focus much on the postwar years. *E.g.*, RICHARD N. L. ANDREWS, MANAGING THE ENVIRONMENT, MANAGING OURSELVES: A HISTORY OF AMERICAN ENVIRONMENTAL POLICY (3d ed. 2020).; SAMUEL P. HAYS & BARBARA D. HAYS, BEAUTY, HEALTH, AND PERMANENCE ENVIRONMENTAL POLITICS IN THE UNITED STATES, 1955-1985 (1987). There has been more recent interest in the period, however. *E.g.*, CHAD MONTRIE, THE MYTH OF SILENT SPRING: RETHINKING THE

This Article also reflects my interest in expanding the analytical tools used to study environmental legislation. In particular, the last twenty years have seen enormous advances in our understanding of postwar U.S. society and politics. Scholars have increasingly recognized the sustained importance of conservative countercurrents in U.S. politics and culture. There is an ongoing project to update political histories to account for these new perspectives, and environmental legal scholarship should benefit from these advances. This is especially important in today's world of sustained political assault on environmental regulation.[8]

Finally, this Article seeks to complicate and deepen the stories told about the U.S. environmental movement and environmental law – to move away from heroic narratives and toward a more contingent, messy, and realistic understanding of legislative development. We may imagine that Rachel Carson's *Silent Spring* triggered the movement, or that Congress passed the Clean Water Act in response to the Cuyahoga river fire, but these are, perhaps obviously, massive oversimplifications. In the same fashion, we may imagine that Richard Nixon was the primary political proponent of federal environmental law between 1968 and 1972 because he was the president then and worked hard to claim the credit; or even that Senator Edmund Muskie was because he chaired a key Senate committee and did a great deal to build support for federal environmental legislation (and worked hard to claim the credit too), but many, many other people shared the legislative laboring oar. This is especially clear in the postwar period in the air pollution context.[9]

I. Air Pollution in the United States in 1960

Today, the most common window into the air pollution landscape circa 1960 is provided by digital articles recalling the work of the EPA's 1971 Documerica project. Typically, these writeups will

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ORIGINS OF AMERICAN ENVIRONMENTALISM (2018); THOMAS G. SMITH, STEWART L. UDALL: STEWARD OF THE LAND (2017); J. R. MCNEILL ED. & CORINNA R. UNGER ED., ENVIRONMENTAL HISTORIES OF THE COLD WAR (2010); ADAM ROME, THE BULLDOZER IN THE COUNTRYSIDE: SUBURBAN SPRAWL AND THE RISE OF AMERICAN ENVIRONMENTALISM (2001).

[8] On the project to incorporate conservatism into U.S. political history generally, and environmental history specifically, *see* Kim Phillips-Fein, *Conservatism: A State of the Field*, 98 J. AM. HIST. 723–743 (2011). Among the many excellent recent political histories of U.S. conservatism *see* JEFFERSON DECKER, THE OTHER RIGHTS REVOLUTION (2016); DARREN DOCHUK, FROM BIBLE BELT TO SUNBELT: PLAIN-FOLK RELIGION, GRASSROOTS POLITICS, AND THE RISE OF EVANGELICAL CONSERVATISM (2011); KIM PHILLIPS-FEIN, INVISIBLE HANDS: THE BUSINESSMEN'S CRUSADE AGAINST THE NEW DEAL (2010); THOMAS W. EVANS, THE EDUCATION OF RONALD REAGAN: THE GENERAL ELECTRIC YEARS AND THE UNTOLD STORY OF HIS CONVERSION TO CONSERVATISM (2006); LISA MCGIRR, SUBURBAN WARRIORS: THE ORIGINS OF THE NEW AMERICAN RIGHT (2001).

[9] On Nixon, *see* J. BROOKS FLIPPEN, NIXON AND THE ENVIRONMENT (2000). On Muskie, *see* Joel K. Goldstein, *Edmund S. Muskie: The Environmental Leader and Champion*, 67 ME. L. REV. 226–233 (2014); Robert F. Blomquist, *In Search of Themis: Toward the Meaning of the Ideal Legislator - Senator Edmund S. Muskie and the Early Development of Modern American Environmental Law, 1965-1968*, 28 WM. & MARY ENVTL. L. & POL'Y REV. 539–658 (2003); Robert F. Blomquist, *Senator Edmund S. Muskie and the Dawn of Modern American Environmental Law: First Term, 1959-1964*, 26 WM. & MARY ENVTL. L. & POL'Y REV. 509–612 (2001); Robert F. Blomquist, *To Stir up Public Interest: Edmund S. Muskie and the U.S. Senate Special Subcommittee's Water Pollution Investigations and Legislative Activities, 1963-66 - A Case Study in Early Congressional Environmental Policy Development*, 22 COLUM. J. ENVTL. L. 1–64 (1997). For studies encompassing key Congressional players *see*, *e.g.*, PAUL CHARLES MILAZZO, UNLIKELY ENVIRONMENTALISTS: CONGRESS AND CLEAN WATER, 1945-1972 (2006); BAILEY, *supra* note 4.

contain images of smoggy city centers, most often Los Angeles, and will remark upon the value of the EPA and pollution control laws given the drastically improved environmental quality we enjoy today. The Documerica project was one of several important early environmental policy communications initiatives, and the current writeups are valuable examples in a similar genre.[10]

However, the Documerica images are not adequate to set the stage for the 1963 Act. The photos were taken almost a decade later, at the request of a government agency that did not yet exist, as part of a larger social movement that also did not yet exist. In addition, such images are static, and do not capture the extent to which things were changing, or not changing, at the time they were taken. To provide this larger context, Section A introduces the rapidly changing postwar world of 1950-1960, and identifies several key trends that, together, generated a rising demand for a strengthened governmental response to the air pollution problem.

A. The Pace of Change

The 1950s were a period of extraordinary industrialization, urbanization, and growth accentuated by the general baseline of almost constant U.S. expansion.[11] In absolute population terms, by 1960 the postwar baby boom had pushed the U.S. population from 151 million to 179 million, meaning an unprecedented 28 million additional people (+18%) in ten years.[12] This growth was essentially uniform across racial and socioeconomic classes, but geographically it was concentrated almost entirely in newly developed suburban areas. That is, patterns of population movement – including the ongoing movement of African Americans to northern cities, and of white urban populations to the suburban periphery, subject to both *de jure* and *de facto* racial and socioeconomic segregation – meant that the nation's urban-suburban geography, where 70 percent of the people now lived, was increasingly separated into primarily white middle-class suburban peripheries and increasingly Black and relatively poor urban city centers, but with much of the suburban population still commuting to the city

[10] *E.g.*, Alan Taylor, *DOCUMERICA: Images of America in Crisis in the 1970s*, THE ATLANTIC (Nov. 16, 2021), https://perma.cc/4AQK-N3YN; Jialu Chen, *Photos of Smoggy 1970s America*, MOTHER JONES (DEC. 14, 2011), https://perma.cc/52E3-5NEQ. Today's online interest in Documerica was the result of a successful joint archive digitization project and promotional effort by the National Archives and EPA, which put 15,000 vintage photographs online, and created public interest using a student contest that was overshadowed by press writeups. *See NARA and EPA Launch Documerica-inspired Student Multimedia Contest*, RURAL COMMUNITY ASSISTANCE PARTNERSHIP (Nov. 11, 2011), https://perma.cc/5ADB-G8G8. For early public communications efforts, *see* Public Health Service ("PHS"), *Free Films on Air Pollution*, PHS Pub. No. 1264 (1969); PHS, *No Laughing Matter: The Cartoonist Focuses on Air Pollution*, PHS Pub. No. 1561 (1966); TROUBLED WATERS (PHS & U.S. Senate Public Works Committee 1964).

[11] This Article approaches the twentieth-century United States as a product of the technological innovations of the late nineteenth century. *See* VACLAV SMIL, CREATING THE TWENTIETH CENTURY: TECHNICAL INNOVATIONS OF 1867-1914 AND THEIR LASTING IMPACT (2005); Joel Mokyr, *The Second Industrial Revolution, 1870-1914*, *in* STORIA DELL'ECONOMIA MONDIALE 219 (Valerio Castronovo ed., 1999). With respect to postwar growth, there are many economic histories of the United States, all of which recognize the importance of the Great Depression, the New Deal, and World War II as contributing factors. *See*, *e.g.*, Price V. Fishback, *The New Deal in American Economic History*, *in* 2 OXFORD HANDBOOK OF AMERICAN ECONOMIC HISTORY (Louis P. Cain et al. eds., 2018); Taylor Jaworski & Price V. Fishback, *Two World Wars in American Economic History*, *in* 2 OXFORD HANDBOOK OF AMERICAN ECONOMIC HISTORY (Louis P. Cain et al. (eds.), 2018).

[12] U.S. CENSUS BUREAU, STATISTICAL ABSTRACT OF THE UNITED STATES: 1961, 5 (82d ed. 1961).

centers.[13] At the same time, median real annual family income had increased from $3,300 ($35,000 today) in 1950[14] to $5,600 ($48,500 today) in 1960 (+39%),[15] and unemployment had held steady around 5.5 percent for the entire decade.[16] Similarly, business was booming, with overall gross national product increasing by 93 percent over ten years.[17] Thus, even accounting for a recession in the late 1950s, and the widespread inequalities hidden beneath these averages, the decade was, by many measures, a prosperous and affluent one in the United States.

This remarkable growth, however, was itself outpaced by concurrent intensifications in consumption and production that combined to magnify the population's environmental impact. With respect to consumption, this was largely intentional—the nation's entire postwar economic policy (and much of its social policy) was built around increased individual consumption.[18] As one highly relevant example, between 1950 and 1960 the number of automobiles registered in the United States increased from 40 to 60 million (+50%), meaning not only that there were more people with cars, but also that there were more cars per person, a pattern that repeated itself across the entire economy.[19] These goods had to be produced, packaged, transported, retailed, and consumed, and all of that activity required natural resource inputs and created waste.[20]

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[13] *Id.* at 21–22. Between 1950 and 1960, the U.S. urban population increased from 96 to 125 million. *See id.* at 22. However, the census definition of "urban" began incorporating suburban developments in the 1950 census. *See* U.S. CENSUS BUREAU, *U.S. Census History, Urban and Rural Areas*, https://perma.cc/7Z93-BXL2. In fact, the growth was almost entirely in the suburban areas. Transportation Research Board of the National Academies, *Commuting in America III* at xiv (2007). For a deeper analysis of the suburbanization process in this era, *see* ROSALYN BAXANDALL & ELIZABETH EWEN, PICTURE WINDOWS: HOW THE SUBURBS HAPPENED (2000).

[14] U.S. CENSUS BUREAU, INCOME OF FAMILIES AND PERSONS IN THE UNITED STATES: 1950, Rep. No. P60-09 (1952), https://perma.cc/54Z6-BZWH.

[15] U.S. CENSUS BUREAU, INCOME OF FAMILIES AND PERSONS IN THE UNITED STATES: 1960, Rep. No. P60-37 (1962), https://perma.cc/E5P2-6TVQ Acknowledging the significant and persistent racial inequalities in the United States during this period and beyond, median annual real income for nonwhite families increased from $1,869 ($20,000 today) in 1950 to $3,230 ($28,000 today) in 1960, a 40% increase. *Compare id.* at Table 3 *with* U.S. CENSUS BUREAU 1950, *supra* note 14. There was also a significant urban-rural disparities, with rural median annual non-farm income increasing from $3,000 ($32,000 today) in 1950 to $5,600 ($48,500 today) in 1960, and rural median annual farm family income increasing from $2,000 in 1950 to $2,875 ($25,000) in 1960.

[16] U.S. BUREAU OF LABOR STATISTICS, *Data Series LNU04000000: Labor Force Statistics from the Current Population Survey - Unadjusted Unemployment Rate, Age Over 16*, https://perma.cc/TP2H-7BC7.

[17] U.S. Bureau of Economic Analysis, *U.S. Gross National Product*, FRED, Federal Reserve Bank of St. Louis, https://perma.cc/HCH9-NPLP.

[18] On fiscal policy, *see* BENN STEIL, THE BATTLE OF BRETTON WOODS: JOHN MAYNARD KEYNES, HARRY DEXTER WHITE, AND THE MAKING OF A NEW WORLD ORDER 90–91 (2013). On consumption in society, *see* LIZABETH COHEN, A CONSUMER'S REPUBLIC: THE POLITICS OF MASS CONSUMPTION IN POSTWAR AMERICA (2004).

[19] U.S. FEDERAL HIGHWAY ADMINISTRATION OFFICE OF HIGHWAY INFORMATION MANAGEMENT, HIGHWAY STATISTICS SUMMARY TO 1995: MOTOR-VEHICLE REGISTRATIONS, 1900-1995 (TABLE MV-200), https://perma.cc/YV2S-UNFC. *See also* U.S. BUREAU OF LABOR STATISTICS, 100 YEARS OF U.S. CONSUMER SPENDING: DATA FOR THE NATION, NEW YORK CITY, AND BOSTON, Rep. No. 991 at 21–32 (2006). That these consumption patterns were unequally distributed by race in the 1950s may be inferred from the salary data discussed at U.S. CENSUS BUREAU 1950, *supra* note 14.

[20] On rising municipal waste, *see* NATIONAL LEAGUE OF CITIES AND THE U.S. CONFERENCE OF MAYORS SOLID WASTE MANAGEMENT TASK FORCE, CITIES AND THE NATION'S DISPOSAL CRISIS 1 (Mar. 1973).

This profound intensification was combined with a shift in production processes and technologies that contributed to an additional three-fold environmental impact: (1) increased combustion for production energy, (2) increased combustion for use energy, and (3) new, inorganic, and otherwise non-biodegradable waste streams from synthetic materials. For example, the shift from glass to plastic bottles involved higher-intensity energy and resource inputs per produced unit, increased per-capita unit production from disposability, and new inorganic waste streams from the plastic. Chemical pesticides, detergents, automobiles, and electrical appliances all involved higher energy manufacturing, increased fuel consumption to use, and new waste streams.[21]

This combined consumption and production intensification was discernible in the nation's overall energy use, which increased from 9,700 terawatt-hours ("TWh") in 1950 to 13,000 TWh in 1960 – +34 percent absolute, +13 percent per capita.[22] The vast majority of this energy use involved some sort of combustion, particularly of coal (for electricity, industrial processes, and, decreasingly, home heating), natural gas (increasingly for home heating), and petroleum products (especially in transportation fuels), all of which involved waste byproducts emitted into the air. Thus, national air pollution quantities increased from 1950 to 1960.[23]

These growth and intensification patterns interacted with other trends that impacted air pollution in complex ways. The first was a general transition away from the use of coal in cities. Between 1950 and 1960, total coal use increased as coal-fired electricity generation almost doubled, but coal use in railroads almost disappeared, and urban residential and commercial use dropped drastically as homeowners and small businesses switched from coal to natural gas for home and boiler heating.[24] The reasons for this switch were many, but included increased availability and falling prices for alternative fuel and equipment. For urban air, this meant real progress. In Chicago, for example, "dustfall" (settled particulate matter) totaled 350 tons per square mile per month in 1930. By 1960, with municipal refuse burn bans adopted and enforced, with natural gas replacing coal in local industrial and home heating applications, with railroads almost exclusively burning diesel, and with

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21. This is the main thesis in BARRY COMMONER, THE CLOSING CIRCLE: NATURE, MAN, AND TECHNOLOGY 140–77 (1971). Commoner argued that technological developments were the primary or, in some interpretations, only important contributors to the era's pollution problems. This was famously disputed, and efforts to define the relative contributions to pollution of population, affluence, and technology factors have continued ever since. *See generally* Marian R. Chertow, *The IPAT Equation and Its Variants*, 4 J. IND. ECOL. 13–29 (2000).

22 History of energy consumption in the United States, 1775–2009, U.S. ENERGY INFORMATION ADMINISTRATION (Feb. 9, 2011), https://perma.cc/9425-WU6R. (The per capita figure is derived as (13,000 TWh / 179 million people) / (9700 TWh/151 million people) = (72.6 TWh/million people) / (64.2 TWh/million people) = 1.13.)

23 National sampling data are only available beginning in 1961, *see Historic Air Quality Trends Reports*, U.S. EPA, https://perma.cc/X45S-32MT (Nov. 3, 2017). For estimates of pollutant emissions between 1950 and 1960, *see* U.S. EPA OFFICE OF AIR QUALITY PLANNING AND STANDARDS, NATIONAL AIR POLLUTANT EMISSION TRENDS, 1900–1998 at 3-1–3-29 (2000). According to the latter, four of the six "criteria" air pollutants increased between 1950 and 1960: carbon monoxide (CO) (+7%), nitrogen oxides (NOx) (+40%), volatile organic compounds (VOCs) (+17%), while sulfur dioxide emissions remained steady and inhalable course particulate matter less than ten microns (PM10) decreased (-9%). *Id.* at 3-19 (Table 3-13).

24 *Coal Explained: Use of Coal*, U.S. ENERGY INFORMATION ADMINISTRATION (June 1, 2020), https://perma.cc/CLP4-CGVZ.

newly operating street sweeping programs reducing particulate recirculation, Chicago's dustfall figure had been reduced to 43 tons per square mile.[25] It seemed, therefore, that modern growth could also bring modern solutions to air pollution.

The second major trend, however, was photochemical smog. The newer petroleum refining and internal combustion engine processes now powering the nation's transportation fleets created high volumes of byproducts not prevalent in coal combustion: carbon monoxide (CO), nitrogen oxides (NO_x), and volatile organic compounds (VOCs), total volumes of which all increased in the 1950s. These chemicals react with sunlight, and the resulting new chemicals form a visible pall in the air. Thus, even as many areas enjoyed diminished smoke impacts from coal burning, the transition itself created a new pollution problem with similar (but not identical) effects. This was only first understood in 1948, when Arie Haagen-Smit discovered the relationship through research in California. Even as urban coal combustion waned, smog grew in the same cities, and came to places such as Los Angeles that had not previously relied on coal.[26]

In the aggregate, these patterns – increased population, increased suburban development, increased consumption, higher intensity production, increased waste and waste burning, increased use of coal for electricity production, increased use of natural gas in cities, increased petroleum production and refining, and increased suburban-urban driving – meant that by 1960 in the United States more people, more of the time, in more places, were being exposed to more air pollution than ever before. An influential contemporary study concluded that over 100 million people in the United States – more than half the country – were being exposed to "problematic" air pollution, with about 43 million people in areas with "major" air pollution problems.[27]

The governmental resources arrayed against the rising air pollution problem were largely local, underfunded, and ineffective. By 1960, a contemporary tally reported that there were only 86 local air pollution control authorities scattered across the country, with an aggregate (nationwide) staff of 876 people, with a total (nationwide) annual budget of about $8 million ($70 million today), responsible for pollution control activities to protect over 50 million people, *i.e.*, roughly half of those thought to be affected. Of these totals, however, Los Angeles alone accounted for 373 staff, a $3.4 million budget, and 6 million residents, skewing the averages. The majority of these local agencies had only one or two staff and annual budgets under $25,000 ($175,000 today).[28] As a result, these agencies did not

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[25] *Air Pollution: Hearings before the House Health and Safety Subcommittee* at 91 (Mar. 18, 1963) (statement of James V. Fitzpatrick for Richard Daley, Mayor of Chicago) [hereinafter March 1963 Hearing]. This hearing is described in further detail *infra* Section II.F.2.

[26] On Haagen-Smit's work, *see* NATIONAL ACADEMY OF SCIENCES, BIOGRAPHICAL MEMOIRS: V.58 196–201 (1989), https://perma.cc/NW84-E3G5.

[27] Jean J. Schueneman, *Air Pollution Problems and Control Programs in the United States*, 13 J. AIR POLLUT. CONTROL ASSOC. 116–125, 118 (1963). The number of people exposed to "major" air pollution increased 17% between 1950 and 1960, while the number exposed to "problematic" air pollution increased 29%, while population increase was 18%. *Id.* A conference draft of this paper was submitted and discussed in Congressional hearings leading to the Clean Air Act of 1963. *See* March 1963 Hearing, *supra* note 25 at 45–73.

[28] Schueneman, *supra* note 27, at 121 (Table 6).

have funding to support air quality monitoring, new source permitting or review, or abatement and enforcement actions, let alone the political clout to impact powerful local or national industries contributing to the problem.[29] While many public health authorities also had taken on air pollution portfolios by this time, they were themselves perpetually underfunded, had many other mandates, and employed very few technical staff trained in pollution.[30]

Even so, however, there had been notable successes. As the budget figures indicated, California was a leader at the state level. It had modeled legislation to permit inter-jurisdictional air pollution control districts, with Los Angeles taking the most advantage of this authority to address its notorious automobile smog problem. California had also created a statewide air monitoring network, a public research program to understand the relative contributions of various sources to pollution, statewide air quality standards, and the California Motor Vehicle Pollution Control Board, which was beginning to have success inducing national automobile manufacturers to install pollution control devices on new vehicles.[31] Another older model of success was found in St. Louis, Missouri, which had forced a switch to cleaner-burning coal in 1940 and sparked national interest in municipal smoke abatement. As of 1960, the St. Louis model had been most famously adapted in Pittsburgh, Pennsylvania, which had worked with nearby industry and residents to promote cleaner fuels and installation of lower-smoke combustion devices.[32] The fact remained, however, that these examples were significant outliers, and that many efforts to adapt their practices to local circumstances elsewhere had failed, or never gotten started. Industry, for its part, had been approaching the problem voluntarily, but slowly. Although it is tempting to dismiss these efforts, industry pointed to over $1 billion ($8.5 billion today) spent on air pollution control equipment by 1960. And many said they were committed to doing much more.

At issue in 1960, then, was the relative pace of change. How long would it take industry to develop and install the necessary equipment? How long for local pollution control districts to get the problem under control, state by state and city by city, as had St. Louis and Pittsburgh? And what would happen if industries, or state or local governments, declined to act? Who would be endangered in the meantime? Was this acceptable? And if not, should the federal government do something? In a rapidly changing world, as the pace of the response remained relatively sedate, it became a target of critique, and of reform.

None of the above guaranteed change, however. Although more people were exposed to air pollution, those worst impacted were also the most marginalized members of society. Those in the suburbs may have been annoyed at the problem in the city centers, and at any increases in pollution in their relatively clean suburban environments, but the fact remained that the suburbs were much better than the cities.

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[29] March 1963 Hearing, *supra* note 25, at 53–55.
[30] *Id.* at 56.
[31] *See* CALIFORNIA DEPT. OF PUBLIC HEALTH, CALIFORNIA AGAINST AIR POLLUTION, A SIX-YEAR PROGRESS REPORT 1955–1961 at 23–25 (1962).
[32] *See infra* Section I.B.3 (Discussing the St. Louis and Pittsburgh programs further).

U.S. residents had been suffering air pollution with relatively little complaint for decades. What else changed? As discussed in the following sections, the demand for further change required a number of conceptual shifts to reframe air pollution as a major public problem in need of a national solution. Among these was a growing public awareness that polluted air was a serious health hazard, and an increased comfort with government intervention as part of a "modern" society. The United States had become the most powerful nation in the world in part through the expansion of its federal government, from the New Deal through World War II, and there were many interested in harnessing that massive regulatory potential to improve U.S. society. But doing so would require a fight, because federal intervention into air pollution would be, in a word, new, and currents of resistance to reformist programs ran deep in U.S society as well.

B. Relevant Ideologies, Interests, and Advocacies

Today, air pollution is understood as an "environmental" problem, subject to control by "environmental" laws, subject to advocacy by "environmentalists," and subject to opposition by "anti-environmentalists." These currents may be analyzed through the lens of social movement theory, which seeks to understand collective action for social change. But today's "environmentalism" is one of the "new" social movements of the late 1960s and early 1970s, and it did not yet exist, as such, in the postwar years. Consequently, the laws of the postwar period were not exactly "environmental laws." Rather, the postwar period was a time when the ideas that would form environmentalism were all present, but not yet clearly combined, and so, to understand the world of environmental law before environmentalism, it is necessary to identify what other "-isms" were in the air.[33]

It may not be a surprise that public health was relevant. But what about city management? Engineering? This section seeks to introduce and categorize the ideologies, interests, and advocacies that were most relevant to air pollution around 1960. It is a summary, and therefore incomplete. It is a series of generalizations, and so there are likely to be many unaccounted-for exceptions. And it is a discussion of ideas, and thus must be open to different interpretations. Nonetheless, laws do not happen in a vacuum, and each of these discussions is helpful for understanding the eventual development of the 1963 Act.

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[33] On social movement theory and the environment, *see* Kate O'Neill, *The Comparative Study of Social Movements*, *in* COMPARATIVE ENVIRONMENTAL POLITICS: THEORY, PRACTICE, AND PROSPECTS 115–142 (Paul F. Steinberg & Stacy D. VanDeveer eds., 2012); Marc Edelman, *Social Movements: Changing Paradigms and Forms of Politics*, 30 ANNU. REV. ANTHROPOL. 285–317 (2001). On "new" social movements, *see* Nelson A. Pichardo, *New Social Movements: A Critical Review*, 23 ANNU. REV. SOCIOL. 411–430 (1997). On social movement theory applied to the environmental movement, *see* Marco Giugni & Maria T. Grasso, *Environmental Movements in Advanced Industrial Democracies: Heterogeneity, Transformation, and Institutionalization*, 40 ANNU. REV. ENVIRON. RESOUR. 337–361 (2015). With respect to understanding environmentalism as a combination of pre-existing elements, *see* HAYS AND HAYS, *supra* note 7. The Hayses argued that "beauty, health, and permanence" (the book's title) were three values or ideals that, drawn together from a large variety of influences, undergirded modern environmentalism. *Id.* at 13–39. While scholars of environmental political history may disagree on the variety and relative importance of the many influences on modern environmentalism, none seem to disagree that environmentalism itself was a combinatorial or aggregative political process.

i. Postwar Liberalism and Modern Republicanism

Relevant to all the other ideas discussed below, it is useful to begin by identifying a prevailing paradigm for the place and period – a distinct set of concepts about government, and particularly national government, that dominated and persisted throughout the period, regardless of the party in power, and against which advocacy efforts and dissent could be targeted. In the postwar United States, the prevailing governance paradigm can be called, for lack of a better term, "liberalism."

Much ink has been spilled on what "liberalism" means. For the purposes of this discussion, in the context of the postwar United States, "liberalism" is understood to be a set of ideas about government defined during Franklin D. Roosevelt's administrations (1933-1945), combining earlier currents of Progressive-Era reformism with newer theories of political economy that supported government spending to stimulate economic growth. It encompassed the programs of the New Deal, World War II, the Marshall Plan, the Bretton Woods System, and the Cold War – and created a powerful international order aspiring to harness capitalism and improve society, to the mutual benefit of both.[34]

Although this liberal order found its expression in the Democratic Roosevelt and Truman administrations, it also survived the transition to the more conservative, Republican, Eisenhower administration. In the immediate postwar U.S., the Republican Party was, among other things, a bastion of opposition to public spending and federal power. But it also included a very strong element of international isolationism, and Eisenhower broke strongly against the isolationist wing, in preference to a commitment to an expanded peacetime military presence. In power, Eisenhower accepted the need for government in domestic social affairs and the economy and resisted more activist conservative efforts to dismantle national social programs – a middle-of-the-road approach called by Eisenhower himself "modern Republicanism." Facing criticism from both the right (for doing too much) and the left (for not doing enough), Eisenhower attempted to navigate a middle way that defaulted against changing the federal status quo at home.[35]

There were two important departures from Eisenhower's small-federal approach, both important for air pollution. First, Eisenhower ordered the transformation of the existing Federal Security Agency ("FSA"), which held all of the federal government's domestic social programs, into a new federal Department of Health, Education, and Welfare ("HEW"). This resolved a long-running debate over whether the FSA should continue to exist and ended efforts to reduce the number of federal domestic programs running, which was why the FSA was not already a department. Among other things, the

[34] For a recent general introduction to what "liberalism" has meant in the United States, *see* JONATHAN BELL & TIMOTHY STANLEY, MAKING SENSE OF AMERICAN LIBERALISM (2012). The understanding of New Deal liberalism used here is set out in ALAN BRINKLEY, THE END OF REFORM: NEW DEAL LIBERALISM IN RECESSION AND WAR (1995).
[35] On Eisenhower's governance philosophy, and opposition to his legislative programs by the right and left, *see* STEVEN WAGNER, EISENHOWER REPUBLICANISM: PURSUING THE MIDDLE WAY 121–24 (2006).

FSA, and then HEW, contained the largely independent U.S. Public Health Service ("PHS") – which would eventually run the federal government's air pollution program.[36]

The second small federal departure was Eisenhower's decision to enforce the court orders following *Brown v. Board of Education*.[37] The U.S. had failed spectacularly on its own terms with respect to civil rights for African Americans, officially in the segregationist South, and unofficially in the redlined north, but this internal tension was not something that Eisenhower was eager to resolve. His hand was forced by Judge Ronald N. Davies of the Eastern District of Arkansas, who issued an injunction, defied by the Arkansas governor, that led Eisenhower to send federalized National Guard troops to Little Rock. The action demonstrated the possibilities of national power at home and made a deep impression on the Southern Democrats, who had written and submitted a "Declaration of Constitutional Principles," more commonly known as the Southern Manifesto, which principles included the reserved rights of the states from federal encroachment. Among the signatories of this document was Rep. Kenneth A. Roberts (D-AL), the chair of the Subcommittee on Health and Safety of the House Interstate and Foreign Commerce Committee (the "House Health and Safety Subcommittee"), whose support would be necessary to pass the Clean Air Act of 1963.[38]

It is useful to understand the liberal order and the Eisenhower administration's moderate Republicanism – the acceptance of the New Deal state but resistance to further reform; the commitment to domestic welfare if only to demonstrate the value of capitalism over communism; and the tensions of the brewing civil rights battles and their meaning and import to other questions of federal government – to locate the currents of change that, against this prevailing paradigm, had closer bearing on the problem of pollution.

ii. Public Health Institutions and Environmental Concerns

Of the many influences bearing on government in the 1950s, the most important for air pollution was an evolving conception of public health, meaning the "[t]he science and the art of preventing disease, prolonging life, and promoting physical health and efficiency through organized community efforts for the sanitation of the environment . . . [and] the development of the social machinery which will ensure to every individual in the community a standard of living adequate for the maintenance of health."[39] Emerging from the "great sanitary awakening" of the early-middle nineteenth century, the subsequent discoveries in germ theory in the late nineteenth century, and the expansion of public health agencies throughout the Progressive Era, U.S. public health in the postwar period encompassed a huge array of health-related activities, from hospital operation, to quarantine services, to public education, to epidemic prevention, and to programs for the eradication of infectious diseases. It also

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[36] On the history of the Federal Security Agency, *see* Mariano-Florentino Cuéllar, *"Securing" the Nation: Law, Politics, and Organization at the Federal Security Agency, 1939–1953*, 76 UNIV. CHIC. LAW REV. 587–718 (2009).
[37] *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954).
[38] For Eisenhower's decision on Little Rock, *see* WILLIAM I. HITCHCOCK, THE AGE OF EISENHOWER: AMERICA AND THE WORLD IN THE 1950S at 343–375, (Chapter 14), (2018). S. REP. NO. 84-102, pt. 4, at 4459–60 (1956).
[39] MARY-JANE SCHNEIDER, INTRODUCTION TO PUBLIC HEALTH 4 (5th ed. 2017).

involved a great deal of research, and it was this research that was to become the most important aspect of public health for air pollution.[40]

The traditional institutional structure of U.S. public health reflected the nation's federal structure, with offices for domestic wellbeing intentionally located with state and local governments, and federal power in the area rather strictly circumscribed. PHS was therefore allowed to assist state programs, but national (federal) public health activity was fiercely controversial. Efforts in the Roosevelt and Truman administrations to develop national health insurance programs fell to sustained opposition from the medical profession, which feared economic competition and, later, to anti-statists who associated national healthcare with socialist government. The primary exception to this general trend was medical research, federal funding for which benefited the medical industry without competing, and did not raise the specter of planned economies. The watershed in this area was the National Cancer Act of 1937, which founded the National Cancer Institute within PHS and set precedent by permitting the Surgeon General to award grants to non-federal researchers.[41]

As was the case in other matters, World War II then exerted a major federalizing influence. The National Cancer Act research grant model expanded exponentially under FDR's wartime Office of Scientific Research and Development (OSRD), which, in addition to focusing on wartime technology, supported innovation to reduce medical casualties among the troops. PHS, for its part, was also at its core a military organization – a *service*, led by a Surgeon *General* – and its work during World War II included many efforts to support domestic war production by promoting the health of the wartime workforce. In 1944, Congress expanded PHS's health research mandate to non-cancer grant programs, and at the end of World War II the OSRD's medical research responsibilities were transferred to PHS as well, expanding and consolidating a new and (for the time) quite massive peacetime public research program. This portfolio continued to grow throughout the 1950s, and by 1960 the NIH research budget had increased to $400 million per year ($3.5 billion in today's dollars).[42]

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[40] The classic definition of public health used here was given in CHARLES-EDWARD A. WINSLOW, THE EVOLUTION AND SIGNIFICANCE OF THE MODERN PUBLIC HEALTH CAMPAIGN 3 (1923). On the "great sanitary awakening," *see* CHARLES-EDWARD A. WINSLOW, THE CONQUEST OF EPIDEMIC DISEASE 236–66 (1943). On developments in germ theory, *see* ROBERT P. GAYNES, GERM THEORY: MEDICAL PIONEERS IN INFECTIOUS DISEASES 9–13 (2011). On Progressive Era public health, *see* DONA SCHNEIDER & DAVID E. LILIENFELD, PUBLIC HEALTH: THE DEVELOPMENT OF A DISCIPLINE 579–682 (2008). The wide scope of U.S. public health activities as of World War II is examined in FITZHUGH MULLAN, PLAGUES AND POLITICS: THE STORY OF THE UNITED STATES PUBLIC HEALTH SERVICE 104–27 (1989).

[41] On the battles in the FDR and Truman administrations, *see* PAUL STARR, THE SOCIAL TRANSFORMATION OF AMERICAN MEDICINE 270–79 (1982). Efforts at national public health programs – particularly public health insurance – had been proposed and defeated repeatedly in the Progressive and early New Deal eras. *Id.* at 235–70. On the research grant program, *see id.* at 340; National Cancer Act of 1937, Pub. L. 244, 75 Stat. 559, §§ 1, 2(a, d), 4(c) (1937).

[42] For an early history of the U.S. Public Health Service, *see* RALPH C. WILLIAMS, THE UNITED STATES PUBLIC HEALTH SERVICE, 1798-1950 (1951). For its wartime activities, *see* ANNUAL REPORTS OF THE UNITED STATES PUBLIC HEALTH SERVICE FOR THE FISCAL YEARS 1941–42, 1942–43, H.R. DOC. NO. 78-437 (1943); ANNUAL REPORT OF THE UNITED STATES PUBLIC HEALTH SERVICE FOR THE FISCAL YEAR 1944, H.R. DOC. NO. 79-2 (1944); ANNUAL REPORT OF THE FEDERAL SECURITY AGENCY FOR THE FISCAL YEAR 1945 - SECTION THREE: UNITED STATES PUBLIC HEALTH SERVICE, H.R. DOC. NO. 79-415 (1945). OSRD was created by Executive Order 8807 (June 28, 1941), pursuant to

The federal medical research program was a robust platform for determining the cause of illness, with substantial support from politically powerful sectors. But the production of new knowledge is also an inherently political process, and while the health research program was not designed to challenge industrialism or capitalism – indeed it had evolved from the same administrative structures and incentives that had produced revolutions in chemical pesticides, the atomic bomb, and the Cold War aerospace industry – its work increasingly involved problems created by industry, and so had the potential to come into conflict with vested industrial interests. PHS's solution to this political problem was to retreat behind claims of professionalism and scientific objectivity. Yet, PHS was under pressure to produce knowledge in response to a variety of influences against which it was never possible to remain entirely neutral. Although these pressures cannot necessarily be called "movements," it is possible to identify and summarize a number of health-related advocacies focused on information generation that, taken together, can broadly be classified as "environmental health" activism.[43]

Food safety was a prominent example. The federal government's role dated to the Pure Food and Drug Act of 1906, as significantly expanded during the New Deal. However, with the massive increase in pesticide use following World War II, food safety concerns in the 1950s expanded to include chemical toxicity, and Congress investigated pesticides in food and passed laws intended to limit their concentrations. While the FDA was the primary regulator, much of the information underlying this process came from PHS's National Cancer Institute.[44] Another prominent example was radiation, a distinctly postwar environmental health concern. From 1951 to 1963, the United States regularly detonated nuclear weapons in New Mexico and Nevada, the world increasingly confronted the potential of radioactive fallout following nuclear warfare, and researchers were pushing forward to

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Proclamation of Unlimited National Emergency (May 27, 1941), and was headed by Vannevar Bush, author of the famed argument for federal support of basic research, VANNEVAR BUSH, SCIENCE THE ENDLESS FRONTIER: A REPORT TO THE PRESIDENT (1945). The research grant expansion was made in Public Health Service Act of 1945, Pub. L. 78-410, 58 Stat. 682 (1944), § 301(d) (authorizing grants to private organizations). *See also* STARR, *supra* note 41, at 340–42. On the expansion of the NIH research program through the 1950s, *see id.* at 347. For comparison, today's NIH research budget exceeds $40 billion per year. *What We Do: Budget*, NATIONAL INSTITUTES OF HEALTH (June 29, 2020), https://perma.cc/U773-EXBM.

[43] On the social and political aspects of the production of knowledge, *see* BRUNO LATOUR & STEVE WOOLGAR, LABORATORY LIFE: THE CONSTRUCTION OF SCIENTIFIC FACTS (1986); SHEILA JASANOFF, STATES OF KNOWLEDGE: THE CO-PRODUCTION OF SCIENCE AND THE SOCIAL ORDER (2006). On PHS's instrumental use of objectivity, *see* Christopher Sellers, *The Public Health Service's Office of Industrial Hygiene and the Transformation of Industrial Medicine*, 65 BULL. HIST. MED. 42–73 (1991). On the origins of the environmental health movement, *see* KATE DAVIES, RISE OF THE U.S. ENVIRONMENTAL HEALTH MOVEMENT (2013).

[44] On the early legislation, *see* Pure Food and Drug Act of 1906, Pub. L. 59-384, 34 Stat. 768 (1906); JAMES HARVEY YOUNG, PURE FOOD: SECURING THE FEDERAL FOOD AND DRUGS ACT OF 1906 (1989). On the New Deal legislation, *see* Food, Drug, and Cosmetic Act of 1938, Pub. L. 75-717, 52 Stat. 1040 (1938); CHARLES O. JACKSON, FOOD AND DRUG LEGISLATION IN THE NEW DEAL (1970). On the 1950s pesticide amendments, *see* Pesticide Residues Amendment of 1954, Pub. L. 83-518, 68 Stat. 511 (1954); Food Additives Amendment of 1958, Pub. L. 85-929, 72 Stat. 1784 (1958); Bruce S. Wilson, *Legislative History of the Pesticide Residues Amendment of 1954 and the Delaney Clause of the Food Additives Amendment of 1958*, *in* REGULATING PESTICIDES IN FOOD: THE DELANEY PARADOX 161–73 (1987). *See also* Color Additive Amendment, Pub. L. 86-618, 74 Stat. 397 (Jul. 12, 1960); Federal Hazardous Substances Labelling Act, Pub. L. 86-613, 74 Stat. 372 (1960); Franklin D Houser, *The Consumer's Sleeping Giant - The Federal Hazardous Substances Labeling Act*, 14 SANTA CLARA L. REV. 520 (1974).

harness the atom to produce electricity. PHS, among other things, was called on to investigate illness in the fallout zone and track levels of Strontium-90 in milk.[45]

PHS was also consistently drawn into disputes between labor and capital, and it was in the realm of "industrial hygiene" – now called occupational health – that PHS began to develop its expertise around lung conditions.[46] PHS pioneered studies of silicosis (caused by inhalation of silica dust, common in mining and steel manufacture) and asbestos illnesses, among dozens of other workplace studies it conducted throughout the postwar years.[47] Also relevant to lung health, controversy, and industry interests, PHS was called upon to evaluate the emerging science on lung cancer, meaning it was repeatedly pulled into the highly charged world of tobacco politics.[48]

With respect to pollution, by the 1950s PHS had been involved for decades. Public interest in clean drinking water equaled or exceeded that in clean food, and water filtration and chlorination practices had been adopted nearly nationwide in the early twentieth century, overcoming the primary waterborne health threat – infectious disease. Raw sewage in drinking water sources was a public health threat, and the 1948 Federal Water Pollution Control Act included huge investments in sewage treatment facilities for that reason. PHS was also central to the most controversial drinking water issue of the 1950s: fluoridation of public drinking water systems. PHS had been a primary source of information about fluoride in drinking water since its discovery as an issue, had conducted the first test of public water supply fluoridation in 1945, had issued national policy in 1951, and had supported widespread public drinking water fluoridation throughout the 1950s.[49]

In summary, the same processes that created increasing pollution also created a national public health research program that became drawn into ongoing debates over new chemical health threats. Given PHS's existing interests in determining the causes of cancer, and its occupational studies of lung

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[45] On fallout, *see* Toshihiro Higuchi, *Atmospheric Nuclear Weapons Testing and the Debate on Risk Knowledge in Cold War America, 1945–1963*, *in* ENVIRONMENTAL HISTORIES OF THE COLD WAR (J.R. McNeill & Corrina R. Unger eds., 2010); MICHELLE FOLLETTE TURK, A HISTORY OF OCCUPATIONAL HEALTH AND SAFETY: FROM 1905 TO THE PRESENT 182–239 (2018); Carolyn Kopp, *The Origins of the American Scientific Debate over Fallout Hazards*, 9 SOC. STUD. SCI. 403, 403 (1979).

[46] For a general history of PHS's industrial hygiene division, *see* HENRY N. DOYLE, THE FEDERAL INDUSTRIAL HYGIENE AGENCY (1975).

[47] On PHS's silicosis work, *see* Jacqueline K. Corn, *Historical Aspects of Industrial Hygiene—II. Silicosis*, 41 AM. IND. HYG. ASSOC. J. 125–133 (1980). On its asbestos industry and other industrial hygiene investigations, *see* Lewis J. Cralley, *Historical Perspectives: Industrial Hygiene in the U.S. Public Health Service (1914–1968)*, 11 APPL. OCCUP. ENVIRON. HYG. 147–155 (1996).

[48] Although PHS would famously publish a report linking lung cancer to cigarettes in 1964, its involvement in the question dated back to the 1950s. *See* Mark Parascandola, *Cigarettes and the US Public Health Service in the 1950s*, 91 AM. J. PUBLIC HEALTH 196 (2001).

[49] While industrial water pollution was recognized as a problem, the question of industrial water pollution was *not* typically framed as a health matter. Although drinking water contamination was a primary target of public health agencies, through the 1950s the focus was on waterborne infectious disease and sewage treatment, but federal regulators shied away from framing the issue as a health problem, preferring to discuss industrial water pollution as a question of process inefficiency and the necessary conservation of a limited and valuable resource – fresh water. MILAZZO, *supra* note 9. On the history of fluoridation and PHS's involvement, *see Story of Fluoridation,* NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH (July 2018), https://perma.cc/CGA3-PX6A.

ailments in workers, it should not be surprising that it also became involved in investigating the health impacts of outdoor air pollution. How exactly that happened is the subject of Section II, *infra*. What matters here is that PHS was generating information that was understood to be relevant to, and even dispositive of, questions regarding environmental health and held experience at navigating the attendant politics. But it was not actively seeking to expand its authority into regulatory enforcement of air pollution. That was the province of smoke abatement.

iii. Smoke Abatement – Engineering and Irrelevance

In emerging environmental health fields, there were no directly competing regulatory structures for public health leaders to displace. Air pollution, on the other hand, was perhaps the *least* modern environmental health problem in the United States, and there was already a decades old regulatory apparatus occupying the problem space, with a very different perspective on the definition of the problem and the available range of solutions. It was called "smoke abatement," and it was the realm of engineers with expertise in combustion – particularly coal combustion. Understanding the development of national air pollution legislation circa 1960 requires examining the transformation of smoke abatement into "air pollution control," and the gradual transference of the authority to define the air pollution problem space, away from mechanical engineers, to medical researchers.

Between the 1880s and 1940s, coal burning was the primary source of smoke in the United States, and thus the primary concern of smoke abatement.[50] Coal was also, however, an essential input for the railroad, marine shipping, and steelmaking industries, and the primary fuel for home heating and small industrial boilers across the entire country.[51] Coal smoke, then, meant industry, and U.S. governments were more tailored to supporting that industry than reducing its impacts. They consequently developed a relatively congenial, forgiving, and ineffective cooperative approach to coal smoke abatement that, above all else, prioritized continuing to burn coal. Associations of mechanical engineers puzzled out how to do so as cleanly as possible, but the consistent assumption was that it was necessary to keep doing it. The challenge then, to the engineers, became how to educate operators of coal-fired equipment on the engineers' newly-developed best burning practices, and how to induce the coal-burning public and, perhaps, industry, to install equipment that would minimize the smoke from their coal fires. It should be noted that these were not engineering problems – they were rather problems

[50] CHRISTINE L. CORTON, LONDON FOG: A BIOGRAPHY, 1-2 (2015) (description of the industrial revolution coal smoke problem in London beginning in 1850); U.S. ENERGY INFORMATION ADMINISTRATION, *supra* note 22 (coal surpasses wood in U.S. roughly in 1885); FRANK UEKÖTTER, THE AGE OF SMOKE: ENVIRONMENTAL POLICY IN GERMANY AND THE UNITED STATES, 1880-1970, 20-21 (2009) (discussing U.S. coal smoke problem beginning in 1880s).

[51] On the dominance of coal in railroads, *see* ALBERT J. CHURELLA, FROM STEAM TO DIESEL: MANAGERIAL CUSTOMS AND ORGANIZATIONAL CAPABILITIES IN THE TWENTIETH-CENTURY AMERICAN LOCOMOTIVE INDUSTRY, 21 (1998) (railroad industry number one consumer of coal); in marine shipping, *see* Max E. Fletcher, *From Coal to Oil in British Shipping*, 3:1 J. of Transport History 1, 7 (1975); in steelmaking *see generally* Kenneth Warren, THE AMERICAN STEEL INDUSTRY: A GEOGRAPHICAL INTERPRETATION (1987); in home heating, Bonnie Maas Morrison, *Ninety Years of U.S. Household Energy History: A Quantitative Update*, PROC. AM. COUNCIL FOR AN ENERGY EFFICIENT ECONOMY 10.125 at 10.126 (1992) https://perma.cc/P593-AEGD.

of technology diffusion and public education. Smoke abatement was, then, a sort of "public engineering" program.[52]

Unlike their colleagues in sanitary engineering, however, the smoke engineers were unable to develop a program of centralized treatment works that could attract federal funding and Congressional support. Smoke engineers appear to have taken as a given that government intervention was not appropriate to induce the technology transitions they desired. This was also the outlook of the primary federal agency involved in smoke abatement: the U.S. Bureau of Mines, which under its general authority to investigate health and safety of the mineral industries had become the primary national repository for information about smoke abatement. The Bureau assisted in the development of the nation's first model smoke ordinance in 1924, and the interests involved may be intuited from the members of the workgroup: the American Society of Heating and Ventilating Engineers, the Stoker Manufacturers' Association, and the Fuels Division of the American Society of Mechanical Engineers, together with, lastly, the American Civic Association (a municipal reform organization). The idea was to create a model local law that municipalities could adopt, because responsibility for such affairs was a local matter. Pointed toward improving coal furnace operation, the law's sole regulatory trigger was smoke opacity, using a tool called the Ringelmann Smoke Chart to determine smoke color, which became the foundation of most smoke abatement regulatory standards across the country for the next thirty years.[53]

It still might have worked. Better equipment and processes had been developed, and it was possible to greatly reduce visible smoke and to capture other harmful components of flue gases. The challenge was that success required further government interventions in a system that was not well designed for them. To careful observers, this was clear in the story of St. Louis, where, after unsuccessful efforts to make progress through education and voluntary action, the city had passed a law that controlled the quality of the coal that could be burned in the city, required mechanical combustion efficiency devices be to installed everywhere, and incorporated a successful enforcement program, rendering it "impossible to create smoke."[54] It was far more common for model smoke abatement ordinances to

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[52] On smoke abatement generally, *see* Dale Grinder, *The Battle for Clean Air: The Smoke Problem in Post-Civil War America*, *in* POLLUTION AND REFORM IN AMERICAN CITIES, 1870-1930 83–103 (Martin V. Melosi ed., 1980). On the similarities between techniques in the 1890s and 1950s, *compare* Sidney Barwise, *The Abatement of the Smoke Nuisance*, 2 BR. MED. J. 499–501 (1890), *with* JOHN FERDINAND BARKLEY, FUNDAMENTALS OF SMOKE ABATEMENT (1950).

[53] On the first model ordinance, *see* Proposed Standard Smoke Ordinance, 46 MECHANICAL ENGINEERING 302, 302-08 (May 1924), as reported in BARKLEY, *supra* note 52, at 1–6. On the Ringelmann smoke chart, *see* Frank Uekoetter, *The Strange Career of the Ringelmann Smoke Chart*, 106 ENVIRON. MONIT. ASSESS. 11–26 (2005). Bureau of Mines publications on smoke abatement included OSBORN MONNETT, SMOKE ABATEMENT (1923); SMOKE ABATEMENT: SELECTIONS FROM PAPERS BY O. P. HOOD (1938); SARA J. DAVENPORT, BIBLIOGRAPHY OF BUREAU OF MINES PUBLICATIONS DEALING WITH HEALTH AND SAFETY IN THE MINERAL AND ALLIED INDUSTRIES (1946); BARKLEY, *supra* note 52. DAVENPORT, *supra*, at 1–2.

[54] Raymond R. Tucker, *Smoke Prevention in St. Louis*, 33 INDUSTRIAL & ENGINEERING CHEMISTRY 836 (1941).

be adopted without ancillary controls on fuel or equipment, and then to be underenforced. Smoke abatement therefore failed repeatedly to resolve the problem it was designed to address.[55]

Even as smoke abatement was failing to make progress, a new understanding of "pollution" was displacing the older idea of "smoke." Smoke abatement, however, failed to expand its regulatory toolset or identify any criteria by which it could do so – a vacuum into which public health stepped. This was not for lack of understanding: as early as 1915 "smoke" could be found defined to include not only the visible byproducts of combustion, but its invisible gaseous and chemical components as well, at least to the extent that they were found to be objectionable by the public. But on what grounds could the public object, or could the government regulate? In a memorandum published posthumously in 1938, Bureau of Mines engineer O.P. Hood hit upon the tension:

> In the present state of the art the medical profession does not furnish a clear definition of what constitutes a harmful atmosphere except in regard to very few things . . . Before threshold limits can be defined the objectionable characteristics of the quantities involved must be known. There is no unanimity of opinion on this matter and much remains to be learned. . . . It may be that it is sufficient for the present to fall back upon a less rational basis of definition. It may be enough to simply say "we don't like it" . . . For the lack of a better basis at present we are compelled to recognize such an arbitrary basis for definition, so that we define "smoke" as something accompanying combustion that the community does not like and define "abatement" as the reduction of the amounts involved to the point where the community will accept it.[56]

That is, as understandings of pollution grew, smoke abatement struggled to incorporate conceptions of what the public "does not like" beyond visible smoke, because it had no empirical basis for setting standards, even though the public manifestly "did not like" air pollution. Lacking its own contributions to helping the public define the parameters of acceptable air pollution, smoke abatement had no choice but to defer to public health to set the standards for public acceptability. As smog continued to plague U.S. cities throughout the 1950s, and public health research developed increasingly alarming information about air pollution's contributions to health problems, combustion engineers had increasingly little to offer.

In 1951, the Secretary of the Interior submitted an annual report to Congress summarizing the Bureau of Mines' research into the negative impacts of pollution. It was two pages devoted to explaining that the Department did not have the funds necessary to conduct such work: "Nevertheless, I am glad to report that with the very limited funds made available from its regular appropriation, the Bureau of

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[55] On St. Louis and Pittsburgh, *see id.* at 836–839; Joel A. Tarr & Bill C. Lamperes, *Changing Fuel Use Behavior: The Pittsburgh Smoke Control Movement, 1940–1950: A Case Study in Historical Analogy*, 20 TECHNOLOGICAL FORECASTING AND SOCIAL CHANGE, 331, 331–346 (1981); JOEL A. TARR, THE SEARCH FOR THE ULTIMATE SINK: URBAN POLLUTION IN HISTORICAL PERSPECTIVE (1996).

[56] Methods of Smoke Abatement in SMOKE ABATEMENT, *supra* note 53, at 3.

Mines has rendered constructive service to the Nation in an advisory and consultative capacity," primarily by chairing an Interdepartmental Committee on Air Pollution, which produced little.[57]

In the prevailing narration of air pollution control law, smoke abatement is often discussed as the predecessor to modern federal air pollution legislation. But the modern analogue to smoke abatement would be efforts to identify best available control technology for boilers and coal-fired power plants, an important but ultimately secondary element of a much larger program to monitor air quality, set ambient air quality standards, determine emission limits for a variety of pollutants, and create regulatory programs with teeth to enforce them. With respect to these efforts, smoke abatement was largely irrelevant. Others would take the lead.

iv. The Urban Lobby – Visions of a New Federalism

In the 1950s, air pollution was almost universally understood to be a city problem, and therefore, in the parlance of the day's federalism, a "local" problem. This fact had profound consequences for the politics and legislation of air pollution in the early 1960s.

The New Deal had radically transformed the relationship between U.S. cities, states, and federal government, by ushering in an era of direct city-federal coordination that previously would have been unthinkable. Notwithstanding the federal expansions of the Wilson administration, prior to 1930 the federal budget was smaller than the collective state budgets – which were much smaller than the collective town and city budgets, where most domestic decision making and spending occurred. The Great Depression, however, was not only a financial disaster for banks and their depositors – it was a financial disaster for states and municipalities, as they saw their tax revenue dry up at the same time the demand for their public financial relief programs increased, drastically. Rather than assist the states, however, the New Deal domestic agenda contemplated assisting the states' residents directly, even over the opposition of state governments concerned about this new federal intervention into domestic affairs. "Federal-city relations grew out of political necessity for bypassing, wherever possible, recalcitrant state officials and bureaucracies" to deliver New Deal aid to cities and their inhabitants, and this new arrangement elevated cities to a nearly equal, and rival, position with the states with respect to the federal government.[58] By the end of World War II, the federal government's share in domestic spending had exceeded those of the states and municipalities combined, and municipalities were poised to continue benefiting from this relationship when the more fiscally conservative Eisenhower administration reduced their access – if not their organizational capacities.[59]

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[57] OSCAR L. CHAPMAN, REPORT OF THE DEPARTMENT OF INTERIOR PURSUANT TO AUTHORIZATION OF THE ACT OF AUGUST 14, 1946 (1951). On the lack of impact of the 1951 Interdepartmental Committee, *see* A. J. Haagen-Smit, *Book Review: Air Pollution: Proceedings of the United States Technical Conference on Air Pollution*, 116 SCIENCE 371 (1952). KARL BOYD BROOKS, THE ENVIRONMENTAL LEGACY OF HARRY S. TRUMAN 52–53 (2009).

[58] DONALD H. HAIDER, WHEN GOVERNMENTS COME TO WASHINGTON: GOVERNORS, MAYORS, AND INTERGOVERNMENTAL LOBBYING 20–21 (1974).

[59] RONALD SNELL, STATE FINANCE IN THE GREAT DEPRESSION, at 2–3 (2009).

These developments were the genesis of a powerful "urban lobby."[60] In the late nineteenth century, municipalities had formed municipal leagues in response to state bans on special legislation for cities, requiring laws of statewide municipal application, and therefore statewide municipal coordination.[61] In 1924, ten existing state leagues established the American Municipal Association ("AMA"), which operated to share information and coordinate municipal advocacy first towards state governments, and later nationally.[62] The AMA, in turn, assisted in the development of the United States Conference of Mayors ("USCM"), a coalition of the mayors of the nation's largest cities founded in 1932 to coordinate city-federal operations under the New Deal.[63] As the crises of the Great Depression and World War II came to an end, the nation's federal government had more power than ever before to provide financial assistance to cities, and the USCM and, especially, the AMA, were intent on continuing to advocate for expansions to that support.

During the postwar period, however, cities were changing drastically, and this was leading to new demands. At the time, the suburb was the primary new physical development – an extension or expansion of the central urban core, a physical periphery where largely white, largely prosperous urban residents moved for a better standard of living, while still dependent on the urban core for employment, but no longer paying city property taxes. By the early 1960s, as retailers and employers followed the suburbanites outward, economic and job growth was largely occurring outside of city centers. This had serious implications for cities themselves, which increasingly were drained of their tax bases and unable to function. Public perception had not, however, begun to re-characterize central cities as crime-ridden wastelands or the needful recipients of federal poverty programs. Rather, the "problems of the central cities were viewed as the byproducts of exuberant suburban growth, which left outmoded cores in need of redevelopment and physical refurbishing." The new governing paradigm for the city-federal relationship would be "urban renewal."[64]

Urban centers had already been recognized as centers of need during the Great Depression. The Housing Act of 1937 had inaugurated a federal housing construction program, but this had generated a great deal of resistance from private real estate interests opposed to competition from public housing and desiring direct federal financial support for themselves instead. Thus the 1937 program had been unsuccessful, and programs originally developed for the direct government provision of affordable

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[60] On the urban lobby, *see* ANNE MARIE CAMMISA, GOVERNMENTS AS INTEREST GROUPS: INTERGOVERNMENTAL LOBBYING AND THE FEDERAL SYSTEM 117–31 (1995); Raymond A. Mohl, *Shifting Patterns of American Urban Policy since 1900*, *in* URBAN POLICY IN TWENTIETH-CENTURY AMERICA (Arnold R. Hirsch & Raymond A. Mohl eds., 1993); DENNIS R. JUDD & FRANCIS N. KOPEL, THE POLITICS OF AMERICAN CITIES: PRIVATE POWER AND PUBLIC POLICY 319–58 (1979); HAIDER, *supra* note 58; DOUGLAS M. FOX, THE NEW URBAN POLITICS: CITIES AND THE FEDERAL GOVERNMENT (1972); Daniel J. Elazar, *Urban Problems and the Federal Government: A Historical Inquiry*, 82 POLIT. SCI. Q. 505–25 (1967); ROSCOE C. MARTIN, THE CITIES AND THE FEDERAL SYSTEM (1965).

[61] Bertram Johnson, *Associated Municipalities: Collective Action and the Formation of State Leagues of Cities*, 29 SOC. SCI. HIST. 549–574 (2005). HAIDER, *supra* note 58, at 6–15. On the creation of the USCM: *Id.* at 2–6.

[62] Fox, *supra* note 60, at 103-105.

[63] *Id.*

[64] On financial structural challenges: CARL ABBOTT, URBAN AMERICA IN THE MODERN AGE: 1920 TO THE PRESENT 111–19 (1986). *See also* KENNETH FOX, METROPOLITAN AMERICA: URBAN LIFE AND URBAN POLICY IN THE UNITED STATES, 1940-1980 79–106 (1986).

housing shifted, under the larger paradigm of Keynesian national economic policy, to federal investment for the purpose stimulating economic development. This led to the development of a national policy to "save the central city" by building a new economy around the razing and rebuilding of "blighted" urban areas, often meaning the homes of current residents. The Truman-era Housing Act of 1949, as amended during the Eisenhower administration, funded primarily commercial redevelopment in older city centers, with Philadelphia's Penn Center and Pittsburgh's Gateway Center complexes as influential models. By 1960, then, these programs, together with federal interstate highway development, were transforming previously mixed residential, commercial, and industrial city centers into central business districts. The urban lobby circa 1960 was interested in any opportunity to increase federal investment in this mode.[65]

The urban lobby had been aware of air pollution as a problem for decades. The *American Municipal News*, the AMA's periodical, had tracked smoke abatement ordinance innovations for years. By 1960, the urban lobby shared an interest in developing solutions to air pollution, an understanding that air pollution problems were shared nationally by similarly-situated cities, and an established system for requesting federal assistance for municipal problems. These would combine to drive the specific legislative proposal that became the Clean Air Act of 1963.

v. Conservatives – The Skeptical View

"Conservatism" in the United States is the subject of only slightly less spilled ink than "liberalism." It famously challenges definition, in part because it is defined by its relation to other ideas, and in part because, at least in the United States in the postwar years, it was defined by struggles to define itself. For the purposes of this discussion, it suffices first to note that in the postwar United States there were "conservatives" in both the Republican and Democratic parties, and that in the Republican Party especially there was a transition from the "old guard" conservatism that had dominated since about 1912, personified particularly by Sen. Robert A. Taft (R-OH), to a "new" and more populist postwar (and Cold War) conservatism personified by Sen. Barry Goldwater (R-AZ). The conservative elements of both parties formed governing coalitions in Congress, with varying degrees of cooperation and success. From within this diverse group of interests and ideologies emerged three related, overlapping,

[65] On New Deal understanding of municipal problems: FOX, *supra* note 60, at 81–89 (discussing Report of the National Resources Committee, Urbanism Subcommittee, *Our Cities, Their Role in the National Economy* (1937). Fox identifies the opposition to the Housing Act as led by the National Association of Real Estate Boards, on behalf of city residential real estate interests, and as part of a larger "long-standing conflict between the real estate interests and the progressive housing interests, including confrontation over zoning regulation, rent control, building codes, health regulation, building inspection, and landlord-tenant legal relations."). FOX, *supra* note 60, at 89 (discussing Guy Greer & Alvin Hansen, *Urban Redevelopment and Housing - A Plan for Post-War*, Nat'l Planning Assoc. Planning Pamphlets No. 10 (Dec. 1941)). Federal housing legislation: U.S. Housing Act of 1937, Pub. L. 75-412, 50 Stat. 888 (1937); Pub. L. 81-171, 63 Stat. 413 (1949). On Philadelphia and Pittsburgh: Fox, *supra* note 60 at 94–99.

and self-reinforcing, but distinct, broadly "conservative" consensus ideas that would be very relevant to air pollution control: fiscal conservatism, anti-statism, and support for capitalism.[66]

Fiscal conservatism may be defined as "an agenda of balanced budgets, private capital investment, minimal government debt, stable currency, low inflation, . . . high savings," and low taxes.[67] Even in the 1930s, the ideologies behind these policies were varied, but in government fiscal constraint was understood both to be popular among the tax-paying electorate, and important to policymakers concerned about the "detrimental impact of deficits on consumer prices, national savings, and the international stability of the dollar," and with "restoring healthy economic conditions, constraining the state, limiting interest groups, and retaining the faith of citizens in a disciplined government."[68] Although fiscal conservatism found support in both parties, Republicans were especially devoted to it, and it was an essential element of the 1952 Republican Party platform, which required building a consensus between the isolationist Taft and internationalist Eisenhower factions (who won). Eisenhower himself was an enthusiastic budget hawk. Federal spending would constantly require justification.[69]

Anti-statism may be defined as "the body of ideas and arguments used by those who have opposed efforts to increase the size and strength of the executive branch of the federal government" in the United States.[70] Although anti-statism is associated with conservative politics, the resistance to centralized national power is one of the U.S. Constitution's defining characteristics: the country survived without a strong centralized national government for over a century and a half. The "marked anti-statist bias" in American government did not disappear even after the World Wars and the Great Depression posed enormous challenges to adherents of this doctrine.[71] Furthermore, anti-statism served vested interests:

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[66] *See generally*, Michael Kimmage, *The Historiography of Twentieth-Century American Conservatism, in* OXFORD BIBLIOGRAPHIES (2014). On Robert Taft's life and work, *see* JAMES T. PATTERSON, MR. REPUBLICAN: A BIOGRAPHY OF ROBERT A. TAFT (1972). On Barry Goldwater's, *see* ROBERT ALAN GOLDBERG, BARRY GOLDWATER (1995). On the "conservative coalition" in Congress, *see* JAMES T. PATTERSON, CONGRESSIONAL CONSERVATISM AND THE NEW DEAL (1967). For a current sociological definition, *see* Neil Gross, Thomas Medvetz & Rupert Russell, *The Contemporary American Conservative Movement*, 37 ANNU. REV. SOCIOL. 325, 325–54 (2011).

[67] Julian E. Zelizer, *The Forgotten Legacy of the New Deal: Fiscal Conservatism and the Roosevelt Administration, 1933-1938*, 30 PRES. STUD. Q. 332, 333 (2000).

[68] *Id.* at 334.

[69] On Taft's efforts to lead the Republican Party toward fiscal conservatism, *see* MICHAEL D. BOWEN, THE ROOTS OF MODERN CONSERVATISM: DEWEY, TAFT, AND THE BATTLE FOR THE SOUL OF THE REPUBLICAN PARTY (2011). CLARENCE E. WUNDERLIN, ROBERT A. TAFT: IDEAS, TRADITION, AND PARTY IN U.S. FOREIGN POLICY 184–85 (2005). On the guiding "political economy" of Eisenhower's presidency, including the underlying reasons for his fiscal conservatism, the classic study is Robert Griffith, *Dwight D. Eisenhower and the Corporate Commonwealth*, 87 AM. HIST. REV. 87, 87–122 (1982). For a political history of the Eisenhower administration's efforts to balance the budget, *see* IWAN W. MORGAN, EISENHOWER VERSUS 'THE SPENDERS': THE EISENHOWER ADMINISTRATION, THE DEMOCRATS AND THE BUDGET, 1953-60 (1990). The Taft-Eisenhower primary is examined in: PATTERSON, *supra* note 66; WILLIAM I. HITCHCOCK, THE AGE OF EISENHOWER: AMERICA AND THE WORLD IN THE 1950S (2018).

[70] AARON L. FRIEDBERG, IN THE SHADOW OF THE GARRISON STATE: AMERICA'S ANTI-STATISM AND ITS COLD WAR GRAND STRATEGY 11 (2012). This discussion follows the excellent analysis of U.S. anti-statist traditions in *id.* at 9–33.

[71] FRIEDBERG, *supra* note 70, at 5.

> Postwar opposition to the growth of governmental power was also, in some cases, merely a by-product of self-interest, rather than the result of any serious attempt to establish what was best for the country as a whole. . . . Principled postwar anti-statists . . . were often motivated by other beliefs . . . . Many southern Democrats who favored "states' rights" and a weaker government in Washington were also, not coincidentally, racists; some midwestern Republicans who wanted lower taxes, less federal regulation, and a smaller defense budget were also, as a result, isolationists.[72]

What is especially important is that in U.S. politics, appeals to anti-statist principles have always been powerful, and this was especially the case in a time when the nation's entire identity was being transformed in contrast to both authoritarian fascism and world communism. Government initiatives, however well intentioned, would be subject to anti-statist review.

Finally, U.S. fiscal conservatism and anti-statism overlapped with a marked pro-capitalist outlook in U.S. society and government. While *laissez-faire* political economy did not have its roots in the U.S. Constitution to the same degree as did anti-statism, by the early twentieth century the ideal was well established. Business interests, of course, promoted capitalism. But by the postwar years free-market capitalism had also found strong intellectual proponents looking for an alternative to socialism as a set of organizing principals for a good society and government. While the degree to which the government should be involved in promoting capitalism was debated, capitalism itself was increasingly associated with the United States itself, and reform efforts intended to constrain business operations were, increasingly, opposed for no other reason than what was bad for business was bad for the United States. This was the upshot of, for example, the 1937 "conservative manifesto," and it would become a strong political organizing force in business circles, including, as is particularly relevant to air pollution, the National Association of Manufacturers.[73]

It would be circular to define all opposition to federal air pollution control legislation as "conservative," simply because such federal power had never existed before, and therefore any effort to create it was "reformist" or "progressive," and thus any effort to oppose it could be said to be "conservative" or even "reactionary." Rather, there were a number of pre-existing conservative principles that became implicated when new programs were proposed. These were not absolutes, and for examples of conservatives supporting new federal pollution control programs one need look no further than Robert A. Taft himself, who co-sponsored the 1948 Federal Water Pollution Control Act. But Taft was also considered among his more conservative colleagues to have been becoming increasingly soft on social programs. What is clear is that, as advocates for air pollution control began their work, they would be required to confront and overcome skepticism, justify their programs, and

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[72] *Id.* at 6.

[73] The interaction between pro-capitalist political interests and federal intervention is explored in detail in PHILLIPS-FEIN, *supra* note 8. Of particular interest, Phillips-Fein covers the American Liberty League and the National Association of Manufacturers in detail. On the "conservative manifesto," *see* John Robert Moore, *Senator Josiah W. Bailey and the "Conservative Manifesto" of 1937*, 31 J. SOUTH. HIST. 21, 21–39 (1965).

seek to build legitimacy among a broad set of often conflicting interests that, in the aggregate, may be understood as conservative.

vi. Other Interests

Many other elements of U.S. society had a stake in the outcome of air pollution discussions. However, very few of them took any significant action to create the Clean Air Act of 1963. Before moving to legislative history, several of the most important deserve brief explanation.

The Conservation Movement. The conservation movement played no significant role in air pollution advocacy in the 1950s and early 1960s. As explained above, the air pollution problem had become the special concern of the "urban lobby," and conservation at the time was focused on the development and protection of wilderness and other scenic resources. "They focused on regional or place-specific issues, looking at the mountains instead of the cities, at the so-called pristine places instead of the communities where people lived."[74] The Sierra Club's move toward a more "environmental" perspective that could encompass air pollution has been dated to 1963 and the Diablo Canyon controversy.[75] Thus, the only conservation organization to comment on the Clean Air Act of 1963 was the National Wildlife Federation, which did so only after its input was requested by the House Health and Safety committee. The organization's own newsletter barely mentioned air pollution between 1955 and 1963.[76] Although members of the Izaak Walton League and other organizations could occasionally be found making positive statements at the local level, this did not reflect an organizational commitment to the issue.

Women's Groups. Early air pollution legislation has been credited to coalitions of "middle-class women's groups, public health officials, and physicians."[77] It is true especially that the League of Women Voters contributed to early environmental action, and that women's contributions to environmentalism generally are understudied. However, there is little evidence that the League was particularly active in air pollution during this time. The one major exception is the Pittsburgh chapter, which was one of the major players in the coordination of that city's smoke abatement program.[78] But this was not replicated elsewhere, and the League never appears in efforts to promote federal air pollution control at this time.

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[74] HAL ROTHMAN, THE GREENING OF A NATION?: ENVIRONMENTALISM IN THE UNITED STATES SINCE 1945 17 (1998).
[75] Susan R. Schrepfer, *The Nuclear Crucible: Diablo Canyon and the Transformation of the Sierra Club, 1965-1985*, 71 CALIF. HIST. 212, 212–37 (1992).
[76] *Public Hearings Scheduled on Pollution Control Bill*, 20:8 *Conservation News* 1 (Apr. 15, 1955); Senate Hearings on Water and Air Pollution Control Bills, 20:9 *Conservation News* 6 (May 1, 1955); Senate Fails to Restore Water Pollution Control Cut, 20:12 *Conservation News* 6 (June 15, 1955); NWF Announces New Fellowship Policy, 21:19 *Conservation News* 12 (Oct. 15, 1956); Air Pollution Conference Is Scheduled, 23:16 *Conservation News* 7 (Aug. 15, 1958); Air Pollution Problem Gets More Attention, 24:18 *Conservation News* 12-12 (Sep. 15, 1959); Air Pollution Control, 28:22 *Conservation News* 5 (Dec. 1, 1963).
[77] Daniel Faber & James O'Connor, *The Struggle for Nature: Environmental Crises and the Crisis of Environmentalism in the United States*∗, 1 CAPITAL. NAT. SOCIAL. 12, 13 (1988).
[78] Tarr, *supra* note 55.

Civil Rights Advocates. The groups and interests who would lead the Civil Rights Movement were focused on federal legislative action, but not for air pollution. Although disparate environmental health burdens were a discernable and occasionally commented-upon aspect of racialized housing segregation patterns during the 1950s and early 1960s, the framework of environmental justice, or environmental racism, was not yet developed and was not a locus of advocacy or activism at this time.[79]

Business. "Business" cannot be treated as monolithic, and business involvement in air pollution typically mapped to sectoral interests. For example, the cigarette industry was a somewhat surprising early advocate for air pollution investigation – because if ambient air pollution was shown to contribute to lung cancer, it provided an alternative explanation to the cigarette theory of causation.[80] Retail businesses operating in urban centers would benefit from "urban renewal" programs, but manufacturers creating the pollution would not. Producers of fuels and other inputs to fuel-burning industry would suffer; those who developed better pollution control devices would not.

In summary, then, the postwar years in the United States were a time of great change in ideas about government, related to but different from the changes of the 1960s that are most often associated with environmental law. These changes had their origins in the past, and particularly in the experiences of the New Deal and World War II and were in tension especially during the Eisenhower administration. They would find expression in the debate over federal air pollution control law between 1948 and 1963 – the Subject of Part II.

II. The Development of the Clean Air Act of 1963

Part I examined the social and political forces relevant to the air pollution problem in the postwar United States. Part II explores how those forces influenced the federal government's response. Section A examines how PHS was first recruited to investigate outdoor air pollution in Donora, Pennsylvania, and how the agency balanced the political interests at play there. Section B explores PHS's air pollution work between 1949 and 1958, and the rising Congressional debate, and conservative concern, over the appropriate role of the federal government in air pollution. Sections C through F then examine the debate over whether to expand the federal government's authority to include any sort of independent power to reduce air pollution. Section C examines the seminal proposal by HEW Secretary Arthur S. Flemming in late 1958, and traces how that proposal was delayed in Congress through 1960. Section D examines the transition to the Kennedy Administration and the lobbying by the American Municipal Association that created key textual elements of the eventual bill in 1961. Section E examines the plans to enact a relatively moderate bill in 1962, the key decision to delay that enactment for a year, and the emergence of open conflict over the question of federal enforcement

[79] *See* J. Merritt McKinney, *Air Pollution, Politics, and Environmental Reform in Birmingham, Alabama* (Oct. 2011) (Ph.D. dissertation, Rice University).
[80] Mark Parascandola, *The Other Surgeon General's Report: History of the U.S. Public Health Response to Air Pollution, Cigarette Smoking, and Lung Cancer*, 4 Annals of Cancer Epidemiology, at 9 (2020).

by the end of the year. Section F then examines the pivotal year of 1963, with particular attention to public hearings in the House and Senate, and the votes that led to the law's eventual passage and signing in December 1963.

A. 1948-1949: Donora

As explained in Part I, federal engagement with air pollution as a health issue can be traced back to early work on smoke abatement by the U.S. Bureau of Mines, and early investigations into lung health by PHS's Industrial Hygiene Division. But the public debate over whether and how to increase the federal role in the air pollution field can be traced to Donora, Pennsylvania – an industrial town outside Pittsburgh. In the last week of October 1948, the town was beset by a toxic smog that killed 20 people. The disaster made national news.[81]

In Donora, calls for a federal investigation into the smog disaster began almost immediately, and were always intertwined with questions of liability. Although suspicions in the town immediately fell on its major industrial facility – U.S. Steel's Donora Zinc Works – it was not clear who could be trusted to investigate these allegations. In the usual course of events at the time, local, county, and state public health officers specializing in industrial hygiene would investigate, and they did arrive quickly at the scene in Donora. But by the time they had come, the killing smog had gone, meaning there was little evidence left to examine, and the investigators hesitated to blame the zinc works without proof.[82] U.S. Steel also proposed an investigation by an independent outside consultant but, given its obvious conflict of interest, it was not well trusted. In the town, nearly everyone relied on the plant for employment, but they were unionized – and six of the seven town councilmen were union members. In the immediate aftermath, the town therefore held a public meeting to discuss what should be done. At that meeting, two prominent figures – Donora Public Health Board member Dr. William Rongaus, who had been quoted repeatedly as likening the deaths in Donora to "murder" by the zinc works, and Frank Burke, the Pittsburgh steel union director and recently appointed chair of its national committee on worker safety – called for the town to recruit PHS to serve as a neutral investigator into the causes of the deaths. The town council accepted this proposal and immediately sent PHS a request for assistance.[83]

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[81] On the general facts of the Donora incident, *see* Elizabeth T. Jacobs, Jefferey L. Burgess & Mark B. Abbott, *The Donora Smog Revisited: 70 Years After the Event That Inspired the Clean Air Act*, 108 AM. J. PUBLIC HEALTH S85, S85–S88 (2018). For the classic contemporary telling, *see* Berton Roueché, *The Fog*, THE NEW YORKER (Sep. 23, 1950), https://perma.cc/V9U6-DDHQ.

[82] Lynne Page Snyder, *"The Death-Dealing Smog over Donora, Pennsylvania": Industrial Air Pollution, Public Health Policy, and the Politics of Expertise, 1948-1949*, 18 ENVIRON. HIST. REV. 117, 121 (1994).

[83] On the Pennsylvania Health Department investigation and the U.S. Steel proposal to recruit the "Independent Hygiene Corporation," *see Chemists Study Fatal Smog At Donora, Pa.*, THE EVENING SUN, Nov. 1, 1948, at 2. NB: the "Independent Hygiene Corporation" does not appear in Pennsylvania corporate records and is not otherwise mentioned in local newspapers of the time, and so may be a misreported name. On the state of distrust and statements made at the Donora public meeting, *see generally* Snyder, *supra* note 82*, and see* Troy Gordon, *U.S. Scientists Asked To Help Solve Mystery*

Although PHS had a long history investigating health issues related to industrial facilities, it was also sensitive to the politics of federal intervention and bound by rules relating to state assistance, and so was not immediately eager to volunteer itself in Donora.[84] Upon receiving the town's message, PHS responded that it was required to wait for the appropriate request from state (not local) authority.[85] Such an invitation, however, was not immediately forthcoming, and in the meantime PHS employees speculated publicly that local meteorological conditions had likely been to blame – not local industry. It was not until several days later that both Pennsylvania and PHS agreed that PHS should be involved, and PHS, represented by the head of its industrial hygiene division, agreed to travel to Donora to conduct an investigation, but only by setting up monitoring stations in the valley to study the air, in the event that the fatal circumstances repeated themselves after the zinc plant reopened. Over the following weeks, PHS staff began arriving in Donora.[86] The town, then, had gotten what it asked for – but under conditions that did not specifically commit PHS to a health investigation of the industrial facility's emissions.

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of "Death Smog," LUBBOCK MORNING AVALANCHE, Nov. 2, 1948, at 1; Orlo Robertson, *Donora Asks Federal Check of "Poison" Air*, THE AKRON BEACON JOURNAL, Nov. 2, 1948, at 35; *Ask For Air Survey Over Smog Area*, LANCASTER EAGLE-GAZETTE, Nov. 2, 1948, at 1; *Doctor Calls Fatal Smog Paralyzing*, THE COURIER-JOURNAL, Nov. 2, 1948, at 11; *Donora Appeals To Federal Health Bureau for Aid*, THE DAILY CLINTONIAN, Nov. 2, 1948, at 1; *Donora Asks U.S. To Probe Plague*, THE PITTSBURGH PRESS, Nov. 2, 1948, at 1; *Traces of Poison Gas Found in Smog By State Prober of Donora Death Wave*, DEMOCRAT AND CHRONICLE, Nov. 2, 1948, at 3. On Frank Burke's background, *see Wildcat Strike Shuts J&L Mill, 8500 Men Idle*, THE PITTSBURGH PRESS, Feb. 22, 1945, at 1; *CIO Steelworkers of America Will Meet in New Castle Aug. 7-8*, THE NEWS-HERALD, Jul. 31, 1948, at 2.

[84] PHS's investigatory portfolio can be traced through its annual reports to Congress, submitted by the Surgeon General pursuant to PHS authorizing legislation between 1902 and 1952 – as can its combined scientific, causal investigatory, pollution control, and industry oversight missions. For the division's activities in 1948, *see also* Statement of Dr. Leonard A. Scheele, Surgeon General, *in* Hearings before the House Appropriations Committee, *Department of Labor, Federal Security Agency Appropriations for 1951*, at 267-68 (1950). On the initial responses to Donora's request to PHS, *see Clean-Up of Air in Industrial Areas Suggested, Health Service Aid to Donora Delayed by Election Day*, THE TOWN TALK, Nov. 3, 1948, at 9. On the further delay, *see Hope for Federal Probe Of Fatal Smog Stymied*, THE MERCURY, Nov. 3, 1948, at 13.

[85] Edwin F. Brennan, *Zinc Plant Is Absolved In Deaths*, PITTSBURGH POST-GAZETTE, Nov. 5, 1948, at 1; *No Incriminating Evidence on Any One Donora Mill*, ST. LOUIS POST-DISPATCH, Nov. 5, 1948, at 32.

[86] *Steelworkers Give $10,000 to 'Prove Donora Death Smog*, THE MORNING HERALD, Nov. 6, 1948, at 14; *Donora, Pa., Becomes Laboratory To Avert Further Fatal Smogs*, THE ST. LOUIS STAR AND TIMES, Nov. 5, 1948, at 2; *Air Pollution Probe*, THE PITTSBURGH PRESS, Nov. 20, 1948, at 8; *Check on Smog Is Ordered*, AMARILLO DAILY NEWS, Nov. 5, 1948, at 15. On the growing PHS involvement, *see* Air Pollution Probe, *supra* note 86; *Donora's Deaths Studied Again*, THE INDIANA GAZETTE, Nov. 20, 1948, at 12; *U.S. To Probe Smog Deaths At Donora*, THE PLAIN SPEAKER, Nov. 20, 1948, at 15; *Four Inquiries Hunt Source of Donora Deaths*, THE PITTSBURGH PRESS, Nov. 21, 1948, at 2; *The "Federals" Move In*, THE PITTSBURGH PRESS, Nov. 21, 1948, at 18; *Donora Death Probers Meet*, THE PITTSBURGH PRESS, Nov. 23, 1948, at 9; *House-to-House Smog Survey To Start Early Next Week in Donora*, THE DAILY REPUBLICAN, Nov. 24, 1948, at 1; *U.S. Study of Air at Donora, Pa., to Start Next Week*, ST. LOUIS POST-DISPATCH, Nov. 26, 1948, at 3; *May Take Year In Donora Probe*, REPUBLICAN AND HERALD, Dec. 1, 1948, at 2; *Staff Of U.S. Public Health Service Specialists Open Donora Smog Probe*, THE DAILY REPUBLICAN, Dec. 1, 1948, at 1; *Federal Probers Arrive in Donora*, THE PITTSBURGH PRESS, Dec. 3, 1948, at 2. For PHS's description of how it became involved, *see* PHS, *Annual Report of the Federal Security Agency 1949: Public Health Service*, 109–10 (1949). The internal and cross-agency discussions that resulted in both the State of Pennsylvania and PHS agreeing that PHS should come to Donora have not been studied.

The investigation took nearly a year,[87] and PHS submitted its report in mid-October 1949.[88] As had been presaged in its early comments and study design, its work focused almost entirely on meteorological and topographical contributors to the deadly incident and did not attempt to trace the deaths to the town's major industrial facility. The report concluded that the "Donora Smog episode of October 25–31, 1948, was an extreme case of the 'smoky morning' type," i.e., a typical temperature inversion that had trapped the town's typical smog in the local valley, just to a greater than normal degree.[89] The report did recommend that the town reduce local air pollutants but focused much more on a proposed weather monitoring network to forecast future dangerous inversions in time to warn the public. If Donora's residents had been holding out hope for causal findings to support lawsuits against U.S. Steel, they were disappointed.[90]

PHS, however, had just gained a great deal of public exposure in the air pollution space and, perhaps, an opportunity for more. And above all else, the PHS report recommended further research:

> Our first step now, of course, is immediate basic research. We need to investigate for instance, what long range effect continued low concentrations of polluted air has on the health of individuals. . . . *When we find the answers to all of these unknowns, we can proceed to the problem of eliminating the causes.*[91]

This was not a model statement of the precautionary principle, and it was not necessarily the case that it was necessary to answer all medical research questions before turning to the task of eliminating pollution's causes. But that was what PHS proposed to do.

B. 1949-1958: Early Debate on the Federal Role

Following Donora, at least twenty-five other cities requested that PHS investigate air pollution within their borders. For several years, PHS conducted what research it could under whatever authorities and budget authorizations it could muster, while interested members in Congress sought to expand PHS's budget authorization with a specific air pollution research program, under the watchful and often skeptical review of fiscal conservatives concerned with federal budget growth, and anti-statist conservatives concerned with federal government growth generally. During this time, no distinction

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[87] *Donorans To Get Preliminary Report On Smog Probe Tomorrow*, THE DAILY REPUBLICAN, Feb. 8, 1949, at 1; *Donora Report Due Tuesday*, THE PITTSBURGH PRESS, Apr. 22, 1949, at 30; *PHS Field Group Back in Donora*, THE DAILY REPUBLICAN, Sep. 20, 1949, at 1; *U.S. Renews Probe of Fatal Donora Smog*, LANCASTER NEW ERA, Sep. 22, 1949, at 26; Paul F. Ellis, *Blanket of Death at Donora Described by Health Service*, THE CAPITAL JOURNAL, Oct. 18, 1949, at 19.

[88] H.H. SCHRENK ET AL., AIR POLLUTION IN DONORA, PA: EPIDEMIOLOGY OF THE UNUSUAL SMOG EPISODE OF OCT. 1948 (1949).

[89] *Id.* at 147.

[90] *Id.* at 164. For a critique of its failure to assign any responsibility to the sources of the pollutants, *see* Snyder, *supra* note 82. The internal politics of the report have not been studied.

[91] Foreword by Leonard A. Scheele, Surgeon General, SCHRENK ET AL., *supra* note 88, at iii (emphasis added). To date, no research has been done on how PHS viewed opportunities presented by a possible federal research program.

was made between PHS "research," "surveys," or "investigations," and the work often had political implications that could not be avoided.

Without a specific Congressional authorization, PHS pursued air pollution in at least three ways in the latter years of the Truman administration. First, it advised states on technical matters under its state services authority. Second, it began to study air quality conditions in the Detroit-Windsor area at the behest of the International Joint Commission, a U.S.-Canadian international border commission with clear federal jurisdiction. Third, under its water pollution authorities, PHS had received funding to construct a sanitary engineering center in Cincinnati, Ohio, which was intended to house its water pollution research activities – and it consolidated its air pollution research work there as well. Congressional budget overseers inquired into these activities in 1950, 1951, and 1952, and were most concerned that Canada pay its fair share of the costs for the international investigation.[92]

The first legislative proposals came in the same week that the PHS's Donora report was released. Two Congressmen from the Donora area submitted identical bills stating that the PHS study had "revealed for the first time that smog . . . can cause serious acute disabling diseases . . ." and proposing to direct $750,000 ($8 million today) to PHS to "conduct research into the health hazards of air pollution and to determine the long-range and chronic, as well as the acute, effects of air pollution, and also to establish specific engineering preventive and control measures for eliminating the dangers of air contamination."[93] In other words, the proposals framed PHS's mission as medical research into the basic causes of disease. However, the bills also proposed to expand PHS's research into technological

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[92] Regular reports on PHS air pollution activities were provided to Congress by the Federal Security Agency until the FSA was transformed into HEW. *See* ANNUAL REPORT OF THE FEDERAL SECURITY AGENCY 1949: PUBLIC HEALTH SERVICE at 109–110 (1949); ANNUAL REPORT OF THE FEDERAL SECURITY AGENCY 1950: PUBLIC HEALTH SERVICE at 56 (1950); ANNUAL REPORT OF THE FEDERAL SECURITY AGENCY 1951: PUBLIC HEALTH SERVICE at 44 (1951); ANNUAL REPORT OF THE FEDERAL SECURITY AGENCY 1952: PUBLIC HEALTH SERVICE at 51 (1952). For Congressional (often rather skeptical) inquiry into PHS budget requests for air pollution work, *see Department of State Appropriations for 1951: Hearings before the House Appropriations Committee*, at 980–84 (1950); *Departments of State, Justice, Commerce and the Judiciary Appropriations for 1951: Hearings before the Senate Appropriations Committee*, at 848–52 (Apr. 12, 1950); *Departments of State, Justice, Commerce and the Judiciary Appropriations for 1951: Hearings before the Senate Appropriations Committee*, at 848–51 (Apr. 12, 1950); *Department of Labor – Federal Security Agency Appropriations for 1952: Hearings before the House Appropriations Committee*, at 582 (Feb. 23, 1951); *Department of State Appropriations for 1952: Hearings before the House Appropriations Committee*, at 529-30 (Mar. 6, 1951); *Labor – Federal Security Appropriations for 1952: Hearings before the Senate Appropriations Committee*, at 650 (Apr. 25, 1951); *Departments of State, Justice, Commerce, and the Judiciary Appropriations for 1952: Hearings before the Senate Appropriations Committee*, at 1537–38 (1951). The Cincinnati center was authorized by the Federal Water Pollution Control Act of 1948, § 8(c), Pub. L. 80-845, 62 Stat. 1155, 1159 (1948). Its construction was explained in detail in *Independent Offices Appropriations for 1951*: *Hearings before the House Appropriations Committee*, at 2246-51 (Feb. 27, 1950) (statement of Rep. Charles H. Elston); and its use for air pollution at *Departments of Labor and Health, Education, and Welfare Appropriations for 1955: Hearings before the House Appropriations Committee*, 168–69 (Apr. 2, 1954).

[93] H.R.J. Res. 379, 81st Cong. (Eberharter, D-PA) (Oct. 14, 1949) (to provide for research into the health hazards of air pollution); H.R.J. Res. 380, 81st Cong. (Kelley, D-PA) (Oct. 14, 1949) (same), *ref'd to House Commerce Committee* 95 CONG. REC. 14,630 (1949). Bailey speculates that these legislators were engaging in "symbolic politics" and submitted these bills primarily to satisfy constituents and claim credit, a cynical interpretation based on the (true) fact that they did not resubmit their bills in the following Congresses. BAILEY, *supra* note 4, at 89. Other explanations, however, are also consistent with this evidence. Further research into who wrote the bills, how PHS was involved, and why the Congressmen submitted the bills would be useful, as would a review of why the bills did not see a vote.

research and development traditionally dominated by smoke abatement engineers and outside the expertise of the PHS staff then working on air pollution. The bills did not escape committee in 1949.

Whatever the reason for failure in 1949, the idea for a federally funded air pollution research program returned in 1950 and 1951, with tensions unresolved between PHS's possible investigatory, basic research, and abatement missions. The first 1950 proposal was identical to those submitted in 1949, but now promoted by Staten Island representative James J. Murphy, who appears to have been squarely focused on PHS's investigatory role, as he expressed frustration that his constituents could not secure a local PHS inquiry into air pollution coming from New Jersey.[94] Later in the year, a different proposal came from Rep. Helen Gahagan Douglas (D-CA), who at the time was engaged in a fierce Senate campaign against then-Representative Richard M. Nixon (R-CA) in a state that was increasingly concerned about air pollution. Rep. Douglas appears to have been focused on nationalizing some of the costs of California's ongoing air pollution research, and her remarks defended federal involvement in the field in part by arguing that basic research was expensive for one state alone to undertake and would have widespread national benefit.[95] While Murphy's proposal repeated the combined medical and technological research goals contained in the prior year's bills, Douglas's bill innovated by splitting the research work between the Bureau of Mines, which would investigate prevention and control technologies, and PHS, which was to conduct a three-year investigation into health effects – leaving states like California with the existing responsibility to develop and run regulatory programs. Again, however, these proposals did not escape committee and so died permanently at the end of the 81st Congress in 1950.

In 1951, at the beginning of the 82nd Congress, Rep. Murphy re-submitted his prior bill, and two months later submitted a new proposal that incorporated the joint PHS-Bureau of Mines research structure originally proposed by Rep. Douglas. For the first time, this legislative effort was also coordinated with a partner in the Senate: Sen. James E. Murray (D-MT), a "liberal stalwart" and chair of the Senate Labor and Public Welfare Committee, who submitted the Senate counterpart to his own committee. Although no action was taken on any of these bills in 1951, they carried forward

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[94] H.R.J. Res. 416, 81st Cong. (Murphy, D-NY) (Feb. 8, 1950), *ref'd to H. Commerce Comm.* 96 CONG. REC. 1696 (1950), *with introductory remarks at* 96 CONG. REC. 3486 (1950), *and related extended remarks at* 96 CONG. REC. A2006 (1950).
[95] H.R. 9379, 81st Cong. (Douglas, D-CA) (1950), *ref'd to H. Commerce Comm.* 96 CONG. REC. 12,143 (1950), *with related extended remarks at* 96 CONG. REC. A5733 (Jul. 10, 1953). Again, Bailey ascribes cynical motive to Rep. Douglas, who he claims without evidence was "[p]rompted by the need to find a popular issue to boost her flagging campaign against Richard Nixon for a vacant U.S. Senate seat." Bailey, *supra* note 4, at 91. Again, this motive is possible, and it is probably fair to assume that all of Rep. Douglas's legislative activity in mid-1950 was conducted with some attention to their impact on her Senate campaign, but the timing was just as likely to have been due to the recent completion of the national smog conference referenced in Rep. Douglas's introductory remarks. It is not clear that either party considered Douglas's campaign to be "flagging" at the time. Again, answers on motive require the archives. For further information on the (in)famous Nixon-Douglas battle, GREG MITCHELL, TRICKY DICK AND THE PINK LADY: RICHARD NIXON VS. HELEN GAHAGAN DOUGLAS - SEXUAL POLITICS AND THE RED SCARE, 1950 (1998). Given the central role that accusations of communism played in the campaign, it is notable that Nixon's campaign did not attempt to associate Douglas's air pollution work with communism.

automatically into the next year's Congressional session, where they would ultimately see a debate and vote.[96]

The first Congressional votes on the matter of air pollution research – and the first public opposition to a federal air pollution program by conservative legislators – came in summer 1952, in the last week of business of the 82nd Congress. The House Commerce Committee reported out Rep. Murphy's bill, and final passage was intended to have been secured under unanimous consent agreements by which the House and Senate's remaining legislative business were to be disposed. However, Congressional rules permitted any single legislator to object and thereby block any bill. Murphy's bill permitted the appropriation of "such sums . . . as may be necessary" for five years of intensified research by PHS and the Bureau of Mines, and this was challenged by House Minority Leader Joseph W. Martin, Jr. (R-MA), who asked: "How much will it cost?" House Commerce Chair Rep. Arthur G. Klein (D-NY) promptly answered, "about $75,000 or $100,000 a year for five years."[97] Evidently satisfied, Rep. Martin then asked if the committee report recommending the bill was unanimous (it was) and let the matter rest, and the bill passed the House on unanimous consent. It then went to the Senate for a vote in similar fashion. Two Republican Senators, moderately conservative Sen. Andrew F. Schoeppel (R-KS) and highly conservative Sen. Herman Welker (R-ID) raised their own concerns about the potential cost of the bill's unlimited appropriation. Unlike Rep. Klein, however, Sen. Murray was unable to immediately provide a specific annual cost estimate, and Welker – who would become famous for his vigorous defense of Joseph McCarthy in 1954 – objected to the bill on those grounds, killing it for the year.[98] Welker, then, became the first conservative legislator in U.S. history to vote against federal air pollution legislation.

The end of 1952 marked the end of the Truman administration, and, as it turned out, of the Democratic majorities in Congress. The November 1952 election brought in moderate Republican Dwight D. Eisenhower and a Republican-controlled House and Senate for the 83rd Congress. PHS continued to investigate air pollution without a formal mandate, and Representatives continued to re-

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[96] The 1951 bills were H.R.J. Res 38, 82d Cong. (Murphy, D-NY) (Jan. 3, 1951) ($500,000 appropriation), *ref'd House Commerce Comm.* 97 CONG. REC. 34 (1951); H.R.J. Res. 218, 82d Cong. (Murphy, D-NY) (Mar. 22, 1951) (unlimited appropriation and instruction to report), *ref'd House Commerce Comm.* 97 CONG. REC. 2897–98 (1951); and S.J. Res. 110, 82d Cong. (Murray, D-MT) (1951) (copy of H.R.J. Res. 218), *ref'd Senate Labor and Public Welfare Comm.* 97 CONG. REC. 12,492 (1951), *with introductory remarks* 97 CONG. REC. 12,495 (1951). On James E. Murray, *see Senator James Murray Dies in Butte*, GREAT FALLS TRIBUNE, Mar. 24, 1961, at 1.

[97] The bill was Rep. Murphy's H.R.J. Res. 218, submitted in 1951, reported favorably from the House Commerce Committee in H.R. REP. No. 2359 (Jun. 30, 1952). The colloquy with Rep. Martin is at 98 CONG. REC. 8940 (1952). Although Rep. Martin would later support federal water pollution control legislation and spending, and even voted to override Eisenhower's cost-based veto of the water pollution bill in 1960, he was at the time a consistent fiscal conservative. *See* JAMES JOSEPH KENNEALLY, A COMPASSIONATE CONSERVATIVE: A POLITICAL BIOGRAPHY OF JOSEPH W. MARTIN, JR., SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES 283 (2003).

[98] For the Senate action on H.R.J. Res. 218, *see* Senate Report No. 2079 (Jul. 3, 1952); *see also* 98 CONG. REC. 9314–15 (1952). Sen. Schoeppel was not a renowned conservative but supported Robert Taft against Dwight Eisenhower in the 1952 Republican presidential primary. Sen. Welker, on the other hand, although he served only one Senate term, made a name for himself as a vigorous anti-Communist and member of the farthest right wing of the Republican Party. *Ex-Senator Welker Dies At Age Of 51*, DAILY PRESS, Oct. 31, 1957, at 37.

submit bills. But the legislative environment was now very different, with a new and much more fiscally conservative party now in leadership. This newly empowered conservatism immediately expressed itself in a renewed interest in balancing the federal budget, and the PHS budget was not spared. This led to a 1953 debate over the PHS budget line for "engineering, sanitation, and industrial hygiene," which the Republican-controlled House Appropriations committee had cut by about 25 percent, from about $4,000,000 to a flat $3,000,000, below even what the Eisenhower administration had requested.[99] Representatives from California and Ohio pointed out that this was the water and air pollution research budget, which they cared a great deal about, and sought to increase it again. The vocal opposition to any increases was centralized in the midwestern industrial states represented by old guard conservatives – outspoken anti-communist and budget hawk Rep. Fred E. Busbey (R-IL) spoke against the amendment, and the entire discussion was preceded by what can only be described as a highly sarcastic speech from staunch conservative Rep. Clare Hoffman (R-MI).[100] At the end of the debate, the fiscal conservatives won out, and the PHS pollution research budget remained cut along with everything else in 1953.

One final bill failed to leave committee in 1953, and became central to events in 1954: a pro-business alternative from the chairman of California's Republican House delegation, Rep. Carl Hinshaw, which provided for accelerated amortization under the federal tax code for the costs of air pollution control devices installed by industry, creating a financial incentive to install them.[101] This idea was taken up by California's moderate Republican Senator, Thomas Kuchel (pronounced "Keekel"), who became a strong advocate on the air pollution issue in the Senate in 1954. Rather than attempt to submit a standalone bill to a committee he did not control, Kuchel recruited Indiana Republican Sen. Homer Capehart to introduce an air pollution amendment into the pending federal housing act, which was then being handled by the Senate Banking and Finance Committee, which Capehart chaired. Kuchel's amendment included three major proposals: the accelerated tax amortization and associated unknown tax expense that had first been introduced by Rep. Hinshaw; plus $5 million for ongoing research by PHS consistent with prior efforts to secure that funding; and finally $50 million for government loans to support businesses installing pollution control equipment.[102] Following a series of short hearings

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[99] For fiscal review of PHS programs in 1953 and 1954, *see* THE BUDGET OF THE U.S. GOVERNMENT 1953, at 1185 (1952); *Department of Labor – Federal Security Agency Appropriations for 1954: Hearings before the House Appropriations Comm.,* 83rd Cong. 720 (1953); *Labor – Health, Education, and Welfare Appropriations for 1954: Hearings before the Senate Appropriations Comm.*, 83rd Cong. 1218–19 (1953); *Departments of State, Justice, and Commerce Appropriations for 1954: Hearings before the Senate Appropriations Comm.,* 83rd Cong. 1330, 1336 (1953); *Departments of State, Justice, and Commerce Appropriations for 1954: Hearings before the House Appropriations Comm.,* 83rd Cong. 281 (1953).

[100] 99 CONG. REC. 5493–95 (1953). On Busbey's politics, *see* Edward Wilson*, Busbey Fight in 3d Based on Americanism*, CHICAGO TRIBUNE, Mar. 3, 1946, at 26. On Hoffman, *see Michigan's Clare Hoffman Dies at 92*, THE TERRE HAUTE TRIBUNE, Nov. 5, 1967, at 16.

[101] H.R. 2720, 82d Cong. (Hinshaw, R-CA) (Feb. 6, 1953) (accelerated amortization for tax purposes on business costs for installation of pollution control equipment), *ref'd House Ways and Means Comm.,* 83 CONG. REC. 951 (1953).

[102] S. 3115 (Kuchel, R-CA) (Mar. 11, 1954), introduced with remarks and referred to Senate Finance Committee, 100 CONG. REC. 3060 (1954), and S. 2938 (Capehart R-IN & Kuchel, R-CA, Apr. 1, 1954), introduced 100 CONG. REC. 4312 (1954). Research is still needed on how Kuchel convinced Capehart to undertake this effort. Bailey states that the two Senators were "[f]rustrated at the prospect of air pollution control bills disappearing without trace in unsympathetic committees," but without citation. BAILEY, *supra* note 4, at 94.

on the amendment (during which no dissent was invited or registered), the Senate committee reported out a bill that included the air pollution program and many other changes to the House bill, which was subsequently debated and passed with amendments by the Senate and returned to the House for conference. The Senate, in other words, had just unanimously passed a housing bill that included an expensive, but business-oriented, air pollution control program.[103] By mid-July, however, the conference had removed the air pollution program from the bill, because the House conferees (four Republicans and three Southern Democrats) flatly refused to incorporate it. With the air pollution program removed, the housing bill was taken up in the House, passed, and sent back to the Senate where it was also passed. In November, Sen. Kuchel could only lament that the House had blocked his air pollution program. By way of commentary he submitted a news report on a meeting of the National Association of Real Estate Boards (NAREB, active lobbyists on the housing bill) that had been interrupted by a terrible smog event, but had, notwithstanding its suffering, passed resolutions urging that all functions of the federal government that could be conducted by the states, should be conducted by the states. Thus, 1954, and the 83rd Congress, ended without an air pollution bill.[104]

The November 1954 midterm elections saw the return of Democratic majorities to the House and Senate, and Congressional power on air pollution shift back to the House Health and Safety Committee. Rather than work with the House, Sens. Kuchel and Capehart wrote a letter to President Eisenhower proposing a study committee to consider federal air pollution programs.[105] The administration agreed and convened the Ad Hoc Interdepartmental Committee on Community Air Pollution with representatives from multiple interested agencies. The Committee's final report was

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[103] On the House bill prior to the Senate amendment, *see* 83 CONG. REC. 4430–91 (House debate and vote) (1954); 83 CONG. REC. 4576 (1954) (Senate referral to Committee on Banking and Currency). On the Senate's deliberations over the air pollution amendment, *see* Hearings before the House Banking and Currency Committee, *Housing Act of 1954 – Air Pollution Prevention Amendment* (1954). The Senate bill was reported in H.R. REP. No. 1472 (May 28, 1954) and debated and passed unanimously at 83 CONG. REC. 7609–25 (1954).

[104] On the House debate on the Senate bill and conference, *see* 83 CONG. REC. 8456–72 (1954). On the removal of the air pollution program, *see Air Pollution Provisions Cut Out of Housing Bill*, THE LOS ANGELES TIMES, Jul. 16, 1954, at 14. On the conference bill, *see* 83 CONG. REC. 11071-110 (1954) (House vote). For Kuchel's commentary, *see* 83 CONG. REC. A6859 (1954). NAREB's position on the air pollution program has not been studied. Nor have the reasons for the conference committee refusing to consider the air pollution program from the Senate's bill.

[105] The Kuchel-Capehart letter is quoted at Ripley, *supra* note 4, at 230. As a source, however, the Ripley chapter requires some explanation, as it is both extremely valuable and extremely problematic. On the one hand, it is the best extant explanation of the legislative process – and particularly the arguments within PHS and HEW – regarding the Clean Air Act of 1963, and it was written relatively soon after the event and appears to have been built on interviews with one or more persons within PHS, at least, and a close reading of the legislative materials and hearing transcripts developed in Congress. As such, it is an invaluable source. Its problem, however, is that it contains no references at all – no footnotes, no endnotes, no discussion of evidence. Thus, it is impossible to determine in any given case what evidence Ripley was relying on. Although his telling of legislative details can be corroborated (or not) through a review of the extensive legislative record, this is particularly problematic because he also often attributes motive to actions. There are many good reasons to distrust motive evidence, whether given on behalf of one's self or of others, and this is doubly the case where the sources cannot be examined independently. Because motive is important in this analysis, Ripley's work is taken as suggestive, but cannot be taken as dispositive, and every effort has been made here to test Ripley's claims against the remainder of the record. The direct quotation in this citation resolves some of these concerns. However, the final departmental report states only that the committee was created at the "informal request from the Office of the President." AD HOC INTERDEPARTMENTAL COMMITTEE ON COMMUNITY AIR POLLUTION, THE FEDERAL ROLE IN THE COMMUNITY AIR POLLUTION PROBLEM (1955).

titled "The Federal Role in the Community Air Pollution Problem," and as its title indicated it was formulated carefully to counter conservative objections to the federal government's entry into a new field. It defined its proposed program carefully to maintain supremacy of the states and recommended that federal support be limited to research in order to avoid impinging on state prerogatives – a cautious "middle way" approach. The Eisenhower administration separately indicated its support for such a program through two policy statements in early 1955.[106] The 84th Congress, then, began with an unprecedented spate of air pollution bill submissions, led primarily by moderate Republicans.[107]

The bill that would get legislative attention was submitted by Sens. Martin (R-PA), Capehart (R-IN), Knowland (R-CA), Kuchel (R-CA), Potter (R-MI), and Wiley (R-WI) in February 1954. HEW and PHS supported it and Senator Kuchel introduced it, reassuring everyone that "it is not the thought that 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." The bill passed by unanimous consent.[108] The same point was reiterated in the House, and once again in the Senate while approving several house amendments: the bill would not create a federal air pollution control program.[109] Rather, the bill proposed a research program, eventually set at $5 million per year for five years. It passed and was called, quite misleadingly, the Air Pollution Control Act of 1955.[110] PHS's role had been decided: it would support the states and coordinate research, with a five year authorization to review spending, consistent with conservative principles of federalism and fiscal responsibility. It would not enter the business of technology development or, especially, enforcement. Tax relief programs for business were not included.

The years between 1955 and 1958 saw the House Health and Safety Subcommittee begin to take on traffic safety matters, and it was in this context that Rep. Paul Schenck (R-OH) first began to agitate for the Surgeon General to set emissions standards for automobiles – an effort that failed and was

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[106] Dwight D. Eisenhower ("DDE"), *Annual Message to Congress on the State of the Union*, 1955 PUB. PAPERS 7 (Jan. 6, 1955); DDE, *Special Message to the Congress Recommending a Health Program*, 1955 PUB. PAPERS 216 (Jan. 31, 1955).

[107] The 1955 air pollution bills were H.R. 835, 84th Cong. (Ray, R-NY) (Jan. 5, 1955), H.R. 2129, 84th Cong. (Frelinghuysen, R-NJ) (Jan. 13, 1955); H.R. 2888, 84th Cong. (Williams, D-NJ) (Jan. 24, 1955); H. Res. 116, 84th Cong. (Dollinger, D-NY) (Jan. 26, 1955); H.R. 3547, 84th Cong. (Byrnes, R-WI) (Feb. 3, 1955); H.R. 3548, 84th Cong. (Abbitt, D-VA) (Feb. 3, 1955); H.R. 3549, 84th Cong. (Bentley, R-MI) (Feb. 3, 1955); H.R. 3551, 84th Cong. (Hinshaw, R-CA) (Feb. 3, 1955); H.R. 3552, 84th Cong. (Jackson, R-CA) (Feb. 3, 1955); H.R. 3553, 84th Cong. (Lipscomb, R-CA) (Feb. 3, 1955); H.R. 3555, 84th Cong. (Ray, R-NY) (Feb. 3, 1955); S. 917, 84th Cong. (multiple sponsors) (Feb. 4, 1955); S. 928, 84th Cong. (multiple sponsors) (Feb. 4, 1955), *rep'd* Senate Rep. 389 (May 27, 1950); H.R. 3680, 84th Cong. (McDonough, R-CA) (Feb. 7, 1955); H.R. 3901, 84th Cong. (Hiestand, R-CA) (Feb. 10, 1955); H.R. 3906, 84th Cong. (Laird, R-WI) (Feb. 10, 1955); H.R. 4313, 84th Cong. (Miller, R-NY) (Feb. 23, 1955); H.R. 4741, 84th Cong. (Nelson, R-ME) (Mar. 8, 1955); S. 1565, 84th Cong. (Capehart, R-IN) (Mar. 28, 1955); H.R.J. Res. 259, 84th Cong. (Hess, R-OH) (Mar. 23, 1955); S. 2126, 84th Cong., *rep'd directly in* Rep. No. 404 (June 1, 1955); H.R. 6597, 84th Cong. (Hiestand, R-CA) (June 1, 1955); H.R. 6699, 84th Cong. (Roosevelt, D-CA) (June 7, 1955). Although this was a diverse group of legislators, it is notable for its predominant lack of Southern Democrats and conservative Republicans.

[108] For Senate debate and vote, *see* 84 CONG. REC. 7248–50 (1955).

[109] 84 CONG. REC. 9923–25 (1955)) (House debate and vote) 84 CONG. REC. 9984–85 (1955) (Senate consideration of the house amendments).

[110] Air Pollution Control Act of 1955, Pub. L. 84-159, 69 Stat. 322 (1955).

converted into another research bill in 1960. Under the 1955 Act, researchers associated with or funded by the PHS air pollution program would produce almost a thousand research publications on a vast range of fundamental problems in air pollution control, many of which would be absolutely essential to justifying regulatory limits in the future.[111] But in the meantime, many U.S. cities remained choked by smog. The 1955 Act's limited-federal, research-oriented approach was the new standard for federal involvement, but it did not force any action.

C. 1958-1960: the Flemming Proposal

Arthur S. Flemming deserves credit as the first person to actively promote giving the federal government independent authority to fight air pollution, in addition to researching it. As a member of Eisenhower's cabinet, he might have been an unlikely advocate. But Flemming was, above all else, interested in the discipline of good government – he was the former director of American University's School of Public Affairs, had served on the Hoover Commission on government organization, and had run the Office of Defense Mobilization from 1952 until Eisenhower needed a new HEW Secretary and tapped him for the role in August 1958.[112] Among his early duties as Secretary was to assist with a national smog conference that had already been scheduled.[113] It is not clear exactly how the idea came to him – at the conference he said only that the role of the federal government was foremost on his mind.[114] But at a press conference a few days later, it was reported that "Flemming said that he personally favored strengthening the Air Pollution Act by authorizing government to hold hearings and make findings and recommendations, particularly on interstate pollution problems."[115] This was the first statement in support of what would eventually become the new federal authority of the 1963 Clean Air Act.

What Flemming meant requires some explanation. His idea was to translate a similar authority granted to PHS under the existing version of the Federal Water Pollution Control Act (FWPCA) – specifically FWPCA's most recent revisions in 1956 – to the air pollution context. FWPCA 1956 had authorized PHS to unilaterally initiate "conferences" whenever PHS determined that water pollution was threatening public health, and that the states involved were not doing enough to solve the problem. It also empowered PHS, for the first time, to use the conference findings as the basis for water pollution abatement actions in federal court if the situation did not improve. Flemming had his staff prepare draft legislation along these lines for air pollution, and the resulting proposal's thresholds for

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[111] ANNA GROSSMAN-COOPER, AIR POLLUTION PUBLICATIONS: A SELECTED BIBLIOGRAPHY 1955-1963 (1964).

[112] On Arthur S. Flemming, *see* Interview by Niel M. Johnson with Arthur S. Flemming, Member, U.S. Civil Svc. Comm'n, 1939–48; Asst. to Dir. of Defense Mobilization, 1951-53, in Washington, D.C. (June 19, 1989), available online https://perma.cc/ZJ74-VWYU; *and* Eric Pace, *Arthur S. Flemming, 91, Dies; Served in Eisenhower Cabinet*, THE NEW YORK TIMES, Sep. 9, 1996, at B10.

[113] On the origins of the air pollution conference, *see Congressmen Support Anti-Smog Auto Drive*, THE LOS ANGELES TIMES, Jan. 10, 1958, at 28; *Smog Foes Assured of Federal Aid*, INDEPENDENT, Jan. 10, 1958, at 18; *Dorn Pushes Fight on Smog,* INDEPENDENT, Jan. 22, 1958, at 5; *Need More Money, Effort To Clean Air*, ST. ALBANS DAILY MESSENGER, Nov. 21, 1958, at 7.

[114] PHS, PROCEEDINGS OF THE NATIONAL CONFERENCE ON AIR POLLUTION 482–86 (1958).

[115] *Air Pollution Study Pushed; Research Team To Be Set Up*, THE BERKSHIRE EAGLE, Dec. 3, 1958, at 18.

federal jurisdiction, its administrative processes, and the use of its findings all began as borrowings from FWPCA, condensed and modified but nonetheless recognizable. The critical difference was that Flemming's air pollution proposal only authorized federally-initiated hearings as an information-generating endeavor to create nonbinding recommendations – unlike FWPCA, it did not include a federal abatement or enforcement mechanism based on the outcome of the hearings.[116] Throughout the rest of this Article, this idea – the power to force a hearing on air pollution problems but without independent authority to abate the pollution after the hearing – is referred to as "the Flemming proposal."

Flemming had his idea translated into legislation in 1959, and requested and secured approval from the Eisenhower administration to push the idea forward after that. In January 1960, President Eisenhower's Annual Budget Message indicated that HEW was writing "legislative recommendations to . . . authorize greater Federal leadership in combating air pollution."[117] In February, HEW staff transmitted a proposed bill to Congress, with a request to consider it. Rep. Roberts, chair of the House Health and Safety Subcommittee, submitted the bill – the first to contain language that would eventually be incorporated into the Clean Air Act of 1963.[118] Sen. Kuchel submitted it to the Senate, whence it also eventually made its way to Roberts' committee.[119]

It is likely that Flemming developed his proposal over the objections of some within PHS's Air Pollution Division, who expressed concern that seeking new and potentially controversial oversight authority would draw Congressional scrutiny and threaten PHS's research budget. It certainly was the case that the conference authority was already controversial, and would expand the federal role beyond the relatively technical, sedate, and (arguably) apolitical project of research development and coordination, into the highly charged and very political project of conducting public inquiries into state progress on air pollution. As such, it was controversial, and hauling state officers before a federal fact-finding tribunal at the discretion of the Surgeon General was likely to generate states' rights opposition.[120]

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[116] On the relationship between FWPCA, H.R. 10696, 84th Cong. (1956) and Flemming's proposal, *compare* Federal Water Pollution Control Act Amendments, Pub. L. 945, 62 Stat. Ch. 758 § 2(d) (1948) *and* Federal Water Pollution Control Act Amendments, Pub. L. 660, 70 Stat. Ch. 518 § 8 (1956), *with* H.R. 10696, 86th Cong., § 2 (1960) (redline comparisons on file with author).

[117] DDE, Annual Budget Message to the Congress: Fiscal Year 1961, 1960 PUB. PAPERS 94 (Jan. 18, 1960) https://perma.cc/C3JP-2AJW.

[118] H.R. 10696, 86th Cong. (Roberts, D-AL) (Feb. 25, 1960).

[119] S. 3108, 86th Cong. (Kuchel, R-CA) (Feb. 26, 1960), reported in the Senate by S. Rep. No. 86-1723 (Jun. 24, 1960), passed in Senate at 106 CONG. REC. 14,689–92 (1960), *ref'd to H. Com. Comm.* 106 CONG. REC. 15,038 (1960). On the date transmittal from HEW to Congress, *see* S. Rep. No. 86-1723 at 4.

[120] On objections to Flemming's proposal within PHS, Ripley is the only source, subject to the usual caveats: Ripley, *supra* note 4, at 232–33. If it happened, the most likely source of objection would have been Division of Air Pollution chief Vernon MacKenzie, who, as discussed in the following section, opposed efforts to give PHS enforcement authority, but this is not clear in the record. The political difficulties presented by the PHS's conference authority under FWPCA was the topic of discussion in the later hearings held on later bills. *See*, *e.g.*, *Air Pollution: Hearing on multiple bills*

In any event, in 1960 the Flemming bills died in Roberts' committee. The key question was: why? Roberts was a Southern Democrat, signatory of the Southern Manifesto, and firmly committed to states' rights as a means to protect segregation in the South, and so one possible explanation was that they were inconsistent with his view of the role of government. But Roberts was also sincerely interested in fighting air pollution, and was not an anti-statist ideologue. Rather, he appears to have had a strong commitment to the legislative process, and particularly to holding public hearings. In 1960, Roberts had intended to hold a hearing on the Flemming proposal prior to releasing it from committee. His House colleague from Birmingham had lobbied Roberts to hold his hearing in the city in summer of 1960, and Roberts himself had agreed, but under House rules he was not allowed to do so without approval from the chair of the full House Commerce Committee, which approval came only in November 1960, after the legislative session had already ended. Then, after the Birmingham hearing was scheduled and planned for December 1960, it had to be postponed after Roberts underwent minor surgery and was advised by his doctor not to travel. Thus, the Flemming bill died not because Roberts or his committee actively opposed it, but because Roberts was unable to incorporate it into a hearing that, for a variety of reasons, he intended to hold prior to reporting any air pollution legislation out of his committee.[121] Of course, had the hearing happened, Roberts may have found another reason to delay the bill – as the question of expanding federal power was still of paramount concern to many of his colleagues in Congress – but there is no evidence that he was ideologically opposed to the Flemming proposal at this time.

Nonetheless, given Roberts' delay on the Flemming proposal, 1960 – and the Eisenhower Administration, and the 86th Congress – ended with only a brief extension of the 1955 Act's research program. Air pollution would now be a question for the New Frontier.

D. 1961: the AMA Proposals

In November 1960, Democrat John F. Kennedy narrowly defeated Republican Richard M. Nixon to win the presidential election. Although the balance of power in Congress remained largely as it had been – with Southern Democrats largely in control – federal executive leadership changed completely with Kennedy in power. Long-time Kennedy ally Abraham Ribicoff was offered his choice of cabinet positions and took HEW, replacing Flemming. Ivan Nestingen, who had run Kennedy's Wisconsin election campaign, was recruited to lead PHS. Luther Terry was appointed Surgeon General. These

before the House Health and Safety Subcommittee, at 86th Cong. 116–17 (1963) (statement of Thomas R. Glenn, Jr., engineer, Interstate Sanitation Commission); *id.* at 172–73 (statement of Daniel W. Cannon, Natural Resources Committee, National Association of Manufacturers).

[121] On the attempted Birmingham hearing: James Free, *Alabama Should Know . . .*, THE BIRMINGHAM NEWS, May 28, 1960, at 1; *Birmingham Put in Worst Air Polluted Category by New Survey*, THE BIRMINGHAM NEWS, Jul. 27, 1960, at 30; *Birmingham Hearing on Air Pollution*, THE BIRMINGHAM NEWS, Nov. 26, 1960, at 1; James Free, *Birmingham Air Pollution Hearing Is Set*, THE BIRMINGHAM NEWS, Dec. 2, 1960, at 1; *Air Pollution Probe Put Off*, THE BIRMINGHAM NEWS, Dec. 6, 1960, at 1.

leaders had very different ideas about the role of the federal government than did their counterparts in the Eisenhower administration.[122]

As the 1961 legislative session opened, the 87th Congress was required to reset the legislative clock. Bills that had died in committee the previous year had to be resubmitted if they were to get another chance. This happened with the Flemming proposal, which was resubmitted by interested legislators from California in January 1961. Rep. Roberts, however, introduced only an extension of the 1955 Act that did include the Flemming proposal. As usual, all of these were referred to Roberts' Health and Safety Subcommittee. Thus, at the beginning of the 87th Congress, the Flemming proposal remained the most advanced thinking on federal air pollution authority and was again awaiting some action in the House. But time had brought change, and change brought new ideas to bear.[123]

i. The Kennedy Administration Weighs In (February, June 1961)

It is impossible to say how air pollution legislation would have developed, had Richard Nixon won the 1960 presidential election and carried on, in some fashion, Eisenhower's moderate Republican government. Instead, John F. Kennedy entered with a decade-long backlog of reform-minded proposals for federal action to consider. Kennedy had promised a domestic program for the "new frontier" of the 1960s, but as he entered office it was still largely unclear what that agenda would look like. With respect to air pollution, the answer was that the Kennedy administration began without any clear goals but set an agenda consistent with increased federal activity in the future.[124]

John F. Kennedy is not remembered today as a strong proponent of environmental causes. His Interior Secretary, Stewart Udall, struggled to interest him in conservation issues, although today it is recognized that Kennedy's secret health problems may have prevented him from conforming to Udall's ideals. During his presidential campaign, Kennedy had relied on an advisory committee to develop his natural resources policies and appears to have been largely content to defer to that group on what to highlight. However, he was better versed in pollution issues than he is typically given credit for. During his House and Senate career, Kennedy had connected water pollution control with economic wellbeing, and he had become a vocal supporter of the Federal Water Pollution Control Act. On the campaign trail in 1960, he had given several speeches on the topic, and criticized

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[122] On Ribicoff's appointment: Janet Hook & Richard T. Cooper, *Abraham A. Ribicoff, 87; Senator Known for Role at '68 Convention*, LOS ANGELES TIMES, Feb. 23, 1998. On Nestingen's: Interview by Niel M. Charles T. Morrisey with Ivan Nestingen, Undersecretary of Health, Education, and Welfare from 1961 to 1965, in Washington, D.C., at 21 (Mar. 3, 1966), https://perma.cc/DV6F-58KE. On Terry's: Eric Pace, *Dr. Luther L. Terry, 73, Is Dead; Warned Public of Cigarette Peril*, THE NEW YORK TIMES, Mar. 31, 1985.

[123] The House bills that were verbatim copies of H.R. 10696, 86th Cong. (1960), were H.R. 2948, 87th Cong. (Shelley, D-CA) (1961); H.R. 3577, 87th Cong. (Roosevelt, D-CA) (1961), and H.R. 9352, 87th Cong. (Corman, D-CA) (1961). The Senate bill was S. 455, 87th Cong. (Kuchel, R-CA) (1961). Rep. Roberts' bill was H.R. 3083, 87th Cong. (1961). It is not clear what Roberts' motivation for his more limited submission was, and whether it can be taken as an indication that he opposed the federal authority expansion in the other bills.

[124] On Kennedy's New Frontier in his campaign and presidency: IRVING BERNSTEIN, PROMISES KEPT: JOHN F. KENNEDY'S NEW FRONTIER (1991).

Eisenhower's 1960 veto of FWPCA amendments. What he did not have was a legislative agenda for air pollution.[125]

On January 23, 1961 – three days after his inauguration – Kennedy announced that he would address Congress in an immediate State of the Union address and follow that with a series of detailed domestic legislative proposals spelled out in a series of "special messages to Congress."[126] Although seven to ten were initially planned, Kennedy ultimately sent twenty-seven such messages between February and September 1961 alone. They included major new proposals for federal action, including the Peace Corps and what would later become Medicaid. They also included statements on public health and natural resources, the two policy areas where air pollution matters would naturally have been raised, but the health message did not mention air pollution at all, and the natural resources program, a reworking of the report of Kennedy's campaign advisory committee, included air pollution only as an afterthought, offering that a new PHS unit proposed for developing water pollution control measures also "should provide new leadership, research and financial and technical assistance for the control of air pollution," and called very generally for "an effective Federal air pollution control program." In other words, while Kennedy and his policy advisors dreamed of a much more robust federal role in many aspects of U.S. society, those dreams did not, in 1961, include a federal solution to urban air pollution. [127]

Again, however, the administration clearly did understand pollution to be a problem. In early 1960 the water pollution program had been more fully developed, had been the subject of campaign speeches, and had seen amendments brought farther along legislatively than had the air pollution program. Thus, during the summer of 1961, both Kennedy and Congress focused on the water program first. In June 1961, Congress passed FWPCA amendments that had been under discussion for several years.[128] As Kennedy noted in his remarks upon signing the bill: "I think this affords a more comprehensive and precise definition of the Federal government's role in controlling . . . pollution . . . ."[129] With a newly updated water pollution statute now available as a model, new opportunities for innovation in air pollution presented themselves.

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125. On Udall, Kennedy, and the campaign committee on conservation: SMITH, *supra* note 7, at 149–71. Kennedy's work on water pollution is available at the Kennedy Archives: JFK, ECONOMIC PROBLEMS OF NEW ENGLAND (1953), https://perma.cc/HR7F-VH32; JFK, STATEMENT OF SEN. KENNEDY BEFORE THE SELECT COMMITTEE ON WATER RESOURCES (1959), https://perma.cc/PX7Z-XM7R; JFK, REMARKS AT WESTERN CONFERENCE (1960), https://perma.cc/Z9MA-JPBC; JFK, REMARKS AT FON DU LAC, WISCONSIN (1960), https://perma.cc/987G-58J8; JFK, PRESS RELEASE: WATER POLLUTION (1960), https://perma.cc/9CXP-R5C6.

126 On the plans for the special messages, *see Kennedy Calls for Disarmament Plans*, THE BONHAM DAILY FAVORITE, Jan. 24, 1961, at 1; *Kennedy to Seek Program Action*, THE SPOKESMAN-REVIEW, Feb. 1, 1961, at 14. For a complete list of the special messages to Congress in the first year, *see* PUBLIC PAPERS OF THE PRESIDENT FOR 1960.

127 JFK, Special Message to Congress on Natural Resources, 1961 PUB. PAPERS 117 (Feb. 23, 1961); JFK, Special Message to Congress and Health and Hospital Care, 1961 PUB. PAPERS 27 (Feb. 7, 1961).

128 FWPCA Amendments, Pub. L. 87-88, 75 Stat. 204 (1961) ("FWPCA 1961").

129 JFK, Remarks Upon Signing the Federal Water Pollution Control Act Amendments, 1961 PUB. PAPERS 294 (Jul. 20, 1961).

ii. Hugh Mields' Contributions (February to November 1961)

Unlike the Kennedy administration, there was one group with a very clear idea of what it wanted to see in new air pollution legislation in 1961: the American Municipal Association. As explained in Part I, the AMA was one of several influential inter-municipal organizations that had been developing in the postwar U.S. as the "urban lobby," and that promoted a greater federal role in solving the common problems of large cities, in the face of a great deal of neglect and even opposition by many state governments. While their long-term goal was a new federal department devoted to urban affairs, these groups shared common interest in resolving air pollution, which in its worst forms plagued large cities most of all.

Hugh Mields, Jr. was the AMA's legislative director and is the one person who could (and did) with some justification claim to be the primary author of the Clean Air Act of 1963. According to him, his work on the topic arose out of his work for the AMA on urban issues generally, and he wrote the first draft of an air pollution bill in early 1961 in consultation (and disagreement) with Vernon MacKenzie, the director of the PHS's Division of Air Pollution. The primary conflict between Mields and MacKenzie was on the question of whether PHS should have any sort of independent power to fight air pollution – with Mields pushing the idea, and MacKenzie, "conservative" according to Mields, opposing it. Thus, per Mields, he developed two separate legislative proposals on air pollution, one that added an independent PHS abatement authority, and one that did not. "The first copy that was written did not have enforcement in it, but we wanted enforcement. We then developed an enforcement section which paralleled water pollution control enforcement," and attempted to get Congressional sponsors to introduce them both so that they could be considered.[130]

In Kennedy, the AMA had a friend, and they had good reason to expect his administration's support. Kennedy had spoken repeatedly to AMA members during his 1960 presidential campaign and had developed a strong position on the problems of conservative federalism as early as 1957. In a speech to the U.S. Conference of Mayors titled "Our American Cities and their Second-Class Citizens," he had lamented what he saw as the anti-urban prejudice in U.S. politics, and had used air pollution as one of his examples: "A political leader from Scranton or Providence or Miami is deemed incapable of understanding the problems of the farmer or miner, although spokesmen from rural and mining areas have no hesitation whatsoever in revamping <u>our</u> plans for urban development or smog

[130] On Mields' role: Interview by William H. McHugh with Hugh Mields, Assistant Adm'r, Cong. Liaison, U.S. Dept. of Hous. and Home Fin. Agency, 1961-63, in Washington, D.C., at 51-52 (Oct. 21, 1968), ("Mields Interview") JFKOH-HJM-01, **https://perma.cc/TB6F-9W3Y**. ("I was very much involved and I wrote the first copy of the Clear Air Act. . . . I probably had more to do with environmental legislation in the United States than anybody else in the country with the exception of my [AMA] associate Ron Linton and a few guys on the Hill and Senator Muskie himself."). Although MacKenzie for his part did not credit Mields (limiting his brief discussion to Wilbur J. Cohen, the coordinator of Kennedy's legislative office), he was not asked directly and all further developments are consistent with Mields' authorship as he described it. *See* Interview by William H. McHugh with Vernon MacKenzie, Chief of the Pub. Health Serv. Div. of Air Pollution, in Washington, D.C. (Apr. 19, 1967), (JFK Archives, "MacKenzie Interview") JFKOH-VGM-01-TR, **https://perma.cc/54GR-YP4U.**

control."[131] He excoriated the state and federal governments' failures to address urban concerns, and placed the blame squarely: "the hard facts of the matter are that the apportionment of seats in our Federal and state legislatures has been deliberately rigged and juggled in such a manner as to deny to the cities and their voters their full and equal voice in those legislative bodies."[132] He argued that the only path forward was increased federal authority in urban matters: "As long as democracy is distorted in this fashion, we can rightfully expect our cities to seek Federal action on the urban problems ignored by [their] unsympathetic and unrepresentative state legislatures."[133] He developed these themes further in two additional speeches in 1957 and 1959, and consistently discussed pollution as an important element of the urban situation.[134] There was every reason to expect that the Kennedy administration would be sympathetic to proposals to use the federal government to address air pollution in cities. This meant lobbying.

The "League" Bill (February 1961)

Hugh Mields submitted his first bill to Ivan Nestingen, the new PHS head, in February 1961, where it was received by the office of Wilbur J. Cohen, HEW Assistant Secretary in charge of HEW's legislative division, and likely reviewed by Dean W. Coston, who was the HEW legislative office expert on water and air pollution. The bill evidently received a favorable response.[135]

Mields' draft bill would only be submitted into the legislative record in November 1961, by the Alabama League of Municipalities, during the hearing in Birmingham held by Rep. Roberts, with no credit to Mields, and so is called here the "League" bill, or the "weak" AMA bill because it did not include strong enforcement provisions.[136] A review of the document reveals that Mields had provided an essential service: he had consolidated a number of ideas about federal authority over air pollution into a single document. A textual analysis, again, however, reveals that these ideas were not new – they were, rather, a skilled combination of many pre-existing ideas, translated and modified to make sense in the context of air pollution.

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[131] JFK, OUR AMERICAN CITIES AND THEIR SECOND-CLASS CITIZENS 3-4 (1957) (emphasis in original), https://perma.cc/22DM-KMCE.
[132] *Id.* at 8.
[133] *Id.* at 1.
[134] JFK, REMARKS TO THE FLORIDA LEAGUE OF MUNICIPALITIES (1957), https://perma.cc/23SC-8FMX; JFK, REMARKS TO THE LEAGUE OF MUNICIPALITIES, OCEAN CITY, MARYLAND (1959), https://perma.cc/D3U2-NCSD.
[135] Again, much of this comes from Ripley, but appears to be reporting on written correspondence that seems credible. *See* Ripley, *supra* note 4, at 239. On Coston's role in the legislative division: Interview by William W. Moss with Wilbur J. Cohen, Assistant Sect. of Health, Education, and Welfare (1961-1965), in Ann Arbor, Michigan, at 89 (July 20, 1972), JFK Archives Digital Identifier # JFKOH-WJC-03 ("Cohen Interview"), https://perma.cc/S7Q8-DJNA. On the favorable response: Ripley, *supra* note 4, at 239 ("In replying to [Mield's] letter [to Nestingen] Wilbur J. Cohen, the assistant secretary of HEW for legislation, indicated general agreement with the principles stated by Mields.").
[136] The bill language does not appear in the record until November 1961, when it was introduced by Ed Reid of the Alabama League of Municipalities as part of the Health and Safety Subcommittee in Birmingham. Birmingham Hearing, *infra* note 148, at 70–75. The Alabama League was one of the AMA's member organizations, and it is possible that Mields and Reid coordinated to transmit the bill language to Congress, and specifically to Rep. Roberts, with Reid acting as a local intermediary via the hearing that Huddleston and Roberts had arranged.

To start with, the "weak" AMA bill copied a policy that had first appeared as Eisenhower Executive Order 10779 encouraging federal facilities managers to take steps to reduce their pollution; copied declarations of policy from the 1955 Act; and incorporated the Flemming hearing authority proposal that had been floating around since Flemming first had it drafted. Mields' unique contribution was to import many additional provisions from the Federal Water Pollution Control Act into the air pollution context. Specifically, the "League" bill borrowed from FWPCA: congressional instruction for federal encouragement of state and local cooperation on air pollution issues; congressional authorization for interstate compacts and joint agencies to regulate air pollution; congressional authorization for PHS to coordinate research, investigations, training, and surveys; congressional authorization for PHS to create regulations; unlimited appropriations to carry out the bill's purposes; and many FWPCA definitions.[137]

The bill appears to have framed the debate around federal air pollution control throughout 1961. In particular, it (and Mields' advocacy on enforcement) continued to center the question of whether PHS should have the power to do something directly about the air pollution problem, beyond providing national research support and technical advising to the states. As described below, much of Mields' language was retained in later bills and had an enormous influence on both the structure and substance of the final law in 1963. But at this stage it did not contain the item that Mields wanted most of all: a federal abatement or enforcement authority equivalent to that in the federal water pollution act. Mields needed a Congressmember willing to support the notion.

The Halpern Bill (September 1961)

In September 1961, Rep. Seymore Halpern (R-NY) introduced a bill that proposed two major expansions to federal authority over air pollution.[138] There is reason to believe that the Halpern bill is Mields' second legislative proposal, i.e., the "strong" AMA bill: first, Mields reported that he wrote two bills, only one of which contained enforcement mechanisms;[139] second, the Halpern bill contained aggressive and expansive federal enforcement authority;[140] third, that authority was based on FWPCA in the same way that the earlier AMA bill was;[141] and fourth, the bill contained no overlap at all with the prior AMA-sponsored proposals.[142] Thus, it appears probable that this bill was also Mields' work, that Mields reached out to Halpern in his efforts to recruit legislators to propose it, and that other legislators, including Rep. Roberts and Sen. Kuchel, had all likely refused.

The Halpern bill's centerpiece was a procedure for the Surgeon General to abate air pollution. The language borrowed extensively from FWPCA, and specifically from the 1961 FWPCA amendments

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[137] *Compare* "League" bill Declaration of Policy, *and* §§ 3, 4, 9, 10, & 11, *with* EO 10779, 1959 Extension Act § 2, H.R. 747, and FWPCA 1961 §§ 2, 3, 4, 8, and 9.
[138] H.R. 9347, 87th Cong. (Halpern, R-NY) (1961).
[139] Mields Interview, *supra* note 130, at 53.
[140] H.R. 9347, 87th Cong., § 3 (1961).
[141] *Compare* H.R. 9347, 87th Cong., § 3 (1961), *with* FWPCA 1961 § 8.
[142] *Compare* "League" bill, *with* H.R. 9347, 87th Cong. (1961).

that had just become law two months earlier. The new administrative process was to be called a "conference."[143] If requested by any Governor, state air pollution control agency, or municipality (with the concurrence of the state's governor), or if the Surgeon General had "reason to believe that air pollution [from one state] is endangering the health or welfare of persons in [another]," the Surgeon General was to convene a conference of the upwind and downwind states' pollution control authorities to develop findings on the occurrence of pollution, the "adequacy of measures taken toward abatement of the pollution," and the "nature of delays, if any, being encountered in abating the pollution."[144] At any time thereafter, if the Surgeon General "believe[d] . . . that effective progress toward abatement of such pollution is not being made and that the health or welfare of any person is being endangered," he could make recommendations for "necessary remedial action," and, if satisfactory progress did not occur within six months, the HEW Secretary was to call a "public hearing," with a hearing board made of state and federal government representatives. "If the hearing board finds such pollution is occurring and effective progress toward abatement is not being made it shall make recommendations to [the HEW Secretary] the measures, if any, which it finds to be reasonable and equitable to secure abatement of such pollution."[145] HEW was then authorized to order abatement in accordance with the findings. The abatement order would become final sixty days later and was appealable only to the federal circuit courts. The law was clear that this process "displac[ed]" state, interstate, and local abatement authority under the specified circumstances.[146]

As discussed below, this language did not gain traction in 1961 or 1962 but was recruited into legislation introduced in 1963 that others took credit for, and survived to become the most important element of the 1963 Clean Air Act.

iii. A Hearing in Birmingham (November 1961)

As the AMA's bills were circulating, the business of the House Health and Safety Subcommittee was to review legislation that had been referred to it. For most of 1961, that meant only the 1955 Act extension and the Flemming proposal. In September 1961, the Senate Public Works Committee reported favorably on the Senate version of these programs, and the Senate passed it on a voice vote. Sen. Kuchel reminded his colleagues that they had passed an identical bill the year before, and assured his conservative brethren that there was "nothing in this bill which would transgress on the jurisdiction, rights, and powers of States and other non-Federal agencies of government."[147]

In receipt of the bill from the Senate, the House Health and Safety Subcommittee did not refer the bill for a vote in the House before the end of the legislative session. Rather, Rep. Roberts finally conducted the air pollution hearing in Birmingham that he had been planning for the better part of a

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[143] *Compare* H.R. 9347, 87th Cong., § 3 (1961), *with* FWPCA 1961 § 8.
[144] H.R. 9347, 87th Cong., § 3 (1961), proposing addition of § 9(c) to 1955 Air Pollution Control Act.
[145] *Id.*, proposing addition of § 9(d) to 1955 Air Pollution Control Act.
[146] *Id.*, proposing addition of § 9(b) to 1955 Air Pollution Control Act.
[147] The Senate bill was S. 455, 87th Cong. (Jan. 17, 1961) reported in Senate Public Works Committee Report No. 1083 (Sept. 16, 1961), debated and passed in Senate 107 CONG. REC. 20,417-18 (1961).

year and a half. As the proceedings began, the business was primarily the extension of the research program, and the question of limited federal authority to conduct limited hearings. Roberts' opening statement at the Birmingham hearing took a characteristic, conservative stand on federal power in the field: "It is generally agreed I think, that the actual control of air pollution is a local responsibility. We could not set up and enforce an abatement program at long range from Washington."[148] The questions he posed to frame the discussion came from a fiscally and politically conservative perspective: a federal research program "costs money. With the great demands on the Federal Government for tax dollars, is [the existing 1955 research] program worthwhile? Should the program be continued? Should it be expanded?"[149] But he then added, without further explanation: "Should the Surgeon General be given additional authority?"[150] When he mentioned the pending legislation before the committee, he highlighted his own bill as an extension-only bill, and credited the extension proposal to the Senate (S. 455), without mentioning that S. 455 was a copy of his own bill.[151] He thereby distanced himself personally from the Flemming proposal, while also providing it a public view.

The Birmingham hearing, however, turned out to be a small affair. The speakers were largely local and friendly. The federal testimony reported on existing programs but was vague on future plans and silent on the details of new legislation. The hearing did not draw out any opposition. It was not, in other words, the main show. It did, however, relieve Roberts of his prior commitment to bring his subcommittee to Birmingham, and set the stage for further discussion in Washington.[152]

E. 1962: Washington Happens

1962 was supposed to be the year that Congress passed a major new air pollution bill. The legislative session did not require resubmission of pending bills, and S. 455, incorporating the Flemming proposal, had already passed the Senate. The Kennedy Administration wanted it to become law and was now also supportive of many other elements of the "weak" AMA proposal. What remained was for staff to develop a consensus draft that incorporated the agreeable elements from these sources into a single bill, and for the House to hold hearings and pass it.

i. The Administration Position (February 1962)

The progress that had been made on thinking about environmental health within the Kennedy administration over the last year was clear in Kennedy's second annual health policy statement, issued on February 27, 1962, which contained an entire section on "a healthy environment." Four months before *The New Yorker* began serializing Rachel Carson's *Silent Spring*, Kennedy argued: "There is an increasing gap in our knowledge of the impact upon our health of the many new chemical compounds

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[148] *Air Pollution: Additional Hearing before the Health and Safety* Subcommittee, 32 (Nov. 27, 1961) ("Birmingham Hearing") (opening statement of Chairman Kenneth A. Roberts).
[149] *Id.* at 33.
[150] *Id.*
[151] *Id.* at 35.
[152] *Id.* at 36–59, 60–76.

and physical and biological factors introduced daily into our environment. Every year 400 to 500 new chemicals come into use. Many of them will improve the public health. Others, regardless of every safeguard, present potential hazards."[153] To remedy this, Kennedy endorsed an air pollution bill containing the Flemming proposal:

> I recommend that the Congress enact legislation to provide: (a) authority for an adequate research program on the causes, effects, and control of air pollution, (b) project grants and technical assistance to State and local air pollution control agencies to assist in the development and initiation or improvement of programs to safeguard the quality of air, and (c) *authority to conduct studies and hold public conferences concerning any air pollution problem of interstate nature or of significance to communities in different parts of the Nation*. Legislation along these lines has already passed the Senate, and I urge final favorable action in this Congress.[154]

Thereafter, in weekly legislative updates on "Legislative Items Recommended by the President," the White House tracked the progress of the air pollution bill as a "minor proposal for 1962," among about fifty other priorities for the administration that session.[155]

ii. Urban Affairs (February 1962)

A consensus air pollution bill was thus in the works and would address a significant urban affairs problem. But before that, the Kennedy administration attempted something even bigger for his city supporters: Kennedy issued reorganization plans that would have created the Department of Urban Affairs and Housing, elevating existing federal functions in these areas to a cabinet-level department.[156] The effort was modeled on Eisenhower's successful work to elevate the FSA to HEW, but the outcome was very different. After a battle in the House, Kennedy's proposals were rejected. For the purposes of this Article, the debacle – and at the time it was a debacle – is relevant for two reasons: first, because the proponents of an urban affairs department consistently pointed to air pollution,

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[153] JFK, Special Message to Congress on National Health Needs, 1962 PUB. PAPERS 171 (Feb. 27, 1962).
[154] *Id.* Of interest, Kennedy also proposed a "National Environmental Health Center . . . to provide a central focal point for nationwide activities in the control of air pollution, water pollution, radiation hazards, and occupational hazards" – something that would not be accomplished until the EPA was created in 1970. *Id.*
[155] On Larry O'Brien: Abigail Malangone, Newly Processed Collection: Lawrence F. O'Brien Personal Papers, *Archivally Speaking: An Inside Look at the JKF Library Archives* (Sep. 23, 2014), **https://perma.cc/DZ9Y-7QZA**; Albin Krebs, *Lawrence O'Brien, Democrat, Dies at 73*, N.Y. TIMES (Sep. 29, 1990), https://perma.cc/DZK4-TLM7**.** The Legislative Items reports are in the JFK Archives: Papers of John F. Kennedy. Presidential Papers. President's Office Files. Legislative Files: February 1962, March 1962, April 1962, May 1962, June 1962, July 1962, and August 1962; Box 050, Folders 007, 011, 013, 014, 016, 017; Box 051, Folders 005, 006, 007, 008.
[156] *Message from the President of the United States Transmitting Reorganization Plan No. 1 of 1962, which would Create a Department of Urban Affairs and Housing, and the Appointment by the President of a Secretary of Urban Affairs*, H.R. DOC. NO. 320, 87th Cong. (1962).

among many other problems, as the kind of issue that cities needed federal assistance for, and, second, because it added air pollution to the anti-statist conservative target list for the first time.[157]

This targeting occurred in conservative periodicals and newspapers and was transmitted to Congress via conservative members. In "Washington Reaches for Your City Hall," *Nation's Business*, published by the U.S. Chamber of Commerce, cited air pollution among the many unnecessary federal programs that a Department of Urban Affairs would promote.[158] In "Goal for the United States: Planned Economy, Kennedy Style," *U.S. News & World Report* directly associated urban pollution control with planned-economy communism.[159] The latter article was submitted to Congress with some characteristic criticism from a conservative Texan: "This Congress faces a tremendous challenge in saving the American way of life in face of the pressures by the administration to experiment with total planning and total controls. I hope we have the courage to resist this attack on our free competitive system . . . ."[160] In similar vein, a Wyoming newspaper said of Kennedy's proposed public health programs: when the federal government "implies that we are neither responsible or able as citizens to solve air pollution problems, environmental health problems, research problems and child health problems in no other way than through Federal means, then we feel stripped. [It] tells us we as individuals, and as a nation are inadequate to the challenge." [161]

That is, Kennedy's 1962 effort to create a new Department of Urban Affairs drew criticism that associated federal involvement in domestic urban matters, including air pollution, with communism. This was the language of the Cold War conservative right. Although pollution control was not the primary target of the invective, it was repeatedly held guilty by association. The House Health and Safety Subcommittee was unlikely to have missed this fact. Among the members of that Committee, all of the Republicans and both Southern Democrats, including Rep. Roberts, voted against the new department.[162]

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[157] On the JFK reorganization effort and its failure, *see* HENRY B HOGUE, PRESIDENTIAL REORGANIZATION AUTHORITY: HISTORY, RECENT INITIATIVES, AND OPTIONS FOR CONGRESS, Rep. No. 7–5700 (2012). For the plan itself and the issues it raised, *see Reorganization Plan No. 1 of 1962 to Create a Department of Urban Affairs and Housing: Hearings before the House Committee on Government Operations* (Feb. 6-8, 1962). The House debate took place over three days: *Proposed Department of Urban Affairs*, 108 CONG. REC. 2417-22 (1962); *Motion to Discharge Government Operations Committee from Further Consideration of Senate Resolution 288, Opposing Reorganization Plan No. 1 of 1962*, 108 Cong. Rec. 2527-72 (1962); *Disapproving Reorganization Plan No. 1 of 1962 – Department of Urban Affairs and Housing*, 108 CONG. REC. 2629-80 (1962). 108 CONG. REC. 2629-80 (1962). The vote is at 108 CONG. REC. 2680 (1962). The Department of Housing and Urban Development (HUD) was eventually established in 1965, after Kennedy's death.

[158] 108 CONG. REC. A251 (1963) (extended remarks of Sen. Karl Mundt (R-SD)), *reprinting Washington Reaches for Your City Hall,* THE NATION'S BUSINESS, Jan. 17, 1963. On Karl Mundt's conservative political leanings, *see* Mundt, Karl (1900-1974), ENCYCLOPEDIA OF THE GREAT PLAINS (2011), **https://perma.cc/CH2N-NV87.**

[159] 108 CONG. REC. A674 (1962) (extended remarks of Rep. Bruce Alger, *reprinting Goal for United States: Planned Economy, Kennedy Style*, U.S. NEWS & WORLD REPORT, Jan. 30, 1962. On Bruce Alger's conservatism, *see* Sam Roberts, *Bruce Alger, 96, Dies; Led 'Mink Coat' Protest Against Lyndon Johnson*, N.Y. TIMES (Apr. 28, 2015), **https://perma.cc/Q752-R7Q2.**

[160] 108 CONG. REC. A674 (1962).

[161] 108 CONG. REC. A2040 (1962) (extended remarks of Wm. Henry Harrison III (R-WY)), *reprinting Editorial: Stripped by Implication, Enticement*, SHERIDAN PRESS, Mar. 19, 1962.

[162] 108 Cong. Rec. 2680 (1962) (House vote).

iii. The House Consolidated Bill (March to June 1962)

On March 1, 1962, two days after Kennedy's message on public health and a week after the House had defeated Kennedy's departmental proposal, Rep. Roberts submitted a consensus air pollution bill to the House.[163]

Textual analysis demonstrates that the new bill was largely a reworking of the AMA's "weak" proposal.[164] It incorporated a small but significant shift in emphasis for the role of the federal government, as one of providing "national leadership in the development of cooperation of Federal, State, and local programs for the prevention and control of pollution," and it retained and expanded on the AMA's proposed instructions to the Surgeon General to foster "cooperation" between all federal and state authorities working on air pollution, and to support research, investigation, and personnel training.[165] The grants-in-aid program would support the "development, initiation, or improvement" of state air pollution control programs.[166] The bill's proposed conference process was truncated but consistent with the Flemming proposal. It carried an anodyne title that mirrored the federal water pollution law: the "Federal Air Pollution Control Act."[167] Taken as a whole, it envisioned the federal government as an agent for stimulating and supporting state action on air pollution, with an extremely limited federal capacity to mediate when states were in conflict.

Roberts requested agency feedback on the consolidated bill, and scheduled House hearings to introduce and discuss it. The executive office responses expressed universal support for the bill, citing the President's recent message on health.[168] The hearing itself was only a half hour long and consisted primarily of supportive statements from interested congressmen. In his opening comments, Rep. Roberts mentioned that the Surgeon General's had filed a report on automobile exhaust pollution earlier in the month, and that the proposed legislation before the committee would make possible the additional research proposed in that document. It appeared that everything was ready to go.[169]

iv. Roberts Delays (June to December 1962)

And then, Roberts killed the consolidated bill. Bailey, ever suspicious and believing that Roberts never supported increased federal authority, claims that he "used the lack of consensus among the [June

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[163] The house consolidated bill was H.R. 10519, 87th Cong. (Roberts, D-AL) (1962), *ref'd H. Commerce Comm.* 108 CONG. REC. 3128 (1962). It is not clear who exactly drafted it. Ripley calls it the "administration bill." Ripley, *supra* note 4, at 236. It had PHS support. *Air Pollution*: *Hearings before the House Health and Safety Subcommittee* ("June 1962 Hearing"), at 1 (June 25, 1962). The Bureau of the Budget also reviewed it, and "approved [a] draft . . . which [was] expected to be transmitted to [the] Hill . . . ." Larry O'Brien, Legislative Items Recommended by the President (Feb. 26, 1962), *supra* note 155. *See also* June 1962 Hearing, 14. HEW sent it to the House the next day. June 1962 Hearing, 15-19.
[164] *Compare* H.R. 10519, amending 1955 Act §§ 1(c), 3(a), (b), 5, *with* "League" Bill §§ 3, 4, 8. (redline comparisons on file with author).
[165] H.R. 10519, amending 1955 Act § 1(c).
[166] *Id.*, amending 1955 Act § 5(a).
[167] *Id.*, adding § 11 to the 1955 Act.
[168] June 1962 Hearing at 9-20.
[169] *Id.* at 1, 28 (convening 10:15, adjourning 10:45). For Roberts' statement, *id.* at 20.

1962 hearing] witnesses to suggest that further time was needed to study the proposals."[170] This is unpersuasive, however, in part because Roberts never said so and in part because there was no such lack of witness consensus. Ripley states simply that Roberts "by the middle of the summer felt that his subcommittee needed more time to study [the proposals in the consolidated bill] before approving them."[171] Neither cite Roberts himself, who provided his own explanation:

> An administration proposal for a comprehensive program [i.e., new authority for PHS] was submitted by the Secretary of Health, Education, and Welfare in February 1962. Unfortunately, sufficient time for adequate hearings on a problem of such far-reaching nature was not available during the current session. The Subcommittee on Health and Safety, of which I am chairman, did devote sufficient time to the subject, however, to conclude that the interests of the country would be best served by postponing legislative proposals for a broader type of air pollution program until proper hearings can be conducted. I wish to give assurance that such hearings will be held in time to permit congressional action early in the next session. . . . .[172]

That is, Roberts located his decision to delay in the inability of his committee to hold hearings on the subject of expanded federal power. He also then gave his word that he would hold those hearings in the next Congressional session. Especially since he did conduct the hearings, and then oversaw the passage of an even more robust bill the next year, there seems to be sufficient evidence to consider taking him at his word. At the time, however, the outcome was that the House delayed consideration of any major programs. To accomplish the delay, Roberts introduced a "clean bill" to extend the 1955 research program for another two years, which was then passed. Thus, at the end of the 1962 legislative action on the matter, the only concrete results were a two-year research extension bill. Ripley reports that the administration was upset with this outcome, and that their planned air pollution conference – which they had intended as a celebration of the enactment of the 1962 law – then needed to be altered. This may have been the case among those who were heavily invested in the specifics of the proposal, but Kennedy's legislative team at least chalked it up as a small success for the purposes of the coming midterm elections. Kennedy, for his part, had his mind on other matters: the Cuban Missile Crisis, the most important event of his presidency and arguably of the twentieth century, began a week later, and air pollution legislation was not a matter of immediate concern to his cabinet.[173]

The November 1962 midterm elections did not change the balance of power in Congress – the Democratic party retained slim majorities in the House and Senate, and Rep. Roberts retained his chairmanship. In rapid succession, however, the leadership of the Senate Public Works committee changed – long-time chair Sen. Dennis Chavez (D-NM) passed away on November 18, 1962, and his

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[170] BAILEY, *supra* note 4, at 103.
[171] RIPLEY, *supra* note 4, at 236.
[172] 108 CONG. REC. 19,660 (1962).
[173] The "clean" bill: H.R. 12833, 87th Cong. (Aug. 8, 1962), reported in H.R. REP. No. 2265 (Aug. 23, 1962), debated in House and passed to Senate 108 CONG. REC. 19,662 (1962), passed in Senate 108 CONG. REC. 20,802 (1962), indicated signed 108 CONG. REC. 23,473 (1962), recorded as Pub. L No. 87-761 (1962).

replacement as chair, Sen. Robert Kerr (D-OK) passed away a month later. Sen. Patrick McNamara (D-MI) succeeded them, and among his first acts was to appoint a relatively obscure Senator, Sen. Edmund Muskie (D-ME), to the Public Works Committee's newly formed Special Subcommittee on Air and Water Pollution. Finally, Kennedy's HEW Secretary, Abraham Ribicoff, had resigned to run for Senate in Connecticut, and had won. The Senate, then, would gain two vocal advocates for air pollution control.[174]

v. The Opposition Emerges (December 1962)

Legislation would have to wait until 1963. But there was still a national conference on air pollution to attend. On December 10-12, 1962, over 1,500 people convened in Washington, D.C. to discuss the latest developments in research and administration – almost 500 of them from industry. During this conference a significant debate arose among the participants regarding the appropriate role of the federal government in air pollution – including the emergence, for the first time, of a coordinated opposition to expanded federal power, led by business interests and the highly conservative National Association of Manufacturers.[175]

The conflict emerged into the open on the conference's first day, in the afternoon's plenary session. In a framing similar to Kennedy's recent speech exhorting the nation to land on the moon, Sen. Harrison Williams (D-NJ) began to criticize the conference attendees for setting their sights too low on air pollution, and of being over-focused on research to the detriment of progress.[176] He argued that "research is worthless unless it is accompanied by a desire and a determination to translate the fruits of it into action," and said that he thought that "our goal ought to be the elimination of air pollution by the end of the sixties, and not just the elimination of our ignorance about the problem."[177] The "fundamental issues" were "money and the enforcement of air pollution control."[178] The states, he said, "are often vulnerable to threats by an air pollution industry to move somewhere else where, as they say, the public officials are 'more understanding,'" and the federal role was necessary to overcome this.[179] His remarks received immediate objection from a NAM spokesman, as well as several representatives from the pulp and paper industry. NAM had come to Washington to promote the pollution control experience in Pittsburgh, which, it argued, had demonstrated the possibility of solutions "without remote centralized control from Washington."[180] Williams held his ground, arguing

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[174] On the Senate developments: Blomquist, *supra* note 9.
[175] A complete transcript of the conference was published as PHS, NATIONAL CONFERENCE ON AIR POLLUTION: PROCEEDINGS (1962). For dates and attendance figures: *id.* at x, xiii to xviii.
[176] *Id.* at 30–37. For the affiliations of the speakers, *see id.* at 433–36. In the 1980s, Sen. Williams was convicted of taking bribes during the FBI's Abscam operation, resigned from Congress before being expelled, and spent time in prison. Douglas Martin, *Ex-Senator Harrison A. Williams Jr., 81, Dies; Went to Prison Over Abscam Scandal*, N.Y. TIMES (Nov. 20, 2001), https://perma.cc/W4A3-G4SA. For JFK's speech, *see* JFK, Address at Rice University on the Nation's Space Effort, (Sep. 12, 1962) (Transcript available at JFK Presidential Library Archives) https://perma.cc/4NJC-U5RZ.
[177] PHS, *supra* note 114, at 31.
[178] *Id.*
[179] *Id.* at 32.
[180] *Id.* at 33.

that he supported "some stimulation" in the area from the federal government.[181] A representative from Weyerhaeuser quipped that "[i]t's very seldom that the Federal Government stops stimulating, once they start stimulating."[182] The conversation then moved on.

The argument picked up again on the second day, which was devoted to panel discussions. The panel on "Applying Our Legislative and Regulatory Know-How" tackled the question: "Do we have the legal weapons with which to combat air pollution; and, if so, how should we use them?"[183] In response, Rep. Roberts himself gave a speech he titled "The Role To Be Played by the Federal Government." In it, he appeared to come down squarely on the conservative side of the enforcement issue, while holding space for an expanded federal role in other respects: "it would seem that abatement and enforcement programs to be effective must remain the responsibility of States and local governments, but there is a vast field in the area of research and the dissemination of information where the Federal Government must continue to take the lead."[184] He prefaced his comments, however, by arguing that "no one doubts" that "authority exists to expand the Federal role . . . if Congress in its wisdom feels that an expansion is necessary and would produce desired results.[185] The welfare and commerce clauses of the Constitution vest great authority in the Federal Government to promote commerce and protect health and property in the public interest. . . . We legislate in the field of health to promote the general welfare . . . ."[186] He continued, however, to qualify this: "let me say that 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."[187] The panel Q&A was dominated by industry speakers, each arguing against the federal government's enforcement authority and praising Rep. Roberts' statement as reflecting their own views.[188]

Another sally came that evening, when none other than Arthur Flemming took the stage during the dinner. Among other things, he argued the same position he had been arguing for years: "the Federal Government should be given enforcement authority in air pollution comparable to the authority it now has in water pollution."[189] Flemming, however, moved beyond his initial proposal, to a position more in line with the legislative developments of the last year. After a fact-finding conference, he argued, the HEW Secretary

> it seems to me, should have the right to issue orders based on the recommendations of the board and which would become operative after a reasonable period of time had elapsed. The recipients of the orders should have the right to appeal to the appropriate U.S. Circuit

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[181] *Id.*
[182] *Id.* at 34.
[183] On the panel's purpose: Erwin Schulze, Introductory Remarks, PHS, *supra* note 114, at 304.
[184] *Id.* at 327–32.
[185] *Id.* at 327.
[186] *Id.*
[187] *Id.* at 328.
[188] *Id.* at 333-36.
[189] *Id.* at 375-77.

> Court of Appeals within a specified period of time. If the orders are not appealed or if they are appealed and affirmed but are not complied with, the [HEW Secretary] should be able to refer the matter for appropriate action to the Department of Justice.[190]

This was the procedure in the 1961 FWPCA amendments that had formed the basis for the AMA's "weak" bill, and had been incorporated into the House consolidated bill prior to Roberts having killed it. Flemming saw "no reason at all" why the federal government should not have the same authority in the air and water pollution contexts.[191] To those who disagreed, he said: "I submit to you that there is still too much evidence pointing to the fact that there are 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."[192] He pleaded: "Let's make up our minds that we are going to use all of our resources in order to do something significant in this generation. Let's not wait until tragedy again strikes. Let's get action at the next session of Congress."[193]

The controversy boiled over in the final session. PHS, as was its practice at the time, had hired an ABC broadcaster to present a "layman's view" summary of the entire conference, and then had assisted him to prepare remarks. The first problem was that they engaged Howard K. Smith, an ABC journalist who had recently aired a program titled "The Political Obituary of Richard M. Nixon," The show had been hugely controversial, particularly on the conservative right, for its inclusion of comments by convicted perjurer and suspected Soviet spy Alger Hiss. And then Smith tackled the conference's debate over federal authority as follows:

> I was struck by a rather strange phenomenon. A considerable number of the delegates seemed to be vigorously attacking a dragon called "Federal enforcement." But in a careful search of the papers presented by practicing members of the Federal Establishment, I never found the dragon. Nor, I understand, does it appear in any of the legislation being proposed by the administration.
>
> Actually the clearest call for increased Federal participation has come from rather unlikely places. Dr. Flemming, a distinguished member of President Eisenhower's Cabinet, espoused a stronger Federal role last night, and the American Medical Association mentioned it favorably in [a] telegram to which I have already referred. . . . Naively, perhaps, I wonder if the attacks on Federal enforcement aren't really attacks on Federal grants which might change dormant programs into active programs.
>
> Besides, when it comes to air pollution, what is local? . . . [O]ur jurisdictional lines traced on the surface of the earth have little relevance. Even those magical boundaries which

[190] *Id.* at 377.
[191] *Id.*
[192] *Id.*
[193] *Id.*

> separate sovereign State from sovereign State cannot check the flow of troubled air. What's a Federal Government for, if not for problems like this?[194]

NAM was outraged. It sent a formal complaint to the conference organizers, criticizing Smith's "sensationalized summary of the conference which managed to distort many of the facts, dramatize the role of the federal government, and undercut the industry, State, and local positions. . . ."[195] Smith had "fully distorted our feeling of the conference's consensus, obtained from the panel summaries, 'that Federal enforcement was not needed and was not wanted.' It was all the more reprehensible as no chance for rebuttal was permitted."[196] PHS responded that NAM's criticism was "regrettable."[197]

It is worth pausing to consider the stakes of this engagement. Between the lines of the statements by Sen. Williams and Secretary Flemming was the idea that the pace of change on air pollution was too slow, that this was the fault of industry, and that it was time to use the federal government to change the situation. Williams challenged the participants to eliminate air pollution by the end of the 1960s. Flemming accused industry of strong-arming state governments to prevent progress. Industry responded by pointing to Pittsburgh, where major changes had occurred, according to industry, without federal interference, through industry-local cooperation. NAM believed that the federal government, if empowered to speed the elimination of air pollution, might do so without regard to financial impacts on industry, and was, as explained above, an organization rather fiercely committed to conservative politics, and particularly anti-statist and pro-capitalist conceptions of U.S. government. The tensions between voluntary self-regulation, industry regulatory capture, marketplace incentivization, and direct regulation, that would characterize environmental regulation in the following decades, began to emerge in 1962, as idealists began to set their sights on a moonshot for air pollution, and conservative industry sought to defend the status quo.

F. 1963: Calling the Question

At stake in 1963 was the question that had just been debated at the national air pollution conference, that Rep. Roberts' Subcommittee had been asking in various ways for several years, and that had been hinted at ever since Donora: *should the federal government be allowed to begin acting independently to eliminate the nation's air pollution?* As 1963 began, Rep. Roberts stood in evident doubt, although his commitment to holding hearings on the subject was undeniably genuine. In the Senate, Edmund Muskie was gearing up to investigate the question himself. In the White House and at PHS, opinions on the subject were mixed. Industry opposition had begun to organize. As the year began it was impossible to tell how things would end.

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[194] *Id.* at 419-20. On Smith: Richard Goldstein, *Howard K. Smith, Broadcast Newsman, Dies at 87*, N. Y. TIMES (Feb. 18, 2002), https://perma.cc/E4AE-BTN2.
[195] *Id.* at 429.
[196] *Id.* at 430.
[197] *Id.*

i. Voices of the New Year (January and February 1963)

As was always the case, the new Congress brought new bills. This time, they came from the Senate, and there were two competing proposals. The first was almost identical to the prior year's House consolidated bill. The second, submitted by newly sworn-in Sen. Abraham Ribicoff, was a major reworking of the older bill.[198]

Although in legislation the credit often goes to the person who pushed a bill over the finish line, readers of this Article can now perceive the Ribicoff bill's genesis elsewhere. Since it was built on the House consolidated bill, it must necessarily be traced to Hugh Mields' efforts to consolidate scattered air pollution authorities and translate FWPCA's pollution control processes, which efforts had been carried forward by legislators from both parties from California, New York, Pennsylvania, and beyond, for years, and shepherded, however slowly, through Rep. Roberts' committee. This was also true of the Ribicoff bill's most important "new" contribution: a section titled "Enforcement Measures Against Air Pollution" that empowered the federal government to call conferences when air pollution threatened the public health and welfare, and to initiate abatement actions if, in its judgment, timely progress was not made.[199] This was a near-verbatim copy of the language that had first been introduced in the "Halpern" bill in 1961, i.e., the "strong" AMA proposal, i.e., Hugh Mields' translation of FWPCA's 1961 enforcement provisions. Throughout the proceedings that would follow, no legislator would ever discuss this provenance. Nonetheless, the urban lobby finally had been successful in securing legislative support in its long-running effort to expand the federal government's air pollution enforcement powers.[200]

This Congressional support was intertwined with support within the Kennedy administration, which endorsed the Ribicoff bill in early February. This announcement followed a great deal of debate, dissent, and discussion within PHS and Kennedy's legislative offices, and arguments put to Kennedy himself. The administration's decision was revealed in the 1963 health message, which urged the adoption of legislation that would authorize PHS to "take action to abate interstate air pollution along the general lines of the existing water pollution control enforcement measures." The Democratic administration would thus make its mark in the air pollution field by expanding federal power, in accordance with the program of the urban lobby, and against anti-statist and pro-business conservative opposition. According to Ripley, the details of the enforcement authority were less important to the

[198] S. 444, 88th Cong. (Jan. 23, 1963) (multiple sponsors); S. 432, 88th Cong. (Jan. 23, 1963) (Ribicoff (D-CT) and multiple co-sponsors). NB: Ribicoff also filed two bills related to tax treatment and small business assistance, S. 736, 88th Cong. (Feb. 7, 1963) and S. 737, 88th Cong. (Feb. 7. 1963), which did not proceed.
[199] S. 432, 88th Cong., amending 1955 Act § 6(a).
[200] The "Halpern" bill is discussed in section II.D *supra* (redline comparisons on file with author).

White House legislative office than that "it *does* something, and indicates forward movement" on air pollution.[201]

Two weeks later, Rep. Roberts filed his own bill.[202] It was, with many small amendments, a copy of the Ribicoff bill, and it contained the "strong" enforcement language that had now been endorsed in the Senate and by the administration. Whatever Roberts had thought of the issue when he spoke at the air pollution conference two months earlier, he was not as committed to his reasoning as he had appeared. When reminded of his earlier statements, Roberts would only say: ". . . there are two views about consistency. It has been said that 'consistency, thou art a jewel.' It has also been said the 'consistency is a hobgoblin of little minds.' Finally, someone said, 'The wise man changes his mind and the fool never does.'"[203] He also referenced a recent severe smog event in London but offered no other public explanation. Roberts, a states' rights advocate, had decided to support the expansion of federal power.

Once Roberts was convinced, the likely outcome changed immediately – the bill now had the support of the Democratic party, which held the presidency and both houses of Congress, support from a key Southern Democrat to sway the more conservative members of that party, and enough support among moderate Republicans to survive any Democratic defections. It was time to conduct a hearing, bring the matter to the floor, and call the question. This would be facilitated by one final key change introduced in the Ribicoff bill, and carried forward into Rep. Roberts' bill and all subsequent versions of the law: a better title. What had been "the Federal Air Pollution Control Act" would now be called "the Clean Air Act of 1963."[204]

ii. The Opposition Speaks (March 1963)

In March 1963, the House Health and Safety Subcommittee heard two days of testimony squarely on the question of whether the federal government should expand its air pollution program – and especially whether an expanded program should include new enforcement authorities like those now proposed in the Clean Air Act. Of particular interest, the Subcommittee heard a series of arguments

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[201] JFK, Special Message to the Congress on Improving the Nation's Health, 1963 PUB. PAPER 140, 145 (Feb. 7, 1963). Ripley devotes a great deal of time to the machinations within the Kennedy administration that resulted in their support for the strong bill. In brief, Ripley credits the effort to recruit Kennedy to support stronger enforcement provisions to Dean Coston of the Office of Legislative Affairs, with resistance coming from within PHS, and the Bureau of the Budget. As always, however, while Ripley's work is clearly built on primary sources, it is uncited and therefore impossible to verify today without substantial archival work. Ripley, *supra* note 4, at 238–49. The House bills: H.R. 3507, 88th Congress (Fulton, R-PA) (Feb. 7, 1963) (identical to S. 432); H.R. 4061, 88th Cong. (Rodino, D-NJ) (Feb. 21, 1963) (same). (redline comparisons on file with author).

[202] H.R. 4415, 88th Cong. (1963). Rep. Halpern, who had filed the strong bill in 1961, submitted an identical copy. H.R. 4750 (Halpern, R-NY) (Mar. 11, 1963).

[203] *Air Pollution: Hearings before the Health and Safety Subcommittee* ("March 1963 Hearing"), at 184 (Mar. 18, 1963).

[204] S. 432 § 13. Although the two laws were very different, the name was borrowed from the U.K.'s 1956 response to the London smog event of 1952. *See Clean Air Act 1956*, 5 Eliz. 2 c. 52, § 37, https://perma.cc/FWE5-M978.

in opposition to the bill – the first time that opponents of federal air pollution legislation had presented their arguments in such a forum.

With Kennedy's health message as guidance, the bill received strong support from all of the federal executive offices.[205] Whatever the prior internal debate had been, PHS head Ivan Nestingen began the proceedings with a policy argument for federal abatement authority, which he described as "law enforcement" and likened to other air pollution control mechanisms.[206] He said that although the power was to be used sparingly, it would be necessary for overall success of any air pollution control program: "Generally speaking, enforcement is the last control device to be applied, and it will be required in only a few situations in most communities"[207] but "[w]hen such actions are required . . . it is of the utmost importance that they be soundly based and forcefully prosecuted. Otherwise they will command no respect, either in the community or in the courts, with the result that the total control program will lose force and effectiveness.[208] The "exercise of commonsense and good judgment will minimize the situations that will require such actions to be brought," but were necessary now because "we are just not moving fast enough" on air pollution.[209] "In the industrial and technical revolution, which is occurring in our modern times, and will continue in the immediate years ahead, we will not move fast enough unless there is greater federal authority in this field."[210] Nestingen did not address the fact that under the new law the federal government would not have any *other* air pollution control mechanisms at its disposal.

Against this overall justification, and among a great deal of additional supportive testimony from friendly witnesses, two interest groups presented their opposition, one each from government and industry.[211] The government opposition came first from the states wary of municipal-federal dealings that would undercut the states' powers and articulated the National Association of Attorneys General. The State AGs described the law's proposed conference authority as "a roving commission [for PHS] to study and criticize the actions of particular agencies of a State or local government in its own discretion," which would "encourage friction and irresponsibility," which, they argued, could "do severe damage to, or even completely subvert State and local efforts to regulate polluters."[212] They argued that the bill should focus solely on promoting interstate cooperation, rather than providing "machinery for ousting of local and State jurisdiction . . . on the basis of administrative discretion."[213] Other opponents in government pointed to negative experiences with the conferences that had already been held under FWPCA. To state politicians, the problem with this was "that the local agencies,

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[205] Executive support for the bill: March 1963 Hearing, at 14 (Department of Agriculture), 15 (Office of the President), 16 (Department of Commerce), 17 (Department of Defense), 22 (Department of Interior, Dept. of Labor (strongly)).
[206] *Id.* at 31.
[207] *Id.*
[208] *Id.* at 34.
[209] *Id.*
[210] *Id.*
[211] AG statements: *id.* at 85-86. Interstate Sanitation Commission argument: *id.* at 117. *See also* Florida Air Pollution Control argument, *id.* at 123–24.
[212] *Id.* at 85–86.
[213] *Id.* at 85.

interstate agency and the States were indicted as far as the public was concerned, and most of them never read that [the PHS review concluded that] there was an active [i.e., sufficient, air pollution control] program taking place."[214] The Subcommittee was generally sympathetic to these concerns and discussed their intention to place clear limits on the circumstances under which federal enforcement could occur.[215]

Industrial interests (except for manufacturers of pollution control devices) were hostile to the bill. Some submitted brief but strongly worded oppositional statements. The California Chamber of Commerce argued: "Much of the bill is an unwarranted (and probably unconstitutional) intervention into a legislative area reserved by the Constitution to the various States."[216] The Farm Bureau Federation submitted a warning against "yield[ing] to the pressure of federalization and further debas[ing] our currency with unbalanced budgets in the process of finding the complete answer to air pollution."[217] But by far the most coordinated opposition came from the National Association of Manufacturers.

The NAM arguments against the Clean Air Act were delivered by Daniel W. Cannon, an attorney who had started his legal career at a coal mining subsidiary of U.S. Steel and later become general counsel of the Bituminous Coal Operators Association, who had joined NAM in 1958 and who would later serve as NAM's director of environmental affairs.[218] Following the December 1962 air pollution conference, at which Cannon had been one of the industry interlocuters on the topic of air enforcement powers, NAM had published a short opinion piece in its association journal, titled "Local Action Best on Air Pollution," that gave a preview of its position:

> Well, we can still breathe, can't we—without federal supervision? Yes, but perhaps not for long. Despite the marked success local communities have had in curbing air pollution, attempts have been made and will be renewed to put the federal government in control of the air in our own back yards – at the enormous expense federal programs usually call for . . . . From all past experience in fighting air pollution, one fact is clear: the surest and most effective way to combat air pollution is through cooperative community action. This has been proved, in a most difficult test – the Pittsburgh-Allegheny County smoke abatement campaign. But that is not all; the methods used in what used to be called "the Smoky City" are being successfully demonstrated in many other American communities.[219]

According to a NAM publication titled "Cinderella city," industry in Pittsburgh had voluntarily spent millions on pollution control and, in cooperation with local authorities and the citizenry, had taken a series of largely voluntary actions that had transformed the city's air. In contrast, NAM pointed to

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[214] *Id.* at 117.
[215] *Id.* at 117–18.
[216] *Id.* at 397.
[217] *Id.* at 105.
[218] *Obituary: Daniel W. Cannon*, THE MONTCLAIR TIMES, Sep. 24, 1998, at 17.
[219] NAM Editorial, *Local Action Best in Air Pollution*, 15 SVC. FOR CO. PUBS. 1 (Jan. 1963).

instances of where PHS's conduct of water pollution conferences had created conflict with state and local authorities – in Ohio, in Maine and New Hampshire, in Washington state, and in New York and New Jersey. NAM then presented a variety of prior statements in support of state and local control on pollution – beginning with the first section of the 1955 Air Pollution Control Act and ending with Rep. Roberts' own nearly identical statement only three months earlier.[220] In other words, according to NAM, the traditional way could work and was already federal policy in air pollution; the new water pollution control paradigm had problems and should not be expanded too hastily to the air pollution control context. Other industry organizations agreed and presented variations on NAM's arguments. The Manufacturing Chemists' Association argued that the air pollution problem was different from water pollution, and therefore should not be subject to similar authorities. The American Petroleum Institute and Western Oil and Gas Association submitted that federal requirements would place decisions in the hands of unaccountable, unelected officials who would not take account of local economic factors. Bethlehem Steel elaborated:

> [This is] more than a States rights proposition. We feel that the State and local governments are far more familiar with the interests within the State and its communities, their economies, and their problems than is the Federal Government. State and local authorities will more readily receive the cooperation of the polluters in those communities . . . ; they will be able more successfully to persuade the polluters to make the necessary corrections, and they will be more readily received when enforcement measures shall be required to be taken. The Federal Government, on the other hand, will be a relative stranger to all these matters, will be looked upon with some suspectedness and lack of cooperation, and will run into a militant opposition should it attempt to saddle a community with some uniform standards that may be predicated upon studies and conditions in a removed out-of-State community but is not compatible with the economy and the best interests of the community involved. . . .[221]

That is, federal intervention would be confronted with local hostility and would not factor in local economic interests. The Idaho Mining Association, the National Coal Association, the American Pulp & Paper Association, and the American Mining Congress all agreed.[222] Thus, industry resorted to careful arguments on the value of local government, and located opposition primarily in local anti-statist interests who would not accept the imposition of federal standards. These groups also, of course, faced federal regulation of their operations under any new national air pollution control law. In response, there was evidence presented to the committee on the cost of industry compliance, assuring concerned members that in Pittsburgh and California no business had been forced to close

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[220] *See* March 1963 Hearing at 171–73, 182–183, 186–93, 196–213. "Cinderella City" was submitted to the House but not reprinted in the March 1963 Hearing record. It is found in the September 1963 Hearing, *infra* note 225, at 236–42.
[221] March 1963 Hearing at 284–85.
[222] March 1963 Hearing at 230–31 (MCA), 271–72 (WOGA), 264–68 (Idaho Mining Assoc.), 289–90 (National Coal Association), 290–92 (American Pulp & Paper Assoc.), 292–93 (American Mining Congress).

due to new air pollution regulations.[223] The record does not indicate whether industrial interests found this comforting, but it is doubtful.

iii. The Muskie Treatment (September 1963)

Following the March 1963 hearing, Roberts prepared a revised bill, which made minor amendments to the prior version, including several additional checks on the federal government's enforcement authority in response to hearing comments, but which was almost entirely unresponsive to the statements of the state and industrial opposition.[224] It passed the House after a strong debate (see discussion next section) and was then sent to the Senate, where it arrived before Senator Muskie's newly formed Special Subcommittee on Air and Water Pollution. These were the first air pollution hearings in the Senate since 1955 and there was a great deal of catching up to do. The majority of testimony therefore was redundant to what had already been presented in the House, and a great deal of it was supportive and, for the purposes of this discussion, relatively uninteresting.[225] The fireworks began on the third day.

The Special Subcommittee had been working since January and had already gained a reputation for the "warmth" of its welcome. The most striking difference was the tone of Senator Muskie's questions toward special interests appearing before him to oppose legislation. Throughout his work in the House, Rep. Roberts had been invariably polite to his witnesses, and particularly solicitous to those who did not support federal legislation. If he was not deferential, he also did not interrupt, and was never rude. Senator Muskie took a different approach. When confronted with hostile witnesses, he treated them that way, cross-examined them, interrupted them, and argued with them. He went through their statements in detail and criticized the language they used, the arguments they made, and the people they sent. And he was always well prepared.

Together with Sen. Neuberger from Oregon, who was not a member of the committee but was invited for the occasion, Muskie spent hours grilling the Manufacturing Chemists' Association and the National Association of Manufacturers, particularly, on the positions discussed above, and had relatively heated discussions with a number of other industry representatives.[226] The transcripts are entertaining, but it is also important to consider that the confrontational approach was new, and although it was to become a hallmark of environmental politics, the industry representatives speaking before Congress in 1963 were caught quite off guard by it. Their pro-business perspectives would no

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[223] *Id.* at 27, 103, 146.

[224] H.R. 6518 (Roberts, D-AL) (May 23, 1963).

[225] *Air Pollution Control: Hearings before the Senate Special Subccomm. On Air And Water Pollution* (Sept. 9-11, 1963) [hereinafter the "September 1963 Hearings"]. The last Senate hearing on air pollution had been *Water and Air Pollution Control: Hearings before the Senate Subcommittee on Flood Control-Rivers and Harbors* (Apr. 22, 25, 26, 1955). Day 3 testimony begins in the September 1963 Hearing at 193.

[226] *See id.* at 203–34 (Manufacturing Chemists Association), 245–66 (National Association of Manufacturers). On the warmth of the welcome, *see id.* at 234 ("Mr. Conner. Senator Muskie, I told Mr. Anthony when he came here he would receive a warm welcome and I am sure you have borne it out. . . . Senator Muskie. We promise you never to give you a cold welcome. [Laughter].").

longer be accepted unchallenged. Although much more could be said about Sen. Muskie – and his entry into the field representing an important transition that would redefine not only the politics of the environment, but also the politics of opposition to environmental regulation – his impact on the Clean Air Act of 1963, in the end, was minimal. There was never any doubt the Senate would pass it. As had been the case for much of the last decade, the real story happened in the House.

iv. Votes and Passage (July to December 1963)

The Clean Air Act's final passage required a debate and vote in the House, followed by a debate and vote in the Senate, a conference between the House and Senate to reconcile the two versions of the bill, and subsequent debates and votes in the House and Senate on whether to accept the conference bill. These occurred in stages, with the first House debate and vote – the most important – actually conducted before the Senate hearings discussed in the prior section. The final votes occurred in November and December 1963.[227]

The most important of these was the House vote in July 1963. The final vote was 273 in support, 102 against, with 53 voting "present." 206 Democrats and 67 Republicans voted for the bill. The majority of the "no" votes were Republicans, while the majority of the "present" votes were Democrats.[228] However, given that both parties contained a range of ideologies, it is useful to examine the outcome in more detail. In particular, it is possible by 1963 to determine the most conservative members of the House by reference to an ideological index score assigned to them by Americans for Constitutional Action (the "ACA Index").[229] Using these scores as a guide, it is clear that party and conservative political voting scores were the two primary predictive factors in the vote. In general, the Democratic House members supported the bill, while Republican house members did not. However, all else being equal, conservative Democrats and Republicans (based on their ACA scores) were less likely to support the bill than their liberal or moderate counterparts in both parties.[230]

Although the only identifiable geographic pattern in the total vote was a strong tendency for Californians to support the bill, it becomes clearer whwen the Republican vote is examined alone. Republican opposition was concentrated in the Midwest and plains states, but this was to be expected given that Republicans dominated those delegations. What is more remarkable is that Republicans from California, New York, Pennsylvania, and Wisconsin – i.e., states with major air pollution problems, and one with major water pollution problems – were significantly more likely to vote "yes"

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[227] 109 CONG. REC. 13,258–307 (1963) (House debate and vote), 109 CONG. REC. 22,315–34 (1963) (Senate debate and vote); 109 CONG. REC. 23,954–24,084 (House debate and vote on conference bill).

[228] The vote breakdown and party identities are available at https://perma.cc/828M-CLFA.

[229] For the uses and limitations of ideological index scores, *see* Emily J. Charnock, *More Than a Score: Interest Group Ratings and Polarized Politics*, 32 STUD. AM. POLIT. DEV. 49–78 (2018).

[230] [analysis on file with author]. A linear regression of "yes" votes against Democratic party membership, strong liberal voting record, strong conservative voting record, and voter state showed that democrats were much more likely to vote "yes," while conservatives were much more likely to vote "no."

than Republicans in other states.[231] What is also remarkable is that the vote demonstrated a major shift among the Southern Democrats. Of the ten Democratic "no" votes, eight were from Arkansas, Louisiana, Mississippi, South Carolina, and Texas. But overall, these state delegations supported the bill – a deviation from their positions on, among other things, the recent vote on the Department of Urban Affairs, and the upcoming vote on the Civil Rights Act of 1964. It is possible that Rep. Roberts' sponsorship swayed the Southern Democrats, who supported a bill that was developed by one of their own. In the end of the debate, dozens of Southern legislators otherwise opposed to the expansion of federal power voted to permit PHS to begin to fight air pollution in the states.

Following the Senate hearings, some work remained to finalize the final details of the bill, but the overall program would not change from this point forward. The Senate debate and vote took place on November 19, 1963. Although one Senator shared that he had received industry concerns, these were allayed in that chamber by minor amendments from the floor, which were agreed to, and the Senate bill was passed unanimously and sent to conference to be worked out. In her argument for the bill, Sen. Neuberger used terminology that was not yet widespread, but that would become increasingly more so in the years to come: "we are about to come of age in our relationship with our environment."[232] Environmentalism had come to Congress.

Three days later, President Kennedy was assassinated. The conference between the Senate and the House resulted in a bill that was largely consistent with the Senate's version, and a second House vote largely acquiesced to the amendments, except for the loss of several additional Southern Democratic representatives. President Johnson signed the bill into law on December 17, 1963.

Conclusion – The Balance of Power Shifts

In summary, between 1948 and 1963 Congress considered whether the federal government should have any independent air pollution abatement power, and eventually decided that it should, albeit under strict limitations. At the time, there was already good evidence that the resulting procedural thicket was not going to work very well. But the details of the process were never as important as the fact that the federal government would have some power to eliminate pollution. Smoke abatement and the local approach had failed. The federal government thus would become committed not only to researching air pollution, but to "doing something" about it. It was clear that many technical details of such a program remained to be worked out – including defensible ambient air quality standards and emissions criteria for key pollutants – but these developments would now be driven not as a basic research program, but as a national program in the name of public health and the environment.

This transition should be understood as an element of the Kennedy administration's "new frontier" domestic legislative program, and more broadly as a reflection of Kennedy's conception of the use of

[231] [analysis on file with author]. A linear regression of Republican "yes" vote against strong liberal voting record, strong conservative voting record, and voter state showed that Republicans from California, New York, Pennsylvania, and Wisconsin were more likely to vote "yes" than Republicans elsewhere.
[232] 109 CONG. REC. 22,325 (1963).

government to improve society. Although it was never a major priority for the administration, it nonetheless was part of a larger and purposeful shift toward a more proactive and reformist vision of the role of the federal government in domestic affairs, and a rejection of the conservative view of the role of government in the United States. Although the Kennedy administration was content to let others innovate on the legislative particulars, it was open to bold proposals, and supportive of urban interests that themselves were frustrated with the limits of traditionalist federalism. The states were not eager to cede their power to the "bureaucrats in Washington." Businesses, as well, wished to avoid federal intervention. And yet this opposition was outmaneuvered, and the principle of federal primacy in air pollution abatement was first established, in 1963.

This was the conclusion of over a decade of debate on the question of federal power in the air pollution context. After the Donora incident, there had been interest in using the federal government to investigate and resolve disputes, but PHS preferred a larger basic research mandate while working in its traditional role to support states who were responsible for enforcement. Consistent with its fiscal conservativism and disinterest in expanding federal social programs but interest in research, the Eisenhower administration agreed, and the first consensus was to maintain prevailing local-state-federal relationships. Prior to 1960, there were sporadic challenges to this consensus, including a key contribution from HEW Secretary Arthur S. Flemming, but no sustained effort to initiate major changes. In 1960, Kennedy's election provided the urban lobby with new opportunities for legislative entrepreneurship, and the AMA, and particularly one persistent person at the AMA, Hugh Mields, provided key legislative language to Congress and the administration, and then worked from 1960 to 1963 to sustain calls for the federal government to "do something" about air pollution. Although broader efforts at federal intervention in urban affairs faced stiff opposition in the early 1960s, air pollution legislation was facilitated by existing water pollution precedents, and was conceptually separated from other "urban" problems into a distinct category of issue that garnered wider support, or at least less resistance to federal power.

Key legislative entrepreneurs included James J. Murphy (D-NY), Rep. Helen Gahagan Douglas (D-CA), Sen. Thomas Kuchel (R-CA), Secretary Arthur S. Flemming (HEW), and, above all, Hugh Mields, Jr. of the American Municipal Association. Key advocates for legislation included Rep. Paul Schenck (R-OH), and, at the end of the process, Sen. Abraham Ribicoff (D-CT) and Sen. Edmund Muskie (D-ME). Rep. Roberts emerges as a problematic and difficult figure to assess – a states' rights advocate apparently devoted to ideals of public testimony and, ultimately, legislation for the public welfare. In 1964, he would vote "no" on the Civil Rights Act of 1964, and would then go on to lose the November 1964 election to a Republican, as Alabama voters turned against the Democratic Party for its support of civil rights, in a larger pattern of southern political realignment that marked national politics thereafter.

The old guard conservatives had their say during the Eisenhower administration, but by 1960, particularly with the death of Robert Taft and Barry Goldwater still emerging as a national figure, fiscal conservatism was at a low ebb in the early 1960s. The fiscal concerns of the Eisenhower

Administration were not seriously or consistently pursued in the years that followed, and thus those arguments had little eventual purchase on the final debate. Nor, however, was air pollution successfully associated with state control and communism, although attempts were made along these lines. Instead, the states' rights perspective of the Southern Democrats, particularly, and anti-federalists, generally, looms large. Ultimately, it is clear that at the time, the Southern Democrats opposed judicial intervention in Southern apartheid, but also argued for the dominance of Congress, and had no theoretical qualms with the exercise of federal power to resolve problems shared by the cities of the South. In this, they were actually "less conservative" than the "Jeffersonians" and other more absolutist, anti-statist conservatives, who would come to power in the years ahead.

The subsequent implementation of the 1963 Act's abatement procedures has left the impression that they were less important than they actually were. They were amended in 1965 (allowing for abatement of pollution causing health harms abroad),[233] and again in 1967 (permitting HEW to create regional ambient air quality standards and take independent abatement actions based on them).[234] This procedure remained after the 1970 amendments, but only for air pollutants for which no primary or secondary national ambient air quality standard were promulgated.[235] In its place, the new amendments created a far more powerful direct enforcement procedure.[236] This new power maintained a nominal cooperative federalism by tying enforcement to violations of state-developed State Implementation Plans, but, together with a much more aggressive enforcement policy at the newly created Environmental Protection Agency, would be tantamount to federal control of air pollution down to the local level from 1970 onwards. It is true that during its seven years as the primary source of federal authority to control air pollution, the 1963 abatement procedures resulted in few direct federal abatement actions.[237] This, however, ignores the fact that the implementation of these procedures had to overcome an enormous amount of institutional resistance to federal authority. That they were not used extensively did not mean that they were not important. In fact, without the efforts and arguments leading to the abatement compromises of the 1963 Act, and the subsequent experiences with the challenges of implementation of those solutions, the stronger enforcement provisions of the 1970 Act could never have become law.

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[233] Civil Rights Act of 1963, Pub. L. 89-272, 79 Stat. 992 (1965) (redesignating the 1963 Act's § 3 to § 103, and adding § 103(e)).

[234] Civil Rights Act of 1967, Pub. L. 90-148, 81 Stat. 485 (1967) §§ 107(a), (b)(1).

[235] Civil Rights Act of 1970, Pub. L. 91-604, § 4 (B) renumbering Clean Air Act § 108 to § 115, and amending. In 1977, it was limited further to international air pollution. Pub. L. 95-95, 91 Stat. 710, § 114. It still remains in the law as an intriguing section of the Clean Air Act for the purposes of regulating greenhouse gas emissions. *See* Roger Martella & Matthew Paulson, *Regulation of Greenhouse Gases Under Section 115 of the Clean Air Act*, 40 Env't Rep. (BNA) 585 (Mar. 13, 2009).

[236] Civil Rights Act of 1970 § 113.

[237] *See* Stern, *supra* note 4 ("By the time of the next major revision of the Clean Air Act in 1967, there had been no request to the Secretary for intrastate pollution abatement and only three requests for federal intervention in interstate pollution abatement. The Secretary initiated five interstate abatement actions on his own recognizance. Very little air pollution abatement was actually accomplished by these procedures, which were later abandoned."). The sole federal decision leaving a record of such proceedings is *United States v. Bishop Processing Co.*, 423 F.2d 469 (4th Cir. 1970), *cert. den.* 398 U.S. 904 (1970).

In 1963, then, the United States chose to begin to empower its federal government to control air pollution because the alternative – fragmentary local control – was not working. The first solution, to maintain a cooperative state-federal abatement program largely in control of state decisionmakers, also did not work. But having taken the first steps in 1963, it was possible for Congress to enact more robust federal enforcement powers in 1970. The Clean Air Act of 1963, then, deserves to be recognized as more than a funding bill, and more than an unsuccessful predecessor to the 1970 law. It was the foundation upon which later generations built.

Author's note: this Article was written and edited under the San Francisco Bay Area's shelter-in-place order during the novel coronavirus pandemic, summer 2020 to spring 2021. Among other things, it suggests further research that would require in-person investigation that cannot be conducted with our nation's archives closed. Although the challenges of scholarship are one of the least important problems of the day, if any event has ever demonstrated the value of federal coordination of a response to a nationwide public health problem, it has been the COVID-19 catastrophe. National coordination, and when required federal preemption, would have spared our country much of its ongoing suffering. As Howard K. Smith might have said: "What's a federal government for, if not for problems like this?"

References

Bills

H.J. Res. 379, 81st Cong. (Oct. 14, 1949)
H.J. Res. 380, 81st Cong. (Oct. 14, 1949)
H.J. Res. 416, 81st Cong. (Feb. 8, 1950)
H.R. 9379, 81st Cong. (Aug. 9, 1950)
H.J. Res 38, 82d Cong. (Jan. 3, 1951)
H.J. Res. 218, 82d Cong. (Mar. 22, 1951)
S.J. Res. 110, 82d Cong. (Oct. 19, 1951)
H.J. Res. 72, 82d Cong. (Jan. 3, 1953)
H.J. Res. 174, 82d Cong. (Feb. 6, 1953)
H.R. 2720, 82d Cong. (Feb. 6, 1953)
S. 2938 (Apr. 1, 1954)
H.R. 835, 84th Cong. (Jan. 5, 1955)
H.R. 2129, 84th Cong. (Jan. 13, 1955)
H.R. 2888, 84th Cong. (Jan. 24, 1955)
H. Res. 116, 84th Cong. (Jan. 26, 1955)
H.R. 3547, 84th Cong. (Feb. 3, 1955)
H.R. 3548, 84th Cong. (Feb. 3, 1955)
H.R. 3549, 84th Cong. (Feb. 3, 1955)
H.R. 3551, 84th Cong. (Feb. 3, 1955)
H.R. 3552, 84th Cong. (Feb. 3, 1955)
H.R. 3553, 84th Cong. (Feb. 3, 1955)
H.R. 3555, 84th Cong. (Feb. 3, 1955)
S. 917, 84th Cong. (Feb. 4, 1955)
S. 928, 84th Cong. (Feb. 4, 1955)
H.R. 3680, 84th Cong. (Feb. 7, 1955)
H.R. 3901, 84th Cong. (Feb. 10, 1955)
H.R. 3906, 84th Cong. (Feb. 10, 1955)
H.R. 4313, 84th Cong. (Feb. 23, 1955)
H.R. 4741, 84th Cong. (Mar. 8, 1955)
S. 3115 (Mar. 11, 1954)
H.J. Res. 259, 84th Cong. (Mar. 23, 1955)
S. 1565, 84th Cong. (Mar. 28, 1955)
S. 2126, 84th Cong. (Jun. 1, 1955)
H.R. 6597, 84th Cong. (Jun. 1, 1955)
H.R. 6699, 84th Cong. (Jun. 7, 1955)
H.R. 10696, 86th Cong. (Feb. 25, 1960)
S. 3108, 86th Cong. (Feb. 26, 1960)
S. 455, 87th Cong. (Jan. 16, 1961)
H.R. 2948, 87th Cong. (Jan. 18, 1961)
H.R. 3083, 87th Cong. (Jan. 23, 1961)
H.R. 3577, 87th Cong. (Jan. 30, 1961)
H.R. 9352, 87th Cong. (Sep. 21, 1961)
H.R. 9347, 87th Cong. (Sep. 21, 1961)

"League" Bill – see pp. 70-75 of
Air pollution hearing of Nov. 27, 1961
H.R. 10519, 87th Cong. (Mar. 1, 1962)
S. 736, 88th Cong. (Feb. 7, 1963)
S. 737, 88th Cong. (Feb. 7. 1963)
S. 432, 88th Cong. (Jan. 23, 1963)
S. 444, 88th Cong. (Jan. 23, 1963)
H.R. 3507, 88th Cong. (Feb. 7, 1963)
H.R. 4061, 88th Cong. (Feb. 21, 1963)
H.R. 4415, 88th Cong. (Feb. 23, 1963)
H.R. 4750, 88th Cong. (Mar. 11, 1963)
H.R. 6518, 88th Cong. (May 23, 1963)

Bill Reports

Senate Rep. 389 (May 27, 1950)
House Rep. 2359 (Jun. 30, 1952)
Senate Rep. 2079 (Jul. 3, 1952)
House Rep. 1472 (May 28, 1954)
Senate Rep. 86-1723 (Jun. 24, 1960)
Senate Pub. Works Comm. Rep. 1083
(Sept. 16, 1961)

Congressional Record

95 Cong. Rec. 14,630 (Oct. 15, 1949)
96 Cong. Rec. 1696 (Feb. 8, 1950)
96 Cong. Rec. 3486 (Mar. 16, 1950)
96 Cong. Rec. A2006 (Mar. 16, 1950)
96 Cong. Rec. A5733 (Jul. 10, 1950)
96 Cong. Rec. 12,143 (Aug. 9, 1950)
97 Cong. Rec. 34 (Jan. 3, 1951)
97 Cong. Rec. 2,897-98 (Mar. 26, 1951)
97 Cong. Rec. 12,492 (Oct. 19, 1951)
97 Cong. Rec. 12,495 (Oct. 19, 1951)
98 Cong. Rec. 8940 (Jul. 2, 1952)
98 Cong. Rec. 9314-15 (Jul. 4, 1952)
99 Cong. Rec. 68 (Jan. 3, 1953)
99 Cong. Rec. 952 (Feb. 6, 1953)
99 Cong. Rec. 951 (Feb. 6, 1953)
99 Cong. Rec. 5493-95 (May 25, 1953)
100 Cong. Rec. 8456-72 (Jun. 17, 1954)
100 Cong. Rec. 11071-110 (Jul. 20, 1954)
100 Cong. Rec. A6859 (Nov. 17, 1954)
100 Cong. Rec. 3060 (Mar. 11, 1954)
100 Cong. Rec. 4312 (Apr. 1, 1954)
100 Cong. Rec. 4430-91 (Apr. 2, 1954)
100 Cong. Rec. 4576 (Apr. 5, 1954)
100 Cong. Rec. 7609-25 (Jun. 3, 1954)
101 Cong. Rec. 7248-50 (May 31, 1955)
101 Cong. Rec. 9923-25 (Jul 5, 1955)
101 Cong. Rec. 9984-85 (Jul. 6, 1955)
102 Cong. Rec. 4459-60 (Mar. 12, 1956)
106 Cong. Rec. 14,689-92 (Jun. 28, 1960)
106 Cong. Rec. 15,038 (Jun. 29, 1960).
107 Cong. Rec. 20417-18 (Sept. 20, 1961).
108 Cong. Rec. A251 (Jan. 17, 1962)
108 Cong. Rec. A674 (Jan. 30, 1962)
108 Cong. Rec. 2417-22 (Feb. 19, 1962)
108 Cong. Rec. 2527-72 (Feb. 20, 1962)
108 Cong. Rec. 2629-80 (Feb. 21, 1962)
108 Cong. Rec. 3128 (Mar. 1, 1962)
108 Cong. Rec. A2040 (Mar. 19, 1962)
108 Cong. Rec. 19660 (Sep. 17, 1962)
109 Cong. Rec. 13258-307 (Jul. 24, 1963)
109 Cong. Rec. 22315-34 (Nov. 19, 1963)
109 Cong. Rec. 23954-24084 (Dec. 10, 1963)

Congressional Hearings

Hearings before the House Appropriations Committee: Department of Labor, Federal Security Agency Appropriations for 1951 (1950)
Hearings before the House Appropriations Committee: Department of State Appropriations for 1951 (1950)

Hearings before the Senate Appropriations Committee: Departments of State, Justice, Commerce and the Judiciary Appropriations for 1951 (Apr. 12, 1950)
Hearings before the Senate Appropriations Committee: Departments of State, Justice, Commerce and the Judiciary Appropriations for 1951 (Apr. 12, 1950)
Hearings before the House Appropriations Committee: Department of Labor – Federal Security Agency Appropriations for 1952 (Feb. 23, 1951)
Hearings before the House Appropriations Committee: Department of State Appropriations for 1952 (Mar. 6, 1951)
Hearings before the Senate Appropriations Committee: Labor – Federal Security Appropriations for 1952 (Apr. 25, 1951)
Hearings before the Senate Appropriations Committee: Departments of State, Justice, Commerce, and the Judiciary Appropriations for 1952 (1951)
Hearings before the House Appropriations Committee: Independent Offices Appropriations for 1951 (Feb. 27, 1950)
Hearings before the House Appropriations Committee: Departments of Labor and Health, Education, and Welfare Appropriations for 1955 (Apr. 2, 1954)
Hearings before the House Appropriations Committee: Department of Labor – Federal Security Agency Appropriations for 1954 (Mar. 26, 1953)
Hearings before the Senate Appropriations Committee: Labor – Health, Education, and Welfare Appropriations for 1954 (May 26, 1953)
Hearings before the Senate Appropriations Committee: Departments of State, Justice, and Commerce Appropriations for 1954 (Apr. 23, 1953)
Hearings before the House Appropriations Committee: Departments of State, Justice, and Commerce Appropriations for 1954 (Mar. 18, 1953)
Hearings before the House Banking and Currency Committee: Housing Act of 1954 – Air Pollution Prevention Amendment (Apr. 13-15, 1954)
Hearing before the House Health and Safety Subcommittee: Air Pollution (Nov. 27, 1961
Hearings before the House Committee on Government Operations: Reorganization Plan No. 1 of 1962 to Create a Department of Urban Affairs and Housing (Feb. 6-8, 1962)
Hearings before the House Health and Safety Subcommittee: Air Pollution (June 25, 1962)
Hearings before the House Health and Safety Subcommittee: Air Pollution (Mar. 18, 1963)

Statutes

Pure Food and Drug Act, Pub. L. 59-384, 34 Stat. 768 (Jun. 30, 1906)
National Cancer Act, Pub. L. 244, 75 Stat. 559 (Aug. 5, 1937)
U.S. Housing Act, Pub. L. 75-412, 50 Stat. 888 (Sep. 1, 1937)
Food, Drug, and Cosmetic Act, Pub. L. 75-717, 52 Stat. 1040 (Jun. 25, 1938)
Public Health Service Act, Pub. L. 78-410, 58 Stat. 682 (Jul. 1, 1944)
Federal Water Pollution Control Act, Pub. L. 945, 62 Stat. Ch. 758 (Jun. 30, 1948)

Housing Act, Pub. L. 81-171, 63 Stat. 413 (Jul. 15, 1949).
Pesticide Residues Amendment, Pub. L. 83-518, 68 Stat. 511 (July 22, 1954)
Air Pollution Control Act, Pub. L. 84-159, 69 Stat. 322 (Jul. 14, 1955)
Clean Air Act 1956, 5 Eliz. 2 c. 52 (Jul. 5, 1956)
Water Pollution Control Act Amendments, Pub. L. 660, 70 Stat. Ch. 518 (1956)
Food Additives Amendment, Pub. L. 85-929, 72 Stat. 1784 (Sep. 6, 1958);
Air Pollution Control Act Extension, Pub. L. 86-365 (1959)
Color Additive Amendment, Pub. L. 86-618, 74 Stat. 397 (Jul. 12, 1960)
Federal Hazardous Substances Labelling Act, Pub. L. 86-613, 74 Stat. 372 (Jul. 22, 1960)
Water Pollution Control Act Amendments, Pub. L. 87-88, 75 Stat. 204 (Jul. 20, 1961)
Clean Air Act, Pub. L. 88-206, 77 Stat. 392 (1963)
Solid Waste Disposal Act, Pub. L. 89-272, 79 Stat. 992 (Oct. 20, 1965)
Air Quality Act, Pub. L. 90-148, 81 Stat. 485 (Nov. 21, 1967)
Clean Air Amendments, Pub. L. 91-604, 84 Stat. 1676 (Dec. 31, 1970)

Executive Orders

Executive Order 10779 (Aug. 20, 1958), Directing Federal Agencies to Cooperate with State and Local Authorities in Preventing Pollution of the Atmosphere
Executive Order 8807 (Jun. 28, 1941), Establishing the Office of Scientific Research and Development

Cases

Brown v. Board of Education of Topeka, 347 U.S. 483 (1954)
U.S. v. Bishop Processing Co., 423 F.2d 469 (4th Cir. 1970), *cert. den.* 398 U.S. 904 (1970)

Public Papers of the Presidents

DDE, *Annual Message to Congress on the State of the Union*, 1955 Pub. Papers 7 (Jan. 6, 1955)
DDE, *Special Message to the Congress Recommending a Health Program*, 1955 Pub. Papers 216 (Jan. 31, 1955)
DDE, Annual Budget Message to the Congress: Fiscal Year 1961., 1960 Pub. Papers 94 (Jan. 18, 1960)
JFK, Special Message to Congress on Natural Resources, 1961 Pub. Papers 117 (Feb. 23, 1961); JFK, Special Message to Congress and Health and Hospital Care, 1961 Pub. Papers 27 (Feb. 99, 1961)
JFK, Remarks Upon Signing the Federal Water Pollution Control Act Amendments, 1961 Pub. Papers 294 (Jul. 20, 1961)

JFK, Special Message to the Congress on Improving the Nation's Health, 1963 Pub. Papers 140 (Feb. 7, 1963)
JFK, Special Message to Congress on National Health Needs, 1962 Pub. Papers 171 (Feb. 27, 1962)

Government Documents and Reports

Annual Report of the United States Public Health Service for the Fiscal Year 1941-42
Annual Report of the United States Public Health Service for the Fiscal Year 1942-43
Annual Report of the United States Public Health Service for the Fiscal Year 1944
Annual Report of the Federal Security Agency for the Fiscal Year 1945
Annual Report of the Federal Security Agency 1949: Public Health Service, 1949
Annual Report of the Federal Security Agency 1950: Public Health Service, 1950
Annual Report of the Federal Security Agency 1951: Public Health Service, 1951
Annual Report of the Federal Security Agency 1952: Public Health Service, 1952.
Ad Hoc Interdepartmental Committee on Community Air Pollution. "The Federal Role in the Community Air Pollution Problem," April 8, 1955.
Barkley, John Ferdinand. *Fundamentals of Smoke Abatement*. U.S. Department of the Interior, Bureau of Mines, 1950.
Budget of the U.S. Government 1953 (1952)
Bush, Vannevar. "Science the Endless Frontier: A Report to the President." Washington, 1945.
California Dept. of Public Health, *California Against Air Pollution, A Six-Year Progress Report 1955-1961* (1962)
Davenport, Sara J. "Bibliography of Bureau of Mines Publications Dealing with Health and Safety in the Mineral and Allied Industries." U.S. Department of the Interior, Bureau of Mines, 1946.
Grossman-Cooper, Anna. "Air Pollution Publications: A Selected Bibliography 1955-1963," 1964.
Hogue, Henry B. "Presidential Reorganization Authority: History, Recent Initiatives, and Options for Congress," December 11, 2012.
Monnett, Osborn. *Smoke Abatement*. U.S. Government Printing Office, 1923.
National League of Cities and the U.S. Conference of Mayors Solid Waste Management Task Force, Cities and the Nation's Disposal Crisis 1 (Mar. 1973)
PHS. "National Conference on Air Pollution: Proceedings," December 10, 1962.
———. "Proceedings of the National Conference on Air Pollution," November 18, 1958.
"Report of the Department of Interior Pursuant to Authorization of the Act of Aug 14 1946," February 28, 1951.
Schrenk, H.H., Harry Heimann, George D. Clayton, W. M. Gafafer, and Harry Wexler. *Air Pollution in Donora, Pa: Epidemiology of the Unusual Smog Episode of Oct. 1948*. Federal Security Agency, Public Health Service, Bureau of State Services, Division of Industrial Hygiene, 1949.
Smoke Abatement: Selections from Papers by O. P. Hood. U.S. Department of the Interior, Bureau of Mines, 1938.
Snell, Ronald. "State Finance in the Great Depression," March 2009.
Transportation Research Board of the National Academies. "Commuting in America III," 2007. http://www.trb.org/main/blurbs/156993.aspx.
U.S. Bureau of Economic Analysis. "U.S. Gross National Product." FRED, Federal Reserve Bank of St. Louis. FRED, Federal Reserve Bank of St. Louis. Accessed June 27, 2020. https://fred.stlouisfed.org/series/GNP.

U.S. Bureau of Labor Statistics. "100 Years of U.S. Consumer Spending: Data for the Nation, New York City, and Boston," May 2006.
———. "Data Series LNU04000000: Labor Force Statistics from the Current Population Survey - Unadjusted Unemployment Rate, Age Over 16." Accessed June 27, 2020. https://data.bls.gov/timeseries/LNU04000000.
U.S. Census Bureau. "Income of Families and Persons in the United States: 1950," 1952. https://www.census.gov/library/publications/1952/demo/p60-009.html.
———. "Income of Families and Persons in the United States: 1960," 1962. https://www.census.gov/library/publications/1962/demo/p60-037.html.
———. Statistical Abstract of the United States: 1961. 82d ed., 1961. https://www.census.gov/library/publications/1961/compendia/statab/82ed.html.
———. "U.S. Census History, Urban and Rural Areas." Accessed June 27, 2020. https://www.census.gov/history/www/programs/geography/urban_and_rural_areas.html.
U.S. Environmental Protection Agency, Historic Air Quality Reports, available at https://www.epa.gov/air-trends/historical-air-quality-trends-reports
U.S. EPA Office of Air Quality Planning and Standards. "National Air Pollutant Emission Trends, 1900-1998," March 2000.
U.S. Energy Information Administration, U.S. Coal Consumption by End Use, 1950-2019, https://www.eia.gov/energyexplained/coal/use-of-coal.php
———. History of energy consumption in the United States, 1775-2009, https://www.eia.gov/todayinenergy/detail.php?id=10
U.S. Federal Highway Administration Office of Highway Information Management. "Highway Statistics Summary to 1995: Motor-Vehicle Registrations, 1900-1995 (Table MV-200)." Accessed June 27, 2020. https://www.fhwa.dot.gov/ohim/summary95/.
U.S. Public Health Service, *Free Films on Air Pollution*, Pub. No. 1264 (1969)
———. *The Cartoonist Focuses on Air Pollution*, Pub. No. 1561 (1966)
U.S. Public Service and U.S. Senate Public Works Committee, *Troubled Waters* (1964)

Books and Articles

Abbott, Carl. *Urban America in the Modern Age : 1920 to the Present*. The American History Series. Harlan Davidson, 1986.
Ahlers, Christopher D. "Origins of the Clean Air Act: A New Interpretation." *Environmental Law* 45 (Winter 2015): 75–127.
Andrews, Richard N. L. *Managing the Environment, Managing Ourselves: A History of American Environmental Policy*. 3d ed. Yale University Press, 2020.
Bailey, Christopher J. *Congress and Air Pollution: Environmental Policies in the USA*. Manchester University Press, 1998.
Barwise, Sidney. "The Abatement of the Smoke Nuisance." *British Medical Journal* 2, no. 1548 (August 30, 1890): 499–501.
Baxandall, Rosalyn, and Elizabeth Ewen. *Picture Windows : How the Suburbs Happened*. Basic Books, 2000.
Bell, Jonathan, and Timothy Stanley. *Making Sense of American Liberalism*. University of Illinois Press, 2012.

Bernstein, Irving. *Promises Kept: John F. Kennedy's New Frontier*. Oxford University Press, 1991.

Blomquist, Robert F. "In Search of Themis: Toward the Meaning of the Ideal Legislator - Senator Edmund S. Muskie and the Early Development of Modern American Environmental Law, 1965-1968." *William and Mary Environmental Law and Policy Review* 28, no. 3 (2004): 539–658.

———. "Senator Edmund S. Muskie and the Dawn of Modern American Environmental Law: First Term, 1959-1964." *William and Mary Environmental Law and Policy Review* 26, no. 3 (2002): 509–612.

———. "To Stir up Public Interest: Edmund S. Muskie and the U.S. Senate Special Subcommittee's Water Pollution Investigations and Legislative Activities, 1963-66 - A Case Study in Early Congressional Environmental Policy Development." *Columbia Journal of Environmental Law* 22, no. 1 (1997): 1–64.

Bowen, Michael D. *The Roots of Modern Conservatism: Dewey, Taft, and the Battle for the Soul of the Republican Party*. UNC Press, 2011.

Boynton, Alex. "Formulating an Anti-Environmental Opposition: Neoconservative Intellectuals during the Environmental Decade." *The Sixties* 8, no. 1 (January 2, 2015): 1–26.

Brinkley, Alan. *The End of Reform : New Deal Liberalism in Recession and War*. Alfred A. Knopf, 1995.

Brooks, Karl Boyd. *The Environmental Legacy of Harry S. Truman*. The Truman Legacy Series: V. 5. Truman State University Press, 2009.

Cammisa, Anne Marie. *Governments as Interest Groups: Intergovernmental Lobbying and the Federal System*. Praeger, 1995.

Charnock, Emily J. "More Than a Score: Interest Group Ratings and Polarized Politics." *Studies in American Political Development* 32, no. 1 (April 2018): 49–78.

Chertow, Marian R. "The IPAT Equation and Its Variants." *Journal of Industrial Ecology* 4, no. 4 (2000): 13–29. https://doi.org/10.1162/10881980052541927.

Cohen, Lizabeth. *A Consumer's Republic: The Politics of Mass Consumption in Postwar America*. New York: Vintage Books, 2004.

Commoner, Barry. *The Closing Circle : Nature, Man, and Technology*. Alfred A. Knopf, 1971.

Corn, Jacqueline K. "Historical Aspects of Industrial Hygiene—II. Silicosis." *American Industrial Hygiene Association Journal* 41, no. 2 (February 1980): 125–33.

Cralley, Lewis J. "Historical Perspectives: Industrial Hygiene in the U.S. Public Health Service (1914–1968)." *Applied Occupational and Environmental Hygiene* 11, no. 3 (March 1996): 147–55.

Cuéllar, Mariano-Florentino. "'Securing' the Nation: Law, Politics, and Organization at the Federal Security Agency, 1939–1953." *The University of Chicago Law Review* 76, no. 2 (2009): 587–718.

Davies, Kate. *Rise of the U.S. Environmental Health Movement*. Rowman & Littlefield Publishers, Inc., 2013.

Decker, Jefferson. *The Other Rights Revolution: Conservative Lawyers and the Remaking of American Government*. Oxford University Press, 2016.

Dochuk, Darren. *From Bible Belt to Sunbelt: Plain-Folk Religion, Grassroots Politics, and the Rise of Evangelical Conservatism*. New York City: W.W. Norton & Co., 2011.

Doyle, Henry N. *The Federal Industrial Hygiene Agency : A History of the Division of Occupational Health, United States Public Health Service*. American Conference of Governmental Industrial Hygienists, 1975.

Edelman, Marc. "Social Movements: Changing Paradigms and Forms of Politics." *Annual Review of Anthropology* 30, no. 1 (2001): 285–317.

Elazar, Daniel J. "Urban Problems and the Federal Government: A Historical Inquiry." *Political Science Quarterly* 82, no. 4 (1967): 505–25.

Evans, Thomas W. *The Education of Ronald Reagan: The General Electric Years and the Untold Story of His Conversion to Conservatism*. Columbia University Press, 2006.

Faber, Daniel, and James O'Connor. "The Struggle for Nature: Environmental Crises and the Crisis of Environmentalism in the United States∗." *Capitalism Nature Socialism* 1, no. 2 (January 1988): 12–39.

Fishback, Price V. *The New Deal in American Economic History*.

Flippen, J. Brooks. *Nixon and the Environment*. UNM Press, 2000.

Fox, Douglas M. *The New Urban Politics: Cities and the Federal Government*. Goodyear Pub. Co., 1972.

Fox, Kenneth. *Metropolitan America : Urban Life and Urban Policy in the United States, 1940-1980*. University Press of Mississippi, 1986.

Friedberg, Aaron L. *In the Shadow of the Garrison State: America's Anti-Statism and Its Cold War Grand Strategy*. Princeton University Press, 2012.

Gaynes, Robert P. *Germ Theory: Medical Pioneers in Infectious Diseases*. John Wiley & Sons, 2011.

Giugni, Marco, and Maria T. Grasso. "Environmental Movements in Advanced Industrial Democracies: Heterogeneity, Transformation, and Institutionalization." *Annual Review of Environment and Resources* 40, no. 1 (2015): 337–61. https://doi.org/10.1146/annurev-environ-102014-021327.

Goldberg, Robert Alan. *Barry Goldwater*. Yale University Press, 1995.

Goldstein, Joel K. "Edmund S. Muskie: The Environmental Leader and Champion." *Maine Law Review* 67, no. 2 (2015): 226–33.

Griffith, Robert. "Dwight D. Eisenhower and the Corporate Commonwealth." *The American Historical Review* 87, no. 1 (1982): 87–122. https://doi.org/10.2307/1863309.

Grinder, Dale. "The Battle for Clean Air: The Smoke Problem in Post-Civil War America." In *Pollution and Reform in American Cities, 1870-1930*, edited by Martin V. Melosi, 83–103. University of Tex. at Austin Press, 1980.

Gross, Neil, Thomas Medvetz, and Rupert Russell. "The Contemporary American Conservative Movement." *Annual Review of Sociology* 37, no. 1 (2011): 325–54. https://doi.org/10.1146/annurev-soc-081309-150050.

Haagen-Smit, A. J. "Air Pollution: Proceedings of the United States Technical Conference on Air Pollution." *Science* 116, no. 3014 (October 3, 1952): 371.

Haider, Donald H. *When Governments Come to Washington : Governors, Mayors, and Intergovernmental Lobbying*. Free Press, 1974.

Hays, Samuel P., and Barbara D. Hays. *Beauty, Health, and Permanence Environmental Politics in the United States, 1955-1985*. Cambridge University Press, 1987.

Hitchcock, William I. *The Age of Eisenhower: America and the World in the 1950s*. New York: Simon & Schuster, 2018.

Houser, Franklin D. "The Consumer's Sleeping Giant - The Federal Hazardous Substances Labeling Act." *Santa Clara L. Rev.* 14 (January 1974): 520.

Jackson, Charles O. *Food and Drug Legislation in the New Deal*. Princeton University Press, 1970.

Jacobs, Elizabeth T., Jefferey L. Burgess, and Mark B. Abbott. "The Donora Smog Revisited: 70 Years After the Event That Inspired the Clean Air Act." *American Journal of Public Health* 108, no. Suppl 2 (April 2018): S85–88.

Jasanoff, Sheila. *States of Knowledge : The Co-Production of Science and the Social Order*. International Library of Sociology. Routledge, 2006.

Jaworski, Taylor & Price V. Fishback, *Two World Wars in American Economic History*. *In* Oxford Handbook of American Economic History, Louis P. Cain et al. eds., 2018.

Johnson, Bertram. "Associated Municipalities: Collective Action and the Formation of State Leagues of Cities." *Social Science History* 29, no. 4 (2005): 549–74. https://doi.org/10.2307/40267889.

Judd, Dennis R., and Francis N. Kopel. *The Politics of American Cities: Private Power and Public Policy*. Little, Brown, 1979.

Kenneally, James Joseph. "A Compassionate Conservative: A Political Biography of Joseph W. Martin, Jr., Speaker of the U.S. House of Representatives," 2003.

Latour, Bruno, and Steve Woolgar. *Laboratory Life : The Construction of Scientific Facts*. Princeton University Press, 1986.

Martin, Roscoe C. *The Cities and the Federal System*. Atherton Press, 1965.

McGirr, Lisa. *Suburban Warriors: The Origins of the New American Right*. Princeton University Press, 2001.

McNeill, J. R., ed., and Corinna R. Unger ed. *Environmental Histories of the Cold War*. German Historical Institute"||"Cambridge University Press, 2010.

Milazzo, Paul Charles. *Unlikely Environmentalists: Congress and Clean Water, 1945-1972*. University Press of Kansas, 2006.

Miller, Joseph E. "Mundt, Karl (1900-1974)" *in* Encyclopedia of the Great Plains (2011), http://plainshumanities.unl.edu/encyclopedia/doc/egp.pg.051.xml

Mitchell, Greg. *Tricky Dick and the Pink Lady: Richard Nixon vs. Helen Gahagan Douglas - Sexual Politics and the Red Scare, 1950*. New York: Random House, 1998.

Mohl, Raymond A. "Shifting Patterns of American Urban Policy since 1900." In *Urban Policy in Twentieth-Century America*, edited by Arnold R. Hirsch and Raymond A. Mohl. Rutgers University Press, 1993.

Mokyr, Joel. "The Second Industrial Revolution, 1870-1914." In *Storia Dell'Economia Mondiale*, edited by Valerio Castronovo, 219, 1999.

Montrie, Chad. *The Myth of Silent Spring: Rethinking the Origins of American Environmentalism*. University of California Press, 2018.

Moore, John Robert. "Senator Josiah W. Bailey and the 'Conservative Manifesto' of 1937." *The Journal of Southern History* 31, no. 1 (1965): 21–39.

Morgan, Iwan W. *Eisenhower versus "the Spenders": The Eisenhower Administration, the Democrats and the Budget, 1953-60*. London: Pinter Publishers, 1990.

Mullan, Fitzhugh. *Plagues and Politics : The Story of the United States Public Health Service*. Basic Books, 1989.

O'Neill, Kate. "The Comparative Study of Social Movements." In *Comparative Environmental Politics : Theory, Practice, and Prospects*, edited by Paul F. Steinberg and Stacy D. VanDeveer, 115–42. American and Comparative Environmental Policy. MIT Press, 2012.

Parascandola, Mark. "Cigarettes and the US Public Health Service in the 1950s." *American Journal of Public Health* 91, no. 2 (February 2001): 196.

Patterson, James T. *Congressional Conservatism and the New Deal*. University Press of Kentucky, 1967.

———. *Mr. Republican: A Biography of Robert A. Taft*. Boston: Houghton Mifflin, 1972.

Phillips-Fein, Kim. "Conservatism: A State of the Field." *Journal of American History* 98, no. 3 (2011): 723–43.

———. *Invisible Hands: The Businessmen's Crusade against the New Deal*. New York: W.W. Norton, 2010.

Pichardo, Nelson A. "New Social Movements: A Critical Review." *Annual Review of Sociology* 23, no. 1 (August 1, 1997): 411–30.

Reitze, Jr., Arnold W. "The Legislative History of U.S. Air Pollution Control." *Hous. L. Rev.* 36 (Fall 1999): 679–741.

Ripley, Randall P. "Congress and Clean Air: The Issue of Enforcement, 1963." In *Congress and Urban Problems*, edited by Frederic N. Cleaveland, 1969.

Rome, Adam. *The Bulldozer in the Countryside : Suburban Sprawl and the Rise of American Environmentalism*. Studies in Environment and History. Cambridge University Press, 2001.

Rothman, Hal. *The Greening of a Nation? : Environmentalism in the United States since 1945*. Fort Worth: Harcourt Brace, 1998.

Schneider, Dona, and David E. Lilienfeld. *Public Health: The Development of a Discipline*. Vol. 1. 2 vols., 2008.

Schneider, Mary-Jane. *Introduction to Public Health*. 5th ed., 2017.

Schrepfer, Susan R. "The Nuclear Crucible: Diablo Canyon and the Transformation of the Sierra Club, 1965-1985." *California History* 71, no. 2 (July 1, 1992): 212–37.

Schueneman, Jean J. "Air Pollution Problems and Control Programs in the United States." *Journal of the Air Pollution Control Association* 13, no. 3 (March 1963): 116–25.

Sciences, National Academy of. *Biographical Memoirs: V.58*, 1989. https://doi.org/10.17226/1645.

Sellers, Christopher. "The Public Health Service's Office of Industrial Hygiene and the Transformation of Industrial Medicine." *Bulletin of the History of Medicine* 65, no. 1 (1991): 42–73.

Smil, Vaclav. *Creating the Twentieth Century : Technical Innovations of 1867-1914 and Their Lasting Impact*. Oxford University Press, 2005.

Smith, Thomas G. *Stewart L. Udall : Steward of the Land*. University of New Mexico Press, 2017.

Snyder, Lynne Page. "'The Death-Dealing Smog over Donora, Pennsylvania': Industrial Air Pollution, Public Health Policy, and the Politics of Expertise, 1948-1949." *Environmental History Review* 18, no. 1 (1994): 117–39. https://doi.org/10.2307/3984747.

Starr, Paul. *The Social Transformation of American Medicine: The Rise of a Sovereign Profession and the Making of a Vast Industry*. Basic Books, 1982.

Steil, Benn. *The Battle of Bretton Woods : John Maynard Keynes, Harry Dexter White, and the Making of a New World Order*. Princeton University Press, 2013.

Stern, Arthur C. "History of Air Pollution Legislation in the United States." *Journal of the Air Pollution Control Association* 32, no. 1 (January 1982): 44–61.

Switzer, Jacqueline Vaughn. *Green Backlash: The History and Politics of the Environmental Opposition in the U.S*. Boulder: Lynne Rienner Publishers, 1997.

Tarr, Joel A. "Changing Fuel Use Behavior: The Pittsburgh Smoke Control Movement, 1940–1950." *Technological Forecasting and Social Change* 20, no. 4 (December 1, 1981): 331–46.

———. *The Search for the Ultimate Sink: Urban Pollution in Historical Perspective*. The University of Akron Press, 1996.

Tucker, Raymond R. "Smoke Prevention in St. Louis." *Industrial & Engineering Chemistry* 33, no. 7 (July 1941): 836–39. https://doi.org/10.1021/ie50379a002.

Turner, James Morton, and Andrew C. Isenberg. *The Republican Reversal: Conservatives and the Environment from Nixon to Trump*. Harvard University Press, 2018.

Uekoetter, Frank. "The Strange Career of the Ringelmann Smoke Chart." *Environmental Monitoring and Assessment* 106, no. 1 (July 1, 2005): 11–26.

Wagner, Steven. *Eisenhower Republicanism: Pursuing the Middle Way*. Northern Illinois University Press, 2006.

Williams, Ralph C. *The United States Public Health Service, 1798-1950*. Adelaide Nutting Historical Nursing Collection ; AN 0726. Washington, D.C.: Commissioned Officers Association of the U.S. Public Health Service, 1951.

Wilson, Bruce S. "Legislative History of the Pesticide Residues Amendment of 1954 and the Delaney Clause of the Food Additives Amendment of 1958." In *Regulating Pesticides in Food: The Delaney Paradox*, 161–73. National Academies Press, 1987.

Winslow, Charles-Edward A. *The Conquest of Epidemic Disease; a Chapter in the History of Ideas*. Princeton University Press, 1943.

———. *The Evolution and Significance of the Modern Public Health Campaign*. Yale University Press, 1923.

Wunderlin, Clarence E. *Robert A. Taft: Ideas, Tradition, and Party in U.S. Foreign Policy*. Rowman & Littlefield, 2005.

Young, James Harvey. *Pure Food : Securing the Federal Food and Drugs Act of 1906*. Princeton, NJ: Princeton University Press, 1989.

Zelizer, Julian E. "The Forgotten Legacy of the New Deal: Fiscal Conservatism and the Roosevelt Administration, 1933-1938." *Presidential Studies Quarterly* 30, no. 2 (2000): 332–59.

Archival Materials

"Public Hearings Scheduled on Pollution Control Bill," 20:8 *Conservation News* 1 (April 15, 1955)
"Senate Hearings on Water and Air Pollution Control Bills." 20:9 *Conservation News* 6 (May 1, 1955)
"Senate Fails to Restore Water Pollution Control Cut." 20:12 *Conservation News* 6 (June 15, 1955)
"NWF Announces New Fellowship Policy." 21:19 *Conservation News* 12 (Oct. 15, 1956)
"Air Pollution Conference Is Scheduled." 23:16 *Conservation News* 7 (Aug. 15, 1958)
"Air Pollution Problem Gets More Attention." 24:18 *Conservation News* 12-12 (Sep. 15, 1959)
"Air Pollution Control." 28:22 *Conservation News* 5 (Dec. 1, 1963)

Abigail Malangone, Newly Processed Collection: Lawrence F. O'Brien Personal Papers, *Archivally Speaking: An Inside Look at the JKF Library Archives* (Sep. 23, 2014), online at https://archiveblog.jfklibrary.org/2014/09/newly-processed-collection-lawrence-f-obrien-personal-papers/

JFK. "Economic Problems of New England," May 18, 1953. Box 0893, Folder 013, JFKSEN-0893-013. Papers of John F. Kennedy. Pre-Presidential Papers. Senate Files. Speeches and the Press. Speech Files, 1953-1960. Economic Problems of New England, May 1953: 18-20. JFKSEN-0893-013. John F. Kennedy Presidential Library and Museum. https://www.jfklibrary.org/asset-viewer/archives/JFKSEN/0893/JFKSEN-0893-013.

———. "Our American Cities and Their Second-Class Citizens." New York City, September 11, 1957. Papers of John F. Kennedy. Pre-Presidential Papers. Senate Files. Speeches and the Press. Speech Files, 1953-1960. U.S. Conference of Mayors, New York City, 11 September 1957. JFKSEN-0898-006. John F. Kennedy Presidential Library and Museum. https://www.jfklibrary.org/asset-viewer/archives/JFKSEN/0898/JFKSEN-0898-006.

———. "Press Release: Water Pollution," February 23, 1960. Box 1048, Folder 009, JFKCAMP1960-1048-009. Papers of John F. Kennedy. Pre-Presidential Papers. Presidential Campaign Files, 1960. Speeches and the Press. Press Secretary's Subject File, 1960. Press releases: February 1960. https://www.jfklibrary.org/asset-viewer/archives/JFKCAMP1960/1048/JFKCAMP1960-1048-009.

———. "Remarks at Fon Du Lac, Wisconsin." Fon du Lac, Wisconsin, February 17, 1960. Box 0906, Folder 023, JFKSEN-0906-023. Papers of John F. Kennedy. Pre-Presidential Papers. Senate Files. Speeches and the Press. Speech Files, 1953-1960. "Water Pollution," Fond du Lac, Wisconsin, 17 February 1960. JFKSEN-0906-023. John F. Kennedy Presidential Library and Museum. https://www.jfklibrary.org/asset-viewer/archives/JFKSEN/0906/JFKSEN-0906-023.

———. "Remarks at Western Conference," February 7, 1960. Box 0995, Folder 002, JFKCAMP1960-0995. Papers of John F. Kennedy. Pre-Presidential Papers. Presidential Campaign Files, 1960. Issues. Richard Goodwin Working Papers, 1958-1960. Natural

resources: Undated. https://www.jfklibrary.org/asset-viewer/archives/JFKCAMP1960/0995/JFKCAMP1960-0995-002.

———. "Remarks to the Florida League of Municipalities." Daytona Beach, Florida, November 18, 1957. Papers of John F. Kennedy. Pre-Presidential Papers. Senate Files. Speeches and the Press. Speech Files, 1953-1960. Florida League of Municipalities, Daytona Beach, Florida, 18 November 1957. JFKSEN-0898-032. John F. Kennedy Presidential Library and Museum. https://www.jfklibrary.org/asset-viewer/archives/JFKSEN/0898/JFKSEN-0898-032.

———. "Remarks to the League of Municipalities, Ocean City, Maryland," June 16, 1959. Papers of John F. Kennedy. Pre-Presidential Papers. Senate Files. Speeches and the Press. Speech Files, 1953-1960. League of Municipalities, Ocean City, Maryland, 16 June 1959. JFKSEN-0903-013. John F. Kennedy Presidential Library and Museum. https://www.jfklibrary.org/asset-viewer/archives/JFKSEN/0903/JFKSEN-0903-013.

———. "Statement of Sen. Kennedy before the Select Committee on Water Resources." Boston, Massachusetts, December 8, 1959. Box 1031, Folder 017, JFKCAMP1960-1031-017. Papers of John F. Kennedy. Pre-Presidential Papers. Presidential Campaign Files, 1960. Speeches and the Press. Speeches, Statements, and Sections, 1958-1960. Natural resources: Select Committee on Water Resources. https://www.jfklibrary.org/asset-viewer/archives/JFKCAMP1960/1031/JFKCAMP1960-1031-017.

———. "Address at Rice University on the Nation's Space Effort." Papers of John F. Kennedy. Presidential Papers. President's Office Files. Speech Files. Address at Rice University, Houston, Texas, 12 September 1962, https://www.jfklibrary.org/asset-viewer/archives/JFKPOF/040/JFKPOF-040-001.

Legislative reports at JFK Archives: Papers of John F. Kennedy. Presidential Papers. President's Office Files. Legislative Files: February 1962, March 1962, April 1962, May 1962, June 1962, July 1962, and August 1962; Box 050, Folders 007, 011, 013, 014, 016, 017; Box 051, Folders 005, 006, 007, 008.

Interview by Charles T. Morrisey with Ivan Nestingen, Undersecretary of Health, Education, and Welfare from 1961 to 1965, in Washington, D.C., at 21 (Mar. 3, 1966).

Interview by Niel M. Johnson with Arthur S. Flemming, Member, U.S. Civil Svc. Comm'n, 1939-48; Asst. to Dir. of Defense Mobilization, 1951-53, in Washington, D.C. (June 19, 1989), available online at https://www.trumanlibrary.gov/library/oral-histories/flemming.

Interview by William H. McHugh with Hugh Mields, Assistant Adm'r, Cong. Liaison, U.S. Dept. of Hous. and Home Fin. Agency, 1961-63, in Washington, D.C., at 51-52 (Oct. 21, 1968), JFK Archives Digital Identifier # JFKOH-HJM-01

Interview by William W. Moss with Wilbur J. Cohen, Assistant Sect. of Health, Education, and Welfare (1961-1965), in Ann Arbor, Michigan, at 89 (July 20, 1972), JFK Archives Digital Identifier # JFKOH-WJC-03

Interview by William H. McHugh with Vernon MacKenzie, Chief of the Pub. Health Serv. Div. of Air Pollution, in Washington, D.C. (Apr. 19, 1967), JFK Archives Digital Identifier # JFKOH-VGM-01-TR

Newspaper Articles

"Air Pollution Probe." *The Pittsburgh Press*. November 20, 1948.
"Air Pollution Probe Put Off." *The Birmingham News*. December 6, 1960.
"Air Pollution Provisions Cut Out of Housing Bill." *The Los Angeles Times*. July 16, 1954.
"Air Pollution Study Pushed; Research Team To Be Set Up." *The Berkshire Eagle*. December 3, 1958.
"Ask For Air Survey Over Smog Area." *Lancaster Eagle-Gazette*. November 2, 1948.
Averill, John H. "House Approves Bill Giving U.S. Broad Smog Authority." *The Los Angeles Times*. December 11, 1963.
"Birmingham Hearing on Air Pollution." *The Birmingham News*. November 26, 1960.
"Birmingham Put in Worst Air Polluted Category by New Survey." *The Birmingham News*. July 27, 1960.
Brennan, Edwin F. "Zinc Plant Is Absolved In Deaths." *Pittsburgh Post-Gazette*. November 5, 1948.
"Check on Smog Is Ordered." *Amarillo Daily News*. November 5, 1948.
"Chemists Study Fatal Smog At Donora, Pa." *The Evening Sun*. November 1, 1948.
"CIO Steelworkers of America Will Meet in New Castle Aug. 7-8." *The News-Herald*. July 31, 1948.
"Clean-Up of Air in Industrial Areas Suggested, Health Service Aid to Donora Delayed by Election Day." *The Town Talk*. November 3, 1948.
"Congressmen Support Anti-Smog Auto Drive." *The Los Angeles Times*. January 10, 1958.
"Doctor Calls Fatal Smog Paralyzing." *The Courier-Journal*. November 2, 1948.
"Donora Appeals To Federal Health Bureau for Aid." *The Daily Clintonian*. November 2, 1948.
"Donora Asks U.S. To Probe Plague." *The Pittsburgh Press*. November 2, 1948.
"Donora Death Probers Meet." *The Pittsburgh Press*. November 23, 1948.
"Donora, Pa., Becomes Laboratory To Avert Further Fatal Smogs." *The St. Louis Star and Times*. November 5, 1948.
"Donora Report Due Tuesday." *The Pittsburgh Press*. April 22, 1949.
"Donorans To Get Preliminary Report On Smog Probe Tomorrow." *The Daily Republican*. February 8, 1949.
"Donora's Deaths Studied Again." *The Indiana Gazette*. November 20, 1948.
"Dorn Pushes Fight on Smog." *Independent*. January 22, 1958.
"Edward Wilson, Busbey Fight in 3d Based on Americanism." *Chicago Tribune*. March 3, 1946.
Ellis, Paul F. "Blanket of Death at Donora Described by Health Service." *The Capital Journal*. October 18, 1949.
"Ex-Senator Welker Dies At Age Of 51." *Daily Press*. October 31, 1957.
"Federal Probers Arrive in Donora." *The Pittsburgh Press*. December 3, 1948.

"Former U.S. Rep. William Henry Harrison, Descendant of Presidents." *AP News*, sec. Archive. Accessed August 1, 2020. https://apnews.com/5760ec5b95334a65f73052584899a8b5.
"Four Inquiries Hunt Source of Donora Deaths." *The Pittsburgh Press*. November 21, 1948.
Free, James. "Alabama Should Know . . ." *The Birmingham News*. May 28, 1960.
———. "Birmingham Air Pollution Hearing Is Set." *The Birmingham News*. December 2, 1960.
Goldstein, Richard. "Howard K. Smith, Broadcast Newsman, Dies at 87." *The New York Times*, February 18, 2002, sec. Obituaries. https://www.nytimes.com/2002/02/18/obituaries/howard-k-smith-broadcast-newsman-dies-at-87.html.
Gordon, Troy. "U.S. Scientists Asked To Help Solve Mystery of 'Death Smog.'" *Lubbock Morning Avalanche*. November 2, 1948.
Hook, Janet, and Richard T. Cooper. "Abraham A. Ribicoff, 87; Senator Known for Role at '68 Convention." *Los Angeles Times*, February 23, 1998.
"Hope for Federal Probe Of Fatal Smog Stymied." *The Mercury*. November 3, 1948.
"House-to-House Smog Survey To Start Early Next Week in Donora." *The Daily Republican*. November 24, 1948.
"Johnson Signs Fund Bill to Help States Fight Air Pollution." *Appleton Post-Crescent*. December 17, 1963.
"Kennedy Calls for Disarmament Plans." *The Bonham Daily Favorite*. January 24, 1961.
"Kennedy to Seek Program Action." *The Spokesman-Review*. February 1, 1961.
Krebs, Albin. "Lawrence O'Brien, Democrat, Dies at 73." *The New York Times*, September 29, 1990, sec. Obituaries. https://www.nytimes.com/1990/09/29/obituaries/lawrence-o-brien-democrat-dies-at-73.html.
Martin, Douglas. "Ex-Senator Harrison A. Williams Jr., 81, Dies; Went to Prison Over Abscam Scandal." *The New York Times*, November 20, 2001, sec. New York. https://www.nytimes.com/2001/11/20/nyregion/ex-senator-harrison-a-williams-jr-81-dies-went-to-prison-over-abscam-scandal.html.
"May Take Year In Donora Probe." *Republican and Herald*. December 1, 1948.
"Michigan's Clare Hoffman Dies at 92." *The Terre Haute Tribune*. November 5, 1967.
"Need More Money, Effort To Clean Air." *St. Albans Daily Messenger*. November 21, 1958.
"No Incriminating Evidence on Any One Donora Mill." *St. Louis Post-Dispatch*. November 5, 1948.
"Obituary: Daniel W. Cannon." *The Montclair Times*. September 24, 1998.
Pace, Eric. "Arthur S. Flemming, 91, Dies; Served in Eisenhower Cabinet." *The New York Times*, September 9, 1996, sec. U.S.
———. "Dr. Luther L. Terry, 73, Is Dead; Warned Public of Cigarette Peril." *The New York Times*, March 31, 1985, sec. U.S.
"PHS Field Group Back in Donora." *The Daily Republican*. September 20, 1949.
"Pollution Control Gets Teeth." *The Philadelphia Inquirer*. December 13, 1963.
Roberts, Sam. "Bruce Alger, 96, Dies; Led 'Mink Coat' Protest Against Lyndon Johnson." *The New York Times*, April 28, 2015, sec. U.S.

https://www.nytimes.com/2015/04/29/us/politics/bruce-alger-former-congressman-whose-protest-against-lyndon-johnson-backfired-dies-at-96.html.
Robertson, Orlo. "Donora Asks Federal Check of 'Poison' Air." *The Akron Beacon Journal*. November 2, 1948.
"Senator James Murray Dies in Butte." *Great Falls Tribune*. March 24, 1961.
"Smog Foes Assured of Federal Aid." *Independent*. January 10, 1958.
"Staff Of U.S. Public Health Service Specialists Open Donora Smog Probe." *The Daily Republican*. December 1, 1948.
"Steelworkers Give $10,000 to 'Prove Donora Death Smog." *The Morning Herald*. November 6, 1948.
"The 'Federals' Move In." *The Pittsburgh Press*. November 21, 1948.
Toth, Robert C. "U.S. Moves to Combat Increasing Air Pollution: Federal Government Given New Powers as Contamination Bill Hits $11 Billion Year." *Los Angeles Times*. December 22, 1963, sec. A.
"Traces of Poison Gas Found in Smog By State Prober of Donora Death Wave." *Democrat and Chronicle*. November 2, 1948.
"U.S. Renews Probe of Fatal Donora Smog." *Lancaster New Era*. September 22, 1949.
"U.S. Study of Air at Donora, Pa., to Start Next Week." *St. Louis Post-Dispatch*. November 26, 1948.
"U.S. To Probe Smog Deaths At Donora." *The Plain Speaker*. November 20, 1948.
"Wildcat Strike Shuts J&L Mill, 8500 Men Idle." *The Pittsburgh Press*. February 22, 1945.

Online Media

Chen, Jialu. "Photos of Smoggy 1970s America." *Mother Jones*. Accessed May 28, 2020. https://www.motherjones.com/politics/2011/12/smog-photos-1970s-america/.
Roueché, Berton. "The Fog." *The New Yorker*, September 30, 1950. https://www.newyorker.com/magazine/1950/09/30/the-fog.
Taylor, Alan. "DOCUMERICA: Images of America in Crisis in the 1970s." *The Atlantic*. Accessed May 28, 2020. https://www.theatlantic.com/photo/2011/11/documerica-images-of-america-in-crisis-in-the-1970s/100190/.
U.S. EPA. News Brief (HQ): NARA and EPA Launch Documerica-Inspired Student Multimedia Contest (Nov. 1, 2011), https://search.proquest.com/docview/901242862

Chapter 4: A Study of Commentary – The Conservative Reaction to Earth Day

As discussed in Chapter 1, there are many possible theories about the "beginning" of the conservative opposition to environmentalism. It is arguably possible to trace such opposition all the way back to the Progressive Era, or to the New Deal, or to almost any time between 1945 and 1970, although much of that research has still not been done. The one obviously wrong answer is the most common one: that the conservative opposition began with Ronald Reagan's presidential administration. Clearly, conservative opposition became visible nationally with Reagan, but the origins of that opposition reach back much farther. How much farther?

This Chapter develops the argument that a conservative consensus opposition to environmentalism developed significantly in the months leading up to and immediately following the first Earth Day (April 22, 1970). It does not claim that this was the first conservative opposition to environmentalism, or that Earth Day caused that opposition. Rather, it argues that the social process leading up to Earth Day catalyzed and unified conservative opposition that already existed, and more or less put an end to expressions of conservative ideological support for environmentalism. This transition did not translate into a conservative consensus on exactly what was wrong with environmentalism, or the appropriate response, but it is identifiable nonetheless as a turning point. Almost exactly as Earth Day marks the mainstreaming of the environmental movement, it marks the mainstreaming of conservative opposition to environmentalism.

The Chapter innovates, first, by incorporating never-considered newspaper columnists into the narrative of conservative critique. While *National Review*, *Human Events*, *Commentary*, and other niche periodicals attempted to claim the intellectual high ground, their circulations were smaller than some major daily newspapers, and many of the columnists discussed below were syndicated in hundreds of smaller newspapers across the country. Others, with less reach, nonetheless had a demonstrable impact when their perspectives were picked up and echoed by others. The Chapter also pays very careful attention to writing and publication timelines. It is not enough to note that a piece appeared "in 1970." In this field, in this year, there is a substantial difference between January and December, and indeed between March and May. Closer attention to these details reveals that the newspaper writers focused on critique of Earth Day on the lead-up to the event, while conservative intellectual periodicals published retrospective pieces that attempted to draw deeper meaning from what had happened. And this Chapter demonstrates, after casting as wide as possible a net for conservative coverage, that there was no positive conservative commentary on Earth Day. None. This is a bold claim, but unless and until further materials are uncovered, it appears to be true. And, even if positive coverage is discovered, it will then be true that the overwhelming majority of the treatment was negative, *and that that never changed thereafter*. Earth Day marks the almost wholesale abandonment of a defense of environmentalism by intellectual and populist conservatives. After Earth Day, conservative environmentalism was a fringe curiosity and little more, and the Republican Party would follow in the years to come.

To reach this conclusion also required a closer examination of conservative claims about Earth Day itself. Regardless of their ultimate, the conservative critics of Earth Day provided a very, very skeptical perspective on events. Doubt, when not abused, is a powerful tool for separating truth from fantasy. And while the conservatives' claims themselves should be taken with a great deal of doubt, their articulations of their concerns should also not be discarded out of hand. By taking them seriously, this Chapter contributes toward the understanding of the phenomenon of Earth Day itself, as well as the conservative reaction.

Therefore, this Chapter argues that:

- Earth Day did not cause or begin the conservative antipathy to environmentalism but catalyzed and unified it.
- The conservatives' specific negative reactions to Earth Day were rooted mostly in the broader conservative reaction to the radicalism of the late 1960s, and the rising associations between environmentalism and radicalism in the late 1960s and first months of 1970.
- Conservative commentators were not entirely unreasonable in noting an association between radicalism and environmentalism, and this explains what appear to be, with the benefit of hindsight and distance, the overblown fears and paranoia of some of their reaction – up to and including the FBI's (very likely illegal) surveillance of Earth Day events.
- This fear of radicalism, however, was also shared by many environmentalists interested in establishing the broad appeal of the movement. The success of Earth Day was, in part, a success of distancing environmentalism from the civil unrest – and cultural critique – of the late 1960s.
- This was evident in a little-studied meeting of graduate students that led to the distributed campus organizing that was Earth Day's hallmark, but which was mischaracterized by conservatives as a radicalized college affair.
- This also impacted the creation myth of Earth Day itself. The idea of Earth Day grew from an ecological teach-in at the University of California, Berkeley, held in May 1969, which has never before been credited.

Had conservatives decided to celebrate Earth Day in 1970, perhaps conservatism as a whole would have been more open to arguments such as those published by Barry Goldwater in late 1970, promoting conservative environmentalism. But they did not, and conservatism as a whole would prove much more open to the critiques of environmentalism and, increasingly, environmental regulation, emerging from business, given intellectual heft by conservative economists and thinktanks, prosecuted by conservative lawyers, and, ultimately, adopted by the increasingly conservative Republican Party.

The Enemies of Earth Day (1969-1970)

Introduction

> Justice Department authorities already have warned the White House that leaders of several radical groups have infiltrated or taken control of the protests and teach-in preparations on a number of the nation's campuses.
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> ~Paul Scott, "Radicals Hope 'Environment' Cry Will Spur New Protests," 30:11 *Human Events* 1 (Mar. 14, 1970)

This Chapter examines the response of conservative media figures to Earth Day. It focuses on syndicated columnists and contributors to conservative publications between late 1969 to late 1970. It demonstrates that whatever the motivation for high-profile Republican expressions of support for environmentalism in this period, it was not coming from movement conservatism as it was being developed in the national media of the right. Rather than driving the narrative, conservatives found themselves reacting to a phenomenon that appeared to have widespread political support but that did not fit neatly into the existing political taxonomies. The conservative reaction to the new "ecology" movement, therefore, focused on ecology's conformity to known conservative ideals, and its association with known conservative enemies. Reviewing the facts as they saw them, conservative commentators uniformly framed political environmentalism as it was actually developing as something problematic and compromised.

In early 1970, conservatives began to express alarm from a variety of perspectives. Fiscal conservatives were worried about the taxation and spending implications of new federal programs. Skeptics of federal action were worried by what they saw as rash repetitions of ineffective government interventions. Conservative critics of the American counterculture of the late 1960s began to observe worrying associations between the ecology movement and campus radicalism. Free market conservatives were concerned with possible business impacts. Thus, by the end of 1970, every conservative commentator had elevated negative views on the year's environmental political developments, and virtually none of them ever returned to a more accepting stance following the ecology movement's major successes. Thus, this critical year saw an enormous shift in the right's rhetoric on the relevant issues and its relationship to environmentalism, a shift largely obscured by high-profile statements to the contrary. It would take pressure from business for the Republican Party to follow suit, but the conservative vote of no confidence paved the way for that later reversal.

This great shift in conservative sentiment about the ecology movement occurred in conversation with conservative perceptions of the organizing activities for the first Earth Day, originally called the "first national environmental teach-in." This event, a weeklong national rally for the environment, was first proposed by Sen. Gaylord Nelson (D-WI) in August 1969 and was held during the week of

April 22, 1970.[1] The conservative commentariat's attention should not be a surprise: Earth Day was a major milestone in the public emergence of the environmental movement, and for those already deeply involved in the project of American public opinion-making and agenda-setting, ecology's increasingly successful claims for attention almost necessarily required comment and response. What is more remarkable is that 1970's general conservative shift against environmental politics has not been recognized previously,[2] nor has its relationship to Earth Day ever been explored.[3]

This chapter does not argue that Earth Day *caused* the right's turn against environmentalism. On the contrary, it appears likely that even without Earth Day the conservatives' ideological commitments would have put them at odds with eco-political causes, and that their opposition would have consolidated in response to some other development in 1970 or 1971. But just so, it is probably the case that even without Earth Day, the early 1970s would have seen a rise in public demand for action on the environment, culminating in major federal legislation on a range of environmental matters, and a great increase in the number of people committing themselves to careers in the environment. The point is that the Earth Day teach-ins were where the environmental movement developed itself publicly, and part of that development was *a critique of the development*, catalyzed by Earth Day just as the movement itself was. Earth Day was transformative in unintended ways.

What might be learned from the conservative reaction to the rise of environmental politics? First, the examination sheds light on underappreciated aspects of the Earth Day phenomenon itself, and on the development of the environmental political movement more broadly. The conservatives' reactions make little sense without examining the tensions between the radical and moderate elements of the left in the late 1960s; between "mainstream" and "radical" ecology; and between those working to change institutions from without and those focused on change from within. Understanding the reactionary right's concerns also requires additional exploration of how Earth Day actually happened, and who was responsible. At the end of the analysis, it is notable that exactly

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[1] There have been three recent historical treatments of the first Earth Day, of widely varying quality: Rome, *The Genius of Earth Day*; Jean Griffith, *Earth Day: America at the Environmental Crossroads* (Page Publishing, 2019); McCloskey, *The Story Of The First Earth Day 1970*. Rome's book sets the standard for academic treatment. Griffith's book, although self-published and not of the same overall quality, does move beyond Rome's in its attempts to place Earth Day into its cultural and social contexts. McCloskey's contribution is a short set of recollections written for the fiftieth anniversary of Earth Day. The subject is also treated in Christofferson, *The Man from Clear Lake*.

[2] Boynton identifies it, but only among neoconservatives. Boynton, "Formulating an Anti-Environmental Opposition."

[3] As Rome explained in *The Genius of Earth Day*: "When I began my research, I planned to include a chapter about how . . . conservative intellectuals, and corporate executives reacted to Earth Day . . . But I eventually decided that those topics did not fit. They shed light on the strengths and weaknesses of the environmental movement, but they did not help to explain why Earth Day was a transformative event, and that is my focus." Thus, Rome references only a brief discussion of conservative reactions provided in Christofferson's *The Man from Clear Lake*. That work, in turn, and like Rome's, crafted a heroic narrative for Senator Nelson, and so discussed conservative responses only by reference to dismissive contemporary coverage from *Time* magazine. *Id.* at 310, citing "Nation: A Memento Mori to the Earth," *Time* (Time, Inc., May 4, 1970). The *Time* coverage mentioned only the discussion at the Daughters of the American Revolution's national meeting, which was picked up by the AP at the time, about whether Earth Day was subversive. This same material, plus the *American Opinion* article discussed later in this Chapter, were also mentioned in passing in Riley E. Dunlap and Richard P. Gale, "Politics and Ecology: 'A Political Profile of Student Eco-Activists,'" *Youth and Society* 3, no. 4 (June 1, 1972): 379–97. This is the extent of the coverage.

the things that the right found most objectionable about Earth Day were also the things that the early "mainstream" environmental political movement strove to demonstrate that it was not: radical. This raises the question of the degree to which it can be said that environmentalism after 1970 was responsive to, or indeed even in part formed by, lines drawn and enforced by the right.

Second, on their own merits, the conservatives' responses to the rise of environmental politics were test-runs of a series of counterarguments to the claims of political environmentalism that have persisted to this day, and that have in fact only become more prominent with time. In a reactionary moment, speakers for the right questioned the motivations of politicians and activists, the education process, and who the "real" environmentalists really were. They located credibility in conservative identity and in consistency with conservative cultural and political narratives and elevated counter-narratives of questionable credibility as long as they countered political interests they did not trust. Thus, the "modern" phenomenon of "alternative facts" on environmental issues co-emerged with the environmental movement itself. Many of the anti-environmental ideas that would achieve prominence later in the decade were first articulated in 1969-1970.

Third, the conservative response demonstrated a blind spot. By focusing primarily on the social aspects of the ecology movement – the flashy advocacy, the newsworthy protests, the radical ideas, the college connections, and the federal politicking – the conservatives missed perhaps the most important development of the movement: that it would be an effort led by those seeking change from within, with its most important battles fought in hearing rooms, courtrooms, legal briefings, and libraries. While conservative commentators recognized the challenges that environmentalism posed to private property, they formulated these criticisms in the already largely distrusted terms of anti-Communist fundamentalism, and in the then-current but, as it turned out, largely inaccurate colors of anti-campus-radicalism. Once eco-activists were popularly understood to be non-threatening, this critique collapsed, and it would take longer for conservatives to recognize and respond to environmentalism as it was actually developing. Thus, in the world of 1970, with a Republican President pushing a national environmental program, Congress preparing massive new bills, and a huge surge of public support, conservatives, and the right more broadly, saw the coming of broad new government spending programs and controls, raised the alarms, and were soundly ignored. But this failure paved the way for innovative new strategies of opposition in the future.

The Ecology Kick

The conservative reaction happened when it did because the ecology movement took off at this moment. But, while it is possible to identify a rising public interest in environmental causes in the late 1960s, there is no single satisfactory explanation for why "ecology" became a matter of such intense concern exactly when it did, even as it was clear to the people present at the time that it was happening. An early retrospective explanation posited that environmental interests were first elevated by interest groups, like the Sierra Club, then worked their way into government forums, like the Senate, and then eventually made their way into popular press coverage, like *Time* and broadcast

network television, in a process of information diffusion.[4] But this theory has been much criticized as an oversimplified linearization of what was undoubtedly a much more interactive process, and it does not really explain why issues that had been around for years resonated with the broader public so much at that specific moment.[5] Unfortunately, alternative theoretical explanations, focusing on structural factors have fared little better, and the steep rise in the salience of ecological framing in the late 1960s also does not seem to conform to the hallmarks of more recent successful environmental agenda-setting efforts.[6] Historians of environmental politics, for their part, have suggested a variety of contributing social factors, including a shift in values among increasingly affluent Americans; the rising political action of the New Left in the 1960s; the rising antinuclear movement; and even ongoing developments in social and religious philosophies.[7]

But the most convincing explanation focuses on fear.[8] This is certainly consistent with the conservative take on the matter, as their attention often turned to whether such fear was reasonable. This explanation associates the rising public interest in the environment in the late 1960s with the rising perception of the earth as a closed system, and a fragile one, threatened with destruction by human action. This idea, although it was not new, began to be associated with fears of global nuclear annihilation during the Cold War. Famously, Adlai Stevenson, who after his unsuccessful runs as Democratic presidential candidate in the 1950s had been appointed Ambassador to the United Nations during the Kennedy years, elevated the metaphor of "spaceship earth" in 1965:

> This must be the context of our thinking—the context of human interdependence in the face of the vast new dimensions of our science and our discovery. Just as Europe could never again be the old closed-in community after the voyages of Columbus we can never again be a squabbling band of nations before the awful majesty of outer space. We travel together, passengers on a little space ship, dependent on its vulnerable reserve of air and soil; all committed for our safety to its security and peace; preserved from annihilation only by the care, the work, and I will say, the love we give our fragile craft.[9]

That is, the concepts of *human* ecology – human dependence on and interdependence with earth's ecosystems – began to be articulated in the context of the ever-looming threat of nuclear war and became used in arguments for ending international conflict. The "spaceship earth" concept was

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[4] A. Clay Schoenfeld, Robert F. Meier, and Robert J. Griffin, "Constructing a Social Problem: The Press and the Environment," *Social Problems* 27, no. 1 (October 1, 1979): 38–61.
[5] Anders Hansen, "The Media and the Social Construction of the Environment," *Media, Culture & Society* 13, no. 4 (October 1, 1991): 443–58.
[6] John A. Hannigan, *Environmental Sociology*, 2nd ed. (Routledge, 2006), 82–89.
[7] Shabecoff, *A Fierce Green Fire*, 108–19.
[8] Shabecoff, 109.
[9] Adlai Stevenson, *Strengthening the International Development Institutions*, speech before the U.N. Economic and Social Council (July 9, 1965) (full text here) (recording here).

invoked by politicians, writers, commentators, and environmentalists in this fashion for years after,[10] and was reinforced when the astronauts of Apollo 8 took the famous Earthrise photograph in December 1968.[11]

It was not a great leap from fear of nuclear apocalypse to fear of environmental apocalypse, and in May 1968, Paul Ehrlich published *The Population Bomb*, reminding everyone that people – especially, to American audiences, other people – and their resource consumption, might indeed be threatening the "balance of nature."[12] Again, the ideas were not new: the population calculus and its implications had been formulated by Malthus over a century earlier and worries over Earth's ecological carrying capacity had been expressed for decades,[13] but Ehrlich's work was published into a society newly attuned to spaceship earth. In such a society, the aggregate externalities of every transaction were suddenly internalized to everyone at once. By 1969 there was a rising movement built around the idea of maintaining the natural world for the protection of human ecology – "our" habitat and place within Earth's interdependent life systems. There were no longer any sinks – no escapes, no refuges – from the harmful implications of human existence. And realizing this, people reacted as if the spaceship were on fire.

This rising ecological anxiety, and the desire to do something about it, was described at the time as the "ecology kick," first in humor, then as a useful shorthand, and often on the right with connotations of criticism. A "kick" is a potentially dismissive term for an "interest or enthusiasm, especially one that is temporary" – for example, a health kick.[14] In this spirit, the phrase "nature kick" seems to have enjoyed a resurgence around 1964 in the wake of the Wilderness Act, and the phrase "ecology kick" first appeared in October 1969.[15] It indicated something that went beyond conservation and health; that combined concerns about pollution, natural resource degradation, and population constraints, into a rising conviction, or, depending on one's perspective, a rising hysteria,

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[10] The idea is traced in Sabine Höhler, *Spaceship Earth in the Environmental Age, 1960-1990*, History and Philosophy of Technoscience: Number 4 (London: Pickering & Chatto, 2015); R. Buckminster Fuller, *Operating Manual for Spaceship Earth* (New York: Dutton, 1978); Barbara Ward, *Spaceship Earth*, The George B. Pegram Lectures: No. 6 (Columbia University Press, 1966).

[11] William Anders, "Earthrise" (NASA, December 24, 1968), AS08-14-2383, Apollo Image Atlas, https://www.lpi.usra.edu/resources/apollo/frame/?AS08-14-2383.

[12] Paul R. Ehrlich, *The Population Bomb* (New York: Ballantine Books, 1968).

[13] *E.g.*, William Vogt, *Road to Survival* (1948).

[14] Oxford English Dictionary, *kick*.

[15] The term "nature kick" seems to have enjoyed a resurgence after a December 1965 episode of the Patty Duke Show, which was described as portraying Patty going on a "back-to-nature kick." The Patty Duke Show, Season 3, Episode 13, "Patty and the Great Outdoors." *Cf.* episode advertisement, *e.g.*, *Arizona Republic* 60 (Dec. 8, 1965). Of interest, near the end of the show, Patty sums up her camping experience: "If you've seen one tree, you've seen them all." Ronald Reagan was accused (inaccurately) of saying this same phrase during the California governor's campaign in 1966. (Snopes). The term "ecology kick" first appeared in newspapers in an explanation from Phyllis Diller's business partner about a houseplant business they were starting. He said: "Everybody is on an ecology kick - nature's balance which man has destroyed. Our idea is not only to help balance the ratio of plant to brick but also to add beauty to an interior, even the bathroom if it needs it. Which most do." "Comedienne Tries Her Hand At Franchise Plant Boutiques," *The Miami Herald*, October 31, 1969. More seriously, an editorial from Hawaii opined: "The whole country is on an ecology kick and it hasn't come a minute too soon." *See also* Google NGram of "ecology kick" and "nature kick."

that the survival of the human species was imperiled. As Barry Commoner put it on Earth Day: "This planet is threatened with destruction and we who live in it with death. . . . [W]e and the world which is our home live on the brink of nuclear annihilation. We are in a crisis of survival."

Something had to be done. Politicians responded. Conservatives responded in turn.

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On January 2, 1970, President Nixon spoke in soaring terms about the nation's treatment of the environment as "the great question of the seventies." He had asked whether or not we would not "make our peace with nature and begin to make reparations for the damage we have done?" He had spoken of "restoring nature to its natural state," of a clean environment as "the birthright of every American," of the "grim consequences of our failure to act," and of the "programs which are needed now if we are to prevent disaster later." Nixon had advocated for the preservation of open space, stringent emissions standards for air and water pollution, and the prompt cleanup of contaminated land. And he came ready with a number, and the promise of more: "I shall propose to this Congress a $10 billion nationwide clean waters program to put modern municipal waste treatment plants in every place in America where they are needed to make our waters clean again." And he promised to introduce a wider legislative program that "will be the most comprehensive and costly program in this field in America's history."[16]

The fiscal conservative response to Nixon's speech was guarded. They had spent most of the Johnson Administration lamenting the spending carried out in in support of Great Society social programs and had developed a consensus orthodoxy that those programs had been ineffective wastes of money. The fiscals were, then, perhaps comforted by Nixon's addition of a call for pollution control costs to be borne in prices – "the price of goods should be made to include the costs of producing and disposing of them without damage to the environment" – implying that pollution control spending would not too badly impact the federal bottom line. But Nixon had also mentioned "$10 billion," just to start, for sewage treatment alone, and he had not said that this was going to be paid for in surcharges to water bills. It would be federal funds being spent, meaning federal taxes being collected.

Jameson C. Campaigne, who had just retired as the crusading conservative editor of the Indianapolis Star, was a constant watchdog over the federal spending of "the taxpayers' dollars."[17] Following Nixon's State of the Union, Campaigne reminded his readers of his views on the failures of

[16] Richard M. Nixon, State of the Union Address (Jan. 22, 1970).
[17] Obituary: Campaigne was Editor, Author, *The Indianapolis News* (Jan. 25, 1985): 27. ("Campaigne's warnings about excessive government growth, constantly increasing taxation, overregulation and rampant bureaucracy were a significant contribution to the rise of new conservatism with its emphasis on liberty, individualism, creativity, productivity and limited government.") (online here).

Johnson's War on Poverty, and pointed to a litany of liberal populist activities that, he thought, had been ineffective then, and were being repeated again now in the ecology context:

> Meetings were held, studies made, TV programs shown, student movements were joined to fight poverty and, of course, the Federal government got into the act in a big way - with billions of the taxpayers' dollars. What happened? Not much of anything to help the poor. A lot of federal jobs were created. A lot of money was sent into the cities. A lot of special programs were organized and financed with taxpayers' dollars. But was the war on poverty won? It was not. . . .
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> It will be the same with the 'ecology' kick, if we are not careful.[18]

Jameson's critique, then, posited a mixture of popular interest and student activism fueled by the media, taken advantage of by grifting federal politicians and government employees, and undeserving cities – without providing the benefit that well-meaning but misguided people hoped for. His was, then, a critique of the media, politicians, wealth redistribution, and public credulity all at once.

But conservatives could position themselves as fully sympathetic to the rising desire to clean up the environment. According to Campaigne: "Just as everybody is against poverty, everybody is against pollution of air and water and land," and, he said, he truly supported a "war against pollution." And in this, he was joined by every other conservative to comment on the matter at the time. James J. Kilpatrick lamented "the awful mess that man has made of his planet – the dead lakes, the filthy rivers, the abandoned beaches, the smog, trash, noise, the insidious perils to survival of our species," and applauded "the crusade" to do something about it.[19] John Chamberlain was moved to imagine "[h]ow unpolitically pleasant it would be to swim again in the lakes or rivers of one's youth, or to take the winter sun in southern California without battling smog," and was prepared to offer "support on a non-partisan basis" to "[t]he politician that can lead the American people in a successful crusade to clean up the environment."[20] Clean air, clean water, clean land – conservatives wanted these things too.

It was not the abstract ends, but the specific means, that concerned them. Agreeing with Nixon, Campaigne proposed forcing the cost of pollution control technologies entirely into the price of goods: "[I]ndustrial pollution is the responsibility or industry, and should be paid for by industry and the people who buy industry's products.. . . [T]he cost . . . should be borne by the consumers of industry's products - in prices." Furthermore, the war on pollution should be a "war run by

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[18] Jameson C. Campaigne, "Right Tactics Needed in Pollution War," Personally Speaking, *The Indianapolis Star* (Feb. 15, 1970) (online here).
[19] James J. Kilpatrick, A Conservative View (Jan. 31, 1970) (online here, here, here, and here). Kilpatrick's column has been characterized as a *Human Events* publication. Woodhouse, *The Ecocentrists*, chap. 4. It appeared in *Human Events* two weeks after its national syndication.
[20] John Chamberlain, "Are We Being Too Tough on Pesticides?," My Turn (Feb. 12, 1970).

technologists who know how to cure the problems they have created. That means businessmen, engineers, researchers, scientists and city officials," because "only technology can eliminate pollution." In other words, the solutions were local control, technical expertise, and the market, essentially the conservative position on pollution since the Eisenhower era. But going substantially farther, Kilpatrick envisioned a range of actions that would be necessary to curb pollution, including internalizing pollution control costs into the price of goods, potentially limiting consumption and raising taxes, investing public funds in pollution control, and setting emissions limits and enforcing them, or, as he put it: "heavy sacrifices in money, convenience and personal freedom . . . tough standards and tough enforcement, higher taxes, higher prices, [and] different priorities in public spending." He concluded: "If this is understood, let us tighten our buckles and get on with the job."

Conservatives were experimenting with a positioning that claimed the popular ground of being supportive, while devoting most of their column-inches to highlighting the costs of action. Their reasoning, according to Kilpatrick, was that the public did not really understand these costs, and, if only they did, they would perhaps proceed more carefully than they were at present. To explain this posited lack of understanding, Kilpatrick called into question the motives of the press and politicians advocating for environmental protection: "This pollution thing has gone off like a Texas gusher. The President says it's the great question of the '70s, and proposes $10 billion for sewers as a starter. Sen. Edmund S. Muskie (D.-Maine) sees his 10 and raises him 5. [Nixon Counselor for Urban Affairs Daniel Patrick] Moynihan, [Nixon Interior Secretary Wally] Hickel and [Nixon HEW Secretary Robert] Finch turn up on TV, selling the ecological pitch. Next week, bumper stickers." Or, as John Chamberlain put it: "Sen. Ed Muskie of Maine and Sen. Gaylord Nelson of Wisconsin, both Democrats, are hoping to ride to glory on the anti-pollution issue. But President Nixon is bound that he – and the Republicans – will get there first." In other words, the motivation of politicians on both sides of the isle was never to be trusted – they cared more about political outcomes than the substantive issues, and they could not be trusted to reveal the true costs of solving the problems they were "selling" for votes. This was where the conservatives argued that they could contribute. And so, Kilpatrick said: "At the risk of seeming to cap the public pressure that could be wonderfully good, it's time to cry 'whoa.' Pause. Consider. Before the country embarks upon a great ecological kick, there ought to be some understanding of the compromises that will have to be made, and of the price that will have to be paid." And what prices they would be.

Chamberlain focused his critique on the unforeseen and underappreciated costs of environmental control to small businesses, pointing out as an example – accurately – that the ongoing DDT bans were going to result in an explosion of the gypsy moth population, with attendant devastation to certain agricultural sectors. But Kilpatrick produced an even more alarming parade of horribles:

> Are we prepared, in computing the price of environmental improvement, to cut back on air conditioning? To give up electric appliances? . . . The same questions have to be asked of the automobile. . . . [T]he smogless engine promises to be costly. Will we buy? . . . What of

> pesticides? [Do people] really want to go back to a society of houseflies, mosquitoes, cockroaches and bedbugs? Probably not.

Not quite going so far as to claim that environmentalists wanted to return the country to the stone age, Kilpatrick merely suggested that if eco-advocates got what they seemed to want (and the rest of the public followed them uncritically) society would have to make sacrifices in terms of electric power, appliances, air conditioning, cars, crops, and cleanliness. Thus, there were, he thought, "aspects to the back-to-nature crusade [that] have not been wholly thought out." Echoing critiques of antinuclear activists, Kilpatrick indicated that the rising interest in the environment – the "ecological kick," the "back-to-nature crusade" – needed a firm application of careful thought, contemplation, consideration, and enlightened understanding of rational balanced calculations. Such a balance, he suggested, would never place ecological interests above human wellbeing: "[W]here is the point of compromise between the needs and life style of nine million humans [in New York City], and the needs and life style of fish?" The question answered itself. If Americans expected to remain comfortable, then "man . . . cannot get out of the God business entirely. Willy-nilly, we must continue to tinker with the ecological balance."

From Spokane to Tallahassee, editors' headlines summarized the emerging conservative thesis: "Ecological Kick Is Great, But Don't Ignore Its Costs"; "Confirmed Foe of Pollution Fears Mad Gallop May Do Some Harm Too"; "Right Tactics Needed in Pollution War." *Human Events* carried Kilpatrick's column under the more provocative headline: "Pause Needed in Ecological Binge."

Incendiary Tactics

Conservative arguments about fiscal responsibility and wariness over a misguided balancing of harms in proposals for government action were consistent applications of pre-formed ideological commitments and might have been offered at any time in the twentieth century. But this was the late 1960s, and conservatives had much more to account for in the ecology movement than President Nixon's new legislative agenda. The emerging environmental movement was struggling to position itself in American political life, and conservative perceptions of that position would have real consequences for the right's reaction.

The question some conservatives were beginning to ask was: to what degree was the "ecology kick" a product of the radical left and its radical campus organizers? To what degree was it a threat to the prevailing social, political, and economic orders and hierarchies, and therefore something to be opposed as part of the much larger "social issue" of the day? To what degree was it subversive? These questions became particularly pressing as the country started planning an enormous nation-wide teach-in on the environment for April 22, 1970. A "teach-in" was a tool of the campus antiwar movement. And conservatives really, really did not like the campus antiwar movement.

Journalist Paul Scott was the first to raise the alarm. Appearing first in small newspapers across the country on March 6, 1970, Scott's article then ran as the front-page feature in *Human Events* on

March 14. He warned that unnamed "security advisers" to President Nixon were "privately concerned that the nationwide student environmental demonstration set for April 22 will be used to build a massive new radical protest movement in the country," and that additional unnamed "Justice Department authorities" had "warned the White House that leaders several radical groups have infiltrated or taken control of the protests and teach-in preparations on a number of the nation's campuses." Scott claimed that environmental organizers were coordinating with "major anti-war, militant student, and other radical groups," as well as "the United Automobile Workers Union and several of the big tax-free, liberal foundations." The report raised the specter of violence, claiming that "neither government officials nor 'Earth Day' planners are sure" if violence was "planned."[21]

Robert Bailey (a pseudonym),[22] writing special to *Human Events* two weeks later, carried these themes much further. In addition to "Reform, Restoration, and Renewal," Bailey wrote that the ecology movement was adding "the 'R' of subversive Revolution in America." Ecology was "shifting its vast, if sometimes nebulous-appearing, strength" to "'protesting' [the] United States' polluting the world with its 'imperialistic exploitation' of man and nature." To prove his point, Bailey reported pro-ecological statements from "an SDS agitator," from a person "who has been associated with the Maoist Progressive Labor party," from the Ecology Committee of the Berkeley Radical Student Union ("an SDS affiliate"), from a "New Left hero," and from "an entertainer and one-time Communist," all tying together ecology and radical leftist politics. He also cited the content of *The Environmental Handbook*,[23] the reader published by the national Earth Day coordinating organization, that included many strong critiques of American capitalism. Thus, Bailey argued, the upcoming teach-in was much more subversive than it might otherwise appear. To Bailey, the environmental movement therefore found itself at a critical juncture: "Every sincere legislator, industrialist or conservationist" fighting for "every legitimate anti-pollution measure" was now in competition "against the same well-oiled machinery of the radical left. . . whose apparent concern over our environment is an opportunistic veneer for their efforts to eliminate" the "American system." In case it was not absolutely clear what he meant:

> Threaded through all the propaganda of radical rhetoric is the need for 'social change' or the need for the 'restructuring of our society,' which are code words for achieving a Socialist America. Just as the radicals have sought to subordinate the United States to the power of Socialist nations by weakening our military strength, so they are moving on the ecology front to weaken our industrial strength."[24]

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[21] Paul Scott, "Radicals Hope Environment Cry Will Spur New Protests," *Human Events*, March 14, 1970.
[22] According to the article, "Robert Bailey is the pen name of a West Coast expert on internal security affairs who has contributed many articles to Human Events." This is very similar to Gary Allen's description in the John Birch Society's magazine *American Opinion*. Given the similarities in the content of this article and the Allen article discussed below, and Allen's prolific output throughout his career, it is possible that Robert Bailey was a Gary Allen pseudonym.
[23] Garrett De Bell, *The Environmental Handbook* (New York: Ballantine Books, 1970).
[24] Robert Bailey, "'Earth Day' - April 22 - Could Be Crucial as Radicals Work to Seize Control of Ecology Movement," *Human Events*, April 4, 1970.

That is, Bailey told the readers of *Human Events* that the Communist radical left was infiltrating the ecology movement, seeking to take it over, and seeking to turn it to its own nefarious ends. And that constituted the entirety of the *Human Events* perspective on the matter.

In addition to the statements from the *Environmental Reader* and the numerous leftist sources he cited, Bailey cited one further piece of evidence for his claim: the fact that the plan was to conduct a teach-in: one of "[t]hose biased, anti-intellectual 'happenings' that degenerated from a series of left-wing panels decrying the 'bestiality' of the United States to red wine and pot-smoking rock festivals," and whose primary accomplishment was to "achieve the alienation of a significant segment of the American public." Within the larger story of conservative responses to campus radicals, his argument made perfect sense. The teach-in was an invention of the antiwar campus politics of the New Left.

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The campus activism of the 1960s had its origins in campus activism from decades earlier. Students in the 1930s had just witnessed the excesses of the roaring '20s and were suffering through the Great Depression. Idealistic young Americans confronting the challenges and inequities of this time were drawn to critiques of unfettered capitalism, to the ideals of socialism, and to the progressive policies of racial integration, labor equity, anti-fascism, and anti-war that were at that time the official policy positions of the Communist Party of the United States. These positions were vociferously opposed by the right at the time, but traditional leftist politics was alive and well in the United States prior to World War II. This leftist turn, however, collapsed – on campus and elsewhere – as the events leading up to and through World War II, and then into the Cold War, made any association with Communist politics increasingly untenable in the United States.[25] In the 1950s, "un-American activities" were defined to include the very politics that many on the left had participated in, and the "Old Left," now truly older, largely acquiesced in the national demonization of anything "socialist." During the 1950s, would-be student activists were well-advised to focus their attention on civil rights – an issue much less susceptible to the anti-Communist critique.

The "New Left" of the 1960s was "new," in part, because it rejected this consensus anti-Communism of the 1950s as a repressive distraction, even as it remained avowedly anticommunist. Instead of worldwide revolution, the New Left called for "participatory democracy" involving advocates for a wide range of progressive causes working together, and – not unlike their predecessors from the Old Left, but more purposefully – they called for using American college campuses as the engines of this social change. The first stage was to unshackle college students from the oppressive limitations on political expression that prevailed on college campuses – as was the purpose of the 1964 Free Speech Movement at Berkeley. The next was to get students participating

[25] Robert Cohen, *When the Old Left Was Young: Student Radicals and America's First Mass Student Movement, 1929-1941* (Oxford University Press, 1993), xiii–xx.

actively in American politics.[26] To the anti-Communists, this was old socialist wine in new bottles, and these "kids" were, at best, naïve dupes of the worldwide Communist conspiracy. There were substantial efforts by conservatives at counter-organization.[27] But campus politics in the 1960s were dominated by the politically active left.

This was the world into which the teach-in was born. In February 1965, contrary to his campaign promises, President Johnson had ordered the escalation of a U.S. bombing campaign in Vietnam. In early March 1965, a group of faculty at the University of Michigan, feeling betrayed and incensed by Johnson's reversal, arranged a small teaching strike in protest – a teach-*out*, as it was called. When they announced their intentions, they were immediately and roundly condemned by their colleagues. They were told that they were not only shirking their educational obligations, but that they were endangering the school's public funding with their radicalism. And most of them didn't even have tenure yet. What were they thinking? In consternation, they met again, and after a long argument one of their number proposed a teach-*in*. "Not only will we teach our regular classes on the scheduled moratorium day, but we'll continue teaching straight through until the following morning. That will show them how strongly we feel about the bombings—and about teaching." After more debate, particularly between those who wanted the more confrontational and unpopular strike, and those who liked the teach-in compromise, with its echoes of the civil rights sit-ins and difficult-to-criticize commitment to extra work, the teach-in idea carried the day. The March event at Michigan was the first. Over the next few years, campuses across the country hosted one after another.[28]

The teach-in, however, was understood at the time as a relatively tame form of protest, and its respectability was both its power and its weakness. To some of its critics on the left, its popularity was more of a capitulation than a victory. It was run by faculty, for one thing, and it was not particularly disruptive or confrontational, for another. If the right found a great deal to dislike about what was being said – against the government, against the military, against industry, against anti-Communism, and against the war generally – they struggled to target the teach-in, which was essentially an academicized political rally, as a form of protest *per se*. Many in the antiwar movement, however, were committed to pursuing more incendiary tactics. This, in turn, led to napalm.

Although the government and military were their primary focus, activists against the Vietnam War began to examine the companies responsible for supplying the war effort. In early 1965, Palo Alto's *Ramparts* magazine began highlighting the human costs of napalm bombing, which it alleged was

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[26] Richard Flacks and Nelson Lichtenstein, *The Port Huron Statement: Sources and Legacies of the New Left's Founding Manifesto* (University of Pennsylvania Press, 2015), 107–26.
[27] Schneider, *Cadres for Conservatism*; Andrew, *The Other Side of the Sixties*.
[28] Arnold S. Kaufman, *The Radical Liberal; the New Politics: Theory and Practice* (New York City: Simon and Schuster, 1968); Jack Rothman, "The Radical Liberal Strategy in Action: Arnold Kaufman and the First Teach-In," *Social Theory and Practice* 2, no. 1 (1972): 33–45; Marshall Sahlins, "The Teach-Ins: Anti-War Protest in the Old Stoned Age," *Anthropology Today* 25, no. 1 (2009): 3–5.

being conducted indiscriminately and against civilians.[29] In early 1966, *Ramparts'* editor, also a lawyer, began an effort to halt the development of a napalm manufacturing facility in Redwood City, California (right next to Palo Alto), which sparked responsive action at Stanford (in Palo Alto), leading to leafletting over the winter of 1965, and then participation in the Redwood City organizing, which grew into protests,[30] and then into new protests elsewhere. After a small group of Stanford anti-napalm activists were arrested in Redwood City, an article on the event quoted an Air Force official explaining that the Redwood City contract was "not, however, the first contract let for the new napalm using polystyrene. He said it was being made at Torrance, CA by Dow Chemical."[31]

Dow was a chemical manufacturer more than a military contractor. But it had invented polystyrene, one of the essential ingredients in napalm, and in July 1965 it had quietly won a $5 million napalm production contract, as the bombing campaign in Vietnam intensified. After this came to the attention of the Bay Area anti-napalm community, they organized a picket protest at the Torrance facility.[32] This, in turn, came to the attention of the SDS chapter at the University of Michigan, which began a picket protest at Dow's headquarters in nearby Midland, Michigan, in the summer of 1966.[33] Dow was poorly equipped to handle the public relations attention, but it defended its contribution to military production. In any event plant pickets were barely more transgressive than teach-ins. Dow themselves said they supported everyone's right to express their opinions, provided they did not trespass into the production facilities, and other than sporadic news reporting, pickets had little public impact.

Dow, however, was not only present at its plants. It also recruited, and when it did so, it sent its representatives to college campuses across the United States, leaving the safety of their facilities and stepping, essentially, into what was increasingly being claimed as enemy territory. During the 1966-1967 academic year, college antiwar organizers began to focus on Dow's campus recruiting, and to stage sit-ins at Dow's events, physically disrupting the company's human resource supply chain. Thus, students across the country began to tie efforts at campus reform and antiwar demonstration into a single effective and repeatable attack against an unsympathetic company manufacturing an increasingly unpopular weapon.[34]

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[29] Robert Scheer, "Hang Down Your Head Tom Dooley," 3:5 *Ramparts* 23 (Jan.-Feb. 1965); Gordon C. Zahn, "Davy Crocket and the Bishop," 3:6 *Ramparts* 62 (Mar. 1965); Editorial, "The Year of the Lemming?" 3:6 *Ramparts* 5 (Apr. 1965). Peter Richardson, "The Perilous Fight: The Rise of Ramparts Magazine, 1965–1966," *California History* 86, no. 3 (2009): 22–69; Robert M. Neer, *Napalm: An American Biography* (Cambridge, MA: Belknap Press, 2013), 113–18.
[30] "Jail 2 More in Battle of Napalm Bomb," *The Times (San Mateo, CA)*, May 17, 1966.
[31] For details of the development of the movement against napalm, *see generally* Neer, *Napalm*.
[32] "Producing Napalm for Viet Nam Draws Pickets to Torrance Plant," *Independent Press-Telegram (Long Beach, CA)*, May 29, 1966.
[33] "Will Picket Manufacturer of Napalm," *The Herald-Press (Saint Joseph, MI)*, July 14, 1966. The inventor of the teach-in called the quasi-competition between activists in Michigan and California "riot envy."Sahlins, "The Teach-Ins," 5.
[34] Neer, *Napalm*, 129–33; Susan Schultz Huxman and Denice Beatty Bruce, "Toward a Dynamic Generic Framework of Apologia: A Case Study of Dow Chemical, Vietnam, and the Napalm Controversy," *Communication Studies* 46, no. 1–2 (March 1, 1995): 57–72.

Perhaps it was only a matter of time before the police became involved. In staging sit-ins and other disruptions, the students were, after all, trespassing on campus property, even if it was increasingly accepted by most campus administrators (if not state governors) that they should not be punished for doing so. There had been calls for police action against unruly students at Berkeley and elsewhere already. The police violence against the student napalm protests began at the University of Wisconsin—Madison, on October 18, 1967:

> [M]ore than a thousand protesters and observers crowded around the building [where Dow had come to recruit]; Madison police officers in riot gear, summoned by university authorities, clubbed dozens of students inside the hall, and many more outside the building (the first extensive violence at a rally against the Vietnam War) . . . [A]s classes changed at the end of the hour and the crowd swelled to around 4,000–5,000 students, tear gas was used for the first time on an American campus. . . . [S]ixty-five students and officers ended up in the hospital.[35]

Dow, of course, continued to recruit on campuses across the country, and thus student-led confrontations against Dow and napalm on other campuses redoubled. In the 1967-1968 school year there were 130 campus Dow protests, two-thirds of them in the Spring semester after the Wisconsin violence. And as the napalm protests escalated, it seemed as if everything else escalated with them. In April 1968, Dr. Martin Luther King, Jr. was assassinated. In June, Robert F. Kennedy was killed. In August, civil disorder erupted during the Democratic convention in Chicago, with more protest, more tear gas, more police violence, and more "rioting."

The right was aghast, and much of the country – Nixon's "silent majority" – seemed to agree that the spiraling disorder on campuses as a result of the antiwar movement was becoming a problem. Following the 1964-1965 Free Speech Movement at Berkeley, Ronald Reagan won the California Governor's race in part by promising to crack down.[36] Richard Nixon did much the same thing in his run for the presidency in 1968. And watching over all of this was a suspicious FBI, run by a very suspicious J. Edgar Hoover. Before anyone had ever thought of something like a teach-in, the FBI's domestic surveillance program, COINTELPRO, had been keeping watch over campus subversives. The program had been developed to undertake the unconstitutional and unaccountable surveillance of suspected Communists and their "sympathizers" exercising their civil rights in the 1950s, and the program had been retooled in the 1960s to keep track of the campus radicals undertaking their constitutionally protected but potentially subversive political activity and thought. As Paul Scott would report in *Human Events* in 1969, the Justice Department – which contained the FBI – was indeed very concerned about campus radicalism.

It was into this political milieu that the ecology movement first emerged, and it necessarily carried the marks of its time. This meant, first, that a great deal of early campus eco-activism had a strongly campus, strongly antiwar, strongly protest-oriented, and arguably radical nature. This emerged first

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[35] Neer, *Napalm*, 134–35. *See also* student retrospectives at https://1967.wisc.edu/.
[36] De Groot, "Ronald Reagan and Student Unrest in California, 1966-1970."

in the coordination and cooperation between the greens and the left on campus, a somewhat uncomfortable coalition open to exploring the overlaps between social justice and the environment.[37] This was particularly effective in the case of napalm, where the ecological perspective provided an additive critique: *not only* was the use of napalm a human rights violation, as it was being dropped indiscriminately on families and children, but it was *also* yet another example of man's destructive urges and desire to dominate, control, and degrade. Was this degradation of nature not another expression of the same fundamental flaws that kept American society cruelly segregated, kept its authorities cruelly patriarchal, and kept its labor cruelly oppressed? As with all other political thought, ecology itself contained a radical streak, and radical ecology contributed its share of critique against the dominant social order of the time. War, ecology, socialism, feminism, and civil rights appeared for a moment to be as intertwined and interdependent as any other ecosystem.

The right took notice.

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Thus, lest the right's more reactionary concerns be dismissed as paranoia, it should be acknowledged that their perspectives on the radicalization of ecology were to some degree based on fact. "Radical ecology" did exist, and was being taken seriously, particularly on college campuses, at this time.[38] Where Paul Scott, Robert Bailey, and their "anonymous Justice Department officials" departed from reality was to ascribe ill motive to everyone who found these ideas attractive. While the paranoid right saw radicals seeking to "infiltrate," "subvert," and ultimately "turn" ecology toward socialism for the express purpose of weakening the United States in advance of a communist takeover, another reasonable explanation was that such people saw something wrong with U.S. society and its behavior in the world, were attempting to describe it, and wished to improve it, having no desire to weaken the nation, but rather to make it stronger, albeit according to differing definitions of strength. The blindness to this alternative motivation was a major weakness of the anti-Communist critique generally. It is also useful to concede that this blindness had the imprimatur and credibility of a powerful national authorities.

For Nixon, however, the right's concerns were completely legitimate. Although he was promoting an environmental legislative agenda, he does not appear to have ever been motivated by the fear of ecological calamity that animated the ecological movement. Nixon was, quite famously, pragmatic. He was also, quite famously, rather paranoid, and – less appreciated today – a recovering hardline anti-Communist. Although he would soon achieve détente the People's Republic of China, his

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[37] This is explored in the online exhibit: Michigan in the World & Environmental Justice HistoryLab, U. Michigan, "Give Earth a Chance: Environmental Activism in Michigan" (online here), and particularly the exhibit "ENACT Teach-In and Earth Day, Spring 1970" (online here). These explore the relationship between antiwar and environmental activism at one U.S. college campus. No more comprehensive study yet exists.

[38] Carolyn Merchant, ed., *Ecology*, 2nd ed., Key Concepts in Critical Theory (Amherst, N.Y: Humanity Books, 2008); Carolyn Merchant, *Radical Ecology: The Search for a Livable World*, 2nd ed. (New York: Routledge, 2005).

legislative career had begun with the Alger Hiss trial;[39] his 1950 Senate campaign – where he earned the sobriquet "tricky Dick" – was famous for his innovations in painting his opponent "pink";[40] and his anti-Communism as a Senator had made him the vice-presidential pick of the conservative wing of the Republican Party in 1952 and 1956, to balance the more moderate Eisenhower.[41] Although Nixon had mellowed on Communism somewhat by the time he became President, he had few qualms about domestic spying, particularly if it targeted leftist subversives or his political enemies, and he was on politically (if not personally) friendly terms with J. Edgar Hoover.[42] In early 1970, then, someone at the White House called someone at the FBI and requested that the FBI provide reports on dissident activities at Earth Day meetings.[43] The record is not clear exactly who. Although it is often claimed that this resulted in FBI surveillance of over forty Earth Day meetings, according to Hoover himself the FBI directly surveilled "only" four – forty-six other FBI offices simply passed along reports from local police.[44]

In summary, the right's reaction to the emergent ecology movement of early 1970 involved an application of their existing anti-radical and anti-campus-activist perspectives, in response to a perceived emergence of those elements within the ecology movement. The perception of this emergence was built on real associations between antiwar, anti-capitalist, and antigovernment thought and ecological issue advocacy; on campus protest actions over napalm that had turned disorderly and "violent"; and on the choice of a teach-in, an antiwar protest tactic, as the national unifying tactic. These perceptions of radicalization were granted legitimacy, and amplified by, similar concerns coming from within the FBI, to the point that the President of the United States acceded to unconstitutional domestic surveillance to keep an eye on things.

Good Liberals

How would the environmental movement navigate anti-radical sentiment while remaining committed to drastic social change? The answer was that it would chart a course that focused on

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[39] Frank, *Ike and Dick*.
[40] Mitchell, *Tricky Dick and the Pink Lady*.
[41] Wagner, *Eisenhower Republicanism*.
[42] William W. Keller, *The Liberals and J. Edgar Hoover: Rise and Fall of a Domestic Intelligence State* (Princeton University Press, 1989), 329.
[43] "Final Report of the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, United Senate - Book 3: Supplementary Detailed Staff Report on Intelligence Activities and the Rights of Americans," April 23, 1976, 550–51.
[44] Muskie's statement and charges on FBI surveillance of Earth Day is at 117 Cong. Rec. 10313-10316 (Apr. 14, 1971). *See also* Melissa Graves, "Nixon's FBI: The Bureau In Crisis," *Electronic Theses and Dissertations*, January 1, 2016, https://egrove.olemiss.edu/etd/639. Hoover's response has surfaced online in the FBI's FOIA vault. J. Edgar Hoover to Tolson et al., "Memorandum," April 15, 1971, https://vault.fbi.gov/clyde-a.-tolson/Clyde%20Tolson%20Part%2010%20of%2011. ("I called Deputy Attorney General Richard Kleindienst (in regard to his question about the statement Senator Edmund Muskie that it was but one of about 40 to 60 FBI reports on Earth Day rallies.) I told him that this is the figure: 50 of our FBI offices reported on 57 rallies held on Earth Day; however, only 4 of the 57 had FBI coverage, and the other offices sent in information that came to them from police departments, informants, and related sources. I said we only covered 4 of the 57. Mr. Kleindienst asked if one of the 4 was the District of Columbia, and I told him it was, the main one. Mr. Kleindienst thanked me.")

technocratic solutions within existing governance frameworks. This effort, however, required distancing the emerging ecology movement from the radical left – a distinction that conservatives had difficulty accepting, although their critiques appear to have been one of the drivers of the strategy. This triangular relationship between the greens, the left, and the right became visible in an argument over the meaning of a meeting at a conference center outside of Washington, D.C.

Guy Wright was a reporter and social comment columnist for the San Francisco Examiner. He was not a vocally ideological conservative and does not appear to have self-identified publicly as conservative at all; rather, he was critical of almost everyone.[45] But he did not like "the hippies," did not like "the peaceniks," and did not like campus unrest – all positions shared with conservatives of his day – and, although he rarely wrote about pollution, when he did he wrote about things like the Tenth Amendment's reservation of power to the states, and encouraged local action instead of federal action on conservation – also consistent with conservative positions.[46]

On February 15, 1970, Wright wrote that, upon returning from assignment in India, he had noticed that Americans were "worshipping a new god. They call him Ecology" – to whom politicians and the public alike now paid tribute.[47] Consistent with conservatives, Wright was quick to clarify that he acknowledged that "the problems [of pollution] are very real." But, he said, ecology is "a science" and the environmental crisis would only be resolved with "years of persistent painstaking work. . . . Its riddles will not be solved by student protests." However, he reported, there was another, more serious problem: "there's something about the ecology kick that disturbs me. Most of this enthusiasm is artificially induced. And it is being deliberately manipulated."

According to Wright, the prime manipulator of the ecology movement was Senator Gaylord Nelson, and the focus of his manipulation was the easily roused college crowd. Wright informed San Francisco that the Department of Health, Education, and Welfare had just hosted one hundred college students at a retreat in Washington, D.C. to discuss ecology (an issue "tossed . . . to the kids as a campus issue to get them off Nixon's back about the war"), and that Sen. Nelson had made an "unscheduled appearance" there. Nelson "just happened to hear about the conference, he said, and decided to drop in." But:

> For a casual visitor [Nelson] came curiously prepared with a concrete proposal. He promised student leaders $25,000 and office space if they would try to close down their schools one day next spring for a nationwide teach-in on environmental pollution. . . . At least from that point on, the ecology kick was manipulated. How much further back the manipulation started I don't know.

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[45] Jim Doyle, "Obituary: Guy Wright – Hearts Newspaper Columnist," *S.F. Chronicle*, Mar. 4, 2006.
[46] Guy Wright, "Army Up a Creek," *The San Francisco Examiner* (Apr. 22 1969)
[47] Guy Wright, "The Ecology Kick," *The San Francisco Examiner,* Feb. 15, 1970; Guy Wright, "Polluting the Issue," *The San Francisco Examiner*, Feb. 26, 1970.

While Wright added that '[t]here's nothing sinister about all this," that appears to have been rhetorical apophasis – suggesting a thing by denying it – as his description was wholly sinister. Two weeks later, Wright reported that these students were using the opportunity of the coming ecological teach-in to "turn . . . the ecology kick into still another excuse for kicking the Establishment's shins." Wright divided the students into two groups: those who "will settle for lectures by guest experts on the problems of conservation, and those who will protest." He was clearly in support of the former and opposed to the latter. "Most of us . . . are willing to support the students as long as their protest is inventive rather than vindictive. But if it becomes just another excuse to smash windows and bait the police it will go sour." The students needed to behave themselves and be constructive. "Violence," he told his readers, "is also a form of pollution."

Wright's report on the meeting in Washington would be picked up and amplified in conservative media over the next year. The issue eventually made its way all the way to the House Appropriations Committee, which, in its review of HEW spending, asked why it had been reported that HEW had "supported an environmental symposium of college activists in what were described as luxurious facilities, and paid all of their expenses, including those of their wives." A Democratic representative asked Nixon's new Surgeon General:

> [Mr. HULL:] I would like to know if you believe that catering to activists is more important than spending money on basic research projects?
>
> [Surgeon General] STEINFELD. I don't believe we should cater to activists at all.
>
> Mr. HULL. Apparently somebody did.

Dr. Steinfeld then offered to submit a report on the meeting to the Congressional record, where it was duly filed.[48] But as is often the case, the explanation was buried under the accusation.

Did HEW fund a luxury conference for "college activists"? Did Gaylord Nelson just "happen" to drop by that meeting? Who was manipulating whom? The answer is requires untangling the origins of the idea of Earth Day itself, and this, in turn, reveals that the question of how radical the ecology movement ought to be was not a concern reserved only to the right.

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Credit for Earth Day was contested more at the time than it is today, and despite today's distance, the creation story has become not more complex, but less so. That story is that in the summer of 1969, Senator Gaylord Nelson was keeping a heavy speaking schedule, and, per his biographer:

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[48] Testimony of Surgeon General Steinfeld, Hearings before the House Appropriations Committee, *Departments of Labor and Health, Education, and Welfare Appropriations for 1971*, at 778 (Apr. 28, 1970).

> The idea came to him during a speaking tour in California in the summer of 1969. After speaking at a water quality conference in Santa Barbara, Nelson viewed the residue of a disastrous oil spill nearby. On a flight to Berkeley for his next speech, he read an article about teach-ins on Vietnam being conducted on college campuses. "It popped into my head. That's it!" Nelson said. "Why not have an environmental teach-in and get everyone involved?"[49]

Environmental historian Philip Shabecoff places Senator Nelson in Santa Barbara to meet with Paul Ehrlich, after which, he says, Nelson read an article in *Ramparts* on the effectiveness of the teach-in concept that inspired his idea for Earth Day.[50] The story goes that Nelson then thought about this idea for some time until he first proposed it at an obscure meeting in Seattle on September 26, 1969.

The first problem is that there was no article in *Ramparts* about teach-ins at the time, nor any other major national press coverage about teach-ins in the summer of 1969. In fact, the term "teach-in" did not appear once in *Ramparts* in all of 1969, and it rarely appeared in newspapers either. This does not mean, of course, that Nelson did not read such an article at this time, but it is unlikely that he read it in *Ramparts* or any other reading material on a flight to Berkeley in August 1969.

The second problem is that every history of Earth Day dates Nelson's first expression of the idea for a national teach-in to a speech he gave in Seattle in late September. However, this date only reflects the first time the AP reported his expression of the idea, not the first time he ever suggested it.[51] It is now much easier to research small local newspapers very quickly, and such a search reveals that Nelson first proposed the idea of Earth Day not in Seattle in September, but in a speech at Berkeley on August 24, 1969.[52] This speech was the first-night keynote at the annual meeting of the Association for Education in Journalism, given to over five hundred journalists, but not reported nationally. Of course, it is possible that Nelson read some article on the flight to Berkeley, and got the idea, and then brought it up immediately at his next speech, which happened to be in Berkeley, although it is strange then that he did not ever say so.

The third problem is that although there was no significant mention of teach-ins in the press during the summer of 1969, there was one "ecology teach-in" that summer – in fact, the first ecology teach-in ever conducted, anywhere, ever. It had happened in May 1969, and it had happened at U.C.

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[49] Christofferson, *The Man from Clear Lake*, 302.
[50] Shabecoff, *A Fierce Green Fire*, 115.
[51] "Nelson Leads Movement," *Manitowoc Herald-Times*, September 20, 1969; "Nelson Urges Teach-Ins on Environment," *The Oshkosh Northwestern*, September 27, 1969; "Nelson Forms Unit to Steer Teach-Ins on Environment," *Wisconsin State Journal*, September 28, 1969.
[52] "Senator to Speak At Journalism Meet," *The San Francisco Examiner*, August 14, 1969; "Journalism Teachers to Meet at U.C.," *Oakland Tribune*, August 20, 1969; "Nelson Blames Pollution Plight On Profit Drive," *The Salinas Californian*, August 25, 1969. (reporting that while speaking at Berkeley Nelson "called for a 'massive teach-in . . . on what he called 'the subject of the crisis in our environment.'"). *See also* Ralph O. Nafziger, "Official Report of the 1969 Convention, Association for Education in Journalism," 46 *Journalism Quarterly* 873-885, 880 (listing Nelson's keynote). For prior attributions to Seattle in September: Rome, *The Genius of Earth Day*, 57; Christofferson, *The Man from Clear Lake*, 303.

Berkeley. This eco-teach-in was not reported in the major dailies, nor in *Ramparts*, but it was covered in the Detroit-based radical underground newspaper, *The Fifth Estate*, which explained:

> BERKELEY — About 2000 persons attended—off and on—a six hour teach-in on "Ecology and Politics in America" May 28 [1969] at the U-C Berkeley campus. . . . Sponsors were American Federation of Teachers locals 1474 and 1795. Their leaflet for the occasion put it succinctly where it's at:
>
> "The battle for a peopled park in Berkeley has raised questions that go far beyond the immediate objects of public attention. They are questions about the quality of our lives, about the deterioration of our environment and about the propriety and legitimacy of the uses to which we put our land. The questions raised by this issue reach into two worlds at once: the world of power, politics and the institutional shape of American society on the one hand, and world of ecology, conservation and the biological shape of our environment on the other. . . .
>
> "The history of America is a history of hostility and conquest. We have constituted ourselves socially and politically to conquer and transform nature. We measure 'progress' in casualties, human and environmental, in bodies of men or board-feet of lumber.
>
> "Ecology and politics are no longer separate or separable issues."

The speakers at the Berkeley teach-in had included a long list of people associated with campus protest and radicalism.[53] Furthermore, the location of the eco-teach-in at Berkeley and the subject of People's Park itself were heavily freighted with these associations at this time. In late April, Berkeley students and community members had occupied an unused University property and appropriated it for local use. On Thursday, May 15, 1969 – "Bloody Thursday" – Governor Reagan had ordered the area cleared, an action that quickly escalated into police firing tear gas into crowds and firing shotguns toward protestors (resulting in the death of one student), and the eventual occupation of the City of Berkeley by National Guard troops for weeks afterwards. This had made national news. Berkeley's eco-teach-in had been held only two days after the city's lockdown had been lifted, permitting public assemblies of more than four people at one time.

It is possible, but very doubtful, that Senator Nelson read the June 1969 *Fifth Estate* article about the Berkeley teach-in, or some other as-yet-undiscovered write-up, and got the idea for a national teach-in from there.[54] But given that he was in Berkeley soon after the first eco-teach-in had happened, and that he was there to give a speech on the environment, and that he first presented the idea for a nationwide eco-teach-in in his keynote speech during his Berkeley visit, it is more likely that someone told him about the Berkeley teach-in when he visited Berkeley, that he liked the idea so much that he took it on as his own, and that he later removed all references to Berkeley as the point

[53] Keith Lampe, "Earth Read-Out," 4:3 *Fifth Estate* 10 (June 1969).
[54] "BART Opens Way for Park Annex," *Oakland Tribune*, May 27, 1969.

of origin, other than as the destination of the flight he was on when he first read about the teach-in idea more generally. He did make an original contribution: to suggest extending the Berkeley idea to the entire nation. And he worked tirelessly to implement it later. But the People's Park fight was, like all other campus protest, enormously controversial, associated with radicalism, and a more divisive and less sympathetic association than Nelson would have wanted for his cause. Better to distance ecology from campus radical politics. And that appears to be exactly what he did.

If so, this would not have been the only time. In the fall of 1969, the University of Michigan's eco-activist committee, ENACT, was itself planning an environmental teach-in at the University of Michigan, in the model of what had already happened at Berkeley.[55] This idea developed independently from Senator Nelson's proposal, and the students at Michigan reported being upset when they briefly thought that Nelson had "stolen their idea." Although they managed to heal this misunderstanding, ENACT proceeded to conduct the "first" ecology teach-in in March 1970 – a bit before the nationwide activities on Earth Day, with Nelson's support. However, in a letter to CBS responding to Walter Cronkite's suggestion that Earth Day was "largely the brain child of a group of college students" at Michigan, Nelson wrote that "no one else was in any way associated with me in originating the idea of Earth Day or in the development of the concept." The first part may have been true (in the sense of his idea to expand the teach-in nationally) but the second part is difficult to defend even without the Berkeley connection. Nelson was a committed environmental advocate, but he did not invent the idea of an ecological teach-in, and he did not credit those who did.

Beginning with his Berkeley speech, Nelson began advocating for the organization of a nationwide teach-in on the environment, and, very much to his credit, began seeking to recruit interested college students in order to run those events. In October 1969, he brought the idea to Airlie House.

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An hour outside of Washington, D.C., in the northern Virginia woods next to a lake, sits a scenic country farmhouse built in 1899. In 1961, the old house was converted into a meeting center – described by its eccentric proprietor as an "Island of Thought," removed from the troubles of the city, a kind of temporary Walden for the professional class. In 1971, the venue was marketed as the place where "Earth Day was born,"[56] and it is still marketed that way today.[57] Less romantically, it is labeled as an "upscale conference hotel." It was, in fact, something of an experiment. It was

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[55] The original idea at Michigan has most recently been credited to "a guy in the Center for Japanese Studies who remarked to a grad student in botany that Michigan ought to have a teach-in on the environment like the big U-M teach-in on Vietnam in 1965." James Tobin, Earth Day Eve, University of Michigan Heritage Project (online here).
[56] "Getting With It – Away From It All," *Nation's Business*, November 1971: 38–41.
[57] *See* https://airlie.com/ ("When Harry Groome built Airlie House and Farm in 1899, he could never have imagined what this land would become. From an 'Island of Thought' where changemakers shaped the future and Earth Day was born to a resort destination boasting a modern farm—where food comes right from the soil and pastures to your plate. And natural landscapes stir your soul—just 50 miles from the frenzy of Washington, D.C. Airlie is where teams move the needle. Couples celebrate the biggest day of their lives. And you get away from it all—while moving closer to a better you.")

established by Dr. Murdock Head, D.D.S., M.D., LL.B. (a dentist, doctor, and licensed attorney), as the first modern conference retreat. It was intended to be an improvement over urban hotel centers and to exceed several existing rural meeting estates. The difference was that it would be near Washington, D.C., and Dr. Head had some powerful friends. He proved especially adept at promoting Airlie House to the federal government – a practice that would put him in prison briefly in 1983-84, following a conviction for bribery.[58] But in 1961 he was the head of the George Washington University Institute of Forensic Medicine,[59] and he was launching his public-interest research center at his estate in northern Virginia. Its name was Airlie House.

As a man of medicine, Dr. Head cared a great deal about the rising understanding of environmental health, and so, of course, did the federal Department of Health, Education, and Welfare. HEW, for its part, was interested in promoting environmental health initiatives on campuses, and in the mid-1960s began offering funding for professional development in environmental health, which brought it to the attention of academics and graduate students around the country. It was within this confluence of circumstances that several graduate students interested in environmental health organized a meeting that led to a national Earth Day on campuses.

These students came from a tradition of campus activism and organization, although of a different variety than the New Left. Among the student activists of the 1930s, discussed above, must be included medical students. Among many other progressive initiatives of the day was the unsuccessful effort to institute a national health care system in the United States. The fight for such a system was joined, among others, by the Association of Internes and Medical Students (AIMS), a group of campus activists in the medical field. Their political activity put them in direct conflict with the American Medical Association (AMA), the primary medical professional association and the leader of the fight against "socialized medicine" in the United States, from the Progressive Era, to the New Deal, and beyond.[60] Among the AMA's many activities in the immediate postwar period was the repression of student health activism,[61] and in 1950 the AMA founded the Student American Medical Association (SAMA) to take the wind out of the sails of competing medical student advocacy organizations like AIMS.[62] For a time, it succeeded.

SAMA itself, however, declared independence from the AMA in 1967. Shortly afterward, SAMA member Christian Ramsey, Jr., a medical student at Emory University, founded the SAMA Institute for the Study of Health and Society (ISHS), and then incorporated ISHS as a separate entity capable

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[58] Bart Barns, "Murdock Head, 70, Dies," *The Washington Post,* July 30, 1994..
[59] "UVM Graduate To Head Legal, Medical Institute," *The Burlington Free Press*, March 15, 1960.
[60] Starr, *The Social Transformation of American Medicine*, 280–83.
[61] Merlin Chowkwanyun, "The Fall and Rise of Mid-Century Student Health Activism: Political Repression, McCarthyism, and the Association of Internes and Medical Students (1947–1953)," *Journal of the History of Medicine & Allied Sciences* 74, no. 2 (April 2019): 127.
[62] "The Student American Medical Association," *Journal of the American Medical Association* 144, no. 6 (October 7, 1950): 468; Paul D. Foster, "Student American Medical Association," *Journal of the American Medical Association* 147, no. 17 (December 22, 1951): 1711; Weston D. Gardner, "Character of the Student American Medical Association," *Journal of the American Medical Association* 148, no. 8 (February 23, 1952): 668.

of seeking grant funding. Among ISHS's primary interest areas was environmental health, and Ramsey recruited a public health Ph.D. student and member of the ENACT committee at the University of Michigan, Richard Wade, to run that part of the ISHS's business. Wade was a Rockefeller fellow, and began working with Ramsey to put together a proposal to HEW for a conference intended to bring together graduate students from multiple disciplines to discuss how they, together, could contribute their skills to the environmental movement going forward.[63] [64]

Wade was not an "eco-bunny hugger" of the hard green ecology set, nor was he a leftist radical. He was a "technical guy," and he had developed a program at the University of Michigan called the Student Environmental Consulting Service, performing environmental testing at industrial facilities in the Detroit area, where he had been exposed to the shocking human health conditions at Detroit's industrial manufacturing facilities, and the devastating environmental consequences of industrial pollution, particularly in Michigan's lakes and rivers. After Wade joined ISHS, he and Ramsey developed the idea for what they called the "Conferences on the Environment and the Developing Professional." Wade had contacts at HEW through his research advisor, and the idea was to ask HEW to help ISHS bring together graduate students from all over the country, and from every field that could conceivably be interested in environmental issues – "engineering, medicine, law, different environmental sciences, arts, social sciences, political science" – to conduct a (literally) inter-disciplinary discussion about how to contribute to the ecology movement. A call for applications was circulated, one hundred graduate students were selected, and HEW provided $40,000 ($250,000 today) to organize the conference, which was to last three days.

Although politics was on everyone's mind, the student recruitment process for the conference, and the conference focus on professional students generally, did not favor activism, and in fact seems to have discouraged it. In Ramsey's words, the Conference "sprang from our general concern about two areas. First, the need for environmental improvement through rational planning and action. Second, the need for interprofessional collaboration and experimentation with new professional roles." The HEW Staff Report on the conference struck a similar tone. The goals were to "develop interdisciplinary communication on common problems," "impart substantive formation and data," "establish goals appropriate to professionals," "identify policy weaknesses," to review and recommend changes in professional education with respect to training in ecological health, and to "provide legislators, educators, and others involved in the determination of the nation's health policies with the perspective and ideas of concerned, responsible students on societal issues." Above all else, the students' responsibility and professionalism were highlighted. That is not to say, however, that the meeting was sedate. The opening presentation was by a representative from the American Petroleum Institute, and his "presentation evoked hostility and several pointed and

[63] Dr. Richard Wade, interview by Adam Orford, October 27, 2020.
[64] ISHE was written up in HEW's agency magazine: Patricia Pine, "Young Professionals Put It All Together," *American Education*, November 1970.

embarrassing questions," upon which the speaker and students "became quite emotionally involved in the interchange," making for "a very lively and provocative session."

On the second day, Sen. Nelson (who had been invited) presented his idea for a national teach-in, evidently in a bid to recruit students to assist him in organizing it. His teach-in proposal then became the animating idea of the second half of the conference, as pre-planned breakout group sessions focused on actions that the participants could take to organize teach-ins when they returned to their own campuses. Thus, Earth Day campus organization was sparked by a meeting of professional students funded by HEW and organized by graduate students at ISHS, who had invited Senator Gaylord Nelson, who introduced with the idea of an ecology teach-in – an idea originated at Berkeley but stripped of it of its radical associations – after which the idea was expanded and implemented with the assistance of young professionals eager to make a "constructive," "professional," and "responsible" difference. Earth Day was going to behave itself.

That said, participants left the meeting with a range of impressions. For example, Stanford graduate student (and future leader of the NYU school of journalism) David Rubin returned to campus and wrote up his experiences for a local newspaper, as follows:

> The strictly *political* dimensions of the pollution and environmental deterioration problem were hammered home to over one hundred graduate students. . . . including the author, who gathered at Airlie House outside Washington, D.C. a few weeks ago for an environmental conference at the expense of HEW. The way in which these students – most of them 'straight' and from moderate to conservative universities – reacted to the speakers and conducted themselves during the four days of meetings and talk sessions should be cause for alarm among industrial and government polluters. In a word, the students were radicalized, determined to force the polluters and their political henchmen into contrition – perhaps in a manner that will parallel protests against the Vietnam war.

Rubin presented these impressions with positivity and with nuance. Guy Wright's article on the topic appeared a month later, with neither. Rubin's statement about radicalization would be quoted later in the John Birch Society's *American Opinion* as evidence of the Airlie House meeting's radicalism, and the idea persisted long enough to become a topic of inquiry before Congress.

At the end of the analysis, the Airlie House meeting was intended to be, and largely was, "responsible" and non-radical, as its organizers intended. This is consistent with later understandings of the political valences of mainstream environmentalism. According to Dunlap and Gale, students who participated in the ecology movement at this time were best characterized as less-than-radical liberals.[65] Sherkat and Blocker described them as more white, and more non-religious, but less

[65] Dunlap and Gale, "Politics and Ecology."

trusting of government than radical protesters during the same period.[66] In other words – and this is not news – the students who put the environment first in 1970 were not typically interested in radicalism. Setting aside the largely academic interest in radical ecology, there was already developing a "mainstream" environmentalism that rejected on tactical grounds what the right rejected on ideological grounds. Environmentalism would have no necessary association with the disruption of capitalism or the overthrow of the American social order. Environmentalists would be good liberals, using the power of the government to improve society, but not transform it. Conservative commentators looking for radicals in the ecological woodwork had failed to understand an important aspect about their target.

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As Earth Day drew closer, John Chamberlain was not going to credit the radicals *or* the liberals. He wanted to make sure that credit was given where credit was due. In mid-April, therefore, he devoted his weekly column to an "Homage to the Ecological Pioneers," by whom he meant the many square, well-behaved, unappreciated people who, he said, had been working on ecological issues for a long time. Specifically, Mr. Chamberlain discussed two of his friends: Devin Garrity, leader of the conservative boutique Devin-Adair Publishing Company, "who has been publishing ecological books for years" (Devin-Adair specialized in Irish poetry, anti-Communist literature, and nature publications), and Joy Lee, the leader of the first U.S. chapter of Protect Your Environment, a small environmental group that specialized in wetlands protection. Chamberlain reported that Garrity and Lee had not been invited to speak at any Earth Day events, which, to Chamberlain, was evidence that students were ignoring constructive change-making as pioneered by conservatives.

This was a common theme in Chamberlain's work, as he addressed Earth Day in seven columns between March and April 1970. In "Earth Day and the Pollution Problem," he argued that "the environment cannot be controlled by demonstrators. It will take specialty scientists – and many of them – to make even a dent in our pollution problems. How much encouragement will scientists get on April 22?" It was not productive to focus on "changing the way we are governed," as Earth Day organizer Denis Hayes had suggested. Rather, it would be "the bright kid who goes to work for GM or DuPont, not the congenital demonstrator, who will change the quality of the air we breathe." Similarly, Chamberlain noted that "members of the Nixon Administration concerned with the environment have been rebuffed in offering to help set up Earth Day programs," and warned that the program was taking on a partisan, Democratic cast. This, while, according to Chamberlain, Ronald Reagan was "the most fervent environmentalist in the State of California." There were

[66] Darren S. Sherkat and T. Jean Blocker, "Environmental Activism in the Protest Generation: Differentiating 1960s Activists," *Youth & Society* 25, no. 1 (September 1, 1993): 140–61.

"Republican achievements" that should be recognized on Earth Day, and there were "good and bad people" in both parties "when it comes to the anti-pollution test."[67]

Chamberlain also urged technological optimism and questioned ecology's more dire predictions. Not only had technology already provided a great many solutions to pollution, but, "[a]s a professional skeptic who has seen plenty of predictions turn out wrong I doubt that the ecologists really know how many human beings the world can support."[68] On the other hand, he claimed, "[t]here is evidence that the constant parade of hobgoblin predictions of a vanishing oxygen supply, or the imminence of a new ice age, or the burial of the human race in its own waste, is creating a 'what's the use?' psychology among some or our more sensitive young people."[69] He continued: "One does not ask for the return of Pollyanna; all one asks is that something be said about the ability of the human animal to come up with answers to problems before the curves of doom have been extrapolated through the ceiling." Thus, he hoped that somebody would "organize a counter-demonstration that will accentuate the positive. There is no sense in scaring our young people half to death when the future is actually ours – and theirs – to command." In this, Chamberlain foreshadowed the conservative "disaster lobby" critique of environmentalism a year before it was articulated as such, and three years before it became prominently publicized.[70]

Finally, Chamberlain criticized the anti-Establishment, anti-capitalist, antiwar bent of the Earth Day proceedings. He also, several times, brought up Lenin. Although he was accused of trying to tie Earth Day to communism,[71] this does not actually appear to have been his purpose. Rather, in his last article on the topic before Earth Day, he acknowledged that the April 22 date was a coincidence. He was, instead, engaging in the "real pollution" rhetorical strategy – framing something that he found objectionable "as pollution." In this case, it was Bolshevik political tactics that, Chamberlain said, were designed to disrupt democratic institutions with singing, sit-ins, and so forth. "This is a classic Old Left pattern for discrediting democratic methods. The New Left has simply imitated Lenin." In other words, Chamberlain was not trying to discredit the environmental movement – he was trying to discredit the New Left and to urge distance between environmentalism and the New Left's critiques of American society.[72] As demonstrated here, however, in this endeavor the conservatives were not alone.

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[67] John Chamberlain, "Non-Partisan 'Earth Day,'" My Turn, Apr. 8, 1970; "To Whom Will the Credit Go?" My Turn, Apr. 13, 1970.
[68] John Chamberlain, "No Tax Exemption for Fourth Child?" My Turn, Mar. 20, 1970.
[69] John Chamberlain, "Scare Tactics Being Overdone," My Turn, Mar. 30, 1970.
[70] *See* Thomas R. Shepherd, "The Disaster Lobby," *The Freeman*, August 1971; Melvin J. Grayson and Thomas R. Shepard, *The Disaster Lobby: Prophets of Ecological Doom and Other Absurdities* (Follett Publishing Company, 1973).
[71] Letter to Editor, "Vicious Commentary," *Tallahassee Democrat*, Apr. 25, 1970
[72] John Chamberlain, "Lenin As a Source of Mental Pollution," My Turn, Apr. 17, 1970.

The Reflecting Pool

Earth Day, as it turned out, was enormously successful and popular. Although the teach-ins were full of anti-Establishment rhetoric, just as conservatives had predicted, they were completely orderly and rather charmingly pro-civic affairs. FBI surveillance picked up nothing of concern, and its reports were embarrassingly quotidian. The things that the conservatives were most worried about did not, in fact, come to pass. And so, John Chamberlain did not mention Earth Day again after it happened. Neither did Guy Wright, Jameson Campaigne, James J. Kilpatrick, or *Human Events*.

The meaning of Earth Day to conservatives, however, and the larger meaning of the ecology movement more broadly, remained open to interpretation. Over the course of 1970 several notable efforts were published in the scattered annals of the American political right. These each focused, in their own way, on the larger forces at work, and on the meaning of Earth Day, and political ecology generally, for American society. None of them could be entirely representative, but each can be understood as an effort at defining the relationship between the authors, and the groups they attempted to speak for, and environmentalism. The examples that follow, from *American Opinion*, *National Review*, *Commentary*, and *American Mercury*, were published in some of the most prominent conservative (and farther right) journals of the time. Though the editors of each would doubtless object to being grouped with the others, their distinct perspectives are nonetheless worth examining together, as each, in their own way, looked at Earth Day and saw their enemies.

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In early 1970, the more mainstream conservative media had limited its critiques of the growing environmental movement to anti-radical oversight, budgetary alarms, and light sniping at individual politicians. The radical right, however, was also reading the news, and found much to be concerned about in the lead-up to Earth Day. This critique was intricately related to the radical right's larger concerns over civil disorder, student protest, leftist radicals, and Communism.

In May 1970, the John Birch Society's *American Opinion* featured a barn-burner by Gary Allen: *Ecology: Government Control of the Environment*.[73] It had been written just prior to Earth Day itself,[74] and saw hidden within the rising ecology movement a desire for intensive leftist intervention into American society. Notwithstanding its vitriol, polemic, and conspiracy, the essay was better researched than most: Allen interviewed Denis Hayes, the college-aged national Earth Day coordinator, and acquired, and clearly read, a copy of the Earth Day reader, *The Environmental Handbook*,[75] which contained a variety of writings that Carolyn Merchant would later call "radical

[73] Gary Allen, "Ecology: Government Control of the Environment," *American Opinion* May 1970.
[74] The article treats Earth Day as a forthcoming event and cites national media treatment from February-March 1970.
[75] De Bell, *The Environmental Handbook*.

ecology."[76] Allen's essay was taken seriously enough to be reprinted in a 1971 reader on environmental politics.[77]

Gary Allen was in his mid-thirties at the time, and already a prolific contributor to *American Opinion*. Starting in the late 1960s and throughout the entirety of the 1970s, until his death in 1986, he produced a twenty-page article for the magazine almost every month. He would author a number of books, including, most famously, "None Dare Call It Conspiracy," a deeply conspiracist view of the emerging "new world order."[78] He began his media career in Southern California as a film strip writer, and began to gain prominence for his work on the short film *Berkeley Revolution* (1965), which he developed after having "grown a beard" to join and write about the student protests up close. In 1965 and 1966, he spoke about the film and his experiences at local venues in the LA area.[79] Some of these talks were sponsored by the local TACT (Truth About Civil Turmoil), a John Birch Society grassroots initiative that saw "TACT committees" crop up all across the country starting in 1965.[80] Allen later worked as a speechwriter for George Wallace's 1968 presidential campaign and remained active in American Independent Party politics, and by 1970 he had risen to contributing editor at *American Opinion*. He was a ferocious critic of the radical left, liberals, and moderate Republicans.

As with other conservative commentators on Earth Day, Allen's contribution acknowledged that "the problems of our environment are genuine." However, he adopted a strongly pro-business, anti-government, pro-technology diagnosis of the pollution problem: "much of our pollution is the fault of ineffective government sewage and trash disposal." These "city-operated trash and sewage disposals . . . have usurped the field and precluded the opportunity for private initiative to find a way to re-use trash and garbage." In fact, "our technology is the best hope for ending pollution . . . Great strides are already being made toward solving these problems. . . . [S]cientists are hard at work to develop electric turbine, [and] steam-driven cars. Corporations are at work developing techniques for recovering pollutants (which are, after all, lost resources) now being pumped into the air by factory chimneys. Literally dozens of top business concerns are at work on processes to remove pollutants from the water and turn them into profits." To the extent that the free enterprise system was not up to the task of eliminating pollution, Allen proposed a traditional system of control, based on a very circumscribed view of the role of government. He argued, "The legitimate purpose of government is the protection of life and property. Since pollution is an attack on another man's life and property, conservatives will support private law suits and local legislation to put an end to it." These positions are difficult to separate from the conservative business perspectives of, for example, the National Association of Manufacturers. To Allen, the problem was not business, but

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[76] Merchant, *Radical Ecology*; Merchant, *Ecology*.
[77] Roger Revelle, Ashok Khosla, and Maris Vinovskis, *The Survival Equation: Man, Resources, and His Environment* (Houghton Mifflin, 1971).
[78] Gary Allen, *None Dare Call It Conspiracy* (Rossmoor, CA: Concord Press, 1971).
[79] "Gary Allen to Talk," *Pasadena Independent*, November 9, 1965; "Calendar of Events," *The Los Angeles Times*, April 3, 1966; "Complete Guide to Southland Entertainment Activities," *The Los Angeles Times*, April 3, 1966.
[80] Milton Ellerin, "Rightist Extremism," *The American Jewish Year Book* 67 (1966): 154.

government. These assertions, however, were the totality of his discussion, made as givens without analysis, because a careful assessment of the pollution problem was not Allen's primary concern.

Rather, Allen was concerned with the politics of the environmental movement, the use of media to put the environment on the public agenda, the motives of those who were advocating for environmental action, and the governing consequences of these concerns. In his words:

> Through the use of highly emotional rhetoric, and by playing upon fears of impending social and environmental chaos, the Left is hoping to convert sincere and legitimate concern over the quality of our environment into acceptance of government control of that environment. The object is to make the 'Green Revolution' part of the Red Revolution by using the Establishment media to stimulate the usual over-reaction among the American masses through exaggeration, magnification, and distortion of a genuine problem. The object is federal control of the environment in which we all must live. . . .

In this construction, the "Establishment media" was the primary tool of the Left's propaganda efforts. "Check most any recent issue of such Establishment slicks as *Life* or *Look* or *Time* or *Newsweek* and you will find at least one doomsday article about the grisly state of the American environment." "[T]he federally licensed television networks are now devoting hours to promotion of the idea that man is poisoning his streams, polluting his atmosphere, brutalizing his environment, absorbing natural resources at a crippling rate, becoming engulfed in his own refuse, and at the same time multiplying his numbers like over-sexed rats to further the destruction of his environment." These media were magnifying "[h]orripilant tales from such fearmongers of ecology as Stanford's Dr. Paul Ehrlich." "Oh, it's scary stuff." This media was being developed for consumption by, and intended to induce the overreaction of, "the American masses."

Allen was especially concerned with Ehrlich, the "leader of the over-population hysteria," and with the environmental movement's rising concern with population. He highlighted the work of academics – Dr. Donald Bogue, "a respected demographer at the University of Chicago," and "Professor Karl Brandt of Stanford," and "Dr. James H. Ford," and "[D] Sheets, an outstanding young researcher," in the development of an argument against "the population problem." Yet in barely disguised racial overtones, he also noted (inaccurately) that "Ehrlich [was] not especially concerned about the population growth of Asia, Africa, or South America," or (more accurately) of the "Welfare recipients [who] breed themselves weary at the taxpayer's expense." Rather, to Allen, the population hysterics – concerned as they were with per-capita impact – were attacking "the right of the middle-class to reproduce," and "the idea that American families have the right to decide how many children they should have." He accused them of advocating a "genocide."

It is with population that Allen also focused on the details of the ecology movement's use of government. "The one thing they all have in common is government control of human reproduction." "Ehrlich advocates free distribution by government of the pill, voluntary legal abortion, a tax on children in excess of two per family, heavy taxes on cribs, diapers, toys, etc., and

bonuses or tax exemptions for delayed marriages, childless marriages, and sterilization." With respect to Nixon's initiatives, "Conservatives would, of course, applaud the President for cutting the ground from under 'Liberal' issues if the Marxist solutions proposed by the 'Liberals' were not adopted in the process."

To all of this, Allen posited the question: *why?* Why would Ehrlich and others be promoting these ideas? Allen's answer: "Of course, the professional sowers of environmental despair disdain the free market and capitalist technology as providers of solutions to our problems because they are promoting socialism as the only answer." To establish this, he pointed to all of the socialist elements in the movement, which, to be sure, was not difficult to do. "No American with any knowledge of Communism, or any sense of patriotism, would participate in a demonstration led by schoolboy Lenins carrying the Vietcong flag."

But if the communists were supporting this effort, it was the politicians who were going to benefit. "[W]hile the radical ecologists sow Marxist propaganda below, the politicians above are preparing to reap the socialist crop." "The doomsday environmentalists are even using ecology as a ploy to propagandize Americans about the need for world government." "Not only has the ecology movement been perverted into a collectivist One World movement, but many of its most prestigious spokesmen are total regressivists." "What the radical ecologists are calling for is an abandonment of our high standards of living and a return to the primitive drudgery from which our ancestors worked so hard to escape." "Much of this regressivism is simply a pretext for an attack on free enterprise."

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Against the John Birch Society's populist-conspiracist approach may be compared Norman Podhoretz's discussion in *Commentary*: "Reflections on Earth Day."[81] Podhoretz had been *Commentary's* editor since 1960, and is known today as a neoconservative – a prominent public intellectual who began the 1960s as a liberal, who explored radicalism but then became disenchanted with the New Left, and who eventually moved toward conservatism. In early 1970, in events that had nothing at all to do with environmentalism, Podhoretz had what he described as a religious and political conversion, and he returned to work later in the year ready to go to war with the left-liberalism that he had, until that time, struggled to accommodate.[82] His first article in what would become a long-running series used Earth Day as a springboard.

Podhoretz, first, dismissed the right's problems with Earth Day as ridiculous: "On the Right, to be sure, the Daughters of the American Revolution . . . announced that the subversives, having made a successful assault on our colleges, were now going after our parks." But he also engaged in criticism of environmental hysteria ("I myself remain to be convinced that the crisis is of this apocalyptic

[81] Norman Podhoretz, "Issues: Reflections on Earth Day," *Commentary*, June 1, 1970.
[82] Thomas L. Jeffers, *Norman Podhoretz: A Biography* (Cambridge University Press, 2010), 123–30.

dimension, and I see no evidence of any widespread awareness of what would be required to deal with it if it were") and of "back to the stone age" thinking ("if their assessment of the peril we face should turn out to be accurate, we would all have to go largely without heat in the winter"). He disdained the "idiot young" who organized the event and those of their elders who "praise it as wisdom and idealism," and, echoing Guy Wright and Gary Allen, posited that *somebody* was manipulating things.

To Podhoretz, the guilty party is "the WASP patriciate" – also known as the "Eastern Establishment" – which "hopes to reassert its primacy in general and, in particular, to recapture the Republican party and the White House from the forces that now hold them both in such precarious captivity." To him, the last of "their" successful candidates was Dwight D. Eisenhower, and they had been "humiliated" by Goldwater's nomination in 1964, and Nixon's in 1968. Podhoretz imagined that these people had been in control until the Gilded Age, when they were "dislodged from their rightful place of preeminence by . . . new money." Thus, the environment was "an issue which focuses in a very precise and uniquely poignant way their perennial protest against what they have always seen as the despoliation of the national estate by the selfish interests that were enthroned in the Gilded Age." In its "desire to govern the rest of us," the WASP patriciate was using the environment to elevate "a candidate of their own." Podhoretz guessed it would be Johnson's HEW Secretary, John W. Gardner."

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In contrast to *Commentary* and even the John Birch Society, *American Mercury* presented a chauvinist and reactionary perspective on the events of Earth Day. This was not immediately apparent, as in its Summer 1970 issue, *American Mercury* published an article on air pollution that could have appeared in any health magazine in the country. "Dirty Air – Our Greatest Health Menace," by "Irwin Ross, Ph.D.," provided a straightforward explanation of the emerging knowledge on the health risks of air pollution and looked forward to coming efforts to clean it up. Although it did not reference Earth Day, the article was offered in the same supportive spirit as many other mainstream pollution publications of the time. Ross himself was a regular contributor to health magazines.[83]

In the same issue, however, *American Mercury* published a reprint of an article by H.L. Mencken (the magazine's founder), the thesis of which suggested that its current editors had further opinions about the topic of environmentalism. Mencken's article – which was framed in a "modest proposal" fashion that made it difficult to tell from the text if he was being serious – introduced and discussed at length the following proposition:

> Discussing in this place a few months ago the sorrows roweling the great Republic we live in, I ventured to throw out a double-headed suggestion. The first part of it was to the effect that

[83] Irwin Ross, "Dirty Air - Our Greatest Health Menace," *American Mercury*, Summer 1970. For Ross's publication record, *see* "Irwin Ross, Ph.D." listings at Wolfgang's (online here) and Adventist Digital Library (online here).

> an easy way to reduce those sorrows today, and almost obliterate them tomorrow, would be to sterilize large numbers of American freemen, both white and black, to the end that they could no longer beget their kind. The second part was that the readiest way to induce them to submit would be to indemnify them in cash.[84]

Whatever Mencken's purpose in the article (his commitment to the eugenics movement is disputed), it is at least plausible that the *American Mercury's* editors' intended, by republishing the piece directly after Earth Day, that it serve as commentary on the environmental movement, and particularly as a suggestion of a relationship between population control and eugenics. Alone, this might not be a supportable interpretation, but the ecology feature that appeared next raises the possibility.

In its Fall 1970 issue, *American Mercury* published John Rozmital's "Ecology and Eugenics."[85] Rozmital had begun writing for *American Mercury* the year before, when he had contributed a short article criticizing William F. Buckley from the right, as the elitist and wealthy "eminent publisher of a liberal right-wing magazine and fellow-traveler of such intellectuals as Norman Mailer and Gore Vidal."[86] His next contributions were favorable book reviews of "The Myth of the Six Million" (denying the Holocaust) and a reprint of white supremacist Earnest Sevier Cox's *Lincoln's Negro Policy* (1938), both from the antisemitic Noontide Press.[87] His ecology piece was written in the same spirit.

Rozmital indicated that he saw a great deal of potential in the ecology movement, at least in his own way. Accepting scientific claims of the existential threat of environmental pollution, he explained: "This blunt fact is also dawning on our legislators and a great many new 'ecological protection' laws are being passed. But these laws may do little to stem the deterioration of our environment. Generally they treat the symptoms – 'dirty air, dirty water, dirty countryside' – and not the cause – 'dirty people.'" Engaging in the rhetoric of "producerism," and echoing H.L. Mencken but without any question about whether he was being serious, and amplifying the racial eugenicist undertones of Paul Ehrlich and others in the population movement, Rozmital argued that "'low-grade' non-productive 'consumers'" were overtaking the nation's "producers." Thus, the nation faced a choice: the country could have "a socialistic welfare state on a dying planet," or "put innovative eugenics laws into operation. These laws would prevent the over-population of the earth by constantly deteriorating specimens of humanity, and possibly even produce a race of men who may merit the title of 'human being.'" Ecology, in other words, would provide the excuse for drastic eugenicist social engineering. According to Rozmital, this would involve elimination of not only the "'third generation' welfare recipients," but also social and cultural enemies of the right, including "destructive and anarchistic college dissidents . . ., and the leftist-oriented 'culture distorters' in Hollywood movie studios and New York pornographic book publishing firms." To Rozmital, the

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[84] H.L. Mencken, "Utopia by Sterilization (Reprint)," *American Mercury*, Summer 1970.
[85] John Rozmital, "Ecology and Eugenics," *American Mercury*, Fall 1970.
[86] John Rozmital, "The Sinistrous Sea Saga of William F. Buckley, Jr.," *American Mercury*, Spring 1969.
[87] John Rozmital, "Murder Myth Exploded: Book Review, The Myth of the Six Million," *American Mercury*, Fall 1969; John Rozmital, "Negroes and Mr. Lincoln: Book Review, Lincoln's Negro Policy by Earnest Sevier Cox," *American Mercury*, Winter 1969.

"breakdown in the control of our physical environment parallels the breakdown in our moral environment. Dirty air, dirty water, dirty movies and dirty books are the result of more than 30 years of permissiveness in our schools and courts." Big business, however, was also not spared: "There is no difference between the mentality of the illiterate living in the so-called ghettos of our large cities and the business manager whose operations similarly cause an environmental slum." Rozmital was an equal opportunity chauvinist.

Rozmital's piece, however abhorrent it might have been to those on the left and right at the time or today, demonstrated the immediacy of the emergence of what today is treated as the new phenomenon: "avocado politics" – green on the outside, brown(shirt) on the inside – i.e., the use of environmental justifications for far-right extremist antiliberal social policies.

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National Review, of course, took things in a very different direction. It was the proud public flagship of conservative cultural criticism. In response to Earth Day, it featured a piece by Robert Moses, the powerful New York City commissioner known for his deep commitment to infrastructure development at almost any cost.[88]

Moses's piece was titled "Bomb Shelters, Arks, and Ecology."[89] As summarized by Boynton:

> In a rather mocking tone, Moses informed his readers of the wrongheadedness of environmentalists on a number of issues, including population. Invoking the specter of government intervention and the influence of the counterculture, he pointed out that "the planners already predict drastic regulation of the population by law to insure a future stable, comfortable, balanced society, and economy. This consummation will be arrived at on the basis of scientific, impartial, unbiased study of long-haired, bewhiskered, sideburned experts who will of course be completely divorced from politics." According to these experts – Ehrlich, presumably, chief among them – the fate of the world was already sealed. "At the beginning we heard fire, smoke, and commandments, but now hear bearded muezzins mournfully calling in the few remaining hours before the end of the world." Luckily, he contended, such clarion calls for environmental action were unnecessary, and Moses assured his readers that the prophets of environmental catastrophe, like those who had come before them, would wind up on the wrong side of history. Only when environmental sensationalists were prepared to offer "facts without fanaticism" would the public be ready to take environmentalism seriously. Moses doubted this would ever be the case.

It is perhaps ironic that one of the most fabled planners of his age should now be articulating a critique of "planners" in the social sense, but this appears to be what Moses was doing. In this, he

[88] Robert A. Caro, *The Power Broker: Robert Moses and the Fall of New York* (Knopf, 1974).
[89] Robert Moses, "Bomb Shelters, Arks, and Ecology," *National Review*, September 8, 1970.

joined the right-libertarians like Gary North, who, in 1969, had criticized the moon landing program as a gigantic expansion of the government in affairs better left to the private sector, and who, in doing so, offered the following critique of the "spaceship earth" concept:

> The problem with all of this "spaceship reasoning" is that it assumes as solved those fundamental problems that need solving in order to make possible the spaceship analogy. The thing which strikes me as ironic is that the language of the spaceship involves a chain of command approach to the solution of human problems. Those humanitarian intellectuals who decry the petty military dictatorships in underdeveloped nations want to impose a massive system of command over the whole earth. That is what the call to world government implies. The spaceship analogy necessarily views society as a vast army. Yet for some reason, Hayek's identical conclusion about the implications of socialist planning is invariably rejected as absurd.[90]

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Earth Day, then, and the ecology movement more broadly, had become a sort of mirror to hold up to American society, or a lens to view it through, which, for those interested in finding them at least, shone back enemies – but only the enemies already expected to be found. Communists, radicals, taxes, socialism, students, government, "the planners," the poor, non-whites, world government, or the "WASP patriciate" – each was counted, in its turn, among the enemies of Earth Day.

Some of these critiques would persist, some would not, and new arguments would emerge, but 1970 demonstrated that modern American movement conservatism, and the full spectrum of the political right in the United States, would find it difficult to comfortably co-exist with political environmentalism, especially if it was radical, but possibly even if it was not. The Republican Party had not yet gotten the message. But they would.

References

Allen, Gary. *None Dare Call It Conspiracy*. Rossmoor, CA: Concord Press, 1971.

Anders, William. "Earthrise." NASA, December 24, 1968. AS08-14-2383. Apollo Image Atlas. https://www.lpi.usra.edu/resources/apollo/frame/?AS08-14-2383.

Andrew, John A. *The Other Side of the Sixties: Young Americans for Freedom and the Rise of Conservative Politics*. Rutgers University Press, 1997.

Bailey, Robert. "'Earth Day' - April 22 - Could Be Crucial as Radicals Work to Seize Control of Ecology Movement." *Human Events*, April 4, 1970.

"BART Opens Way for Park Annex." *Oakland Tribune*. May 27, 1969.

Boynton, Alex. "Formulating an Anti-Environmental Opposition: Neoconservative Intellectuals during the Environmental Decade." *The Sixties* 8, no. 1 (January 2, 2015): 1–26.

[90] Gary North, "The Mythology of Spaceship Earth," *The Freeman*, November 1969.

"Calendar of Events." *The Los Angeles Times*. April 3, 1966.
Caro, Robert A. *The Power Broker: Robert Moses and the Fall of New York*. New York: Knopf, 1974.
Chowkwanyun, Merlin. "The Fall and Rise of Mid-Century Student Health Activism: Political Repression, McCarthyism, and the Association of Internes and Medical Students (1947–1953)." *Journal of the History of Medicine & Allied Sciences* 74, no. 2 (April 2019): 127.
Christofferson, Bill. *The Man from Clear Lake: Earth Day Founder Senator Gaylord Nelson*. University of Wisconsin Press, 2004.
Cohen, Robert. *When the Old Left Was Young: Student Radicals and America's First Mass Student Movement, 1929-1941*. Oxford University Press, 1993.
"Comedienne Tries Her Hand At Franchise Plant Boutiques." *The Miami Herald*. October 31, 1969.
"Complete Guide to Southland Entertainment Activities." *The Los Angeles Times*. April 3, 1966.
De Bell, Garrett. *The Environmental Handbook*. New York: Ballantine Books, 1970.
De Groot, Gerard J. "Ronald Reagan and Student Unrest in California, 1966-1970." *Pacific Historical Review* 65, no. 1 (1996): 107–29.
Dunlap, Riley E., and Richard P. Gale. "Politics and Ecology: 'A Political Profile of Student Eco-Activists.'" *Youth and Society* 3, no. 4 (June 1, 1972): 379–97.
Ehrlich, Paul R. *The Population Bomb*. New York: Ballantine Books, 1968.
Ellerin, Milton. "Rightist Extremism." *The American Jewish Year Book* 67 (1966): 151–63.
"Final Report of the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, United Senate - Book 3: Supplementary Detailed Staff Report on Intelligence Activities and the Rights of Americans," April 23, 1976.
Flacks, Richard, and Nelson Lichtenstein. *The Port Huron Statement: Sources and Legacies of the New Left's Founding Manifesto*. University of Pennsylvania Press, 2015.
Foster, Paul D. "Student American Medical Association." *Journal of the American Medical Association* 147, no. 17 (December 22, 1951): 1711.
Frank, Jeffrey. *Ike and Dick: Portrait of a Strange Political Marriage*. New York: Simon and Schuster, 2013.
Fuller, R. Buckminster. *Operating Manual for Spaceship Earth*. New York: Dutton, 1978.
Gardner, Weston D. "Character of the Student American Medical Association." *Journal of the American Medical Association* 148, no. 8 (February 23, 1952): 668.
"Gary Allen to Talk." *Pasadena Independent*. November 9, 1965.
Graves, Melissa. "Nixon's FBI: The Bureau In Crisis." Dissertation, University of Mississippi, 2016. https://egrove.olemiss.edu/etd/639.
Grayson, Melvin J., and Thomas R. Shepard. *The Disaster Lobby: Prophets of Ecological Doom and Other Absurdities*. Westchester, IL: Follett Publishing Co., 1973.
Griffith, Jean. *Earth Day: America at the Environmental Crossroads*. Page Publishing, 2019.
Hannigan, John A. *Environmental Sociology*. 2nd ed. Routledge, 2006.
Hansen, Anders. "The Media and the Social Construction of the Environment." *Media, Culture & Society* 13, no. 4 (October 1, 1991): 443–58.

Höhler, Sabine. *Spaceship Earth in the Environmental Age, 1960-1990*. History and Philosophy of Technoscience: Number 4. London: Pickering & Chatto, 2015.
Hoover, J. Edgar. Letter to Tolson, Sullivan, Bishop, and Kennan. "Memorandum," April 15, 1971. https://vault.fbi.gov/clyde-a.-tolson/Clyde%20Tolson%20Part%2010%20of%2011.
Huxman, Susan Schultz, and Denice Beatty Bruce. "Toward a Dynamic Generic Framework of Apologia: A Case Study of Dow Chemical, Vietnam, and the Napalm Controversy." *Communication Studies* 46, no. 1–2 (March 1, 1995): 57–72.
"Jail 2 More in Battle of Napalm Bomb." *The Times (San Mateo, CA)*. May 17, 1966.
Jeffers, Thomas L. *Norman Podhoretz: A Biography*. Cambridge University Press, 2010.
"Journalism Teachers to Meet at U.C." *Oakland Tribune*. August 20, 1969.
Kaufman, Arnold S. *The Radical Liberal; the New Politics: Theory and Practice*. New York City: Simon and Schuster, 1968.
Keller, William W. *The Liberals and J. Edgar Hoover: Rise and Fall of a Domestic Intelligence State*. Princeton University Press, 1989.
McCloskey, Paul Pete. *The Story of the First Earth Day 1970: How Grassroots Activism Can Change Our World*. Eaglet Books, 2020.
Mencken, H.L. "Utopia by Sterilization (Reprint)." *American Mercury*, Summer 1970.
Merchant, Carolyn, ed. *Ecology*. 2nd ed. Key Concepts in Critical Theory. Amherst, N.Y: Humanity Books, 2008.
———. *Radical Ecology: The Search for a Livable World*. 2nd ed. New York: Routledge, 2005.
Mitchell, Greg. *Tricky Dick and the Pink Lady: Richard Nixon vs. Helen Gahagan Douglas - Sexual Politics and the Red Scare, 1950*. New York: Random House, 1998.
Moses, Robert. "Bomb Shelters, Arks, and Ecology." *National Review*, September 8, 1970.
"Nation: A Memento Mori to the Earth." *Time*. Time, Inc., May 4, 1970.
Neer, Robert M. *Napalm: An American Biography*. Cambridge, MA: Belknap Press, 2013.
"Nelson Blames Pollution Plight On Profit Drive." *The Salinas Californian*. August 25, 1969.
"Nelson Forms Unit to Steer Teach-Ins on Environment." *Wisconsin State Journal*. September 28, 1969.
"Nelson Leads Movement." *Manitowoc Herald-Times*. September 20, 1969.
"Nelson Urges Teach-Ins on Environment." *The Oshkosh Northwestern*. September 27, 1969.
North, Gary. "The Mythology of Spaceship Earth." *The Freeman*, November 1969.
Pine, Patricia. "Young Professionals Put It All Together." *American Education*, November 1970.
Podhoretz, Norman. "Issues: Reflections on Earth Day." *Commentary*, June 1, 1970.
"Producing Napalm for Viet Nam Draws Pickets to Torrance Plant." *Independent Press-Telegram (Long Beach, CA)*. May 29, 1966.
Revelle, Roger, Ashok Khosla, and Maris Vinovskis. *The Survival Equation: Man, Resources, and His Environment*. Houghton Mifflin, 1971.
Richardson, Peter. "The Perilous Fight: The Rise of Ramparts Magazine, 1965–1966." *California History* 86, no. 3 (2009): 22–69.

Rome, Adam. *The Genius of Earth Day: How a 1970 Teach-in Unexpectedly Made the First Green Generation*. New York: North Point Press, 2013.
Ross, Irwin. "Dirty Air - Our Greatest Health Menace." *American Mercury*, Summer 1970.
Rothman, Jack. "The Radical Liberal Strategy in Action: Arnold Kaufman and the First Teach-In." *Social Theory and Practice* 2, no. 1 (1972): 33–45.
Rozmital, John. "Ecology and Eugenics." *American Mercury*, Fall 1970.
———. "Murder Myth Exploded: Book Review, The Myth of the Six Million." *American Mercury*, Fall 1969.
———. "Negroes and Mr. Lincoln: Book Review, Lincoln's Negro Policy by Earnest Sevier Cox." *American Mercury*, Winter 1969.
———. "The Sinistrous Sea Saga of William F. Buckley, Jr." *American Mercury*, Spring 1969.
Sahlins, Marshall. "The Teach-Ins: Anti-War Protest in the Old Stoned Age." *Anthropology Today* 25, no. 1 (2009): 3–5.
Schneider, Gregory L. *Cadres for Conservatism: Young Americans for Freedom and the Rise of the Contemporary Right*. NYU Press, 1999.
Schoenfeld, A. Clay, Robert F. Meier, and Robert J. Griffin. "Constructing a Social Problem: The Press and the Environment." *Social Problems* 27, no. 1 (October 1, 1979): 38–61.
Scott, Paul. "Radicals Hope Environment Cry Will Spur New Protests." *Human Events*, March 14, 1970.
"Senator to Speak At Journalism Meet." *The San Francisco Examiner*. August 14, 1969.
Shabecoff, Philip. *A Fierce Green Fire: The American Environmental Movement*. Washington, D.C.: Island Press, 2003.
Shepherd, Thomas R. "The Disaster Lobby." *The Freeman*, August 1971.
Sherkat, Darren S., and T. Jean Blocker. "Environmental Activism in the Protest Generation: Differentiating 1960s Activists." *Youth & Society* 25, no. 1 (September 1, 1993): 140–61.
Starr, Paul. *The Social Transformation of American Medicine: The Rise of a Sovereign Profession and the Making of a Vast Industry*. Basic Books, 1982.
"The Student American Medical Association." *Journal of the American Medical Association* 144, no. 6 (October 7, 1950): 468.
"UVM Graduate To Head Legal, Medical Institute." *The Burlington Free Press*. March 15, 1960.
Wade, Dr. Richard. Interview by Adam Orford, October 27, 2020.
Wagner, Steven. *Eisenhower Republicanism: Pursuing the Middle Way*. Northern Illinois University Press, 2006.
Ward, Barbara. *Spaceship Earth*. The George B. Pegram Lectures: No. 6. Columbia University Press, 1966.
"Will Picket Manufacturer of Napalm." *The Herald-Press (Saint Joseph, MI)*. July 14, 1966.
Woodhouse, Keith Makoto. *The Ecocentrists: A History of Radical Environmentalism*. Columbia University Press, 2018.

Conclusion

This Dissertation has called for a rewriting of American environmental political history to account for conservatism. It recommended doing so without prejudging what that relationship has been or could be and has provided examples of analysis drawing on multiple research methods to develop the field. It has thus far avoided proposing an overarching narrative for the development of conservative opposition to environmentalism. It ends with one possible narrative.

While there is nothing inherently conservative in the interest or disinterest in the maintenance of environmental quality, there is an inherent conservative opposition, in the United States, to the use of the U.S. federal government for any purpose. Since the national government is the only institution that has been demonstrated to be capable of addressing widespread environmental quality problems, there is an inherent conservative opposition to environmentalism as it has developed in the United States. There is substantial evidence for this, stretching back through to the beginning of the environmental movement, and before.

In addition, there has been a long history of association between liberalism and concern over environmental quality in the United States. Whether associated with early progressives, the New Deal, or postwar liberalism, the reformist spirit of environmentalism has found purchase primarily in liberal politics. Regardless of any arguable consistency between American conservatism and environmentalism, the relationship has not developed in that fashion. Instead, given that there is a long history of defining conservatism as an alternative to liberalism, and in opposition to liberalism, there is a conservative tendency to define anything that liberals support as inconsistent with conservatism. As no-compromise politics have become the dominant mode of conservative political expression, and as the Republican Party has increasingly become a vehicle tailored entirely toward pursuing conservative political ends, the politics of environment have become polarized exactly to the degree to which environmentalism has been perceived by conservatism as a liberal project – which is to say, a great deal. This perception, in turn, has been encouraged by corporate interests and free-market ideologues active in conservative politics, and accepted by the remainder of the conservative political coalition for a variety of reasons.

This polarization has prevailed against a countervailing argument presented by some conservatives for including environmental quality concerns in the conservative political agenda. Whether expressed by Russell Kirk, John P. Saylor, Barry Goldwater, or the Green Elephant caucus, there has been an effort to develop a principled articulation of the compatibility of conservatism and environmentalism. But these efforts to claim environmentalism for conservatism have never been able to overcome the prevailing associations between environmentalism and liberalism, the anti-environmental interests of parts of the conservative political coalition, or larger polarization trends. Thus, the only truly persistent positive association with environmentalism has been by extremist elements interested in racial, ethnic, or nationalist purity agendas – in a word, ecofascists – operating beyond the pale of the historical conservative consensus. In any event, the principled efforts at

developing a mainstream conservative environmentalism must also be distinguished from pragmatic or cynical support for environmental causes pursued by elected politicians at the height of the rise of the environmental movement, which is almost certainly an appropriate description of Nixon, and possibly (although not certainly) for Reagan. As a matter of historical fact, the relationship started poorly and has only gotten worse.

Perhaps the most understudied aspect of this narrative is the acquiescence to it by the parts of the conservative coalition who did not have environmental opposition at the forefront of their concerns. This must include in particular the Religious Right, for whom the moral dimensions of environmentalism would seem to hold an attraction, but for whom fighting secularism has always taken priority. It could also include rural agrarian conservatives, although in that case the association of environmentalism with liberal urban politics may prove to be the barrier. Unlike the Southern Democrats of the conservative coalition of the 1960s, the conservative coalition of modern times does not include many elements who move away from the lockstep partisanship that has made conservative politics so successful. If that changes, it will be because elements of the conservative coalition embrace environmentalism for their own purposes and aims, and not because liberals have found some previously unimagined philosophical argument to convince them.

This raises the larger question of the best political response available to environmentalists in the face of the asymmetrical polarization of modern American politics in the two-party system today. Where the parties have been sorted along liberal-conservative lines, and where the environmental policy sector has been associated primarily with the liberal side of that divide, the rational strategy would seem to be to join the liberal party in building legislative majorities, and to embrace, rather than lament, the polarization of the cause. This, of course, renders the project of environmentalism vulnerable to unpredictable democratic reversal. It also cedes some territory that environmentalists have been, and should be, loathe to abandon: that environmentalism is consistent with a wide range of political and social philosophies. The key question will be whether non-liberals ever see the matter that way. And to convince anyone that something is consistent with their interests and values generally requires taking the time to deeply and genuinely investigate the ways that that person sees the world, what motivates them, what concerns they have, and what they value.

This Dissertation is offered as a contribution to that effort.