From the Oral History of

HENRY J. VAUX, Sr.

Dean of the UC Berkeley School of Forestry, 1955–65; two-term chairman of the California Board of Forestry, 1973–83

An interview conducted by Ann Lage, 1984–1986, Regional Oral History Office, The Bancroft Library, UC Berkeley.[1]

VAUX: [I]n January 1975, two things happened. The new governor, Jerry Brown, came in with Claire Dedrick as his resources secretary. Almost simultaneously, a court in San Francisco handed down an opinion in the case of *Natural Resources Defense Council v. Arcata Redwood*.[2] This opinion held that forest practices regulation was subject to the constraints of the California Environmental Quality Act. . . .

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[1] Presented here is a brief excerpt from Henry J. Vaux, "Forestry in the Public Interest: Education, Economics, State Policy, 1933–1983," an oral history conducted in 1984–1986 by Ann Lage, Regional Oral History Office, The Bancroft Library, University of California at Berkeley, 1987. © 1987 by The Regents of the University of California.

The oral history excerpts in this "Environmental Law — Oral History" section are intended to provide personal commentaries on the topics discussed in the preceding Environmental Law "Articles" and "Book" sections. This excerpt relates to the article: Darren F. Speece. *From Corporatism to Citizen Oversight: The Legal Fight Over the California Redwoods, 1969–1999*, in this volume, 13 Cal. Legal Hist. 57 (2018).

[2] Natural Resources Defense Council v. Arcata Redwood Co. (Cal. Super. Ct., Jan. 14, 1975); N.R.D.C. v. Arcata Nat'l Corp., 50 Cal. App. 2d 959 (1976).

The California Environmental Quality Act had been passed in 1969, so it was on the books and we knew it was there. But all that the California Environmental Quality Act does is establish procedures and require that certain problems be addressed; it doesn't make any action mandatory other than procedures.

LAGE: Procedures for environmental review.

VAUX: Yes. I know my intuitive conception was that the Forest Practice Act actually told people what they may and may not do. That's so far beyond the procedural thing that intuitively I felt there should not be any conflicts. So it blew my mind when the court found that on legal ground the California Environmental Quality Act did apply to timber harvest operations.

That threw everything into total chaos because the permitting system and the rules that had been implemented by the board . . . had not paid any attention to the constraints of the California Environmental Quality Act. Those rules had been drawn by a board entirely appointed by Governor Reagan, so that there wasn't very much environmental sympathy on that board, or in the district technical committees. So the whole system had not been very environmentally oriented. . . .

So in January '75 at the same time the new governor came in this lawsuit was handed down requiring that the terms of the California Environmental Act had to be recognized in relation to forest practice regulation. That meant that every timber harvest plan issued in 1974 as good for three years was held to be illegal.

That immediately created a furor and led to the march on Sacramento where the loggers all drove down and milled around the Capitol with their logging trucks and so on. Two or three days after the Brown administration had taken office poor old Claire Dedrick was hung in effigy.

LAGE: But she simply had nothing to do with that ruling.

VAUX: That's right, but the solution was up to her. I mean, that's the way political things go often. It is not the person responsible for posing the problem who has to bear the brunt of solving it. Claire sorted that all out in terms of something called functional equivalency. The California Environmental Quality Act had provided that the resources secretary could certify certain processes other than the normal CEQA-EIR stuff as functionally equivalent. If so, then those alternative processes would have the force of law.

Claire decided that the approach to use was to arrive at a position where the timber harvest planning process and the forest practice rules could be certified by her as functionally equivalent to the environmental impact process. . . .

I guess that's enough about the atmosphere at the time of my appointment [as chairman of the Board of Forestry by Governor Jerry Brown in 1976]. . . .

[My predecessor] Howard Nakae asked me to lunch one day and passed on words of advice as to how one ought to run the Board of Forestry. One piece of advice that he gave me was, "Just keep Redwood Creek off the agenda, and you'll be all right." I didn't know enough at that time to realize that that was rather futile counsel.

At any rate, I first sat on the board on June 24, 1976, and the next meeting of the board was on July 22. That meeting was held at Chester by a previous decision. It turned out that the agenda at that meeting had to be given over to a discussion of Redwood Creek anew. That was a very wearing experience for me because I had never presided over anything like it. It was billed as a discussion, but essentially it was a loose public hearing with all the interested parties able to address the board on the subject. It was designed to be an effort to let people air their views and let off a little steam, and perhaps something useful might come of it.

There were a very limited number of things that the board could do in relation to Redwood Creek. Obviously, the administration and other people were under a lot of pressure. It was the kind of situation where one of the things is to let the safety valve pop off and at least let people talk someplace where they feel they're talking to somebody who is in a position to at least listen to them and maybe react to them, rather than just beating their drums in the newspapers.

LAGE: Maybe we should set the scene a little bit or maybe you're about to do that. Tell what was happening with Redwood Creek.

VAUX: I was going to try to do that, yes. The Redwood National Park was originally set up in 1968. Whether by deliberate design or not — I can't escape the feeling that it was deliberate design on some people's part — it was a design for disaster. Because the original redwood park consisted, so far as the federal land is concerned, of a relatively small acreage of twenty

thousand acres or so of largely virgin timber at the lower end of Redwood Creek around the town of Orick.

Then, south of that area, a strip was included in the park that was a quarter of a mile on each side of the bed of Redwood Creek, running from this Orick area on upstream to the so-called "World's Tallest Tree." This strip is about seven miles long. It became familiarly known as "the worm," because that's what it looked like on a map, kind of a wriggly thing that followed the stream bed up.

That land was put into federal park ownership, but the hillsides above that on either side remained in the ownership of the timber companies. The original park act gave the secretary of the interior authority to make agreements with the timber companies on measures needed to log those areas in ways that would protect the park, but the secretary of the interior never entered into any such agreements. Without knowing much about the inside of it, my view of that was that it was because the federal government was too tight to do it, or else it was deliberately too tight in order to try to force a crunch that would lead to different action.

LAGE: To more park area?

VAUX: Yes. I should point out that the redwood park consists of other areas besides this. There's another area up around the Jed Smith State Park. When I talk about the redwood park, I'm talking primarily about the Redwood Creek part of the redwood park. As you know, the Redwood National Park is built around parts of two or three state parks, and the two or three state parks really include the gems, if you're interested in cathedral-like redwoods. There are some very nice old growth redwoods in the federally-owned park, but I don't think there's any doubt that they aren't quite as magnificent as the ones that are in the state parks.

So I had never had any particular enthusiasm for the whole idea of a Redwood Creek national park. The upper end of Redwood Creek had been despoiled long before; the upper end of Redwood Creek is not redwoods, it's Douglas fir. That area had been logged in the fifties with very much less care than was being exercised in the seventies. As a result of that, and as a result of highway construction and some actual subdivision up in the northern reaches of Redwood Creek, there was just a desperate situation where the whole country was falling down into Redwood Creek.

All that stuff over time, the debris that arrived at the bottom of the slopes, was being pushed down by each storm, and is still being pushed down, and is going to go right through the national park. That just seems to be not a very wise location.

LAGE: So you think the actual choice of including Redwood Creek in the national park was a mistake?

VAUX: When I contemplate what could have been done for national parks as alternatives by the expenditure of the same amount of money, I think it's a real tragedy. As you probably know, hundreds and hundreds of millions of dollars have been spent on the Redwood National Park. A hundred years from now, I'm sure it'll be a magnificent, beautiful area, and probably people will receive proper tribute for it. But in the meantime, it seems to me it's a kind of a disaster area.

Remember that, I don't know what the figures are, but if you look at the attendance at the Redwood National Park and follow where those people go, I think you'd find that a considerable number of people will go up and see the Lady Bird Johnson Grove, but most of the people are going to go, and are going, as they did before the Redwood National Park was ever dreamed up, to Prairie Creek, to Jed Smith, and to the Del Norte Coast parks. All of those were state parks long before the Redwood National Park was bought. There isn't any doubt that the creation of the national park gave a modest stimulus to visitation in the area, and that's been of some significance to the regional economy. But in the very nature of the case, since the recreation business is highly seasonal, and particularly in redwood park, where it's not a resident recreational use, it's a kind of a transient I mean people don't go and stay there and hike the way they do in Yosemite.

LAGE: They drive through.

VAUX: It's a drive-through kind of thing. The impetus to the local economy has been modest, I would say, and far, far less than the proponents of the park were suggesting it would be. So, I have felt if somebody could have persuaded the whole redwood park issue to go away about 1966, it would have been a fortunate thing for all concerned.

I think as time goes on, its major importance may have been not the physical park itself, and again I'm talking about the part in federal ownership, but the political symbolisms that the redwood park controversy

brought out. Those I think had lasting effects. In other words, the redwood park issue energized a whole lot of political action that was just waiting to be energized and had effects that had nothing to do with the question of whether redwood park was a good idea or not a good idea and the question of where it should be put.

There was one other point I wanted to make as part of this background. Part of the background here is, "What was the Board of Forestry doing involved in this anyway?" because the Board of Forestry had absolutely no authority one way or another to determine whether there would be a park or would not be a park, and if there was going to be a park, where it would be.

The Board of Forestry probably could have made a policy statement either favoring or disfavoring a park, which would have had totally no effect, because the board had no political constituency of its own. And in the face of the uproar that was going on between the industry and the environmentalists and the Sierra Club and the North Coast Ecology Center, and all the little rump groups that emerged over that thing, whatever the board had said wouldn't have been listened to.

The reason the board was in it was because there were mechanisms which meant that all the various partisans, regardless of what their point of view, could use the board to get publicity for their point of view. The reason the board could be used was that timber harvest plans had to be approved by the state, and the companies who owned the land outside the park in Redwood Creek were engaged in logging timber on those slopes above the park, and that logging created a very incendiary atmosphere because its appearance is very destructive. So it became natural for the process of approval of those timber harvest plans to come under very close scrutiny.

The Nakae board had been asked to declare a moratorium on timber harvest plans in the Redwood Creek area until such time as the park issue was settled. The Nakae board had refused to do that, and I think properly, because I don't think the Board of Forestry had any statutory authority to declare a moratorium on timber harvest plans. I mean, it's one thing to have regulatory authority, and it's another thing to just arbitrarily declare a complete suspension of timber cutting because somebody wants to think about a park in an area. . . .

So this discussion at Chester was essentially an airing of various aspects of public opinion. It focused, because of the nature of the testimony,

on two issues that the pro-park people had picked up and were very concerned about. They were trying to get the board to recognize the importance of two things: one, so-called cumulative effects, and another, the importance of long-range planning.

The cumulative effects issue is difficult to deal with because there never has been full clarification of what cumulative effects are, in a rigorous sense. But the basic notion of it is that if you clearcut ten acres in a watershed, the effect is probably fairly minor. If you clearcut two thousand acres in the same watershed within an equally short period of time, then the effects become —

LAGE: Cumulative. [laughs]

VAUX: [laughs] It's a tricky term, though, because it's argued by some that this is simply a multiplicative effect, not cumulative. Behind the notion of cumulative effects, as it's emphasized by the people who believe in this line of approach, there's some synergism involved, so it isn't just a multiplicative relationship; the effects are much more powerful, not in a multiplicative sense as you increase the area, but in some kind of exponential sense. In certain kinds of effects there may be some validity to that, I think.

LAGE: Is this something that's argued among foresters? Are we talking about differences in points of view among foresters?

VAUX: The cumulative effects argument has been made most strongly by the environmentalists. Some foresters shared their view, others didn't. They have criticized the forest practice rules repeatedly for failure to deal with cumulative effects.

In May of 1977, we came back to Redwood Creek. There's quite a lot to say about that.

LAGE: I assume not too much was happening with the redwood issue after the Chester hearing.

VAUX: Well, a lot was happening in the redwood issue, but not at the Board of Forestry. As I said, the board really had no concern with Redwood Creek, except through timber harvest planning. Following the Chester hearing, while there was grumbling and discussion going on, nothing happened in the timber harvest planning aspect of Redwood Creek to bring it to the attention of the board.

There was a lot happening at the congressional level, which was where the action was and should have been: in the sense that bills were introduced, and those were going through hearing, and that sort of thing.

LAGE: Did timber harvest plans come before the board during that period?

VAUX: No, because the director approved timber harvest plans during that period, and this was a continual source of irritation to the pro-park expansion people. But so long as the director [of the Department of Forestry] was approving plans, there was no occasion for the board to look into the situation. . . .

All during the summer and fall of 1976, and earlier even, the Resources Agency, the Division of Forestry (as it was then), the Park Service, the landowners, with all kinds of lawyers including the state Attorney General's Office, and the U.S. Attorney General's office, and the Natural Resources Defense Council looking over their shoulder every step of the way, had been involved in trying to develop special procedures for the review of timber harvest plans in Redwood Creek. Actually, many of these procedures were used informally in review of Redwood Creek timber harvest plans but many environmentalists wanted rules requiring these procedures.

Those timber harvest plans were probably more closely scrutinized than any other timber harvest plans that have ever been written. I think there was more danger to environmental values from people stomping over the ground in the course of determining whether the plans could be approved or not — that's an exaggeration — but it illustrates the point, that the intensiveness of the discussion and information exchange was unprecedented. All that was going on and was kind of the holding action that was being mounted, and so the processing of plans was extremely slow and not very many of them came along.

Until the spring of 1977, the director had, in fact, approved all the plans that had made their way through that maze of special procedures that had been developed.

LAGE: Was Lew Moran still the director?

VAUX: Yes. Review teams had been developed as a device for meeting the requirements of CEQA. Even though there was no statutory requirement for them, they were used in fact in those Redwood Creek plans. It wasn't until April or March — I'm not sure about the precise dates but along in

that period — with legislation at the federal level to establish the park now at the committee hearing level — not just introduced, but at the level of committee hearings that Lew Moran denied the first Redwood Creek plans.

There were three of them, two Louisiana Pacific plans, and one Arcata Redwood plan, which were denied at about the same time. The companies, in line with their rights under the law, appealed those denials to the board. So everything was set up for a hearing on May 12 or 13, 1977, I've forgotten which, on appeal of the denial of the Redwood Creek plans. That was quite an affair.

Now, there was some preliminary action. We had seen the question coming down the road, we knew the plans had been denied, we knew they'd be appealed. In expectation of that, I had written a letter to the attorney general, Mr. [Evelle] Younger, asking him two or three specific questions that had to do with the board's authority to deny these plans. The questions were thought out rather carefully, and were quite specific as to what the limits on the board's authority might be.

LAGE: Were the questions regarding how you should consider the pending legislation?

VAUX: No, it had nothing to do with the legislation; they had to do with the board's authority and the director's authority to deny timber harvest plans, and what kinds of considerations could be taken into account in arriving at that determination. If you want to have access to the letter, I can dig it up from somewhere, I'm sure it's around. But I'm sure that also it's a matter of record in the Attorney General's Office and the Board of Forestry office, and elsewhere. . . .

Now, this hearing was a very long and wearing process. It ran from about a quarter of nine in the morning until ten-thirty that night, so everybody was just ragged by the time it was over.

LAGE: Was this Sacramento?

VAUX: In Sacramento, yes. And there was quite a crowd there; we had to get a special room to provide room for everybody to be there. I was concerned because we'd had a couple of appeal hearings before, so I'd had a chance to get a little bit familiar with the appropriate procedures for these hearings. The more familiar I got with them, the more confusing they seemed to me to be.

We had a vary good man from the Attorney General's Office to guide us in these matters, Mr. Robert Connett, and he'd had a long experience with the board. But he had a way that many good lawyers have when you ask what you thought was a straight question, and you get back something that is very, very hard to understand as an answer to the question, sometimes. That's not a criticism of him, it's a question, as I understand it, that a lot of times the law isn't clear, and an attorney isn't going to stick his neck out and say, "Yes, this is it," when the law doesn't say so.

There was a lot of this in hearing cases, in that the statute just wasn't very clear on who did what to whom in the course of a hearing. The one thing that Connett made perfectly clear was that the law gave the chairman a lot of discretion as to how the hearing should be run. That placed me under some pressure to try to run it in a way that would not be subject to too much challenge subsequently.

So this matter of the procedures was lurking in the background all the time, to be sure that everybody was given due opportunity to have their say, but nobody was given an opportunity to say too much [chuckling].

LAGE: Or you would have been there two days from 8:45 a.m.

VAUX: The question of the time duration really wasn't germane, no. The question was that now this was a legal proceeding. We knew that whatever the board found, it was going to be contested in a higher court. So unless the proceedings were justifiable in terms of the statute that outlined those proceedings, that would be the first ground on which somebody would throw out whatever decision the board had made.

Everybody, on both sides, I think, was anxious that proper procedures were followed. You never want to have stuff thrown out on procedural grounds if you're trying to defend the position of the board because that just means you haven't done your homework properly, or you've committed a procedural boner which doesn't reflect well on the board at all, regardless of what substantive answer you came out with on the issue of redwood park.

LAGE: You had several attorneys on the board, as well. Did having attorneys on the board present any special —

VAUX: We had two attorneys on the board, and we had another attorney serving the board, a representative of the Attorney General's Office.

In general, Mr. Berry and Mr. Pesonen, I thought, showed quite a bit of restraint in that they didn't attempt to practice law as well as being on the board. I mean, they brought legal backgrounds, which, in the main, I think, were helpful.

Occasionally, it got difficult to follow some of the discussions about legal matters between those people and the attorney general, but I was never aware that they were trying to second guess the attorney general, who was our legal counsel. Pesonen and Berry were always careful, I think, to observe and to stress that they were not the board's legal counsel. In many cases, in drafting findings and things of that sort, which have to go along as part of the legal process, they were very helpful because of their legal knowledge.

Now, I mentioned the letter I had written to Attorney General Younger. As I went to the hearing at eight o'clock that morning, I still hadn't received a response to my inquiry. I got to the hearing room, and shortly after I arrived and just before I was going to convene the hearing, a representative of the Attorney General's Office handed me the attorney general's response.

I quickly read it, and fortunately I was enough awake to realize that in some subtle way the attorney general had changed the question. While the thrust of his opinion, as I read it, was that the board didn't have the authority to deny these plans, the question that the attorney general responded to, and which he put into the letter, was a different one from the one I had asked.

That's not an uncommon thing; lawyers will often rephrase questions that are asked of them. But nevertheless, the question, for whatever reason, had been modified slightly. And because of that. I thought that the answer really wasn't responsive to the question I had asked. . . .

The attorney general's letter in effect said the board didn't have the authority to do this, regardless of —

LAGE: To deny —

VAUX: To deny the plan. But he said that in the context of answering a question that I thought was different from the one I'd asked him.

LAGE: Was he also saying that the director didn't have the authority to deny the plan?

VAUX: Yes, sure, because the board hearing was supposed to be on the basis that the director had used to deny the plan.

The next interesting thing to emerge was that the legal justification that the appellant companies then presented to the board as their case for why the board should overrule the director was couched almost entirely in the language of the attorney general's opinion. I have no evidence one way or another, but I just couldn't escape the feeling that perhaps the attorneys for the companies might have seen a draft of the attorney general's letter before I saw it. And there'll be some follow-on to this subsequently.

The other interesting, highly entertaining aspect of the hearing was that the existence of the letter let me back off a moment. The unusual nature of this hearing process is indicated by the fact that the Attorney General's Office provides the attorney for the director, who is one party to the case opposite the companies, and the Attorney General's Office provides the legal counsel to the board that's sitting in the role of the judge. They are two different [assistant] attorney generals, but they come out of the same office and so presumably are guided by the same policy viewpoint.

In addition, in light of the attorney general's letter to me, the [assistant] attorney general presenting Lew Moran's case, as director, was precluded from giving him any legal defense whatsoever. The attorney general's letter already implied what the director had done was illegal.

LAGE: That's very interesting.

VAUX: So what happened was a fascinating thing. Usually in appeal hearings, the director will argue the forestry and substantive-fact aspects of the case, and the procedures that he followed, and the attorney general's deputy will provide the legal justification. Instead of that they turned it around, and the attorney general's representative gave the forestry and administrative aspect of it, and Lew Moran gave the legal defense. [laughter] Which is kind of an interesting way to handle the problem. It's too bad somebody didn't get Lew Moran's reaction to having to be his own lawyer on that occasion.

Those are just some of the backgrounds that some historian might be interested in someday, on that case.

LAGE: Did that letter from the attorney general affect how you went ahead and proceeded?

VAUX: I distributed copies of it to all members of the board, of course. For my own part, I decided to ignore it. Now, it obviously affected how the attorneys for the companies proceeded because they relied heavily on that.

LAGE: Was it then also a matter of public record? Were they referring to the letter to you at all, except for the fact that their arguments were couched in those terms?

VAUX: As soon as the letter was delivered to me, it became a matter of public record, so they had access to it at that point. The only thing that to me seemed a little bit extraordinary was that I still hadn't had time to read and digest the letter myself when they presented their case in terms that alluded to arguments and language used in the attorney general's letter. I couldn't exactly visualize them getting it in there in such depth within the time constraints that had limited me.

The upshot of it all was that it came to a vote, and the vote I think was much less close than most people expected. It was, in fact, on two of the plans a six-to-three vote, and on one of the plans a five–to–four vote to deny the plans. I was the one person who did not vote the same on all three of the plans, and I don't think anybody ever understood why that was. I think they probably thought I was confused, or else was trying to waffle in some strange way, and that wasn't the way I saw it at all.

But as I saw the gist of the case, it goes back to this intent language that we've talked about earlier today, where the board has to give due consideration to recreational values in comparison to timber values. Well, the timber values were clear, and there has been a lot of testimony on that. The recreational values, as I saw it, were potential, and they were potential in two senses.

One, what is the value of a national park in being? That's a very difficult thing to estimate in some sense, to say nothing of an addition to a national park. The other thing was, what was the potential that Congress was going to act to create an addition to the national park? At that time we didn't know that. We had a barrage of telegrams and letters from interested congressmen and senators who were supporting the park addition, but that was no guarantee that a park bill was going to come out.

So I felt what one had to balance, in terms of the Forest Practice Act and its intent language, was the potential recreational value added by the

park addition against the value loss of the timber, both looked at in a broad societal context. The difference in my vote was simply a reflection of a subjective assessment that two of these plans were in the area that Congress was very likely to include in the park, and the other one was considerably more remote and seemed to me was outside any area that Congress was likely to include in an expansion. So, in a specific evaluation comparison, the three plans were not identical. . . .

LAGE: Do you think that the decision that was made reflected a change in the board's point of view, the board's composition? Or a change in what was happening with Congress? Or was it not related to either one?

VAUX: I think it was related to all these things. The argument that "the board ought to do something" was greatly strengthened by the fact that the bills in Congress had progressed to the hearing stage, and had already in the case of one house, I think had a favorable subcommittee report on one or more of the bills. The process was moving ahead politically, and so the probability that the park would be enlarged in some way was much greater than it had been earlier on. . . .

Of course, once the board had denied those plans, and in effect, confirmed Lew Moran's decision to deny them, then the companies immediately took the board to court. The trial of that action was conducted in the superior court in Eureka.

There were two or three interesting sidelights on that. The trial itself, of course, is a matter of record. But all of the Humboldt County Superior Court judges disqualified themselves from hearing the case. So a judge from over in one of the valley counties, I've forgotten which one, Colusa County perhaps, came over and heard the case. We thought initially that he probably was not sympathetic to the legal grounds, but it turned out differently.

There were two other background matters that it may be of interest to mention. For the same reason that the attorney general couldn't carry the director's legal defense in the timber harvest plan appeal, the attorney general had to disqualify himself from defending the board in this legal suit. The governor authorized us to employ private counsel, and to provide the funds necessary to pay that counsel, which were very substantial.

We employed a firm in San Francisco, Lillick, McHose, and Charles which was a firm, as I recall it, primarily noted for its expertise in admiralty law and therefore in administrative law, and this was an administrative law matter. One of the problems that we had in acquiring counsel was that many of the leading San Francisco firms already had ties to the timber industry, and they begged off and properly would have disqualified themselves from representing the board because of their having important timber companies as their clients already.

We dealt with Lillick, McHose, and Charles, and Mr. Pesonen and Mr. Berry were very helpful in working with those attorneys and keeping me properly guided in dealing with the board's relationship with those attorneys. I went up to Eureka to attend the trial proceeding, not that there was anything at all for me to do there, but I thought somebody should go and show the flag and display the board's interest in the proceedings. . . .

As is now a matter of record, the trial went very well, and the judge's opinion sustained the board on all the charges that were raised. The Superior Court's finding came out in mid-summer; I can remember receiving the telegram in Scotland. By the time that came out, then there was a six-month period when appeal from that hearing could be taken. But by that time, the park bill had passed Congress and so any further appeal was moot. So that's where that thing stands legally. It was never really firmly resolved that the board was right, but it does have a Superior Court opinion in support of its position.[3]

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[3] Arcata Redwood Co. v. State Bd. of Forestry, No. 61910 (Cal. Super. Ct., Sept. 8, 1977).