

THE CREATIVE SOCIETY:

Environmental Policymaking in California, 1967–1974

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INTRODUCTION

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

¹ “The Candidates and the Issues,” *San Francisco Examiner*, 4 November 1966, reprinted in Franklyn C. Nofziger, “Press Secretary for Ronald Reagan, 1966,” in *Issues and Innovations in the 1966 Republican Gubernatorial Campaign*, Regional Oral History Office, The Bancroft Library, University of California, Berkeley, 1980, 24.

bureaucrats would work with businessmen, academics, students, professionals, and workers to solve the state's problems. Partisanship would give way to best practices. The state's hidebound bureaucracy would be replaced by innovative and dynamic problem-solving. And, once all of these groups were actively participating in this endeavor, the size, scope, and cost of state government would go into permanent decline.

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

This was an exciting time in environmental policymaking. Environmental groups were energized as they had never been before, and hoped for more governmental action. Business and industrial groups began to recognize that environmental protection and increasing regulations would be part of the cost of doing business in California. Soon after Reagan took office in 1967, the legislature created the State Water Resources Control Board, which introduced quality concerns into the water allocation process for the first time. It also merged the state's stationary and vehicular emissions control programs under the Air Resources Board, which quickly became the most

² See Lou Cannon, *Governor Reagan: His Rise to Power* (New York: PublicAffairs, 2003) and Jackson K. Putnam, "Governor Reagan: Reappraisal," *California History* 83, no. 4 (2006): 24-45, for excellent introductions to Reagan's performance as governor.

powerful environmental regulatory agency in the country. After years of fits and starts, the state and federal government finally established a Redwood National Park. Governor Reagan halted the expansion of the State Water Project by canceling the construction of Dos Rios Dam on the Eel River out of concern for the destruction of the site's natural beauty. The Porter-Cologne Water Quality Act of 1969 called for fines of \$6,000 per day on polluters, the highest such fines in the nation, and forced polluters to pay cleanup costs on an emergency basis instead of waiting for court injunctions.

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

The creative society that was responsible for these actions began to fracture during Reagan's second term, however. Conservatives within the Reagan administration began to recoil from the expansion of state government. The argument that environmental protections threatened jobs also gained traction among some conservatives, including Governor Reagan. Conservative interest groups arose to defend property rights against environmental regulators. Even environmentally friendly legislators became concerned with the intrusiveness of some of the state's regulatory agencies, especially the Air Resources Board. In addition, the state and federal governments waged jurisdictional battles over the enforcement of national pollution standards at the state level. These battles delayed the implementation of those standards and dispirited many Californians. The pace of legislation slowed between 1970 and the end of Reagan's second term in early 1975, but the legislature still acted occasionally with the Wild and Scenic Rivers Act (1972) and the Energy Resources Conservation and Development Commission (1974).

As the legislature and the governor backed off from the activist environmental agenda of earlier years, concerned Californians pressed on, using extra-legislative means. The locus of environmental policymaking moved from the state capitol to the courthouse and the ballot box. Environmental activists took advantage of the state's ballot initiative system and the courts

to create new regulatory agencies and to force the state and federal governments to implement existing regulations. The Coastal Initiative, for example, created a powerful new regional planning commission in 1972. That same year, the California Supreme Court broadened the reach of the Environmental Quality Act to include private and public development and a federal court forced the federal Environmental Protection Agency to play a larger role in enforcing air quality standards in California. By going around the state legislature, environmental activists played an important role in the creation and enforcement of regulations during Reagan's second term.

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

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

³ Mathew Dallek, *The Right Moment: Ronald Reagan's First Victory and the Decisive American Politics* (New York: The Free Press, 2000), x.

governor's influence on American politics during those years.⁴ Reagan captured the imagination of New Right conservatives in California through his support for Arizona Senator Barry Goldwater's presidential run in 1964, and within two years he became "the new conservative standard-bearer," according to Lisa McGirr.⁵ Dallek describes Reagan's victory in the 1966 gubernatorial election as a watershed moment in American politics. "For the first time, the conservatives learned how to push the right buttons on key issues, from race and riots to war and crime," according to Dallek. "Reagan successfully linked the liberal social programs of the '60s with disorder in the streets, and offered an alternative vision of what government should and should not do."⁶ These scholars present Reagan as an inflexible conservative ideologue. This reflects the governor's rhetoric and the image he presented at the time, and this image caused great fear and hand-wringing among environmentalists when he won the 1966 campaign.

That image did not always reflect the reality. Although Reagan is best known for leading an ideological political revolt in California in 1966 and nationwide in 1980, some recent writers have noted his pragmatism and flexibility as governor. Reagan was by no means an environmental activist but, as with many issues he dealt with as governor, he employed a pragmatic approach to solving environmental problems. The governor's "environmentalist stance" was "his most significant departure from his commitment to conservatism," according to historian Jackson Putnam. Reagan's support for stronger pollution control programs and his opposition to dam building made him "a consistent, if moderate, environmentalist."⁷ Lou Cannon, a journalist who followed Reagan's career from Sacramento to Washington, argues that the governor approached many controversial issues, including taxes, abortion, and the environment, with a willingness to compromise that ran counter to his ideological rhetoric.⁸ This dissertation uses Cannon's chapter on Reagan's environmental policies as a starting

⁴ Stephen F. Hayward, *The Age of Reagan, 1964–1980: The Fall of the Old Liberal Order* (Roseville, Calif.: Prima Publishing, 2001).

⁵ Lisa McGirr, *Suburban Warriors: The Origins of the New American Right* (Princeton: Princeton University Press, 2001), 192.

⁶ Dallek, *The Right Moment*, xi.

⁷ Putnam, "Governor Reagan: A Reappraisal," 29.

⁸ Cannon, *Governor Reagan*.

point in understanding how those issues gained legislative success during an otherwise conservative governor's watch.

Studies of Reagan's years in Sacramento now fill volumes instead of chapters, but the Reagan administration's environmental agenda rarely fills more than a few pages. With the exception of Cannon's book and Putnam's article none of the above works discuss the Reagan administration's environmental policies. Historians have failed to give the Reagan administration credit for its environmental policies. Stephanie Pincetl's description is typical: "much of the new major California environmental regulatory infrastructure had just been put into place during the last term of the Reagan Administration, a result of the combined forces of a Democratically-dominated Legislature and public concern ignited by the Santa Barbara oil spill of 1969," but "it remained for [Jerry Brown, Reagan's successor] to implement the new legislation."⁹ Such a statement downplays the support of Governor Reagan and Republican legislators, many of whom were strong advocates for environmental issues in the state legislature. Bipartisanship was a hallmark of environmental legislation during this era. Pincetl's statement also dismisses all of the legislative activity during Reagan's first term, which was much more productive than during his second term. Such statements could be a reaction to President Reagan's environmental policies during the 1980s, which were in many ways antithetical to those of Governor Reagan in the 1960s.

California never built a "single, statewide, super-environmental agency to handle all problems from pollution to conservation, land use planning and environmental quality" during the Reagan years. "Instead," according to one environmental critic, "California attempts to protect its environment through single-purpose agencies, with clearly defined spheres of responsibility for each element in the resources picture."¹⁰ Scholarly studies of environmental policymaking in California suffer from the same problem. Historians and political scientists have looked at many individual state agencies during the Reagan years but have failed to produce a general synthesis of the implementation of environmental legislation. We have seen

⁹ Stephanie S. Pincetl, "The Environmental Policies and Politics of the Brown Administration, 1975-1983," Ph.D. diss., University of California, Los Angeles, 1985, 26-27.

¹⁰ Ed Salzman, ed., *California Environment and Energy: Text and Readings on Contemporary Issues* (Sacramento: California Journal Press, 1980), 7.

studies of the San Francisco Bay Conservation and Development Commission, the Air Resources Board, the California Coastal Commission, and the Tahoe Regional Planning Agency, for example, but these studies rarely mention or provide comparisons to any of the other agencies or policies.¹¹

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

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

Land-use planning was the most difficult problem of all. The state's explosive postwar growth was largely unplanned, and many of its environmental problems stemmed from haphazard and inconsistent decisions

¹¹ See, for example, Rice Odell, *The Saving of San Francisco Bay: A Report on Citizen Action and Regional Planning* (Washington, D.C.: The Conservation Foundation, 1972), James E. Krier and Edmund Ursin, *Pollution and Policy: A Case Essay on California and Federal Experience with Motor Vehicle Air Pollution, 1940–1975* (Berkeley: University of California Press, 1977), Paul A. Sabatier and Daniel A. Mazmanian, *Can Regulation Work? The Implementation of the 1972 California Coastal Initiative* (New York: Plenum Press, 1983), and Douglas H. Strong, *Tahoe: An Environmental History* (Lincoln: University of Nebraska Press, 1984).

regarding the locations of cities and suburbs, freeway construction, and redistribution of water. Although environmentalists and conservationists consistently urged the adoption of a master plan for further population growth and economic development, most legislators and Governor Reagan refused to get involved in centralized planning because it violated their sense of the proper role of government.

This story allows us to consider a number of broader themes in American western, political and environmental history. First, it demonstrates Western leadership on a national issue. Historians have debated the role of the federal government in the American West for over a century. Frederick Jackson Turner captured the nation's imagination in 1893 by arguing that the western frontier experience had imbued the American character with individualism, independence, and a love for democratic government.¹² The western frontier, as it moved from place to place through time, helped create the American nation. Beginning in the 1980s, a new generation of Western historians turned this vision of Western exceptionalism on its head. A popular thesis among these New Western Historians was the federal government's "conquest" and subordination of the West. Patricia Nelson Limerick rejected the myth of Western individualism and independence and argued that "the two key frontier activities — the control of Indians and the distribution of land — were primarily federal responsibilities." The federal government subsidized the construction of highways, harbors, and railroads, and controlled access to the nation's land and other resources.¹³ "The American West," according to Richard White, "is a creation not so much of individual or local efforts, but of federal efforts." As White describes it, "the armies of the federal government conquered the region, agents of the federal government explored it, federal officials administered it, and federal bureaucrats supervised (or at least tried to supervise) the division and development of its resources."¹⁴ Gerald Nash argued that "it was the federal government that

¹² Frederick Jackson Turner, "The Significance of the Frontier in American History," *Annual Report of the American Historical Association for the Year 1893* (Washington, D.C., 1894), reprinted in John Mack Faragher, ed., *Rereading Frederick Jackson Turner* (New Haven: Yale, 1984), 31–60.

¹³ Patricia Nelson Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (New York: W. W. Norton, 1987), 82.

¹⁴ Richard White, *"It's Your Misfortune and None of My Own": A History of the American West* (Norman: University of Oklahoma Press, 1991), 57, 58.

determined the pattern of farms in the humid regions, built the major roads and highways, and fostered the growth of the principle cities in the West.”¹⁵ Under this new conception, the American state created the West.

The problem with this thesis is that it presents federalism as a one-way street. Westerners and their states lose all agency in the federal-state relationship. And, as Karen Merrill points out, this creates a new myth of western exceptionalism, where the region differs from others not because of its rugged independence but because of its utter dependence on the federal government. It also removes the West from the story of American politics because it locates political power in Washington and presents a simple story of subjugation instead of interaction in the West.¹⁶ As Robert Johnson put it, “the New Western Historians have contributed substantially to the field’s evasion of the messy realm of the political.”¹⁷ The challenge that Merrill and Johnson present to Western historians is to engage the broader American political historiography and demonstrate that the West has a political history and that it affected Washington and the rest of the nation.

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

¹⁵ Gerald D. Nash, *The Federal Landscape: An Economic History of the Twentieth-Century West* (Tucson: University of Arizona Press, 1999), x.

¹⁶ Karen R. Merrill, “In Search of the ‘Federal Presence’ in the American West,” *The Western Historical Quarterly* 30, no. 4 (Winter 1999): 451.

¹⁷ Robert D. Johnston, “Beyond ‘The West’: Regionalism, Liberalism and the Evasion of Politics in the New Western History,” *Rethinking History* 2, no. 2 (1998): 240.

The story of environmental policymaking in California during the Reagan years also allows us to analyze the relationship between conservatism and environmentalism, two of the most powerful political movements of the late twentieth century. Most of the scholarly work on this relationship focuses on the divide between the two movements, perhaps because this fits neatly into the present-day partisan framework. There was a time, however, when conservatives in California supported the expansion of government's regulatory powers in environmental matters. Much of this can be traced back to the influence of Progressive Era conservation programs and their Republican sponsors, such as President Theodore Roosevelt and Governor Hiram Johnson. Some early conservative thinkers, including Richard Weaver and Russell Kirk, believed that environmental preservation should occupy a central position within the philosophy of conservatism. As John R. E. Bliese points out, the traditionalist conservatism espoused by Weaver and Kirk rejected materialism, consumerism, and modern industrialism's war on nature. As Bliese puts it, "piety toward nature is, thus, a fundamental attitude of traditionalist conservatism."¹⁸ Other conservatives saw environmental regulation as a states' rights issue and saw local and state pollution control efforts as manifestations of the will of the people. These conservatives supported these efforts as long as they responded to the needs of the people and remained independent of outside (i.e. federal) control.¹⁹ Through the late 1960s, there was very little partisan or ideological tension over environmental issues.

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

¹⁸ John R. E. Bliese, "Richard M. Weaver, Russell Kirk, and the Environment," *Modern Age* 38, no. 2 (Winter 1996), 148–58.

¹⁹ Marc Allen Eisner, "Environmental Policy from the New Deal to the Great Society: The Lagged Emergence of an Ideological Dividing Line," in Brian J. Glenn and Steven M. Teles, eds., *Conservatism and American Political Development* (New York: Oxford University Press, 2009), 31.

“Conservatives, already alert to perceived socialist tendencies of modern liberalism, found a deeply disturbing confirmation of their fears in environmentalists’ vision, rooted in collectivist arguments about the need to subordinate property rights and individual freedom to societal needs and ecological laws.”²⁰ Conservatives who had argued against the expansion of the administrative state since the New Deal joined with business and industrial groups who saw themselves as victims of arbitrary regulations to oppose new laws and possibly roll back existing ones. Conservative opposition to environmental causes also grew out of a general backlash against the liberalism on display in President Lyndon Johnson’s Great Society programs.²¹

At the national level, the withdrawal of conservative support for environmental issues began under the Nixon presidency. In 1969 the administration had supported the National Environmental Policy Act, and Nixon created the Environmental Protection Agency and supported the Clean Air Act Amendments the following year. But the president believed the environmental crisis was over by 1973. Environmentalism had been “largely a temporary phenomenon” for Nixon, according to J. Brooks Flippen. “His early efforts had paid little political dividends, destroyed his budget, alienated conservative allies, and hampered economic recovery.” Nixon felt justified in turning his back on environmental causes because the economic crises of the 1970s — unemployment, inflation, and energy shortages — took priority among many Americans.²²

Governor Ronald Reagan’s administration followed a similar, though not identical, trajectory in California. During his first term, Reagan supported the establishment of Redwood National Park, the expansion of the air and water pollution control programs, and the creation of regional planning agencies for the San Francisco Bay and Lake Tahoe. During his second term, he opposed the creation of the California Coastal Commission and fired members of the Air Resources Board for overreaching in

²⁰ Richard Harris, “Environmental Policy from the Great Society to 1980: A Coalition Comes Unglued,” in Brian J. Glenn and Steven M. Teles, eds., *Conservatism and American Political Development* (New York: Oxford University Press, 2009), 122–23.

²¹ J. Brooks Flippen, *Conservative Conservationist: Russell E. Train and the Emergence of American Environmentalism* (Baton Rouge: Louisiana State University Press, 2006), 8.

²² J. Brooks Flippen, *Nixon and the Environment* (Albuquerque: University of New Mexico Press, 2000), 189–91, 221–22. Quote on 221.

their fight against smog. But unlike Nixon, who saw environmentalism solely as a political opportunity, Reagan never completely turned his back on environmental issues. External factors such as high unemployment and the energy crisis in the 1970s made Reagan and other conservatives more wary of environmental regulations, but they never tried to undo earlier achievements.

This political history of the environment also allows us to look at the power of interest groups in California, especially their power to bring environmental problems to the attention of legislators and their power to mobilize public opinion. Pro-environmental interest groups have received plenty of scholarly attention, but anti-environmental interest groups also play a role in this story, especially during Reagan's second term. According to Samuel P. Hays, "one of the most curious features of contemporary environmental analysis is the limited focus on the environmental opposition."²³ A few books have appeared in recent years on the Wise Use movement and the Sagebrush Movement in the late 1970s and early 1980s, but there has been little discussion of anti-environmental groups in the 1960s and early 1970s.²⁴ This project will not completely fill that historiographical void but it will provide a context for the creation of the Pacific Legal Foundation. This law firm was established in Sacramento in 1973 to defend "the free enterprise system, traditional private property rights, and a balanced approach to weighing economic, social, and environmental concerns," according to one of its founders.²⁵ This foundation provided the inspiration for the Mountain States Legal Defense Fund, which formed the backbone

²³ Samuel P. Hays, *A History of Environmental Politics Since 1945* (Pittsburgh: University of Pittsburgh Press, 2000), 109.

²⁴ For works on Wise Use and the Sagebrush Rebellion, see Jacqueline Vaughn Switzer, *Green Backlash: The History and Politics of Environmental Opposition in the U.S.* (Boulder, Colo.: Lynne Rienner Publishers, 1997); William L. Graf, *Wilderness Preservation and the Sagebrush Rebellions* (Savage, Md.: Rowman & Littlefield Publishers, 1990); and R. McGreggor Cawley, *Federal Land, Western Anger: The Sagebrush Rebellion and Environmental Politics* (Lawrence: University Press of Kansas, 1993).

²⁵ Ronald A. Zumbrun, "Life, Liberty, and Property Rights," in Lee Edwards, ed., *Bringing Justice to the People: The Story of the Freedom-Based Public Interest Law Movement* (Washington, D.C.: Heritage Books, 2004), 42. Italics in original. For a discussion of the Pacific Legal Foundation's relationship with President Reagan's administration, see Jefferson Decker, "Lawyers for Reagan: The Conservative Litigation Movement and American Government, 1971–87," Ph.D. diss., Columbia University, 2009.

of the Sagebrush Rebellion in other Western states.²⁶ Not all opposition to environmental causes came from explicitly anti-environmental organizations. The Automobile Club of Southern California, for example, opposed an attempt to divert gas tax revenues away from highway construction and toward air pollution research and mass transit.²⁷ Anti-environmental organizations and their fellow travelers did not wield much influence over environmental legislation during the Reagan years, but they became much more influential as the 1970s wore on.

This dissertation follows a chronological format. Chapters 2 and 3 summarize the relationship between Californians and the state's natural resources between statehood and the 1960s. California has always been the land of "exceptional opportunities," according to journalist Carey McWilliams, and these chapters describe how Californians have used the state's natural resources to take advantage of those opportunities.²⁸ Americans first flooded into California during the Gold Rush, but the railroads and other boosters tried to keep them coming throughout the late nineteenth and early twentieth centuries by emphasizing the state's natural beauty. The Progressive Era left two important legacies in California that are relevant to the history of environmentalism. First, the debate over conservation and environmental preservation, as most vividly demonstrated in the Hetch Hetchy dam controversy between 1903 and 1913, drew generations of political leaders into discussions of the state's natural resources. By the 1960s, even the most conservative politicians championed at least some resource conservation. This formed a basis of the bipartisanship that characterized environmental issues through the Reagan era. Second, Progressives such as Governor Hiram Johnson brought the initiative system to California, which allowed citizens to circumvent the legislature. Environmentalists began to use the initiative system in the 1970s to create new programs and regulations. After World War II, the state underwent unprecedented population growth and economic development, much of which was fueled by

²⁶ Graf, *Wilderness Preservation and the Sagebrush Rebellions*, 243; Switzer, *Green Backlash*, 164.

²⁷ "Two Suits Demand Auto Club Cease Fighting Prop. 18," *Los Angeles Times*, 15 October 1970, C1.

²⁸ Carey McWilliams, *California: The Great Exception* (Santa Barbara: Peregrine Smith, reprint 1976), 63.

state- and federal-funded infrastructure projects. Conservation, the most efficient use of natural resources, was the guiding philosophy in the relationship between mankind and the environment in California during the first half of the twentieth century. Thus, two massive water projects redistributed water from the wet North, where few people lived, to the dry South, where many people lived. The state also underwent a massive highway construction program to facilitate the movement of people and goods. Little regard was made to environmental sustainability with these projects, which contributed to polluted lakes and waterways, infilling in San Francisco Bay, and smog in Los Angeles and other cities.

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

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

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

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

California won its reputation as the national leader on environmental issues because of these reforms.

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

The Year of the Environment ended on Election Day in November 1970. Governor Reagan's interest in environmental issues declined after his reelection, and many legislators followed suit. Chapter 7 traces the decline of legislative activity on environmental issues during Reagan's second term. California's politicians began to lose interest in environmental issues as the state's regulatory agencies got bogged down in jurisdictional fights and other controversies. As the pace of legislative activity declined, environmental organizations stepped in to enact new policies through lawsuits and ballot initiatives. The California Supreme Court's Friends of Mammoth decision required private development projects to prepare environmental impact reports in addition to public projects. A federal court forced the Environmental Protection Agency to step in when California

failed to meet the Clean Air Act's implementation plan requirements. Two important initiatives appeared in 1972 with mixed results. Proposition 9, the Clean Environment Act, failed, but Proposition 20, the Coastal Initiative, passed and created a new commission that regulated all development within 1,000 yards of the state shoreline. The economic cost and intrusiveness of these measures, and concerns over the energy crisis and unemployment, sparked a backlash among many conservatives. Public interest law firms such as the Pacific Legal Foundation began to challenge environmental regulations. This was the beginning of the end for bipartisan support for environmental issues in California.

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

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

EPILOGUE

FROM GOVERNOR REAGAN TO PRESIDENT REAGAN

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

¹ “How the New Energy Act Should Work,” *California Journal* 5 (July 1974): 239.

Every discussion of Ronald Reagan's environmental record as governor seems to end with the same question: what happened? How did Governor Reagan evolve into President Reagan, whose administration launched what Samuel Hays called an "anti-environmental revolution?"² Such questions are beyond the scope of this project, and definitive answers to those questions would fill a separate volume, but the evidence suggests a number of hypotheses.

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

Second, Reagan joined the chorus of critics who believed that environmentalists often went too far. As governor, Reagan respected moderate Californians who feared for the loss of the state's natural treasures, but he placed environmentalists who called for population control or discarding traditional conceptions of property rights in the same category as radical

² Samuel P. Hays, *Beauty, Health, and Permanence: Environmental Politics in the United States, 1955–1985* (Cambridge: Cambridge University Press, 1987), 491.

³ Samuel P. Hays, *A History of Environmental Politics since 1945* (Pittsburgh: University of Pittsburgh Press, 2000), 118–19; Russell E. Train, *Politics, Pollution, and Pandas: An Environmental Memoir* (Washington: Island Press, 2003), 260–66; J. Brooks Flippen, *Conservative Conservationist: Russell E. Train and the Emergence of American Environmentalism* (Baton Rouge: Louisiana State University Press, 2006), 216.

student protestors and juvenile delinquents. After leaving office, he chastised environmentalists for putting the welfare of trees or animals above the welfare of humans. In one telling example, Reagan ridiculed efforts to save the Tan Riffleshell, a mussel that had once been common in rivers in Alabama, Kentucky, Tennessee, and others but became threatened with extinction because of construction along those rivers. Saving the endangered animal would require limits on development, and Reagan saw an environmental conspiracy. The Tan Riffleshell was “the latest in a string of exotic pets favored by ultra-environmentalists intent on halting construction projects they don’t like,” according to Reagan.⁴

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

Fourth, Reagan’s opinions on environmental issues depended on the people around him. After he left the governor’s office, Reagan had little contact with environmentally minded subordinates like Ike Livermore or William Penn Mott, but he had frequent contact with western entrepreneurs like Colorado brewer Joseph Coors, who complained about the costs to their businesses of environmental regulations. When Reagan won the presidency, he again left personnel matters to his campaign managers and supporters. Those advisers recruited people like James Watt of the Mountain States Legal Foundation for Secretary of the Interior, conservative Colorado legislator (and frequent Watt ally) Anne Gorsuch as EPA Administrator, Colorado rancher Robert Burford as director of the Bureau of Land Management, and Exxon Corporation attorney Robert Perry as EPA general counsel. Potential members of President Reagan’s environmental policy team were “carefully selected and screened for their ideological

⁴ Ronald Reagan, “The Tan Riffle Shell Case,” *Sacramento Bee*, 8 October 1977, discussed in Jefferson Decker, “Lawyers for Reagan: The Conservative Litigation Movement and American Government, 1971-87,” Ph.D. diss., Columbia University, 2009, 74.

purity and were briefed by the White House, rather than agency professional staff, to ensure that the presidential agenda would be faithfully executed,” according to political scientists Michael Kraft and Norman Vig.⁵ With advisers like these, Reagan was rarely presented with opinions or policy options that were favorable to the environmental movement.

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

⁵ Lou Cannon, *President Reagan: The Role of a Lifetime* (New York: PublicAffairs, 1991, 2000), 468; Hays, *Beauty, Health, and Permanence*, 494; Mark K. Landy, Marc J. Roberts, and Stephen R. Thomas, *The Environmental Protection Agency: Asking the Wrong Questions From Nixon to Clinton* (New York: Oxford University Press, 1994), 245–78; Michael E. Kraft and Norman J. Vig, “Environmental Policy in the Reagan Presidency,” *Political Science Quarterly* 99:3 (Autumn 1984): 427.

⁶ Reagan biographer Lou Cannon recalled that “once, on a flight over Colorado in 1979, Reagan turned to me and, with a gesture toward the expanse of mountain wilderness below, remarked that the unspoiled land still available in the United States was much more abundant than the environmental movement realized. He seemed not to

Reagan's advisers knew that the environment was not a pressing concern for Reagan. Resources Secretary Livermore, who was concerned with pollution and the loss of natural beauty or resources, personalized environmental issues for Governor Reagan. He brought Reagan to Tahoe so he could experience the lake's majesty, and he brought representatives of the Yuki tribe to Sacramento to show the governor how the Dos Rios Dam would negatively affect peoples' lives. Interior Secretary Watt, EPA Administrator Gorsuch, and other conservative environmental policymakers, who were concerned with reducing the size and the reach of government, did not follow suit. President Reagan then turned to other matters that concerned him more than did the environment.

CALIFORNIA AFTER REAGAN

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

notice that the plane in which we were flying had taken off through a layer of smog in Los Angeles and was landing through another layer of air pollution in Denver." See Cannon, *President Reagan*, 465-71.

Reagan left office, Californians have repeatedly demonstrated a commitment to protecting their state's environment and natural resources.⁷

There were exceptions. As Americans celebrated the twentieth anniversary of Earth Day, environmentalists collected enough signatures to place Proposition 128, the Environmental Protection Act of 1990, on the November ballot. "Big Green," as the proposition was called in the press, was the most ambitious environmental legislation ever proposed in California. Its story echoed that of 1972's Proposition 9, which had previously held the title of most ambitious environmental legislation. Like its predecessor, Big Green was the result of environmentalists' frustration with the slow pace of the state legislature. Also like Proposition 9, Big Green attempted to attack all forms of environmental degradation with one massive, complicated law. Proposition 128 would have banned all pesticides known to cause cancer in laboratory animals, established a \$300 million bond to buy ancient stands of redwoods to prohibit logging, banned clear cutting, required a 40 percent reduction in greenhouse gas emissions by 2010, barred the manufacture or sale of ozone destroying chemicals such as those used in air conditioners, required builders to plant one tree for every 500 square feet of any commercial or residential project, banned oil and gas drilling in state waters, required the state to develop an oil spill response plan, required stronger treatment of sewage, and strengthened the coastal commissions' power to stop any project that threatened any coastline, bay, or estuary.⁸

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

⁷ Owen H. Seiver, "California Environmental Goals and Policy, Part II: Inventory of Major California Environmental Legislation and Accomplishments since 1970," presentation to the Center for California Studies' Faculty Fellows Program, California State University Sacramento, May 1995, available at CSUS University Library.

⁸ Larry B. Stammer and Richard C. Paddock, "Big Fight Brews over 'Big Green' Initiative's Scope," *Los Angeles Times*, 25 March 1990.

would rise by up to 50 percent.⁹ Supporters of Big Green, like their earlier counterparts, blamed the defeat on big business's deep pockets and a failure to formulate a clear, simple message.

One lasting result of the Proposition 128 debate was the creation of the California Environmental Protection Agency (Cal/EPA). Newly elected Governor Pete Wilson, a Republican who had served on the Assembly committee that proposed the Environmental Bill of Rights and the California Environmental Quality Act in 1970, followed through on his campaign promise to establish the environmental superagency that environmentalists had demanded for decades. He stripped the Air Resources and Water Resources Control Boards from the Resources Agency and combined them with the new Departments of Pesticide Regulation and Toxic Substances Control to form the Cal/EPA.¹⁰ With the creation of this new agency, the state's environmental bureaucracy had two voices in the governor's cabinet: secretary for environmental protection and secretary for natural resources.

In doing so, Wilson and his successors institutionalized the long running split between conservationists and environmentalists. The Resources Agency's mission, "to restore, protect and manage the state's natural, historical and cultural resources for current and future generations using creative approaches and solutions based on science, collaboration and respect for all the communities and interests involved," would have made perfect sense to Progressive Era conservationists. The mission of the Cal/EPA, "to restore, protect, and enhance the environment, to ensure public health, environmental quality and economic vitality," was more in line with the goals of the environmental movement of the 1960s and beyond.¹¹

⁹ Stammer and Paddock, "Big Fight Brews over 'Big Green' Initiative's Scope"; Marla Cone, "Prop. 128 Might Double Most Sewer Bills in O.C.," *Los Angeles Times*, 31 October 1990; Rudy Abramson, "Growers Fear Pesticide Controls in 'Big Green,'" *Los Angeles Times*, 11 July 1990.

¹⁰ California Environmental Protection Agency, "The History of the California Environmental Protection Agency: The Long Winding Road to Cal/EPA," available online at <https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/About-History01-Report.pdf>, accessed 1 May 2021.

¹¹ California Natural Resources Agency, "Mission Statement," available online at <https://resources.ca.gov/About-Us/Our-Agency-History>; California Environmental Protection Agency, "Cal/EPA Mission," available online at <http://www.calepa.ca.gov/about>, both accessed 1 May 2021.

The differences are subtle (“manage” vs. “enhance”), but a study of the relationship between the two agencies would likely show that the debate over environmental preservation and conservation is alive and well.

As happened at the national level, bipartisan support for environmental issues in the state legislature decreased over time. Since 1973, the California League of Conservation Voters (CLCV) has tracked the votes of individual legislators and published annual scorecards that help to demonstrate the growing partisan divide. According to those scorecards, Democratic state senators’ support of CLCV-backed bills increased from 77 percent in 1975 to 91 percent in 2010. Democratic assemblymen followed a similar pattern, rising from 76 percent to 94 percent. During that same period, Republican state senators’ support dropped from 48 percent to 6 percent, and Republican Assemblymen’s support dropped from 36 percent to 7 percent. In the 2010 session, the lowest score for a Democratic legislator was 30 percent (and only one other Democrat scored below 50 percent), and the highest for a Republican was 21 percent.¹²

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

In earlier decades, such a dramatic ideological and partisan divide could have changed the trajectory of the state’s environmental laws, but it has played almost no role in the success of such legislation in recent years. The state senate and the assembly are so dominated by high scoring Democrats that a unified Republican opposition stands little chance

¹² These statistics are from the California League of Conservation Voters, “California Environmental Scorecard” for 1975, 1980, 1985, 1990, 1995, 2001, 2005, and 2010, all available online at <https://www.clcvfund.org/page/scorecard-archive>, accessed 1 May 2021.

of blocking what they see as burdensome or intrusive regulations. AB32, the Global Warming Solutions Act of 2006, provides one example. Democrats easily pushed this act, the first in the nation to address climate change and greenhouse gas emissions, through both houses despite nearly unanimous opposition from Republicans. Ever since Governor Arnold Schwarzenegger (another Republican actor-turned-governor who built a surprisingly strong environmental record) signed the bill, Republicans have tried without success to repeal AB32 through legislation and ballot initiatives. The most recent attempt to overturn AB32, Proposition 23, lost by a two-to-one margin in 2010, and a majority of Californians continued to support AB32 ten years after its passage.¹³ In opposing environmental regulations, today's California Republican party seems to be out of step with the voting public.

CALIFORNIA, THE NATION, AND BEYOND

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

¹³ Mark Baldassare, "AB32," Public Policy Institute of California, 2015, <https://www.pplic.org/blog/tag/ab-32>, accessed 1 May 2021.

handful of state agencies across the country that required questions about water quality to enter into decisions about water allocation.¹⁴

California's lead was most apparent in the fight against air pollution. Reagan's successor, Jerry Brown, revitalized the Air Resources Board (which had been gutted during the nitrogen oxide controversy discussed in the previous chapter), and it has remained a powerful force in California ever since. During the year after Reagan left office, the ARB forced Chrysler to recall 21,000 cars and 700 trucks because they failed emissions tests, levied \$328,000 in fines for selling cars that violated air quality standards, and forced the company to repair 70 percent of its cars manufactured in California. The Board forced Chrysler to recall another 23,000 vehicles, Mitsubishi to recall 12,000 vehicles, and Peugeot to recall 5,000 vehicles for failing to meet the state's nitrogen oxide, hydrocarbon, and carbon monoxide standards in 1988. Ten years after that, the ARB forced Toyota to recall 330,000 vehicles for faulty computer emissions control systems.¹⁵

Automakers continued to grumble about the unfairness of having different standards in California than in the rest of the country, and sympathetic columnists have called the state's ever-stricter standards a "shakedown," but they have failed to convince Congress to revoke California's exemption from the Clean Air Act. Congress went in the opposite direction in 1990 when it amended the Act to allow other states to adopt California's emissions standards. Massachusetts, New York, Texas, Virginia, and a dozen other states adopted California's emissions standards, making almost half of the nation's automobile market subject to policies set in Sacramento rather than Washington, D.C.¹⁶

In the first decade of the twenty-first century, California was the first to tackle global warming, a much more controversial issue than smog or polluted water. In the late 1990s and early 2000s, scientists warned that the accumulation of greenhouse gases such as carbon dioxide and methane in the

¹⁴ Hays, *Beauty, Health, and Permanence*, 44, 451, 454, 455, 402. Quote on 44.

¹⁵ Ed Salzman, "A Two-Year Appraisal of Brown as Governor," *California Journal* 7 (November 1976): 366; Carla Lazzareschi, "The Pressure Tactics of Smog Boss Tom Quinn," *California Journal* 8 (July 1977): 225; "California Air-Rule Recall Involves 40,000 Autos," *Automotive News*, 16 May 1988, 26; "California Orders Large Recall for Toyota," *The New York Times*, 3 September 1998, A29.

¹⁶ Matthew L. Wald, "California's Pied Piper of Clean Air," *The New York Times*, 13 September 1992, F1, F6.

atmosphere would cause a rise in temperatures around the world that could melt glaciers, cause flooding, and change vegetation patterns. Alarmed by studies conducted by the National Academy of Sciences and the United Nations' International Panel on Climate Change that predicted global temperatures could rise as much as ten degrees Fahrenheit over the next century, California legislators expanded the ARB's mandate to include the regulation of greenhouse gases in 2002. Two years later the Board announced new greenhouse gas emissions standards for cars, trucks, and sport utility vehicles for model year 2009, with the goal of a 22 percent reduction by 2012 and a 30 percent reduction by 2016.¹⁷ Sixteen other states quickly announced their intention to adopt California's greenhouse gas emissions standards.¹⁸

California's anti-pollution programs began to cross national boundaries in 2001. Various state agencies cooperated with local, state, and federal governments in Mexico to establish that country's first smog check program, monitor industrial wastewater in three border cities, and research methods for sustainable development along the Sea of Cortez.¹⁹ A year later, the federal EPA and its Mexican counterpart announced a more expansive version of this arrangement, called Border 2012. This program involved ten U.S. and Mexican border states and numerous American and Mexican federal agencies. The goals of Border 2012 include improving environmental health and reducing water contamination, land contamination, and air pollution.²⁰

¹⁷ California Environmental Protection Agency, "AB 1493 (Pavley) Briefing Package: Global Warming and Greenhouse Gas Emissions from Motor Vehicles," undated [probably 2002], formerly available online at http://www.climatechange.ca.gov/publications/legislation/AB1493_PRESENTATION.PDF, accessed 17 December 2009; California Environmental Protection Agency, Air Resources Board, "ARB Approves Greenhouse Gas Rule," 24 September 2004, available online at <http://www.arb.ca.gov/newsrel/nr092404.htm>, accessed 1 May 2021.

¹⁸ Andrew Clubok, quoted in Chris Bowman, "EPA Panel Gets an Earful," *Sacramento Bee*, 31 May 2007, A3; David Whitney, "Lawsuit Against EPA is Vowed," *Sacramento Bee*, 14 June 2007, A3; John J. Broder and Felicity Barringer, "E.P.A. Says 17 States Can't Set Emission Rules," *New York Times*, 20 December 2007; Environmental Protection Agency, "EPA Grants California GHG Waiver," 30 June 2009, available online at https://archive.epa.gov/epapages/newsroom_archive/newsreleases/5e448236de5fb369852575e500568e1b.html, accessed 1 May 2021.

¹⁹ California Environmental Protection Agency, "The History of the California Environmental Protection Agency."

²⁰ See United States Environmental Protection Agency, "U.S.-Mexico Border 2012," available online at https://archive.epa.gov/ehwg/web/html/basic_info.html, accessed 1 May 2021.

The San Francisco Bay Conservation and Development Commission has positioned itself as an international leader on climate change. The commission is no longer worried about the Bay shrinking to the size of a river because of infilling and development. In recent years it has focused more on the dangers of rising sea levels as a result of global warming. The danger now, according to the BCDC, is that the Bay may expand and flood low lying areas. In 2009 the BCDC partnered with similar agencies in The Netherlands to share solutions and ideas and sponsored an international competition to find more effective strategies for dealing with rising sea levels. The commission hopes that many of these ideas will help other low-lying coastal communities around the world.²¹

California did not lead the nation in legislation only. Many non-governmental organizations with interests in environmental issues got their start in California, which inspired similar groups across the country during the 1970s and beyond. California Tomorrow was one of the most influential planning organizations in the country, possibly because it followed a moderate approach to the environment. Its members never completely condemned development; instead they wanted to subject it to careful planning and make it sustainable within the context of a fragile and disappearing natural environment. California Tomorrow's goals were to limit the expansion of urban areas; protect lands of ecological, scenic, or historical importance; and conserve agricultural land. These were not radical goals, though the organization proposed some radical methods of achieving those goals.²²

This approach inspired other organizations across the country, which embraced a broad range of perspectives. State, regional, county, and city governments, chambers of commerce, and activist groups have founded organizations modeled on some aspects of California Tomorrow, including its name. The Colorado Tomorrow Alliance supported an extensive list of "smart growth" principles, including: mix land uses; compact community design; create a range of housing opportunities and choices; create walkable neighborhoods; foster distinctive, attractive communities with a

²¹ San Francisco Bay Conservation and Development Commission, "2009 Annual Report," 9 February 2010, 2–3.

²² For a full explanation of California Tomorrow's goals and their proposals, see Alfred Heller, ed., "The California Tomorrow Plan: Revised Edition," *Cry California* 7, no. 3 (Summer 1972): 5–111.

strong sense of place; preserve open space, farmland, natural beauty, and environmental areas; conserve water; strengthen and direct development towards existing communities; provide a variety of transportation choices; and make development decisions practicable, fair and cost effective.²³

Maui Tomorrow's purpose "is to advance the protection of the island of Maui's precious natural areas and prime open space for recreational use and aesthetic value [and] to promote the concept of ecologically sound development." Charlottesville (Virginia) Tomorrow's mission is "to inform and engage the public by providing clear, non-partisan information and research on land use, transportation, and community design issues with the confidence an informed public will make decisions that will protect and build upon the distinctive character of the Charlottesville–Albemarle area." Bluegrass Tomorrow "envisions the Central Kentucky (Bluegrass) Region as a place where our best agricultural land remains secure and productive, and development occurs deliberately, responsibly, and with environmental sensitivity." Sarasota (Florida) Tomorrow, a creation of the local Chamber of Commerce, wants to "revitalize Greater Sarasota's economy, protect the environment and enhance the quality of life for all residents" through support for green businesses. Similar organizations can be found in Tyson's Corner, Virginia; Houston, Texas; Hendersonville, Tennessee; and Manhattan, Kansas.²⁴ Some of these prioritize environmental preservation, while others focus more on promoting business, but almost all of these mission statements could have come from California Tomorrow's literature.

²³ See "Smart projects in Colorado," *The Denver Post*, 19 March 2008, available online at <https://www.denverpost.com/2008/03/19/smart-projects-in-colorado>, accessed 1 May 2021.

²⁴ See, for example, Maui Tomorrow (<http://maui-tomorrow.org/donate>), Charlottesville Tomorrow (<https://www.cvilletomorrow.org/articles/charlottesville-tomorrow>), Bluegrass Tomorrow (<http://www.bluegrasstomorrow.org/about>), Sarasota Tomorrow (<https://www.sarasotamagazine.com/news-and-profiles/2008/09/sarasota-tomorrow>), Tyson's Tomorrow (<https://www.facebook.com/Tyson-Tomorrow-34358535609>), Houston Tomorrow (<http://www.houstontomorrow.org>), Hendersonville Tomorrow (<https://www.hvilletn.org/home/showpublisheddocument/1593/636492137931600000>), and Downtown Tomorrow (<https://cityofmhk.com/DocumentCenter/View/919/Downtown-Tomorrow-Plan?bidId=>), all accessed 1 May 2021.

Organizations opposed to environmental regulations also owe a debt to the Reagan era. As noted in Chapter 7, the Pacific Legal Foundation, which had been established by officials in Reagan's gubernatorial administration, sparked the creation of other "freedom-based" public interest law firms across the country. The most notable offshoot of the PLF was the Mountain States Legal Foundation, established in Colorado in 1977. Bankrolled by wealthy brewer (and Reagan supporter) Joseph Coors, the MSLF's mission was "to fight in the courts those bureaucrats and no-growth advocates who create a challenge to individual liberty and economic freedoms," in the words of founding president James Watt. The MSLF and Watt took on cases involving the right to develop private property as the landowner saw fit and the right for all Americans to use federal lands and resources that environmentalists wanted to "lock up." Coors, Watt, and the MSLF were among the leaders of the so-called Sagebrush Rebellion that engulfed western states during the late 1970s and early 1980s.²⁵

Watt's advocacy for private property rights and free enterprise earned him his position as Secretary of the Interior in President Reagan's administration. Watt believed that his job at Interior was to open up federal resources for development as quickly as possible. "We will mine more, drill more, cut more timber to use our resources rather than simply keep them locked up," he promised.²⁶ Watt was not the only MSLF attorney to join Reagan's team in Washington. Reagan and his advisers appointed some of Watt's former colleagues to the Department of Energy, Department of Justice, and the Equal Employment Opportunity Commission, where they continued to carry on the fight against environmentalists and other liberal groups.²⁷

The environmental opposition won a short-term victory with the inclusion of people like Watt and Gorsuch in President Reagan's administration. The federal government issued few new regulations during Reagan's

²⁵ For more on the Mountain States Legal Foundation and the Sagebrush Rebellion, see Jacqueline Vaughn Switzer, *Green Backlash: The History and Politics of Environmental Opposition in the U.S.* (Boulder: Lynne Rienner Publishers, 1997), 164–65; and William L. Graf, *Wilderness Preservation and the Sagebrush Rebellions* (Savage, Md.: Rowman & Littlefield Publishers, 1990), 242–43. Watt quote from Lou Cannon, *Reagan* (New York: G. P. Putnam's Sons, 1982), 358.

²⁶ Watt quote from Cannon, *Reagan*, 359.

²⁷ Jefferson Decker, "Lawyers for Reagan: The Conservative Litigation Movement and American Government, 1971–87," Ph.D. diss., Columbia University, 2009, 5.

first three years in Washington. The EPA lost 20 percent of its staff through cuts and resignations. Provisions of the federal budget that dealt with natural resources and environmental protection were cut in half. But environmental opponents failed to convert these short-term gains into long-term policy and regulatory changes. Watt, Gorsuch, Burford, and others were high profile members of the administration, but they were relatively few in number and they failed to build political coalitions within their agencies, among members of Congress, or within the voting public. Conservative goals, such as transferring federal land to the states, privatizing some services in the National Parks, and granting generous mining and drilling leases on federal land, angered many Americans. Membership, donations, and the capabilities of environmental organizations grew dramatically during Reagan's first term. Groups like the Sierra Club, National Resources Defense Council, Environmental Defense Fund, National Audubon Society, and Wilderness Society entered electoral politics as they never had before to support candidates who would oppose the Reagan agenda. These organizations, their congressional allies, agency bureaucrats, and the public successfully pressured the administration to replace Watt and Gorsuch in 1983. The Reagan administration did not suddenly embrace the environmental movement after the departure of Watt and Gorsuch, but it scaled back its opposition to new legislation and its calls for privatization.²⁸

Californians have not solved all of their environmental problems. They still generate 93 million tons of waste every year. As of 2011, their state is home to 11 of the 25 American cities most polluted by air particulates and 12 of the 25 cities most polluted by ozone. Suburbs continue to expand onto former agricultural land. The state has lost 95 percent of its wetlands and 89 percent of its riparian woodlands. It is also home to more endangered and threatened species than any other state.²⁹ The Golden State still provides plenty of environmental opportunities and challenges.

But California's environmentalists, and the various state agencies, boards, and commissions that enforce environmental regulations, can also

²⁸ Kraft and Vig, "Environmental Policy Under Reagan," 437–39; Hays, *Beauty, Health, and Permanence*, 513–20.

²⁹ David Carle, *Introduction to Earth, Soil, and Land in California* (Berkeley: University of California Press, 2010), 179; American Lung Association, "State of the Air 2010," 11, 13; David Carle, *Introduction to Water in California* (Berkeley: University of California Press, 2004), 135.

point to numerous success stories. Californians have recycled between 70% and 80% of their beverage containers every year since 1990, reducing the amount of solid waste in landfills. The surface area of the San Francisco Bay has increased by nearly 16,000 acres since 1970 through the efforts of the Bay Conservation and Development Commission (and, possibly, global warming). The state and regional water resources control boards restored salmon fisheries on the Klamath and other rivers. The National Park System administers 8.2 million acres of land in the state, and the National Forest Service controls 20.6 million acres. California's 148 wilderness areas cover nearly 15 million acres, and its 278 state parks cover another 1.5 million acres. The coastal commissions have preserved and expanded public beach access through its permit program. Today's air is the cleanest on record, and the number of smog alerts in the Los Angeles area fell from 200 per year in the early 1970s to less than ten in 2009.³⁰ Californians managed to accomplish all of this despite doubling in population over the past four decades.

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

³⁰ Grassroots Recycling Network, "California, USA Model Beverage Container Recycling System," 11 September 2001, formerly available online at <http://www.grrn.org/beverage/deposits/california.html>, accessed 12 April 2011; California Department of Resources Recycling and Recovery, "Beverage Container Recycling," available online at <http://www.calrecycle.ca.gov/bevcontainer>, accessed 1 May 2021; San Francisco Bay Conservation and Development Commission, "2009 Annual Report," 29 February 2010, 5; Carle, *Introduction to Earth, Soil, and Land in California*, 106, 109, 112; State Water Resources Control Board, "Accomplishments Report 2010," 4, 43; California Air Resources Board, "ARB's 40th Anniversary," undated, available online at <http://www.arb.ca.gov/knowzone/history.htm>, accessed 1 May 2021.

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

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