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Sierra Club History Series

SIERRA CLUB LEADERS II
1960s - 1970s

- J. William Futrell "Love for the Land and Justice for Its People":
Sierra Club National and Southern Leader, 1968-1982
- David Sive Pioneering Environmental Lawyer and Atlantic
Chapter Leader, 1961-1982

With Interview Introductions by
James W. Moorman
Nicholas A. Robinson

Interviews Conducted by
Ann Lage
1982

Underwritten by
The National Endowment for the Humanities

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PREFACE

The Oral History Program of the Sierra Club

In fall 1969 and spring 1970 a self-appointed committee of Sierra Clubbers met several times to consider two vexing and related problems. The rapid membership growth of the club and its involvement in environmental issues on a national scale left neither time nor resources to document the club's internal and external history. Club records were stored in a number of locations and were inaccessible for research. Further, we were failing to take advantage of the relatively new techniques of oral history by which the reminiscences of club leaders and members of long standing could be preserved.

The ad hoc committee's recommendation that a standing History Committee be established was approved by the Sierra Club Board of Directors in May 1970. That September the board designated The Bancroft Library of the University of California at Berkeley as the official depository of the club's archives. The large collection of records, photographs and other memorabilia known as the "Sierra Club Papers" is thus permanently protected, and the Bancroft is preparing a catalog of these holdings which will be invaluable to students of the conservation movement.

The History Committee then focused its energies on how to develop a significant oral history program. A six-page questionnaire was mailed to members who had joined the club prior to 1931. More than half responded, enabling the committee to identify numerous older members as likely prospects for oral interviews. (Some had hiked with John Muir!) Other interviewees were selected from the ranks of club leadership over the past six decades.

Those committee members who volunteered as interviewers were trained in this discipline by Willa Baum, head of the Bancroft's Regional Oral History Office and a nationally recognized authority in this field. Further interviews have been completed in cooperation with university oral history classes at California State University, Fullerton; Columbia University, New York; and the University of California, Berkeley. Extensive interviews with major club leaders are most often conducted on a professional basis through the Regional Oral History Office.

Copies of the Sierra Club oral interviews are placed at The Bancroft Library, at UCLA, and at the club's Colby Library, and may be purchased for the actual cost of photocopying, binding, and shipping by club regional offices, chapters, and groups, as well as by other libraries and institutions.

Our heartfelt gratitude for their help in making the Sierra Club Oral History Project a success goes to each interviewee and interviewer; to everyone who has written an introduction to an oral history; to the Sierra Club Board of Directors for its recognition of the long-term importance of this effort; to the Trustees of the Sierra Club Foundation for generously providing the necessary funding; to club and foundation staff, especially Michael McCloskey, Denny Wilcher, Colburn Wilbur, and Nicholas Clinch; to Willa Baum and Susan Schrepfer of the Regional Oral History Office; and last but far from least, to the members of the History Committee, and particularly to Ann Lage, who has coordinated the oral history effort since September 1974.

You are cordially invited to read and enjoy any or all of the oral histories in the Sierra Club series. By so doing you will learn much of the club's history which is available nowhere else, and of the fascinating careers and accomplishments of many outstanding club leaders and members.

Marshall H. Kuhn
Chairman, History Committee
1970 - 1978

San Francisco
May 1, 1977
(revised May 1979, A.L.)

PREFACE--1980s

Inspired by the vision of its founder and first chairman, Marshall Kuhn, the Sierra Club History Committee continued to expand its oral history program following his death in 1978. With the assistance of a grant from the National Endowment for the Humanities, awarded in July 1980, the Sierra Club has contracted with the Regional Oral History Office of The Bancroft Library to conduct twelve to sixteen major interviews of Sierra Club activists and other environmental leaders of the 1960s and 1970s. At the same time, the volunteer interview program has been assisted with funds for training interviewers and transcribing and editing volunteer-conducted interviews, also focusing on the past two decades.

With these efforts, the committee intends to document the programs, strategies, and ideals of the national Sierra Club, as well as the club grass-roots, in all its variety--from education to litigation to legislative lobbying, from energy policy to urban issues to wilderness preservation, from California to the Carolinas to New York.

Together with the written archives in The Bancroft Library, the oral history program of the 1980s will provide a valuable record of the Sierra Club during a period of vastly broadening environmental goals, radically changing strategies of environmental action, and major growth in size and influence on American politics and society.

Special thanks for the project's later phase are due to Susan Schrepfer, codirector of the Sierra Club Documentation Project; Ray Lage, cochair of the History Committee; the Sierra Club Board and staff; members of the project advisory board and the History Committee; and most importantly, the interviewees and interviewers for their unfailing cooperation.

Ann Lage
Cochair, History Committee
Codirector, Sierra Club
Documentation Project

Oakland, California
April 1981

SIERRA CLUB ORAL HISTORY PROJECT

March 1985

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 Glen Dawson, Pioneer Rock Climber and Ski Mountaineer, 1975
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University of California, Berkeley--The Sierra Club and the Urban Environment

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Amy Meyer, Preserving Bay Area Parklands, 1981
Anthony L. Ramos, A Labor Leader Concerned with the Environment,
1981
Dwight C. Steele, Environmentalist and Labor Ally, 1981

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University of California
Berkeley, California

Sierra Club History Series

J. William Futrell

"LOVE FOR THE LAND AND JUSTICE FOR ITS PEOPLE":
SIERRA CLUB NATIONAL AND SOUTHERN LEADER,
1968-1982

With an Introduction by
James W. Moorman

An Interview Conducted by
Ann Lage
1982

Underwritten by
The National Endowment for the Humanities
and the Sierra Club

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Bill and Iva Futrell, with
son, Daniel, and daughter, Sarah

June 1983

Photo by Katrina Thomas

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INTRODUCTION by James Moorman

William Futrell, known as Bill to his many friends, is one of the principal leaders of the nation's environmental protection movement. Currently Bill is the president of the Environmental Law Institute in Washington, D.C., a very successful think tank on environmental problems. In the seventies Bill's work was done mostly through the Sierra Club. Bill began as an activist in Louisiana, but soon showed up in San Francisco, first as a regional vice-president, then as a board member, and finally a president of the club. This oral history in essence tells the story of Bill's rise to become one of the club's principal actors, with interesting detail and insight. I like it especially because it gives some of the flavor of Bill's restless energy, far-ranging mind, and dedication to the good fight. At the time I occasionally wondered where Bill came by these traits which propelled him to San Francisco and caused him to be so effective. Only after I got to know Bill personally did the answer to that question become clear.

Bill Futrell thinks of himself as a Southerner, as a Methodist, and as a small town boy from Louisiana. That is obviously not what Bill is, but it is what he thinks he is, and I would like to tell you why he thinks that he is such and why it is relevant.

Bill was born in 1935 in Alexandria, Louisiana, and spent his early days in such places as Alexandria, St. Francisville, and Colfax, Louisiana. Summers were spent on an uncle's farm near Dry Prong, Louisiana.

Bill was raised in the Methodist church, attending Sunday school and church services regularly and, often enough, evening services. In a small town, this is a very satisfying ritual because it is shared with friends. It is a ritual punctuated both before and after with conversation with a multitude of friends and acquaintances, who stand around at the church door to gab and gossip.

Along the way, Bill gained a love of the out-of-doors from a family interested in the woods and in birds. Tramps through the woods and fishing were common family recreation. The family retained alive a memory of a historical connection with James John Audubon. He became a member of the Boy Scouts, a typical pursuit of youngsters in love with the out-of-doors at that time and place.

By the time he was old enough for high school, the family had settled in the small city of Shreveport, where Bill attended Byrd High School, one of Louisiana's best. Bill became a member of the high school debate team and member of the student council. During this time he was an officer in the Methodist Youth Fellowship and even considered a career in the ministry.

This background may not seem remarkable to those unacquainted with the milieu, but it is. It is the background of a young southern boy who was destined from the beginning to leave his little town and slay dragons and bring honor and glory upon that little town. He did not know it, but his elders did, right from the beginning. His parents, aunts, uncles, teachers, ministers, neighbors, and the civic leaders of those Louisiana backwaters where he grew up all knew that young Bill was one of those they could not hold, that he was destined. They, of course, did not know what Bill would do, but they were already proud of him and they told him so. He grew up with the knowledge that everyone that mattered was proud of him and that they expected him to conquer the world. As a matter of course he accepted that role without thinking much about it. He did not think much about it because he never experienced any other attitude directed toward himself.

The expectation of Bill's future was not one of financial success, though that was not ruled out. Bill's elders put no constraints on the direction of his career. Odd as it may seem, his community really believed that a person like Bill could do anything he wanted and told him so. However, though the expectation was unspecific, it was a very definite expectation that he would excel, that whatever he chose to do, he would do it well. It also carried with it overtones of virtue, both personal and civic. Everyone knew that Bill would at all times do his duty.

Bill's experience is an experience reserved for the best in the small town South, and so it is not everyone's experience. Those that have experienced it, however, find it is of great force and that it propels them with abnormal energy into the world. It sustains and comforts. It gives self-confidence and assurance. It inculcates a determination to succeed.

In Bill's case it took him first to Louisiana's best university, Tulane, on a Navy ROTC scholarship. In that day, such scholarships were prizes of the first rank and were the subject of intense competition. At Tulane Bill did well academically and politically. He became student president of the School of Arts and Sciences and won a Fulbright scholarship. After his year in Germany on his Fulbright, it was five years in the Marine Corps. The Marines sent Bill to Japan. In Japan Bill was not simply another young lieutenant. Instead Bill did something not one in a thousand American servicemen in Japan accomplish: He learned to speak Japanese and became a student of Japanese culture and civilization.

After the Marine Corps Bill went to Columbia Law School in New York, one of the nation's very best law schools. At Columbia Bill was high in his class and on the board of editors of one of the student journals, the hallmark of success in law school. At the same time he took on a second course-load, graduating with a certificate from Columbia's School of International Affairs. He also was a visitor at Union Theological Seminary. The idea of the ministry had never completely left his mind.

After law school, Bill returned to Louisiana to clerk for a year for a federal district judge and then went into practice with one of New Orleans's larger law firms. As those that read Bill's oral history shall see, however, Bill soon became involved in the Sierra Club. And Bill did his volunteer club work just as he knew the elders of his childhood would have expected, though they surely had no idea as to what he was really up to. Bill organized the local club, launched environmental programs, became an expert in environmental law, became a vice-president, then a board member, and finally the president of the club.

The Sierra Club is a vigorous institution which accomplishes prodigious things. It stands for the best, and it attracts people like Bill and gives them a chance to do their best. Bill came to the club and did his best, and the Sierra Club is the better for it.

And so is Bill. Bill really is no longer simply a young Methodist from St. Francisville, Louisiana. Since St. Francisville, Bill has lived in Germany, Japan, New York, San Francisco, and now Washington. He has traveled far, read widely, and met many. It was, though, St. Francisville that propelled him and caused him to grow, build and accomplish, and in the process become more than St. Francisville. Even now, as president of the Environmental Law Institute he's still at it, growing, building, accomplishing, doing his best. St. Francisville can be proud: Bill is now a valued citizen of the biosphere.

James Moorman
Former Executive Director
Sierra Club Legal Defense Fund

March 5, 1984
Washington, D.C.

INTERVIEW HISTORY

The interview of William Futrell outlines a career of remarkable achievement in environmental affairs. During the period 1968-1981, Bill's service to the Sierra Club included chapter and group chairman, regional vice-president, national committee chairman, member of the board of directors, and club president. From these vantage points as local, regional, and national club leader, he comments most perceptively on the internal dynamics of the Sierra Club organization.

One of the primary organizers of the Sierra Club in the South, Bill Futrell tells here what attracted him to the environmental movement and what his goals were as he gathered new leaders to the club and helped organize groups and chapters throughout the Gulf States. An attorney and law professor, Futrell chronicles his involvement in landmark legal cases dealing with strip mining, NEPA, and offshore oil development.

An activist in lobbying for sound environmental legislation, he relates experiences in the political arenas in Louisiana, Alabama, Georgia, and Washington, D.C.

A catalyst for Sierra Club involvement in urban environmental issues, Futrell gives a detailed account of the genesis, planning, and events of the City Care conference in Detroit, April 1979, sponsored jointly by the Sierra Club, the National Urban League, and the Urban Environment Conference/Foundation.

Bill approached the oral history process with his characteristic thoroughness and enthusiasm. The first two interview sessions were conducted at the Environmental Law Institute in Washington, D.C., where he has served as president and chief staff officer since 1981. Despite his own heavy commitments during the week of my visit to Washington, Bill had adjusted his schedule to allow us two sessions on June 8 and June 9, 1982, each approximately two hours long.

Before these interviews, he went through his calendars that recalled meeting dates and trips and major concerns for each year. During the course of the interview, however, he voiced concern that the distractions of preparing for the ELI Board of Directors meeting that week were affecting the quality and accuracy of his remarks and recollections.

Our final interview took place on October 24, 1982, when Bill was in San Francisco on business. For this occasion, he was able to prepare more thoroughly, reviewing his correspondence file, telephone log (with notes on the substance of phone calls), and committee minutes.

Bill's commitment to seeing an accurate and complete oral history memoir was again evident in his careful review of the interview transcript. At this stage, he made important additions to the transcript after study of correspondence and other records. He rewrote some sections when he judged that his oral

remarks did not accurately portray the historical events, or his beliefs and feelings. Finally, he forwarded numerous supporting documents to serve as appendices and located a number of photographs that illustrated events discussed in the interview.

This document, then, though essentially the record of an oral interview, is blended with carefully considered, but informally written, additions. Both interviewer and interviewee agree that the final document is truer to the actual historical events discussed than the oral interview itself had been. The tapes of the interviews are available in The Bancroft Library.

Ann Lage
Interviewer/Editor

March 3, 1984
Regional Oral History Office
Berkeley, California

I ORGANIZING THE SIERRA CLUB IN THE SOUTHEAST, 1968-1971

[Interview 1: June 8, 1982]##

Marines, Methodists, and a Theory of Leadership

Lage: This is June 8, 1982, and we are beginning the first interview with William Futrell in the oral history project. You were going to start with a few words about personal background to supplement the Sierra article.*

Futrell: I grew up in a family that loved the woods, fishing, and wildlife. I had twenty-two aunts and uncles. My father's people were farmers and took me to the woods, taught me the names of trees and birds. My mother's family tended to the professions; career army, publishing, medicine. They showered me with books. When I was in the second grade, both sides decided it was time for me to get good on birds. One aunt gave me Audubon's Birds of America (along with the family story on how our family had known and helped him when he painted at St. Francisville, Louisiana), another a bird guide and binoculars. I remember vividly my father and one of his brothers and I in a Louisiana swamp at daybreak when we aroused what appeared to be thousands of scaup, ring-necked ducks, and herons. They covered the sky. I remember how thrilled I was, with my hands tightening on my father's shoulders. (Years later, in January 1973, my wife and children and I were birding at the eastern tip of Long Island, New York. I had hoisted my four-year-old son

##This symbol indicates that a tape or a segment of a tape has begun or ended. For a guide to the tapes see page 167 .

*See Appendix A, p. 168.

Futrell: on my shoulders as we forced our way through tall grass back from the beach. Coming on a small pond, we startled two whistling swans. The great birds rose up, long necks and wings outstretched, and flew right over us. I felt Daniel's hands tighten on my shoulders and I thought the best things parents can give their children are their dreams.) My dreams of forests and swamps and wildlife were learned in our family circle.

I am a committed southerner. "I'll take my stand to live and die in Dixie." But the South I grew up in was a rigidly class-structured and racially segregated society. I feared for my professional and spiritual development if I did not get out. But in my lifetime I saw the South change--greatly, even radically--except it was done in a process, evolving, so that the fabric of society was not torn. My political education, which included a contempt for the segregated society, began at home. My father was a railroad conductor and my mother a committed Democrat. From him, I unconsciously learned basic political skills. He was active in union politics, organizing and chairing state and regional organizations. I still quote him often on getting different, difficult kinds of people to work together. The widest bunch of different people we convened, though, was at family dinners. Each of my twenty-two aunts and uncles wanted to know who I loved the most. I later said that I came to believe in relative absolutes (reconciling Catholic and Protestant dogma, environmentalist and business rhetoric) because I grew up with a bunch of absolutist relatives.

I think the changes in the South during the last twenty years are a demonstration of the health of American society, and it should make all Americans more optimistic about their country. Well, the South in the 1950s was in the rear on conservation, just as it was in education and racial relations. The story I have to tell you is as much about the South as it is about the Sierra Club.

Your letter suggested that we talk about my activities in organizing the Sierra Club in the South, as a club leader on the national board, and the City Care conference. Perhaps I might begin by saying something about my ideas on leadership. I think leaders are trained, not born. There are different training avenues. The Sierra Club is a great educational instrument for training people for leadership in citizen participation, in citizenship.

I have had a lifelong interest in leadership and, beyond my family, basically two institutions influenced me most as a teenager and in my twenties, the church and the military. Church and military are usually thought of as two of the most conservative institutions in our society, but for me, raised in the rural South

Futrell: of the 1940s and 1950s, they were liberating. I was a Marine Corps officer for fifteen years, six years on active duty, nine years in reserve. Two years of that time were as a company commander in East Asia. I ran the military police on the island of Okinawa, which was a rather violent exercise.

Lage: What time period was that?

Futrell: This was the sixties, 1960 and 1961, and in '61 and '62, I was an artillery battery commander and later ran an escape, evasion, and survival school, both in jungles and in mountain terrain. During the four years of field assignments I had approximately a thousand young marines (mostly eighteen and nineteen-year-olds) pass through my command. The ideals of the officers who trained me stressed the care and welfare of those men. A leader makes it possible for his followers to do their best, and he seeks to see the whole man, understand his family background, his sacraments, his hopes and fears, and why he volunteered--for the Marines, or for the Sierra Club--and to help him realize that dream. Marine Corps officer training often repeats: Take care of your people and your people will take care of you.

I was active in church activities all through high school and college. During my Fulbright year in West Berlin, I was a member of Paul Tillich's seminar which resulted in his book The Courage to Be. At Columbia Law I visited classes, heard the best of their faculty speak, including Reinhold Niebuhr. In high school and college, I enjoyed church social activity immensely and considered a career in the ministry. Many of my church activities involved public speaking. In high school (Byrd High School, Shreveport, Louisiana) I was part of the state championship debate team twice and was the alternate speaker on the two-man team that won the national championship. I was ranked third or fourth nationally in extemporaneous speaking during my junior and senior years. So advocacy and representing others' views was something I did early on.

One of my favorite hymns remains "This is My Father's World," with its expression of wonder at creation. I have always viewed my environmental activities as a form of witness.

One of my earliest activist enterprises was the integration of the Methodist Youth Fellowship, which occurred in the summer of 1954, following my midshipman cruise on a NROTC cruise to France and Spain. Lt. H. Ross Perot was my supervising officer. I came back, and during that summer I sorted out my own feelings on racial integration and how social change should come about in the South. This was Louisiana. I felt strongly that my church should not be segregated.

Lage: This was early on.

Futrell: Yes, it was at the beginning of my sophomore year of college. The idea was that the black college Methodist youth should meet with and plan their church activities in the universities with white college students. It caused an uproar. The Methodist church refused us the use of their facilities, and we moved to a Catholic church facility, which caused even more of an uproar in the Methodist church. I became a controversial figure on campus, and even though I later became president of our student body, for all my undergraduate days I was tinged with controversy on that issue.

One of the best writers on nonprofit and voluntary organizations is James Q. Wilson, Harvard Professor of Political Science. He says that in our voluntary associations we need leaders who can show the qualities of a priest, a top sergeant, and a newspaper editor. These are the kind of people who have a special mixture of personal qualities: a priest because he's concerned with the pastoral quality of a person's life; a top sergeant because sometimes you really have to be forceful with people, and you've got to have a drive to get the job done; and a newspaper editor because much of what we are doing in the Sierra Club, and any other voluntary group seeking to make the world better, is communicating. We're communicating ideas about values, sometimes with legislative lobbying. So some of my manners and attitudes toward organizations grow out of and are strongly influenced by my experience as a Marine officer and as an active Methodist.

Lage: You became interested in the club through an outing interest, it seemed from the article in Sierra.

Futrell: I will get into that now. That is exactly right. The Sierra Club was a way for me to get to the mountains. In the service I had climbed in Germany, the Dachstein in the Austrian Alps. I had climbed in Japan. Getting out of the service in September, 1962, I was on my way to Columbia Law School, and I was in San Francisco mustering out of the Marine Corps. I was there for two weeks so I went over to Mills Tower to ask about American mountaineering organizations and the Alpine Club, the Appalachian Mountain Club, or what have you, and a very harassed David Brower signed my membership card.

Impetus for Sierra Club Activism

Futrell: I went East for law school and attended a number of meetings of the Atlantic Chapter, which did not pick up on me as a member. The Appalachian Mountain Club was extraordinarily friendly, though, and I did most of my outdoor stuff with them.

Futrell: I was broke by the end of law school, and in 1965 I dropped out of the club because I didn't want to pay the dues, and the Bulletin came every now and then, erratically, and there wasn't anybody around. I was down in Louisiana. Now, my idea of activity was that I would be active in my church, the Methodist church, and that I would probably be very active in the Japan Society, and have a career as a lawyer in international trade.

Well, it turned out that I married a convent-educated Catholic girl from New Orleans, and in the course of time ended up attending church with her and our children, while not becoming a Catholic because I do not believe in a closed communion.

What you had was this person who had the model of an activist church but no active church membership, and so the Sierra Club became the arena of my church activity. So in the people I was looking for as Sierra Club group leaders, I felt I wanted that kind of a combination of forcefulness, but at the same time concern with the pastoral qualities, with people.

Now, the Japan Society and the international groups in New Orleans were very structured and very social. These sort of activities, club work and what have you, are a means of getting visibility for a young lawyer. It's a means of making his career. So I really had to stand in line in them.

Well, in 1968 our daughter Sarah was born, and my wife and I, as a family activity, picked up my youthful hobby of birdwatching again. Coastal Louisiana is a great place to watch birds. I began-- getting on top of my career too as a practicing lawyer--to look for a way outdoors, and there were no outdoor clubs in New Orleans. There were no ecology groups. No one knew where any natural areas were. I called Tulane University and asked about where was a good place to go hiking, what's a nature study area. There were no facilities for nature study. The state parks were picnic areas, this sort of thing.

So I remembered the Sierra Club. I wrote to San Francisco and said [laughter], "Dear Sierra Club, I want to go hiking in Louisiana. Where are some good places to go?" The person in the membership department wrote back and said, "We don't know any place in Louisiana, but here are the names of four Sierra Club members who live in Louisiana. Why don't you call them and get together with them, organize a Sierra Club group?" So I wrote back, and I got the names of people in Mississippi and then called that person, Robin Way, in the membership department. We kept in touch for a while and were very proud of what grew out of our correspondence. Sierra Club staff people in the membership department gave me the impression of really caring about us as people.

Futrell: I asked those people over to our house and asked them to bring their friends over who might be interested in Sierra Club activity. Fourteen people showed up in April of 1968. The next month, in May, I sent out a mailing again, and they had given me the names of their friends, and another twelve people showed up. Well, out of twenty-six or so people, only one had overlapped; only one person had come to both meetings.

So in June I wrote to the twenty-six or so and announced an outing, and I put up a sign in camera shops, libraries, and bookstores, and the public was invited. In the early days of the New Orleans group, putting up signs in shops--handbills--was the most effective means of reaching out to people. I cannot emphasize enough the importance of first amendment freedoms. The circular, the handbill, the poster in the shopping mall frequently gets litigated. It's still very much litigated. For a new group just starting off in our society--women's rights, civil rights, you name it--that sort of handbill approach is one of the most effective means that they have to find others.

We had four or five people turn up for a walk in an area that should have been a wildlife refuge. Actually it was a Corps of Engineers flood control area, very boggy but also very birdy and lots of unusual plant life.

Lage: This was a nature study trip.

Futrell: Yes, it was.

Lage: You didn't advertise it as an environmental type of thing?

Futrell: Oh, absolutely no, no, no. In fact, environmental activism was a headache at that time. It was not a concern, although many people would go "tsk, tsk" about the Corps of Engineers activities.

During those years, I had a very busy active trial practice. The Sierra Club affairs were very much run out of my law office there--I was in a firm with about seventy lawyers--using the office Xerox and mailing from the office, getting my secretary to type up a one- or two-page newsletter, which I wrote.

Lage: This was an official group by now?

Futrell: No, it was just my mailing list, just a network.

In 1968 I went on the Sierra Club national outing in the San Juans with my wife.

At the same time, in a parallel fashion, the Audubon Society got a chapter started in New Orleans, and their growth was parallel to ours.

A Handpicked Leadership Group and an Active Presence in Louisiana

Futrell: By November of 1968, some six months later, I had a list maybe of around forty people, and one person had emerged as a very thoughtful, articulate, educated person on issues, and had the right kind of values, Donald Bradburn, a doctor, a pathologist, at Touro Infirmary.

Now, Bradburn will later become a chapter chairman, will receive the first Ansel Adams Award for conservation photography, will be on the publications committee.

I got on the phone. I said, "Bradburn, you like all this Sierra Club stuff. You love the books." He is a gifted photographer himself. The books were his avenue into the Sierra Club, and he's exhibited his photographs in various museums. I said, "Now, you know, maybe we can do something here. I'll be chairman, and you be conservation chairman. I will take care of getting the newsletter out, and I will take care of outings. I will take care of meetings. But, now, conservation is being given over completely to you."

So I had found the first of the four key people that I wanted to have as my executive committee: a meeting person and a chairman, a conservation chairman, an outing chairman, and a newsletter editor. I mean, I wanted four stalwarts there, and I found Don for conservation. So that was a key. Very much I was looking to recruit quality, high intellectual quality, high moral quality. So we got a whole list of people here.

On April 27, 1969, we had Gladney Davidson, who worked for the Louisiana Wildlife and Fisheries Commission, speak to us on a wild river program for the state of Louisiana. This was the first conservation program directed to local conservation issues that the group had had. Notice that it was a year since it was a gleam in our eye--a year passed between those coffees and getting the meetings going.

Oh, this will be funny. These meetings: October '68, November '68, December '68. We had seven people in October. In November we had only two people show up at the meeting, and they were both New Orleans socialites. He came in in a three-piece suit, and she came in in a very lovely gray dress with pearls. So we sat there [chuckles], my wife and I and they, and then I showed a few slides, and they went away very embarrassed and were never heard from again.

- Futrell: In December we showed the club's Grand Canyon film, and I put up posters around town for that and we had about twenty people come out. From then on, I didn't do a meeting without a film. We even had a film the night Gladney Davidson spoke, but we had about forty people come out, and from then on it was only upwards.
- Lage: Was the Sierra Club a familiar name in Louisiana, or did you have to explain it?
- Futrell: No, no. It wasn't a known name at all. I mean, anyone who did know it knew it from the books, strictly from the books.
- Lage: So the books were at least circulated.
- Futrell: Oh, yes, and very well known. I mean, the books were spectacular in those days, and they stood out.
- Lage: Did they know about the Grand Canyon battle?
- Futrell: Not really, not really, no.
- Lage: Just as a book?
- Futrell: Just as books.

Personally I had a lot of trial work in those days, but also we took the kinds of vacations that I never got time for again when I went on the Sierra Club board--a week in Saguaro National Monument for my wife and myself, away from the children; taking my wife and daughter to Isle Royale for two weeks, up in the North Woods; and then a week in the Everglades without the children; and on weekends just a lot of marsh exploring, birdwatching, canoe paddling around back in swamps, and what have you.

On August 6, 1969, the Water Resources Council held a hearing on revision of cost-benefit ratio, and the club, knowing that one of the hearings was in New Orleans, sent a circular. I guess I read about it in the newspaper, because I contacted San Francisco and said, "What is the Sierra Club doing about this?" They said, "Well, Alan Carlin, a water resource Ph.D. economist with the RAND Corporation, is organizing the testimony."

I got on the phone to Alan and Rosemary Carlin, who became very good friends and active supporters in club politics. Rosemary Carlin drove Alan's testimony to the airport, got it air-expressed to New Orleans, and I got it ten hours later. I used it, just cut and pasted quickly, gave it a little bit of my organizational touch and flair, and presented it to very good press and a very good reception in New Orleans the next day.

Futrell: The testimony that I presented focused on the need for institutional reforms in the Corps of Engineers water resource planning and charged that the Corps practices were unduly weighted in favor of construction. I called for greater Bureau of Budget/OMB review and scrutiny of Corps of Engineers projects with the hope of veto by the White House of more of them. (This was later done in the Carter White House with its "hit list" on Corps projects. The resulting hubbub was one of the loudest in the whole Carter administration.) I also urged that secondary benefits not be included in the cost-benefit ratio. Corps planners picked and chose what went into the ratio. They would project huge populations using additional highways which were not even planned at the time, while ignoring recreation and wildlife benefits because they were intangible. I also called for more regional planning on the basin and interbasin model as opposed to judging a project on narrower geographical limits.

The hearings were conducted to a fairly complex schedule of questions. In my conversations with Gladney Davidson and others in state government, I found that they were as perplexed by the hearings questionnaire and the sophistication of the economics as I was. The articles and papers that Alan Carlin sent to me were passed on to them, and they served as much of the basis of the state wildlife and fisheries departments' testimony also. The club's volunteer network did good networking on this set of hearings. For me, it was an introduction to Alan Carlin and Michael McCloskey, whose friendship and association I have enjoyed since then.

After the hearings, I called up and introduced myself to Mike McCloskey and told him how the hearings had gone and told him what we were doing in New Orleans and that we would be interested in more formal Sierra Club organization. That's when the club became aware of what we were doing, and they sent me the local groups' handbook. I moved in October, 1969, to legitimize our whole structure, to form a local group.

Lage: This was after Brower had left.

Futrell: Yes. Now, we were very aware of that, believe me. They had pro-Brower and anti-Brower people come to New Orleans to speak to the sixteen Sierra Club members there.

The chapter newsletter of the Angeles Chapter, The Southern Sierran, covers board politics in great detail. The internal politics of the Sierra Club are reviewed there, and the Southern Sierran editors traditionally have mailed to all chapters and groups copies of their newsletters. This was especially done so in the fall of 1968 when they covered the Brower controversy in great detail.

- Lage: They had a definite opinion on it, so that was the opinion that went out to the chapters.
- Futrell: Well, it appeared that most people who circulated materials on that did. It was very intense, very much lobbied.
- Lage: With your informal group even.
- Futrell: We were lobbied on it. Oh, yes, indeed.
- Lage: Did you have a point of view?
- Futrell: No, no. I did not want to get our little church caught up in that theological quarrel. [chuckles]

Our outings program became more sophisticated, and I found a fellow New Orleans lawyer, an expert canoeist, to run and to set the tone for the outing program, Michael Osborne. He later went on to become chapter chairman, and he has received national awards from the National Wildlife Federation for conservation litigation, and he's now on the staff of the National Wildlife Federation, working on wetlands issues. He had excellent qualities of leadership.

Then I found my newsletter editor in Claire Stocks, who is now at Clark University up in Massachusetts.

- Lage: Is that a man, Claire?
- Futrell: No, that's a lady. Then we got good support from the Tulane faculty, Dr. Garrison and Susan Wilkes.

Our first local public hearing, in which we testified, was on January 23, 1970, at the Louisiana Wildlife and Fisheries Commission hearing on water quality. That commission was the water quality commission for the state of Louisiana at that time. The hearing was on water quality standards, and there were seventy people there. There was a lady from the League of Women Voters, there was me, and there were sixty-eight representatives of industry. I was overwhelmed just at the presence of so many lobbyists.

Of course, the lower Mississippi River area is one of the great petrochemical complexes. The Mississippi has a tremendous carrying capacity, but it really is dumped into.

We had our meeting program going very strong. Sixty people or so would come to a meeting now. We had a good outing program, two a month or so, and we'd begun to modify them, to alternate them--one hike, one canoe trip; a hike, a canoe trip--and to have different emphases. We always were looking to bring new people to

Futrell: the table. I've always tried to expand the group. I was looking to bring black people into the group. I was looking to bring Italians in because the Italian community is a very distinct community in New Orleans. I got Orlando Bendana, a New Orleans fellow who was very articulate and very forceful, to come aboard. But the idea was that this was an open sort of organization.

Lage: Did the people that were attracted tend to be more socially liberal than your standard New Orleans citizen?

Futrell: No. Oh, no. We got all kinds, absolutely all kinds.

Lage: Did you have any conflict about whether it should be so open?

Futrell: No. The way you do these things, you know, is a style. We didn't make a big thing of it. We just did it.

Lage: So you'd just go about and do what you felt was right without--

Futrell: It's really an art. Leadership is an art, just as swimming or downhill skiing is an art.

The Timber Supply Bill was the first national campaign where we tried to coordinate local people into a national lobbying effort, and it got a lot of excitement, and people were turned on, and petitions were circulated. We worked the local radios, the local newspapers and press, and we found university people that wanted to get involved and to make statements.

Lage: Was your information on that coming from Brock Evans?

Futrell: No, not from Brock. From Michael McCloskey. I looked to San Francisco for my information. Brock was up in Seattle. I did not get to know Brock well until my presidential years, 1977 and 1978, though I always admired his great work. Lloyd Tupling, our most impressive Sierra Club lobbyist, was in Washington, D.C.

Lage: So you did get backup from San Francisco at that point?

Futrell: Oh, of information flow, yes. An enormous paper flow, if you will.

By this time we were looking to become a group and to become a chapter. The Sierra Club board met in Los Angeles, and I talked to the Sierra Club Council chair, Aubrey Wendling. He said, "Look, we will pick up your airfare to Los Angeles out of the council discretionary fund, and you can find out about group or chapter status. You can get out here and really pick up on things a lot faster."

Futrell: So what they decided to do was to attach us as the New Orleans group to the Lone Star Chapter. Well, Texas is a unique sub-culture. The Texans wanted to keep most of our New Orleans group money at the chapter level. They resented Louisiana being attached to the Lone Star Chapter, did not want to give us the chapter newsletter, and they were as anxious to spin us off as quickly as possible. They were very prickly about the whole thing.

I think the Sierra Club board meeting in February, 1970, was a dramatic contrast to the Sierra Club board meetings today. It was really a circus. Now, I cannot emphasize enough the personal attractiveness and the great ability of Phillip Berry as Sierra Club president. Phillip Berry sought me out, and he came over and said, "You're the lawyer in New Orleans that I've heard about. I think the work that you're doing with the New Orleans group in shaping those people up is just a wonderful thing. I want to know how I can help you. Call me if I can be of any assistance." This is the sort of morale building that Phillip Berry, the Sierra Club president, was just extraordinarily effective in doing. He did it with me. He did it with a hundred others. After talking with Phil, I was always ready to return to the fight. I have seldom seen anyone so alert and so good at leadership as Phil was. He made a personal presentation as a spokesman for the club that was unequalled -- I mean, has never been equaled by any staff member, never been equaled by any board or any volunteer member. The quality was there.

Now, Gladney Davidson came back in March, 1970, to put on his speech on wild rivers. This time we had about 115 people there. We had taken this on as a legislative priority with the Louisiana legislature, and eventually we were to succeed in getting about fifteen rivers, bayous in Louisiana, put into a wild and scenic river status, which in number of rivers covered and miles covered is one of the larger systems in the country, though the protection is not as high. But it has kept them from being dredged; it does put them off limits for Corps of Engineers and Soil Conservation Service activities; and it's inhibited a lot of private activity there.

Lage: Was the Sierra Club the main organization--?

Futrell: We indeed were the main leaders.

Lage: Did Audubon get in on it?

Futrell: They did indeed; Audubon was getting their people involved as well. But we had a mailing list of around four hundred now.

Environmental Fever, 1970: A Cultural Phenomenon

Futrell: If I were going to summarize our whole interview into one paragraph or a couple of key points, this is one of the key points. I cannot emphasize enough the rising level of excitement in 1970. The telephone would ring. Sometimes I would not be able to get through dinner. It would ring six times during the course of dinner, and I'd be on the phone with people wanting to know about this, wanting me to write a letter on a topic, wanting me to come speak someplace, wanting to be referred for information.

Paul Swatek and I became close associates in the early 1970s on the Sierra Club board and as volunteer leaders.

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Futrell: I commented to Paul in 1974, "You know, the telephone doesn't ring like it used to. At least we can get through dinner. It's calmed down." He agreed.

But there was a fever in 1970 about environmental affairs. We were moving toward the teach-ins, toward Earth Day, and nothing has come along like the actual social fever of those days.

Lage: Is that something you can explain? It was something taking place aside from your activities in the club.

[The following reflections on the environmental fever in 1970 and its relationship to the Vietnam War were added by Mr. Futrell during his review of the interview transcript in response to a question from the interviewer.]

Futrell: Oh, it's a whole society, a whole culture thing. Everybody, it seemed, was interested in environment. Kenneth Clark repeats Froissart's account of building Chartres, how every person in the community, lord and lady, peasant and merchant and priest, participated in quarrying and hauling the blocks to aid in building the cathedral. It seemed like everyone in 1970--television announcer, Gulf Coast shrimp fishermen, merchants, academics--were all interested in the environmental implications of their activities. Everybody wanted to be a part of environmental activity.

These were very emotional years for us. We had Sarah in 1968 and Daniel in 1969. I resigned my commission in the Marine Corps in August 1968 and decided not to go, as I had planned, for twenty years in the Marine Reserve. I had a growing trial practice, life was demanding and very full, and environmental demands were also putting pressure on me.

Futrell: As background to all this good news in my life, was the depression of the Marine Corps' ordeal in Vietnam. Every evening on the news I saw people who could be my friends, hurt. For me, every day of my life, I have grieved at what happened in Vietnam--the 57,000 people we had killed there, the 250,000 wounded, the two million Vietnamese who died there. I think that one of the failures of our generation is the failure of American political leadership to affect a satisfactory solution in Southeast Asia. We lost more than Vietnam.

I felt personally involved in all this. I had trained Vietnamese marines on Okinawa and in the United States too. I had been in the Third Marine Division (the Marine Corps' East Asia division) for two and a half years. I extended in East Asia as long as I could. It was hard peacetime soldiering, all pointed towards American involvement in Vietnam. I participated in Operation Pony Express, which was aimed at intervention in Laos in 1961.

Looking back, these events made a much deeper impression than I thought at the time. I made it twice to Yokuska Naval Hospital. Two friends of mine died there from typhus, I had typhus and had a bad time with it. They say "once a Marine, always a Marine." I don't know whether this is true or not; but my wife can testify and many of my coworkers can support her testimony that "once a Marine, always full of Marine Corps stories." One that sums up a lot of my feelings toward all of this happened to me while on night patrol with my military police unit on Okinawa. We recently had had twenty-five paratroopers attached to our unit. I had assigned them to work together in teams instead of mixing them up with the other joint services in that first month on island. I myself continued to have a Marine Corps sergeant as my working partner. Unbeknownst to me, this reliance by me exclusively on Marine Corps non-commissioned officers as my working partners was offensive to the paratroopers.

Well, that night on patrol, we drove up to find one of our two-man paratrooper patrols trying to stop the vandalism of a store by four or five GIs. We joined in in helping to arrest and/or disperse the group. I shortly found myself in the dust trying to get the second handcuff on one of the bad guys when I was jumped on by another one of the vandals. One of the paratroopers came to my aid, and after the whole incident was over and we were dusting ourselves off, out of breath he said, "I don't like you sir, but you're my friend." Too often we define "friend" in terms of affection. Look in Oxford English Dictionary, and you will see that the second definition is in terms of one who does your fighting for you.

Any number of times I have sat in Sierra Club meetings and listened to some advocate for an environmental cause whose personal manner I found offensive. I always reminded myself of Corporal Novak and his statement, "I don't like you, sir, but you're my

Futrell: friend," and ask whether this individual was doing my fighting for me. It was one of the most important encounters in my life. As a matter of fact, we soon thereafter had mixed Marine Corps-paratrooper patrols, and that situation was taken care of. There are a hundred other stories like that that I remember with great fondness and that others react to with undisguised boredom and distress if they see one of them coming on.

I thought in the early sixties that we had great stakes in Vietnam and in Southeast Asia. I still believe that we do and that we will see a renewed American interest in that part of the world. I have all sorts of thoughts about Vietnam and why and how it was lost. I'm waiting for a couple of my friends to write books that I hope will put the idealism of our generation's commitment to Southeast Asia in perspective. I certainly would recommend Colonel Corson's book, Consequences of Failure, which distinguishes the difference between defeat and failure. Vietnam was an American failure and not a defeat.

What Americans do owe those who served there is a great deal. Because they were on-line, the rest of us were able to develop our careers and families. This is often said, but the realization of it is very important and I don't think that a huge portion of our populace has come to realize that they owe their lives, their fortunes, and their family happiness because others were on-line for them. The idea is not the rightness or the wrongness of Vietnam, but the substitution factor. If he's not on-line, you are.

One of my friends says that environment for me was a cop out; I think he's kidding. His view was that the thing I should have been doing with my life was to get back in the Marine Corps in 1969 and 1970 and go to Vietnam. But I always point out that I had done my time, two and a half years in East Asia, six years on active duty, and that I was really over the hill. I was thirty-five in 1970. I believed strongly then and still do now in the importance of the citizen soldier, a civilian by career, who soldiers for a couple of years in his youth, retains an interest in military and political affairs. Because of the citizen soldier in America, we have had the strongest civilian control of the military in any society. The prime example is U.S. Army captain Harry Truman knowing and feeling confident enough with his military background to fire Douglas MacArthur. To have the citizen soldier, you have to have the phases of a man's life where he terminates the military commitment at a set time. I think that we lost a great deal of the concept of the citizen soldier in Vietnam.

Lage: I wonder if on the larger level, the society at large, if some of the concern for the environment was a cop out.

Futrell: I think if one had to express a feeling in the society at large on Vietnam--they wanted to change the channel; they wanted to ignore it.

Lage: This might be one way of doing that.

Futrell: Well, you will find some very articulate spokesmen for that. James Webb, the author of the finest novel about Vietnam, Fields of Fire, believes that. In the final chapter when the protagonist is back on campus, he talks about when they left to go to Nam all the talk was civil rights, when he came back all the talk was ecology.

I reject the implication of those remarks. I have a lot of friends in the military now, and their reaction to my Sierra Club activity was strongly approving during those years. They saw a quality environment as one of the characteristics of the America they served, and they approved things like the Alaska Lands Bill, the expansion of the national parks.

I don't mean to run on about this; however, you requested that I address the connection between Vietnam and the environmental movement. I don't have an easy summation. What surprised me when I forced myself to sit down and try to organize my thoughts was the intensity of feeling on the subject.

Again, let me speak to the theme of unrecognized grief and unrecognized loss. What was lost was not just Vietnam itself and the shattering of an alliance of different races and different nations, which I had come to believe in while I was stationed in West Berlin in 1957 and 1958. But what was also lost was a vision of citizenship for the country. John Stuart Mill said that in order to have a liberal democracy you need three things: men to bear arms in its defense, people willing to tax themselves for its support, and those willing to participate in manning its institutions. The late sixties and early seventies were great years for talking about participation. The concept of the citizen soldier took a beating then, though. We need a new vision of the obligations of citizenship now. This is badly lacking.

As to the divisions on Vietnam, I think they are deeper than most realize. There is a silent suspicion by those who did the citizen soldier life towards those who did not; on the other hand, there is a silent resentment by those who never served against those who think that it is important and one of the badges of citizenship. I think that these divisions will be resolved only by the passage of all the parties from the scene.

[original transcript resumes]

A Spreading Network of Leaders and Groups in the Southeast

Futrell: Well, there was this rising tide of excitement. Then on March 12, 1970, Platform Charlie blew out in the Gulf of Mexico, leading to a major oil spill. The Sierra Club got on the phone from San Francisco and asked me to arrange a briefing for them and to see what I could do.

Sierra Club President Phil Berry, Executive Director Michael McCloskey, and books writer Wesley Marx came to New Orleans. Through our good relationships with the Louisiana Wildlife and Fisheries Commission, we got them a plane, a state plane. They flew with the state Wildlife and Fisheries Commission chairman, the state official--in other words, they were kind of the guests of the state of Louisiana--out over the oil rig, came back in, and then held a press conference that had television, microphones everywhere, newspaper reporters. They likened it to Santa Barbara, made the comparison; now the Gulf of Mexico was suffering what the California coast had suffered, and that we needed a strong environmental presence to counter these abuses. Well, Berry, McCloskey, and company were very impressed with our New Orleans red carpet [chuckles], and they went back to San Francisco.

When I open my files and review the amount of paperwork involved with the New Orleans group's efforts on the Chevron offshore oil spill, I wonder how we did it. In the course of two or three weeks there were several hundred telephone calls, many of them long distance. Much of our activity involved getting information from state officials and, in turn, bringing information to them. We operated as a conduit for information from California state officials to Louisiana state officials. Many of the Louisiana state officials interested in regulation of the offshore oil activities were junior in rank and did not have access to information and did not travel out of state to national conventions where they could confer with their like-minded colleagues. Reflecting, it may be that some of our best work was done in introducing environmental people in state government to their colleagues who felt the same way in other states. Certainly, we got to know our own state people better and made a good impression on them.

I really admired the way the Sierra Club provided its leaders list in a way that could be easily xeroxed by any group or chapter leader. We prepared a mailing about the issues involved in the offshore oil spill to Sierra Club leaders around the country. We used lists 3, 5, 13, and 14. I drafted the memorandum for national circulation and circulated it. I enclose a copy of that memo for the appendix, along with a letter I drafted to our group executive committee members--Donald Bradburn, Susan Wilkes, Bill Penick, Ron

Futrell: Parsley--about the follow-up after the Berry, McCloskey, Marx visit.* A review of these two papers might give some insight into the way we handled this incident. It was an important one for the New Orleans group. We were almost alone in the whole state in taking that position. Much criticism came to us, and much of it came to me directly, because I was in a very exposed position in a law firm that was more than half-dependent on offshore oil operation representation. I was the spark plug on the oil spill question. So some of the pressure did build up.

I sometimes had my doubts about the course that we were recommending on going slow on Outer Continental Shelf oil production. We were alone in taking the position that we took in the community. My resolve to continue was reinforced one night when the telephone rang and the person on the other end was Dr. Leslie Glasgow. Dr. Glasgow had been head of the Louisiana Wildlife and Fisheries Department and a very distinguished career academic scientist at LSU in wildlife management. President Nixon and Secretary of Interior Walter Hickel had appointed him to be assistant secretary of the Interior for Fish, Wildlife and Conservation in Washington, D.C. Dr. Glasgow asked me what we were going to do at the coming hearings on Outer Continental Shelf oil production and recommended safety procedures on storm chokes and other production equipment. These hearings were on technical engineering matters and regulations that might be adopted to deal with them. I explained that I had no technical engineering ability of my own, that no one in our group did, that we did not have the professional background to prepare testimony on this, that we were uncertain of ourselves. Dr. Glasgow said that perhaps our group was the only one that would get up and speak for the citizens' interests down there, that the oil offshore belonged to all the people of the United States, that the Outer Continental Shelf resource belonged to all the people, and that somebody should get up and make a statement. He said I will have a member of our staff prepare the technical comments for you, and you can familiarize yourself with them and have testimony presented on them. So we did do that.

We developed many contacts in the state conservation agency, the Louisiana Wildlife and Fisheries Department. They, for their part, cultivated us and took us to the best coastal and wetland areas in south Louisiana. We learned about Marsh Island, the Lake Salvador wetlands, the Atchafalaya, and many other areas. In the late 1960s, highway development was planned through one of the richest wetland areas. The New Orleans group of the Sierra Club led in community opposition to this. At the beginning, we were one of the few voices raised against it. On May 15, 1970, I wrote the

*See Appendix B, p. 175.

Futrell: head of the Louisiana State Department of Highways as chairman of the New Orleans group protesting plans to build Interstate Highway 410 through a wildlife management area. I told him that our group had adopted a resolution opposing the project at a meeting attended by 310 people. I cited the wildlife and natural resource values which would be threatened by the highway project. I pointed out that the state wildlife agency was on record as opposing the project.

I never received an answer to this letter, but later it became very significant because the highway department did go ahead with plans for the highway and in 1973, Louisiana environmentalists, including Sierra Club members, filed suit to stop it. The lower court held that the Sierra Club and the environmentalists had sat on their rights and had not pursued their administrative remedies, and that they were estopped from using the courts to stop the highway. On appeal, the Fifth Circuit Court of Appeals in the case titled Ecology Center of Louisiana v. Coleman held in July, 1975, that we did have standing and that we had pursued the question with the highway department. The court pointed to my letter of May, 1970, protesting the highway department's actions in building in the wildlife refuge and said that, pursuant to the highway administration's regulations, that they were under a duty to keep us informed of their planning, send us environmental impact statements, so that we could participate in the administrative process. Because they had not followed up with our notice given in my letter, they could not bar us from reopening the matter in court.

I was active in the following months in organizing groups in other cities--Baton Rouge, Louisiana; Lafayette, Louisiana--trying to reach out to Mississippi to get groups started in Mississippi, Alabama, corresponding with people in Georgia, talking with people in Tennessee.

Lage: Now, how did you do that? Did you go from club mailing lists?

Futrell: No, no. This is kind of, "Who did you go backpacking with in the Smokies? Who did you know at camp who was really a neat outdoorsman?" What I was looking for were balanced, stable, family people; people who had surplus energy; people who were not going to mess up their careers; people who had their life, their personal act, together. What we need for our chapter and group leaders, our Sierra Club volunteer leaders, are people with the charm and sophistication to be able to do an effective job for the environment and prosper in their lives and family careers.

Lage: Not let it get out of balance.

Futrell: Well, my own feeling is that a person's life is family, church, job, and citizenship. Sierra Club to me is citizenship. I mean, you really are kind of deprived as a person, I believe, if you don't have

Futrell: something like the Sierra Club, or the League of Women Voters, or some sort of social or political activity. But then you are very much deprived too if that social activism takes over and destroys stable patterns of intimacy in the family or loving outside of the family relationships; if you don't have a church, which doesn't have to be theological but is an association of families. A church is kind of an association of families together, where you have got sharing with kind of shared viewpoints and you can watch how other people are mishandling their children too. [laughter]

Lage: We were talking about the type of people you would be looking for as leaders.

Futrell: Right, yes. We always were looking, you know. There were places at the table; I mean, this concept of the table, chairs at the table, and there were empty chairs, lots of empty chairs. We formed an outing committee, and then we needed a subcommittee for hikes, a subcommittee for nature study, and we were always having some empty chairs to recruit energy.

Lage: So you were really looking for ways to bring people in and to give them a place.

Futrell: Always, always.

In August we got our chapter petition together, and I flew out to Clair Tappaan Lodge to present this chapter petition for the Delta Chapter.

Lage: Now, which year is this?

Futrell: This is August, 1970.

At our meeting I'd always give a little five- or six-minute pep talk, and always kind of invitational: "I want to meet you. I want to learn what you think about environmental questions and about outdoor activities. I want to find out what your talents are."

And here came this young woman who had graduated from Newcomb College, married to a North Carolina lawyer. She said, "Are y'all going forward with this chapter petition?" because we had people signing the petition. She said, "We're in North Carolina, and Ted and I, you know, have been thinking about a chapter. But you're going forward?" So Ann Snyder flew back, and she said, "Down there in New Orleans they're starting a chapter!" [laughter]

Lage: [laughter] And the Carolinas were only a group.

Futrell: Yes. The Snyders started getting the petitions out, and there at Clair Tappaan--they did it in just a couple of months--they got their petition up for the LeConte Chapter, although I did not actually meet Ted until the September 1971 wilderness conference.

Lage: The rise of the South?

Futrell: No, no, no. Ted and I kind of were two fingers on the same hand, but we later were put in a position to constantly run against each other. But there Ann saw us, and they got their act together in the LeConte Chapter, so there we were together at Clair Tappaan, with our petitions.

Phil Berry presided over what was a frantic and very fevered board session in September, 1970, with about a hundred, a hundred and twenty-five, people all crowded into Clair Tappaan from around the country and your usual board groupies that attend Sierra Club meetings. Phil ran a very good meeting. The club staff wanted the club to come out strongly against the Vietnamese War. The board wanted to keep the club neutral as far as any public position was concerned and felt that Sierra Club activists opposed to the war should use some other means.

That was one of my main themes on my board service for ten years, to keep the Sierra Club removed from military questions and out of military questions. The reason is not because the larger issues of war and peace are not important; they simply are the most important issues, but I believe that many of the people in the Sierra Club who want to speak out on defense questions have had limited exposure to the issues, and are not attuned to all the political complexities in our society of how it would be used against the club. No issue is grayer.

The next morning Phil called me out of a council meeting and said, "I want to talk to you." He had six people there and he said, "Look, the club is expanding nationwide. There is an overburdened staff, and as a club president I need aides, I need assistants, and what I want to do is to make you people vice-presidents of the Sierra Club. I want you to organize in your area and to use the title "vice-president" in whatever way you can, just to turn you loose with the title and see what you can do with it." Those people were Al Forsyth and Richard Cellarius, Edwin Royce, Tony Ruckel, and Sandy Tepfer.

So I thought it over and talked to my wife, and I said, "This probably will mean a lot more exposure in the community, and it may mean a departure from my line of legal work. I might have to make some sort of adjustment in my career."

Lage: Was it the time or the exposure you felt might be incompatible with your career?

Futrell: I felt time and exposure, and also because our firm represented off-shore oil interests. We had a large firm. Every large commercial firm in New Orleans will have oil clients. And I would be more and more

Futrell: drawn into an area where I would be speaking against the interests of my firm's clients.

The Mirex-Fire Ant Issue, a Tool for Club Growth

Futrell: The regional vice-presidency led to continuing activity. I used the title, used it for press relations, used it to get into the New Orleans press, used it to get on television when I spotted an issue. Now, to me, issues, the Sierra Club conservation campaigns, are teaching vehicles. They are vehicles which recruit people and which get them to think about environmental values.

There is a little pest in the Southeast called the fire ant, and the plan of the Department of Agriculture was to spray whole areas, rural areas, with ground-up corn cobs saturated with a pesticide called Mirex. This, to me, was so patently foolish. This aerial application to me just seemed like chemical warfare against the state of Louisiana.

We had a lot of fun with the Mirex issue. We recruited, worked with our friends at the Louisiana Wildlife and Fisheries Commission. The Department of Agriculture hired a plane that they based in Arkansas to cross into Louisiana and spray the state, against the will of the State Conservation Department. The state of Louisiana got a plane which chased [laughter] the airplane back into Arkansas.

I got the idea for an ad, what I call a bootstrap ad, published in newspapers around the South. A report on this campaign with a reproduction of the ad ran in the Sierra Club Bulletin in February, 1971. My little "action now" piece on Mirex is published there, and at the top it has a skull and crossbones and "Warning: Chemicals Poisonous to the Environment." At the bottom it has a little clip: "Send in \$2 or more for the Sierra Club fact sheet on Mirex." We ran this ad for \$450 in the New Orleans Times Picayune and pulled in in \$600. Then we went to the Baton Rouge paper and pulled in money. Then we went to the Houma paper, and we went across coastal Louisiana, running this ad, getting petitions; you know: "Send us petitions." Schools sent in petitions and what have you.

Lage: People were ready for it. They were responsive.

Futrell: Yes. The bootstrap ad is one of the techniques, I believe, of running a campaign--and it's also advertising the club in the newspaper. Now, the New Orleans Times Picayune had refused to cover any of our group's activities in 1969 and 1970. We got in the afternoon paper, and I could always get on television because of the FCC's

Futrell: fairness doctrine guaranteeing equal access. The electronic media picked up on us. We could always get on radio. But the Times Picayune, the large conservative morning paper, didn't cover us, didn't cover our press releases against Mirex. Our good press in the water resources controversy had come out of the afternoon paper. So we wrote this ad.

Lage: But they would take your ad?

Futrell: They turned us down on the ad because they said it was political advertising. "Well," I said, "you advertise politicians." So then I said, "We're going to sue you." At this point the lawyers in my firm became more aware [laughter] of what I was doing. The Times Picayune was not a client. It was a client of a firm across the street. But this displeased some of the socially prominent lawyers in my law firm.

So I entered into talks with the publisher of the paper, one of the really wealthy men in the city, outlined my idea, my basis for a lawsuit, and they backed down and published the ad. Thereafter they began to print our press releases and to cover us as well. It was one of the more interesting confrontations in my young career.

At the December, 1970, Sierra Club Board of Directors meeting I attended as a regional vice-president, and it was announced then I had been nominated for the board of directors. So I had come from a group chair to organize a chapter to regional vice-president to a board candidate in just a couple of months. The local group prospered. We had about 125 on the average attending most Sierra Club meetings.

I got a resolution on Mirex out of the national board and then tried to take the Mirex ad across the country. I got \$200 loaned from the Sierra Club national office to serve as seed money for ads in the Atlanta Constitution; the Birmingham, Alabama, papers; and just to take it across the Southeast, at the same time always advertising the Sierra Club's name and identifying this foolish campaign of aerial application of Mirex.

We had our first chapter dinner in January, 1971, a jambalaya dinner. We found a home for the New Orleans group in a large church that would seat up to four hundred people. We topped off with a Mike McCloskey visit in the spring that drew 350 attendees. Now, you can't do anything personal with a crowd that large, but nevertheless it helped swell the excitement in our group.

Don Bradburn had identified Horn Island, the barrier islands off the Gulf Coast, as a scenic resource that people should know more about. He worked up a beautiful slide show and lovely prints, and he became a staple for the next four or five years for Rotary

Futrell: Clubs, Kiwanis Clubs, in the coastal area. He must have given two hundred talks about Gulf Coast wilderness and about our local barrier islands. Gulf Islands National Seashore was incorporated in that area, and it later came under protection under the Wilderness Act.

Lage: So this was the beginning of that attention?

Futrell: Yes, it was. Elements of that land were a wildlife refuge but not protected, and we took the lead in that, and Don was the forceful spokesman for it.

Commitment to Southern River Swamps and Coastal Forests

Futrell: People on the national level associated me in those years with basically two issues: offshore oil and pesticides. However, at home, as far as Sierra Club activity was concerned, my interest and emotional commitment involved the free-flowing rivers and wetlands of our region. The rivers on the Gulf coastal plain are very special. When I was growing up, there were still great expanses of bottom land hardwood swamps. These were truly magnificent places. You can still see the remains of some of them, especially in the northern portions of Mobile Bay. A series of lawsuits arose over efforts to dam or to channelize free-flowing rivers in the southern United States in the early 1970s. Lawsuits were filed to protect the Cossatot River in Arkansas, the Cache River in eastern Arkansas on the Tennessee border, to stop the Tennessee-Tombigbee barge canal on the Mississippi-Alabama border, to stop the cross-Florida barge canal, and to stop the massive Corps of Engineers project on the Trinity River in Texas that would have made Dallas, Texas, a barge canal port. The work that the Corps of Engineers would have done in carrying out these projects would have resulted in massive deforestation, draining of wetlands, destruction of major wildlife habitat.

Perhaps the great legal hero in all of this was Richard Arnold, a graduate of Harvard Law School who had gone back to practice law in Texarkana, Arkansas, which was about fifty miles up the road from where I grew up in Shreveport, Louisiana. I had been camping perhaps two hundred times while I was in high school and college. I owned a canoe in my high school and college days and explored many of these bottom land hardwood and rivers in southern Arkansas, northern Louisiana, and eastern Texas. My high school classmate, Wellborn Jack, Jr., who later became a leader in the Shreveport group of the Sierra Club and a leader of the Ozark Society, was instrumental in organizing the first lawsuit to protect a free-flowing river. It was the suit about the Cossatot River in western Arkansas. This river drains the Ouachita Highlands--roughly an 80,000 acre, almost roadless area in southwestern

Futrell: Arkansas that was proposed as a national park in the 1920s. It actually passed both houses of Congress but was subject to a pocket veto by President Coolidge. According to those who know the area, it is even more wooded and more of a southern wild area in the 1970s than it was in the 1920s, but the Corps of Engineers had plans to dam the free-flowing Cossatot. Richard Arnold was persuaded to take the lawsuit. This launched him on his career in environmental law. He became the leading volunteer lawyer for the Environmental Defense Fund and brought suits to help save the Cache River and the Tennessee-Tombigbee River. He later became associated with a winning team in Arkansas politics and became the legislative assistant running the office of Senator Dale Bumpers. Richard, in turn, was appointed a U.S. Circuit Court Judge for the Eighth Circuit. He is perhaps the highest ranking person in the judiciary to come out of the environmentalist ranks.

Well, that's getting ahead of the story. The lawsuit that the Environmental Defense Fund brought on the Cossatot was the very first case that interpreted the newly passed National Environmental Policy Act, and it enjoined the Corps of Engineers' dam. This victory in southwestern Arkansas gave great courage to environmentalists all over the country and was a shot in the arm for the new field of environmental law.

I kept close contact with Richard Arnold and tried to keep up with each of the lawsuits that he was bringing. The planning session on the Tennessee-Tombigbee lawsuit was held in Mobile, Alabama, in conjunction with a board meeting of the Alabama Conservancy in the spring of 1971. I attended that. This was my introduction to the Alabama Conservancy and its leadership. I was very impressed by their intelligence, by their commitment, and the humanity and charm of their individual members. I also, despite all the experience I have had in Louisiana on swamp country, was greatly impressed by the day and a half tour they gave me of the bottomland hardwood swamps of Upper Mobile Bay. I remember standing with my wife and counting twenty-four circling swallow-tailed kites, one of the most beautiful and least seen of our American raptors. They were mixed with Mississippi kites. There is much that is wild and great in these southern rivers.

My habitat was the river swamp and the southern coastal forest. I took a number of boat trips into the Atchafalaya Basin, which is the river that runs parallel to the Mississippi River north to south, emptying into the Gulf of Mexico. It is managed as a flood control area by the Corps of Engineers. Within the great levee banks which are twenty miles apart, there is a sixty-mile basin floodway that is almost completely river swamp forest. It is 1,300 square miles of a unique and irreplaceable wildlife habitat and bottomland swamp forest. It could be as important to American conservationists as the Everglades

Futrell: or the Smokies. The Louisiana Wildlife and Fishery Department people tried to engage the Sierra Club's attention to educate us about the importance of it. They were very successful and Sierra Club people, Audubon Society people and, later, others in national organizations such as the National Wildlife Federation and Environmental Defense Fund, joined hands. This is a long and major story of a conservation campaign that runs from the late 1960s through the 1980s. The leaders were Doris Falkenheimer and Charles Freyling, who were active from the very first months in the formation of the Delta Chapter and the New Orleans group. After three years of working together on the Atchafalaya campaign, they got married. Charlie is a professor of landscape architecture at LSU and Doris is the American Civil Liberties Union attorney in Baton Rouge.

My wife and I went to Washington to lobby on the SST [supersonic transit] and met many of the people that I worked closely with in the next ten years. But the club calling in people to lobby in Washington was something new. SST was the first campaign where this as done on a large scale.

Impressions of the Sierra Club Board, 1971

Futrell: Looking over my notes, the February, 1971, board meeting in Denver was very--these board meetings were really circuses. I mean, this excitement all around the country led to really sharply presented viewpoints and sharp expressions of opinion, competing visions, if you will.

One of the agenda items was "Sierra Club cooperation with urban and racial minorities." Some of the speeches at the meeting presented the idea of the urban as being other, as being alien, whereas most of these people were city people. All these people, the Sierra Club people--there are very few farmers. They're very urban; they're very university-educated and very much professional or suburban people. And the idea of the urban as being something other, as being something alien--

Lage: Wasn't that just another way of saying "racial minorities?"

Futrell: Well, maybe. I don't know. But the discussion that went on to around 2:00 a.m. was really an extraordinary discussion. The minutes of the February 1971 meeting don't tell the story on this. The debate and the discussion went on for hours there in Denver in February 1971. People went back to the chapters and the RCCs and there was activity following that, especially in the northern California RCC and in the California chapters. The following day, on the second day of the board of directors' meeting, Director

Futrell: Maynard Munger introduced--or tried to introduce--a draft statement on urban environment and minority participation in the Sierra Club. The minutes do not reflect this. In the months that followed, Munger's statement was circulated through the chapters and RCCs and culminated in an exchange of correspondence which I enclose in case you want to attach it. The northern California regional conservation committee in March 1971 adopted a resolution urging the board of directors to take a position on the urban environment. Its main points were that the Sierra Club should express a concern for improving the environment in urban areas, involve members of inter-city groups in Sierra Club programs and activities, and work for joint action by the Sierra Club with organizations representing the interests of urban residents of all socioeconomic and ethnic groups. The northern California RCC requested the board of directors and Urban Environment Task Force through the Sierra Club counsel to recommend a final draft.* None of this happened. The minutes in May do not reflect that this was taken up. My notes make no mention of it either. Of course, the May 1971 board meeting was acrimonious and almost all other issues were moved aside because of the club's internal problems on the reorganization report. These resolutions and the discussion in Denver demonstrated to me that the urban environment question was one of the most important for local group and chapter members. However, the national board of directors as a unit and Sierra Club staff interacting together did not pick up on this important local volunteer concern.

Paul Swatek and I discussed it a number of times. It became one of the themes of the work that I did on the executive committee under Kent Gill, building, of course, to my Sierra Club presidency and the shoring up of the New York City office, which I have felt was always our most important office after San Francisco, more important than the Washington office, because, you see, my vision of the club downplays political activity and plays up cultural activity.

It's possible to be too political and too politicized. We have many targets of opportunity in the culture at large. One of the achievements that I had as a Sierra Club volunteer leader was really trying to underscore the support for that New York City office; and supporting a really effective, first-rate person, Neil Goldstein, as its steward; and, of course, the City Care Conference, you know, following through.

Lage: So this February '71 board meeting was your first introduction to the urban environment question?

*See Appendix C, p. 178, for these draft resolutions.

Futrell: Yes. It also struck me with the feel for the Sierra Club as being a coalition of urban groups. In my presidency, one of the things-- just as I was reaching out for certain types of people when I was trying to build the Sierra Club in the Southeast, in my presidency I was looking for flagship groups. The Philadelphia group, for instance, was my idea of a flagship group, just incredibly talented volunteers who, with no support from national organization, little attention from staff, just turn in year after year of quality operation. And my goal was to try to really build the sense of the group as being a very important political entity in the whole structure of the Sierra Club, but that's getting ahead.

Shifting back to the local scene, now; Mirex. Don Bradburn and I worked for a Mirex coalition. Bradburn drafted a resolution against Mirex as a potential carcinogen and got it through the congress of the American Medical Association, which in the whole Mirex campaign was one of the most damaging things done against it. Part of the Sierra Club's effectiveness grows out of the fact that its volunteer leaders--doctors, lawyers, teachers, carpenters--educate each other and then they go back and educate their friends in the unions and their professional associations about environmental issues.

Lage: When the AMA comes out on something like that--

Futrell: Yes, it is effective. Dr. Bradburn's work on that resolution was a key event in the Mirex campaign.

I ran sixth in the Sierra Club board election in 1971. I went out to the May meeting and met bitter and bad feelings. People were mad at me. In December of 1970 I had interviewed Leslie Glasgow, who was assistant secretary of Interior and a professor at Louisiana State University and therefore somebody I knew. I went up and interviewed him for the Sierra Club Bulletin. It was published as an interview in the March issue, which was the issue that people had at their homes when the election ballots arrived.

So here I was with a picture of me talking with Glasgow, and Sierra Club insiders were outraged because they felt the Bulletin staff was trying to promote Futrell! [chuckles] I mean, red-faced people bitterly denounced me. I had gone out feeling so good about having run sixth in the election. I felt, as I still do, that it's an honor to be nominated for the Sierra Club board. Being elected, who knows how it happens. But the honor is being nominated, that the club insiders thought well enough of you to put your name on the ballot.

It looked like we weren't going to have a new executive committee. The board kept recessing and going into closed session. The first item on the agenda was election of officers. They didn't elect

Futrell: officers. What was happening was that Larry [Laurence I.] Moss was deadlocked with Ray Sherwin inside, and it was bitter. Phil Berry had had his two years as president and was stepping down. It was deadlocked overnight into the next day. The things that were said in that closed meeting were divisive, and they came out red-faced.

Well, they finally came out. I was reappointed Sierra Club vice-president, but it was my introduction to Sierra Club board politics, and how dug in these people were, and how mad they could get at each other, how mad--

Lage: This is a different vision from what you've described earlier.

Futrell: I had become closer to the inner workings of the board and got to see some of the heat as well as the light.

A New Career in Alabama and Further Organizing of the Gulf States

Futrell: Our local campaign to protect the barrier islands off of Mississippi and Alabama came to a head. In 1970 I was a regional vice-president for the club and one of the issues that I was working on was putting Horn Island into the national park system. This lovely wilderness off the coast of Mississippi appeared to be a noncontroversial item assured of passage. However, at our December board of directors meeting I had lunch with our Washington representative Lloyd Tupling and David Brower at which I learned of a rumor concerning oil company interest in Horn Island. On Monday morning I began checking that rumor out. From a House Interior Committee staffer, I learned that there was no oil company interest in the island, but that the governor of Mississippi was anxious to solicit offshore oil exploration off the coast of that state, and that he did not want national park areas as a barrier to any future exploration. I called the governor's office and asked to speak with him. In the conversation with the officials, I learned that a request had gone from the governor to Senator Stennis, on to Congressman Aspinall, to hold Horn Island back.

With so many areas and so many park advocates pressing for attention, Horn Island was in danger of losing its place in line. Once the crisis comes in a campaign when the end is close, to delay can be fatal to final chances in passage. I called back and I told the governor that if he did not relent, if he did not call an end to his opposition, that I would go to the press identifying him as the person who had robbed Mississippi of its chance for a park. He replied with threats of his own. The next morning I began a series of telephone calls to daily papers in Mississippi. About half of

Futrell: them printed the charges which I made. The next day the governor's office issued a press release to the effect that an administrative assistant was flying to Washington, D.C., to work with the House Interior Committee to solve problems which had arisen with the Horn Island Bill and that he, the governor, wanted to make sure that one of the accomplishments of his administration was the achievement of this national park area for the people in Mississippi. The bill went to the floor of the House a week later and passed. The power of confrontation before a free press and public opinion had prevailed again on the side of natural values.

Shortly thereafter, I was riding home with the seventy-year-old senior attorney who had been my patron in the law firm that I worked in and who has been one of my mentors in life. He was continuing to lecture me on commodity trading. I recounted the events to him. He sighed at the retelling of these adolescent antics, and he interrupted his discourse on the stock market and the sort of investments that a thirty-year-old lawyer should be making in certain corporations for the future benefit of his family, and he said, "Bill, what kind of estate will you leave for your family if you keep up that sort of thing?" I thought for a minute and I said, "The sort of an estate that I want to leave for my family is Horn Island and the Big Thicket and places like that." There was another sigh and the lecture on stocks and bonds began again.

Sierra Club local group organizing kept on. I organized Shreveport, Louisiana; looked on to Arkansas and Missouri; flew into Missouri, talked to the St. Louis group about the Ozark Chapter and what to do about Arkansas, how to organize it.

We began a Mirex campaign in the Louisiana legislature, lobbying state legislators, using Mirex always as a tool to educate people about environmental values, not worrying so much about actually getting it banned, but just, "This is really a very foolish thing and let's, you know, crank on to it." The benefit of the spraying was so small, you know, but federal payments to finance the Mirex program did serve to pay for about half the bill to run a state agriculture pesticides department. I mean, the Mirex campaign was very important in state budgets for people in the state agriculture departments, a typical make-work, a welfare state, subsidizing of agriculture, and corrupt. Ronald Reagan should have gotten after it. [chuckles]

At the end of May 1979 we organized the Gulf Coast RCC [regional conservation committee]. The Gulf Coast RCC was used as a means to network isolated club leaders in our newly formed chapters so they could reinforce each other and save their energy by coordinating areawide efforts. The web of leadership was very thin in the beginning. We only could get one person, you know, or a

Futrell: couple of people from Florida, and nobody from Alabama, a couple of people from Georgia. I said, "Who do you know? Let's go out and let's organize Birmingham. I'll fly into Birmingham. We'll advertise it in the other groups. We'll put notices in the paper. We'll do it in Montgomery, Alabama, and, you know, we'll just reach out into Macon. We'll reach out to these other cities and find people."

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Futrell: We wanted to take Earth Day and the social activism of the ecology movement and to institutionalize it. I mean, we were trying to capture it. We were trying to bottle it [chuckles] so all the fizz wouldn't go out, we'd have something left.

Around the end of 1970, it became obvious to me that it was either fish or cut bait in my law firm. I was spending half my time doing environmental work, and I was away from the office. I was speaking around the country--in Dallas at the Lone Star Chapter, the banquet speaker. I was getting in the paper, on television.

I remember someone from an oil company called up and said, "Are you the Bill Futrell who's the vice-president of the Sierra Club?" I said, "Yes." He said, "Are you the Bill Futrell that works for Lemle and Kellehor?" I said, "Yes." He said, "And this is the same firm that represents the Zapeta Oil Drilling Company?" I said, "Yes. What can I do for you?" He said, "No, I just wanted to know. I'm curious."

The firm people also had the lawyers who organized the effort to stop the expressway through the French Quarter. They'd been very active in historical preservation. The senior partners always were supportive. George Matthews, one of the most conservative lawyers in the office, was the one who contributed the most money to the Sierra Club group. I mean, the guy who I thought potentially could give me the most trouble would write out checks for \$250 a year.

Lage: How do you explain that?

Futrell: Well, it's just that when you come to natural values, you shouldn't write people off! This is one of the dangers of thinking that it is us against them; Catholics opposed to Protestants, whites versus blacks, or oil people against Sierra Clubbers. There are a couple of institutions that I'm loyal to outside of the Sierra Club, you see, and if you come in and denounce those institutions, you've turned me off for your message. So it's always very dangerous to write off groups. You keep to your own organization's message.

But the firm's senior lawyers had a message of fish or cut bait: "Come home. This has been good exposure for you, but are you going to be using our secretary and our mailroom as your office? We have

Futrell: enjoyed supporting the Sierra Club for the last two and half years, and we're proud of your accomplishment, but are you going to do it for a career?"

I saw my contemporaries promoted and did not see a partnership for myself unless I radically changed. For me, the alternative was teaching law. I'd always been interested in teaching law school, so I started looking for a law school teaching position.

While I was going out to the Sierra Club board meeting and while I was in these different states sometimes, in Florida and Missouri, I interviewed different law schools, their faculty.

Lage: And you'd organize the club while you were there?

Futrell: Well, no. Call it networking. I would talk to club leaders in Kentucky and Missouri and Florida and conservation people. Every stop at the airport I would call up and introduce myself, using the leaders' list, and find out what they were doing and what they thought their priorities were. The Sierra Club's widespread distribution of its leader list, giving the names and addresses of the top 800 volunteer leaders around the country, was one of the most useful tools for building coalitions within the club on an issue. The lists were prepared in such a way that a volunteer could separate a sheet from the list, xerox it on Avery labels, and have a mailing list prepared cheaply.

Around 1976 the leader list format was changed, making this easy xeroxing by region or by volunteer function more difficult for the volunteer user. In the name of economy, detailed regional and issue lists were procured by request from staff rather than routinely distributed. This led to decreased volunteer effectiveness. I protested, but to no avail.

In 1971 I accepted an offer from the University of Alabama Law School, and I did this at the advice of my sponsors from Columbia Law School where I graduated from law school. They gave me three or four good reasons why I should choose Alabama over my other offers: the only law school in the state, and you will work very closely with the legislature and the state. The law school is better than the state. The state is better than the governor, which, of course, was peppery George Wallace.

So this leads to me being the environmental law advisor to Governor George Wallace at one time, then moving across the state line and briefing Jimmy Carter, the governor of Georgia, at another, of course. One of the great satisfactions of my life is the Florida primary in which we, the Carter people, beat them, the Wallace people. I mean, that was one of the classics of southern politics, a kind of Armageddon coming to--

Lage: But you did advise George Wallace?

Futrell: Oh, yes. Right. A number of times. I mean, well, he listened.
[mimics George Wallace:] "Professor!" [laughter] I mean, I talked
at him.

II CONSERVATION AND INTERNAL AFFAIRS AS A NATIONAL CLUB OFFICER,
1971-1976

The 1971 Reorganization Controversy: Supporting McCloskey and a
Strong Staff

Futrell: At the Gulf Coast RCC meeting in the spring of 1971 we had Mike McCloskey speak. He was very nervous. I said, "Well, what's happening in the club? It's been six weeks since I've seen you."

He said, "Well, you know, the big reorganization report is being prepared." In fact, I knew nothing about it. The reorganization report was, of course, to make Phil Berry the club president, as a paid president, and have him as the head staff person, and Mike being a kind of chief operating officer. Well, this led to the middle-of-the-summer reorganization meeting that was held in July, which was truly a bitter meeting and, I believe, left more scars on the body of the club than did the Brower controversy.

Lage: July, '71.

Futrell: That's right. It ended up being characterized as Phil Berry and the people--many of whom lived in Berkeley, whom I characterized as the East Bay bloc--against McCloskey and the staff.

The report of the Reorganization Committee appointed by President Phil Berry was presented at the May 1971 board meeting. Rereading it, it appears to be a reasoned and reasonable effort to cope with the Sierra Club's explosive growth and to find a way to revise staff structure to have a better club. However, the report was seen in terms of personalities. It was interpreted by many of the senior chapter leaders in California, especially the Bay Area chapters, as an effort to demote Executive Director Michael McCloskey. The text of the report was published widely in chapter newsletters and circulated throughout the club membership. It drew forth several dozen letters, many of them very thoughtful and reflective about what kind

Futrell: of organization the Sierra Club should be. Club leaders talked about democracy in the Sierra Club and organizational structural issues. Director Dick Sill even went so far as to publish several thousand copies of a pamphlet entitled "The Future of the Sierra Club: A Paper for Discussion," which discussed eleven basic topics on staff and club organization. It runs to more than 18,000 words printed on thirty pages of small type. Thoughtful letters were written by chapter chairmen and regional vice presidents.

There was a real awareness of the more sophisticated political science concepts on why people volunteer, alienation in society, perceived effectiveness by volunteers, etc. This was in part because the Sierra Club was being actively studied by several Ph.D. candidates who were using it to demonstrate their writing in the political science field. Three of them deserve mention. William Devall, whose thesis, "The Governing of a Voluntary Organization: Oligarchy and Democracy in the Sierra Club," was published in 1970 and whose work was well known to most of the club's leadership. Devall himself was active at council and board meetings. I talked to him. His thoughts on corporate governance and theories of democracy influenced me from the very beginning. Two other Ph.D. candidates were doing their research at that time. Their ideas were being discussed, though their published work did not appear until 1974. Arthur William St. George published his thesis, "The Sierra Club Organizational Commitment and the Environmental Movement in the United States," to get a Ph.D. in sociology at University of California, Davis. This thesis examined environmental belief systems, socioeconomic status, level of education, and perceived political effectiveness. Theodore Paul Bartell's thesis, "Political Alienation and Perception of Challenge Outcomes: A Study of the Environmental Movement," was published in 1974 for the University of Michigan for a Ph.D. in sociology. This thesis dealt with political alienation, challenge groups in the society, means of influence employed, and perceptions of club members as being effective. I sometimes wonder what influence these scholars had on the participants in various levels in club politics. Did it make them more pompous? More apt to speak in sociological jargon? But at any rate, the letters, the papers exchanged, in the spring of 1971 reflected a passionate commitment on the part of scores of people around the United States to keeping the Sierra Club as a democratic organization responsive to the needs of the society and its membership.

Here is one of my major points. The internal politics of the Sierra Club is often analyzed in terms of staff versus volunteers in terms of power. We hear talk about that whenever you have a staff, it will become an oligarchy; that--in terms of Michel, the turn-of-the-century German sociologist, analyst of the German Socialist Party--that whenever you hire a staff, the staff's interests become opposed immediately to the interests of the membership.

Futrell: We have a very unique situation. We have the board, the staff, and then the groups and chapters. The staff is primarily in a power relationship with the groups and chapters, constantly feeding them, so that groups and chapters support the staff, while it is in more of a tension relationship with the board. In reality, I think it works very well for the interests of the membership, though there are wearing tensions between the executive director and the president and between other connecting points.

But volunteer support for a strong staff was dramatically revealed at that meeting where the Sierra Club old-timers on the board wanted Phil Berry as the club's spokesman. People like Ray Sherwin and Will Siri preferred him to Michael McCloskey as the club's spokesman--Phil's forthrightness, his dramatic platform appearance, his charm in reaching out to people and recruiting them. But the staff was very much organized behind Mike McCloskey. It was not a large staff, and it was a junior staff, in the sense that Linda Billings and Jonathan Ela were people who did not carry that much weight in terms of the whole structure, but the influential chapter and group people around the country very much supported Mike. Phil might be a dramatic and a good banquet speaker, but for the week-in, week-out servicing of your chapter and group needs, and information about Washington, they valued the staff. They wanted an effective, professional working staff rather than a charismatic leader, which Phil was.

In May, I had a beer with Phil and I said, "You're my friend. You recruited me for this, and I'm your lieutenant. What do you want?" He said, "Let the chips fall where they may."

Lage: This is just what he said?

Futrell: Something like "Let the chips fall wherever they may." I was genuinely confused about what he really wanted or whether he was playing out a role that had developed out of his intense two-year presidency.

And conferring with our people in the Southeast at the Gulf Coast RCC meeting, I came out in the July meeting and supported Michael McCloskey. This offended Phil's friends--Ray Sherwin, August Frugé, Will Siri, and led to several years of estrangement with Phil Berry. But that chapter and group opposition from around the country did sway the tide.

My role as a Sierra Club director for the next six or seven years was to build and to strengthen and to be one member of a voting block which constantly supported staff against what I perceived to be a hypercritical element on the board, and to prevent the board sniping at the staff; and to build up the budget to support a professional staff. It was a group that became identified with Claire

Futrell: Dedrick's viewpoint, Paul Swatek's, Larry Moss's. The result of that was, I think, good for the club.

Lage: If it had happened the other way, do you feel that Phil Berry as chief of staff would not have given the support needed to the chapters and groups?

Futrell: Oh, perhaps we would have gotten more chapter and group support from Phil, and in many ways I'm sorry that it turned out the way it did. We'll never know how good Phil might have been.

Lage: Oh! [laughter] So you have a different viewpoint now.

Futrell: Not really. I'll stick by what I did. But Phil influenced me to feel that breathing life and structure into the volunteer apparatus of the Sierra Club and avoiding a static Sierra Club bureaucracy is very important. Something that I have said over and over again at board meetings is from the East Asia Marine Corps, "Choose your enemies very carefully because you take on their attributes." And the Sierra Club, in constantly becoming more and more preoccupied with the federal government, has more and more come to look like something out of the government organizational manual. It is a conservation bureaucracy. Look at the table of organization [page 97a].

Lage: And you don't think that's necessary because of its size?

Futrell: I think that there are ways around that, and I think the League of Women Voters gives you a very dramatic example of how you can have board-led, board-dominated organizations. Well, actually, I may want to edit this section of the interview. [laughter] Actually, I think the club works very well. I think that people whom I may sound critical of on particular things strove mightily and accomplished great things.

But it was an extraordinary uproar of a meeting [July 1971]. I was regional vice-president and attended the meeting in that capacity.

The Wilderness Conference took place in September, 1971. I went out. There was a board of directors meeting. Ansel Adams resigned. I had been number six, the runner-up, and I was elected to the board.

Spearheading Club Action on Pesticides

Futrell: So I came onto the board [September, 1971] and used the board position to organize a national committee on pesticides, and I got about three hundred people in fifty states organized on this because

Futrell: we were moving toward consideration of FIFRA, the Federal Insecticide, Fungicide, Rodenticide Act.

Because I came from the rural South and taught law at the University of Alabama and Georgia Law Schools, I have always been interested in farm programs and how agricultural issues and environmental issues combine. One of the most important issues in the whole environmental area is the control of chemicals and their environmental effects. This is especially true of pesticides. I became aware of pesticide overuse in 1971 when I came to the University of Alabama. An article in the local newspaper reported that cotton fields in the area had been sprayed six successive times with DDT. One of the local agricultural experts attached to the university made the statement that two times would have been enough, and he made the observation that the extra sprayings of DDT were caused more by the advice of agricultural detail salesmen than by the needs of the farmer. The more I observed the local agricultural scene throughout the lower South and pesticide use, I got the impression that pesticides sales and application moved to the beat of the chemical manufacturer's drum. A pesticide company, through its marketing and through its university contacts and agricultural extension contacts, worked to ensure that the widest use would be made of chemicals in agriculture. The efforts in 1971 and 1972 to amend the FIFRA resulted in the Federal Environmental Pesticide Control Act of 1972. It sought to curb some of those pesticide abuses, to open up EPA decision making to the public, and to allow citizen review in the courts of decisions. At the same time, an educational effort was underway in the society at large and in representations to the Environmental Protection Agency, leading manufacturers and farmers to shift away from the hard chlorinated pesticides such as DDT to softer, more environmentally acceptable pesticides.

The Environmental Defense Fund and the National Audubon Society played a major role in leading this effort. The Sierra Club had not taken an active position in pesticide matters in the late 1960s. Indeed, an invitation for Rachael Carson to speak at one of the wilderness conferences in the late 1960s had drawn protest from powerful members of the senior Sierra Club volunteer structure who were opposed to any club participation in this effort. The most vocal of them was Dr. Thomas Jukes, a distinguished scientist and a prominent member of the University of California faculty. Dr. Jukes was one of the most respected advisors of several of the Sierra Club directors from the Bay Area. My personal activities on Mirex and then in lobbying on the Federal Environmental Pesticide Control Act of 1972 led to conflicts with him and with several of my fellow directors. Through the lobbying volunteer efforts of Donald Bradburn, Mary Burks in Birmingham, Betsy Barnett in New Mexico, and Kathy Bjerke in Michigan, we moved the pesticide issue to become an active club priority. While it may not have been defined as a prime priority on the January board list, the fact that we organized hundreds of Sierra Club volunteers to participate in this effort made it a priority in

Futrell: fact. The volunteer support and the active board of directors support which I gave, made it possible for newly arrived Washington, D.C., Sierra Club lobbyist Linda Billings to devote a portion of her time to work on the pesticide bill. This was important because the other two organizations involved, the Environmental Defense Fund had a lawyer, Bill Butler, who could give splendid intellectual leadership but who was tied down with many other assignments. In a similar fashion, the National Audubon Society had only one Washington lobbyist, Cynthia Watson. Her time was overcommitted, even though pesticides was one of the most important things for her to do.

This was the first of many times in which I worked closely with Linda Billings. We made a very effective partnership. She kept me fully briefed on everything that was happening in Washington, D.C., was tireless in tracking all of the lobbying efforts going on by the National Agricultural Chemicals Association, Chemical Manufacturers Association, and the other trade lobbyists, and kept me fully briefed. She also saw that I was kept fully informed of all that was going on with the other environmental lobbying groups on this issue. For my part, I assembled a task force of Sierra Club volunteers that included public health people, agricultural experts, doctors, concerned housewives, and all the others who can combine for effective citizen action. From my office at the University of Alabama Law School, I directed a 325-member citizen task force in support of an effective Federal Environmental Pesticide Control Act.

My view of the proposed industry/Nixon Administration bill was that it was primarily a chemical manufacturers' law which would increase the widest use made of chemicals in agriculture. It was not a farm workers' bill; it did not focus on product safety or the environment. H.R. 17029 was silent on hazards faced by those who work in the production of pesticides, who apply pesticides, who work with products immediately after pesticide application. It needed much revision before it became acceptable. The new U.S. Environmental Protection Agency had taken over pesticide enforcement duties from the Department of Agriculture. However, the EPA staff monitoring pesticides for the first four or five years (1971-1975) were primarily employees taken from the Agriculture Department who were pro-pesticide use. We felt that the statute needed a strong charge for the government to be aggressive in curbing unreasonable use of pesticides. An important way to do this would be to open up EPA decision making on pesticides as much as possible. Therefore, much of our lobbying effort went into certain types of proposals concerning disclosure of information by pesticide manufacturers, liberal judicial review of EPA decision making, a citizen suit provision, and lobbying for a provision to allow the states authority to conduct stricter programs. Through a long lobbying season running through 1971 and most of 1972, we were successful in enacting a stronger pesticide law. Throughout this time we had a running controversy of criticism from Dr. Jukes and

Futrell: some board members on our activities. However, we were successful in rallying the majority of the board and the majority of the club's leadership on this important issue.

By accident a key senator turned out to be Senator James Allen of Alabama. Because of my position at the University of Alabama Law School, I had access to him at any time, and I made several trips to Washington to consult with him and his staff on what our core positions were. Our Washington office chief, Lloyd Tupling, made an effective third-party bridge with this very senior Senate staff member. One of the neat things that was done was that when we lost heavily in the House of Representatives, and faced a bill in the Senate, we employed some unusual tactics. The bill primarily rested with the agriculture committees of both House and Senate. However, we lobbied and got Senator Hart and Senator Magnuson to assert jurisdiction jointly with the Senate Commerce Committee. This added about six months of controversy and lobbying to the bill's passage. But through the Senate Commerce Committee's intervention we were able to gain strengthening amendments. In the last six months of lobbying in the summer of 1972, we focused more on the need for citizen suits and for strong judicial review to ensure that agency decisions could be checked by the public. During these years I had become more and more convinced of the importance of the courts for the environment. In my testimony before the Senate Environment Committee in June 1972, I made the following statement:

The opportunity for a citizen to get a hearing on those matters which concern him and threaten his health and environment should be a certainty. The availability of a court of law to hear the controversy should be one of his rights. As a lawyer and law professor, I believe that access to the courts is one of the most effective means for people to participate directly in environmental decisions. It may be the only way to do so effectively.

We hear much of the fact that the courts will be clogged with these types of cases if a citizen's suit provision is enacted. The contrary is the case. The burden of environmental litigation is heavy, both in monetary expense and in the disruption of the lives of those who bring the lawsuits. I know this from the personal experience of my friends who have been plaintiffs in environmental litigation.

Next Monday the Tennessee-Tombigbee lawsuit against the Corps of Engineers will go to trial in Aberdeen, Mississippi. The individuals who brought this suit have suffered; at least one has had his job terminated, and all have received an inordinate amount of public and private abuse because of their association with the lawsuit.

Futrell:

I recently met with the citizens group which is bringing a lawsuit to stop the building of an interstate highway through Overton Park in Memphis, Tennessee. Theirs is a story of a several year long struggle to raise funds, of official indifference and hostility, and of dogged perseverance. The experience of people such as these bears out the observation of the court in the Scenic Hudson Preservation Conference case that "the experience with public proceedings is not lightly undertaken."

Standing was not an issue in either the Tennessee-Tombigbee or the Overton Park cases. Both involved specific pieces of real estate and local persons served as plaintiffs, and because of these local connections, the environment had champions who undertook the legal battle.

The possibility of widespread environmental degradation is just as likely from pesticide abuse as from the misplacing of a highway or a large canal. Highways are tangible projects with a specific locus. The victims of pesticide abuse have no specific geographical locus. Yet there are thousands of Americans who are deeply concerned over such questionable pesticide programs as the recent Gypsy Moth and fire ant eradication projects. Provisions for citizens suits are particularly appropriate in the pesticide regulation field. Without a citizens suit provision, a reluctant court might be hesitant to uphold a local citizen's right to challenge a multi-state massive campaign for the aerial spreading of poisons.

Citizen initiatives in the courts have already made great contributions in the pesticide regulation field. Without environmental lawsuits, it is doubtful if the agencies involved would ever have undertaken the examination of the role of DDT which is still continuing--under court order.

If ever environmentalists needed access to the courts they need it in the pesticide regulation field.

Ten years later, I still strongly support the views expressed there. The work that we did as Sierra Club lobbyists for citizen suits and for liberal judicial review provisions in these laws make for better government.

In reviewing the file on our activities, I have to comment on how effectively Linda Billings and I worked together in complementing each other's activities in following legislation in Washington, analyzing

Futrell: back at the University of Alabama and contacting myriad volunteers through the xerox and telephone circuits, and combining with other environmental groups to support passage of the bill. Again, truly effective national volunteer work cannot be done without the willing cooperation of a professional staff member.

Recruiting and Supporting Club Leaders

Futrell: Let me go back to the September 1971 board meeting at which I became a director. Following the open conservation agenda, the board had a closed session. The first issue that arose was naming a replacement for me as southern vice-president. Club president Ray Sherwin and a number of others had been very impressed by the outstanding speech Ted Snyder had delivered several days earlier at the wilderness conference. However, opposition to Ted as the new vice-president came from several directors who charged that Ted had represented segregationist forces as a lawyer. The discussion came to an impasse.

I am most sensitive as to how outsiders view the people of our region. I said, "Let's get the story from Ted Snyder." I telephoned him. This was the first time we ever spoke. He explained that he had been an attorney for the city engaged in municipal law questions in the early 1960s and had represented the city's defense on a segregation ordinance. I knew that any city or county attorney in the South during those years would have been in a similar position. He went on to say very forcefully that he was a good American, that he had been an Army officer in Korea who soldiered well with black and white troops, and that he worked and liked to work with people from all groups. I reported back to the board that there was no basis for any opposition to Ted, and he was named to be southern vice-president, which gave him a regional platform and a national position in the club. Ted flew back to Washington (he had gone home after the wilderness conference). After observing Ted, I thought this is the guy I would have to run against for Sierra Club president.

Lage: At that point in time?

Futrell: September 1971. I thought about how to deal with him. It was very much: "How do I carve out a role for him and for me so we don't stumble over each other?" Ted had been an Army officer; served in Korea, East Asia; understands the U.S. role in world affairs. Many of our social attitudes were the same. I had no desire to cause him any harm. But most of all I didn't want my lieutenants tripping over him, and me tripping over his people. In California, you had this competition between [Edgar] Wayburn's people and the East Bay bloc's people, and the result was that certain people did not get appointed

Futrell: to certain committees and vice versa. I wanted absolutely none of that between Ted and me. I had no doubt but that he would come on the Sierra Club board of directors, that he would come on the executive committee, and that we would be rivals for office, and I could not imagine a California organization having two southern presidents in a row.

Lage: How could you spot that then? What quality about him?

Futrell: Well, he's got leadership qualities, and if I can't spot that I really don't deserve to have been a company commander in the Marine Corps in East Asia or to be president of an environmental organization with a budget of \$2 million and a staff of fifty right now. Lyndon Johnson said, "If you can't go in a room of people, sniff 'em, and tell how they're going to vote, you don't belong in politics!" So I sniffed Ted and thought he was a winner. Ann [Snyder], of course, was very impressive. The chemistry was there. Ted is a great public speaker. He arouses loyalty in his friends.

For the Sherwins and the Frugés and the Siris, I think Ted was obviously [laughter] the southeastern alternative to Futrell. Ted had a ready-made constituency for him with that faction of the board. And, of course, I had a ready-made constituency with the Wayburns and the Mosses and the Brower backers, who swang in behind me. This wasn't obvious or overt, it just happened.

Nineteen seventy-one was a year of constant activity. The importance of friends here, recruiting people. Earl Bailey, who became a regional vice-president, I recruited to form the Sierra Club in Alabama and to get it started. He's a professor of engineering. Earl led the Daniel Creek lawsuit and other campaigns and contributed a lot to the club. We were friends. He had the qualities I thought made for a good Sierra Club leader in a new state.

As an air force officer, he thought in terms of hierarchy and organization. He had a stable marriage, was a tenured professor at the University of Alabama, surplus energy, outstanding outdoorsman, good sense of humor, good at bringing people in, and rooted in Alabama. All this gave him a base of security to conduct the demanding work involved in developing club activity in a new state.

Lage: Now, did you recruit him to the club?

Futrell: Yes, right. I took him to lunch, and I said, "Look, there's this organization you should know about." I gave him a Sierra Club book and I courted him the way I courted Don Bradburn. It was a way of finding somebody who was going to bring two hundred people into the club, who was going to be a major force, and spotting those people is always this kind of evangelistic thing. It was always very important.

Lage: Did you talk about this with other leaders from other parts of the country? Did they do similar things?

Futrell: I don't know whether they did or not, but in swapping stories I know that Brock Evans had much of the same attitude--spotting leaders, reinforcing them, sending them things, and what have you. That's what a good staff person should do in the Sierra Club.

Daniel Creek Test Case on Strip Mining, 1975-1980

Futrell: Earl Bailey later became chapter chairman of the Chattahoochee Chapter and chairman of the Gulf Coast regional conservation committee, a national vice-president of the Sierra Club. He was chairman of the Gulf Coast RCC at the same time that I was national president so that we continued our working relationship at the national level of the club as well as at the local level. Earl also took a lead on the national level in the coalition work to pass a bill to curb strip mining. He was a professor of engineering and had access to all sorts of information and records about strip mining practices in Alabama that Sierra Club volunteers did not have in other states such as Kentucky and Tennessee. Earl was very effective in getting information about strip mining abuses and because he had a bit of the good old country boy manner about him, he was also very capable in relating to local legislators and local county officials. But perhaps I remember him best for the work that he did on one of the most controversial and dangerous undertakings of the Sierra Club in those years, the Daniel Creek litigation.

Daniel Creek is another one of those stories about how things got turned around and how institutions and officials that ignored things later began to pay attention to them. Daniel Creek is a tributary of the Black Warrior River north of Tuscaloosa, Alabama. The creek is part of a U.S. Corps of Engineers recreation area and several million dollars were spent developing it as a canoeing and hiking area. There are picturesque hiking trails that follow an old mining railroad, go through tunnels, and ascend heavily wooded hills. The trails are much used by local Boy Scout troops and other youth groups. During the late 1960s and early 1970s, the pace of strip mining coal increased in northern Alabama. Starting around 1970, much of the drainage of the Daniel Creek area was devoted to coal strip mining. Spoil piles from the mine's operations became visible from the creek, the stream, and the river began to silt up.

The Sierra Club complained to the Army Corps of Engineers, and after numerous conversations a corps inspection team came up and admitted that the situation was very bad. Independent chemical

Futrell: analysis showed heavy acidity and lack of aquatic life. However, the Corps of Engineers decided to take no action.

We made numerous entreaties to the U.S. Environmental Protection Agency, claiming that this was a case of water pollution under the Federal Water Pollution Control Act, which says that any water polluter who dumps pollutants from a "point source" into rivers and lakes must have a permit from the U.S. EPA. The strip miners did not have a permit. The question arose as to whether a strip mine was a point source or not. The Water Pollution Control Act was passed to regulate factories and industrial pollution. We could point to the point where the erosion and silt was entering the river and the creek. However, at the highest levels in Washington, D.C., the Nixon administration EPA made a decision that strip mines were not a point source. The reason they did this was that they did not want to use the Water Pollution Control Act to regulate strip mining. They did not want to regulate strip mining at all. However, water pollution impacts were the major result of strip mining abuses.

Daniel Creek became the test case in the courts on whether a strip mine was a point source or not. We also tried to turn it into a test case on the government forcing the strip miners to restore the area. After extensive negotiations with U.S. EPA, Earl Bailey and I faced a stone wall. I talked to James Moorman at Sierra Club Legal Defense Fund and urged him to use the local American Civil Liberties Union lawyers in Alabama who were used to taking unpopular and even dangerous cases and doing a good job with them. Make no mistake about it that tempers ran high on strip mining in Alabama at this time. We were involved in lobbying on a state bill for strip mining. People involved in that lobbying campaign and in another related lawsuit involving strip mining saw their property burned and damage done to their belongings.

The Sierra Club lawsuit was approved by the national executive committee in February 1975, and suit was filed March 20, 1975, in the federal district court in Birmingham, Alabama. Throughout the time that I was at the University of Alabama Law School I had a corps of ten or twelve students working with me on processing environmental impact statements and monitoring environmental developments in the region. The Daniel Creek lawsuit was an important exercise for them and they did most of the leg work in developing the facts and assisting the attorneys in bringing this case to court.

Round one of the Daniel Creek lawsuit ended in a fifth circuit court of appeals decision that the Sierra Club could not force the U.S. Environmental Protection Agency to go out and enforce the law. The court held that EPA had discretion to choose which people it would sue and which ones it would not sue. We lost the first half of the Daniel

Futrell: Creek lawsuit against the federal government. However, we had also sued the stripminers and that case came before the fifth circuit court of appeals on review in June 1980. In that case, we won. The fifth circuit held that the digging and surface mining operations by the coal miners was a point source and that the Water Pollution Control Act did apply and could be used against strip mining. The fifth circuit remanded the case for further hearing to the trial court and the trial court ended up awarding attorneys' fees to the Sierra Club for bringing this important case.

Earl Bailey had become a very important source of information for congressional committees on the strip mining question. He was scheduled to appear for congressional testimony in 1978 when he was called in by the associate dean and told that he was restricted to campus. Earlier, people from the power company had come to the dean and to Earl both and had warned him against doing any further work on the strip mining question. Earl contacted the local American Association of University Professors. They hired a lawyer, incidentally the same law firm which handled the Daniel Creek litigation, and filed a grievance with the university. The grievance proceedings outlined the whole poisoned university atmosphere against environmentalists. It ended with victory for Earl; he got his back pay and promotion to full professor. Throughout it all, Earl was very cheerful and remained a very effective professor who was effective in getting research grants from the Department of Defense for his specialty in aerospace engineering. But I think it proves my point about the importance of selecting group and chapter chairmen in a new area. Somebody of Earl's character and courage makes a big difference. The story of the Sierra Club in the lower South, our campaigns against strip mining, would have been very different if the person on the front line had been a weaker person. The academic grievance proceeding took place in 1978 and 1979. The final victory in Daniel Creek was won in 1980.

Remembering back to the middle 1970s and our activity on Alabama's strip mining, I can remember instances in which telephones were tapped. One of my vivid memories involves the major hearing in the Alabama legislature on strip mining. We pulled together more than seventy witnesses from all over the state, professional people, farmers, housewives, teachers. These people took time off from work to drive to the state capitol. The committee chairman, a corrupt and not respected individual, looked at the room full of witnesses and called off the hearing.

Those who think of the legislature in terms of the U.S. Congress with its offices, secretaries and support staff, would be sadly disillusioned by the state legislatures in many of our states. The Alabama legislature met in a large auditorium in the state capitol at the same desks which were used at the confederate meeting for

Futrell: secession in April 1860. Alabama legislators did not have secretaries, did not have private offices. They had little or nothing in the way of support. Obviously, the legislature was weak and not about to stand up to the strong governor that George Wallace was.

Eastern Wilderness Campaign

Futrell: My story has split images: active national involvement and active local efforts. Usually, people in San Francisco did not know what I was doing in the Southeast and people at home did not realize what was going on in our board efforts to guide the national Sierra Club.

Back on the national board level: Following that disastrous fight--that hard-pressed fight of July 1971 over reorganization--we had a Sierra Club membership nevertheless which was continuing to grow. The budget discussed in September was given only a quick kind of glance, a lick and a paste, and it was adopted in December 1971. At the February 1972 board meeting, the budget had to be revised.

There were major shortfalls. The board was faced with making major cuts. They considered closing down the Bulletin, doing away with the books program. Major cost overruns here and there and everywhere.

We had two board meetings back to back, one the weekend of February 7th and one the weekend of February 14th, which means that people were jetting back and forth across the country. Tempers were terribly frayed, and it was really a mess.

In January 1972, Price Waterhouse, the outside accountants, discovered that the Sierra Club would have a \$400,000 shortfall on its current budget. They told us that the Sierra Club's accounting system was inadequate, that it had not kept pace with the growth of the Sierra Club. This discovery of a \$400,000 shortfall was made one-third into the year. It is always easier to cut programs and to improve your budgetary position earlier, rather than later. Less drastic medicine has to be meted out. So in February we had to do the job that should have been done in September, 1971, to do the budget right. It should have been done at the September, 1971, board meeting which was held back to back with the wilderness conference. The list of proposed changes to the budget was very upsetting. There was discussion of ending the publications program; charge and counter-charge between advocates of the publications program and its enemies were traded. Perhaps the most heartless and ill-considered memo that I ever saw circulated in my time on the Sierra Club board was a hit

Futrell: list of staff positions to terminate. It listed twenty-five options, singling out employees by name to be fired. It showed a certain contempt for the staff. One of the actions taken was to close the New York City office and to transfer eastern representative Peter Borrelli to Washington, D.C.

This meeting was important in forming my attitudes on the role of Sierra Club directors. I shared similar attitudes with Larry Moss, June Viavant, Claire Dedrick, Paul Swatek on the importance of building a stable staff. Maynard Munger and Richard Sill were frequently sympathetic with us. But on vote after vote, it appeared that members of our group peeled off and voted for resolutions which really worked against what we thought. At lunch I earnestly suggested to Larry, June, Claire, and Paul that we lacked political will to implement our views for a stable staff supported by the board. That we needed to learn discipline and to vote together as a unit if we were going to have any success against what I labeled the "inner five." The board of directors of fifteen elects an executive committee of five members which really does the important work of governing the Sierra Club. I analyzed the situation as an "inner five" and "outer ten." I said that if we were going to be effective in our program for a professional staff, we would need political discipline to overcome the inner five. It was about this time that I came to realize just how good Ed Wayburn was in doing the things I wanted to do.

There were a number of reasons why he came to have a major influence on me. Ed graduated from the University of Georgia when he was seventeen, got his medical degree at Columbia Medical School, then did postgraduate work in Berlin. He was a distinguished professor at Stanford Medical School at a very young age. In World War II he was an air force doctor first in London, then later on a small boat pulling downed flyers out of the English Channel. He later became one of the leading internists in San Francisco. Ed and his wife Peggy befriended both my wife Iva and me, cared for us in the way that I tried to care for the hopes and families of my associates. He also showed me how a person could be totally dedicated to environmental goals but practice moderation in his personal dealings with people and achieve a balance between family, professional, and political strivings. We talked often about the South, its environment, and the changes since he left.

I'd become active in the Alabama Conservancy. Any state that I was in, I moved into the state conservation organization and went on its board as well to network the local state conservation club--the Alabama Conservancy and the Georgia Conservancy--with the Sierra Club, even though we were starting up a chapter which eventually became stronger and even better in the state than the state conservation societies, to support them.

Lage: Were the state conservation societies at all jealous of the club's strength?

Futrell: Sometimes, sometimes. But basically we brought them resources they didn't have, through me and the club networkers. I tried to make the whole riches of the Sierra Club's information network available to them and to show that cooperation could mean a lot more. The Eastern Wilderness effort is an example.

When I moved from New Orleans to the University of Alabama, I moved from the Gulf Coast marshes and swamps to the foothills of the Southern Highlands. Where the states of Tennessee, Alabama, Georgia, and North Carolina and South Carolina come together are some of the most magnificent forest areas in the eastern United States. Indeed, some of them in western North Carolina are some of the most spectacular forest areas in the world. Much of this land is administered by the U.S. Forest Service. In the late 1960s and the late 1970s, the Forest Service was pushing up the amount of timber being harvested. At the same time, conservationists urged the extension of the wilderness system to the eastern United States. The Forest Service said that these forests in the Southern Highlands were inappropriate for wilderness designation because they had been cut-over in the nineteenth century. We responded that they looked like wilderness and that they had regenerated. This became one of the most important priorities of the Sierra Club and a rallying issue to expand the club.

The Alabama Conservancy had taken a keen interest in this and had led in approaching the U.S. Forest Service in 1969, asking that the Bee Branch-Sipsey Cove area in northwestern Alabama be designated as wilderness. I was helpful to the Alabama Conservancy in coordinating the efforts to include Bee Branch-Sipsey Cove and to make it one of the leading examples why the wilderness system should be expanded to include these eastern areas. During the course of this campaign, Ted Snyder emerged as the most articulate and forceful spokesman for eastern wilderness. He gave the campaign great energy and he had a knowledge of the Forest Service and its practices, and a strategy for dealing with it that was very helpful for the final passage of the Eastern Wilderness Act. The club at this time had about 12,000 members throughout the South.

We coordinated with each other across state lines and were very effective with dealing with the Atlanta office of the U.S. Forest Service, which administers Region VIII. Region VIII takes in the entire southern United States. The Forest Service came up with a counterproposal for eastern wildlands which was a weakening of the Wilderness Act. This concept had some appeal to some conservationists in local groups and also was given serious consideration by the club's New York representative, Peter Borrelli. This led to a potential split

Futrell: between the Wilderness Society, whose staff members Doug Scott and Ernie Dickerman lobbied Sierra Club individual members, and the Sierra Club. Ted Snyder took the lead in seeing that the club's position remained strong for as much wilderness as possible with undiluted protection for these forest lands. For me, the whole issue was an education in forestry issues and an introduction to the U.S. Forest Service.

My attitudes towards the U.S. Forest Service were those shared by many Southerners who knew the great work that the Forest Service had done in the late 1930s when it acquired burned-over, cut-over lands that were extensively eroded and replanted them. Most of the forests of the Gulf coastal plain were acquired during the 1930s, in contrast to the wilder forests of the Southern Highlands, which were acquired pursuant to the Weeks Act at the turn of the century to protect the headwaters and water quality of streams in the area. As I studied the issue, I was impressed not only by the unreasonableness of the Forest Service on the eastern wilderness issue, but also on the alarming practices it was carrying out on species manipulation. As I traveled throughout U.S. Forest Service lands in Alabama, Tennessee, and the Carolinas, I saw whole stands of hardwoods which had been poisoned by 2-4-5-T herbicide so that the Forest Service could replace them by pines and other trees which would be more easily managed by current forestry practices.

Most of my time in 1972 was divided on Sierra Club conservation work between the eastern wilderness issue and the problem of offshore oil drilling in the Gulf of Mexico. The state of Alabama appointed me a special assistant attorney general, and I worked with the attorney general's office both in lawsuits to protect the coastal areas and against the Forest Service to prevent abuse of the Sipsey area. The Forest Service and the Bureau of Land Management were considering strip mining within the forest itself. The state brought an injunction lawsuit that was successful. In the course of only three years, the Sierra Club and its friends were able to put together a coalition that resulted in the passage of the Eastern Wilderness Act.

One of the high points in our involvement in the eastern wilderness campaign was the visit of Sierra Club president Ray Sherwin to different embattled areas in the Southeast. Although Ray and I sometimes crossed swords with each other at the national board meeting, he was always supportive of me in substantive Sierra Club political campaigns. We might scarp on internal board politics, but when it came to eastern wilderness, pesticides, and help for the club's growing southeast chapters, Ray could always be counted on to be helpful. I was in only my second year of law school teaching when the one hundredth anniversary of the University of Alabama Law School occurred. For some reason, a change in deans or something or other, planning to celebrate the anniversary was slow. The event was

Futrell: only four or five months away when university and law school officials realized that they needed to put together some name speakers. I urged that Judge Sherwin, president of the Sierra Club, be one of them, and through some dogged faculty politicking, we had Ray front and center for the State of Alabama as one of the two major speakers for the law school's hundredth anniversary. The other was United States Supreme Court Justice Burger.

For his tour, I set him up with the New Orleans group and a tour of the wetlands area threatened by the Interstate 410 project, with the Memphis group so he could go stand in Overton Park and make a statement to the television cameras that the club and environmentalists nationwide supported the local people in their efforts to stop the highway from coming through the park. Then, in Alabama, to visit the Sipsey Wilderness and meet with local environmentalists to express national support for the Sipsey and eastern wilderness. Earl Bailey conducted Ray and a group of us on a first-class tour of the Sipsey Wilderness area. We went back into one of the side canyons which has ancient Indian cave dwellings. Ray crawled back in under the ledges and came out the happy possessor of an Indian arrowhead. Both he and I considered the trip a great success.

Problems of Offshore Oil Drilling and Superports

Futrell: Larry Moss was elected president [in May 1973], and I became very active in organizing a national coalition on offshore oil and the outer continental shelf drilling and the problem of superports and supertankers--writing testimony, testifying, networking nationally, working with the Center for Law and Social Policy and other groups, NRDC, and finding club people.

The fact that I had the backing of the president of the Sierra Club, plus the support of Linda Billings in the Washington office to cover the Washington scene, meant that I was able to function effectively as a national volunteer leader in shaping club oil policy during the next two years. The efforts of the oil and oceans task force, as we called it, were aided by Gene Coan, a Ph.D. malacologist. Gene's interest in shells and mollusks led him to an interest in ocean issues. He turned out to be a very energetic researcher and information source.

As I listened to the debate on the problems about offshore oil and oil spills in the early 1970s, it appeared to me that the experts in universities and state officials who had observed oil operations at close hand were less concerned about oil spilled into the ocean than they were about the onshore impacts associated with developing

Futrell: an oil field. The Chevron oil spill drew the attention of many environmentalists along the Gulf Coast to the problems of environmental pollution for the first time. We, too, focused at first on dramatic incidents such as the Chevron Platform Charlie oil spill. But later, as we listened to career conservation officials both in state and federal agencies, we came to understand that the major problem was the coastal destruction which had occurred in Louisiana in the last thirty years as a result of the construction of the onshore support facilities for offshore oil. More than 25,000 wells are in production on the Louisiana coast. The production offshore of California and of Texas is small in comparison to the production there. More than 90 percent of all the offshore and coastal oil wells drilled have been on the Louisiana coast. The geology is stable. If oil can be drilled offshore safely anywhere, it is in Louisiana. The lessons of the Louisiana coast and oceans need to be studied and that was the mission that I charged myself with in those years. We tried to educate people at the Council on Environmental Quality, the Senate Environment staff, the Senate Commerce staff, newspaper people about coastal development problems associated with a full-scale offshore oil program. Most of the problems were associated with dredging of support canals 65-75 feet wide and 8 feet deep. In the early 1970s, approximately 8,000 miles of these canals stretched criss-crossing the coastal marshes.

I developed a slide show of close to a hundred slides about the problems of the Louisiana marshes and of offshore oil development. It was shown to a whole range of people who were thinking about this problem. I gave a one-on-one presentation to Governor Jimmy Carter, a presentation to the Los Angeles City Council, to fourteen United States Senators who gathered under the chairmanship of Senator Hollings, the leader in the Senate on coastal zone issues. I gave the slide show to a large group of the Associated Fishermen in Puget Sound. It drew a lot of response and the correspondence I had with leading figures showed that the point was being made. I constantly stressed that I was not an enemy of the oil industry, that we needed their products, and that we welcomed a responsible petroleum industry. I did not say that offshore oil activity and environment were incompatible. The point was that in the wetlands and coastal waters of Louisiana, a single structure or activity--whether it be an oil well, a refinery, or a highway--is not decisive in itself as to the health of the environment. An individual project may have little impact, but the cumulative effect of such projects may result in environmental decline. We have to examine the cumulative environmental stress which the activity puts on the environment.

The bottom-line lobbying stance that I was urging was a much stronger coastal zone management program. Thus it was as we moved to the Coastal Zone Management Act Amendments of 1976, I stepped up my activities in testimony around the country and several times

Futrell: before the U.S. Senate. By this time, I had arrived at the University of Georgia, and I worked closely with the staff of the Institute of Ecology, structuring their research work and efforts into environmentalists' testimony. Dr. Eugene Odum's work on valuation of coastal resources and wetlands came up with an analysis which gave an economic valuation of marshland's value being \$82,000 an acre, taking into account commercial and sport fisheries, aquaculture potential, and waste treatment potential in removing secondary wastes and more advanced wastes. In the testimony and in the correspondence that I developed on these issues, I called attention to Dr. Odum's work and the other work of the wetlands scientists and the professionals working in the area.

While we sometimes are suspicious of the multiple use/sustained yield concept as used by the United States Forest Service in its administration of our national forests, I urged that the coastal zone and the Outer Continental Shelf were areas which needed to be managed for multiple uses--fisheries, recreation, commerce, and not just the single, dominant use of petroleum extraction. We were running against a strong tide of opposition from the Nixon administration with its proposed Project Independence. The response of club volunteers to our efforts was very strong. I was soon in the position of having cochairmen working under me who were more active, more articulate, and more energetic than I was. Therefore, after 1976, I signed off on my activities in this field to Ellen Winchester. She later became chairman of the energy committee, expanding her work with the oil questions for which she first came to the club's attention.

My activities in this area also were coordinated with litigation and in bringing lawsuits in the Gulf of Mexico to enjoin development activities that we did not think were sound. Some of these lawsuits we won, others we lost. Some were brought in the name of the Sierra Club, others in the names of other organizations. One of the most famous victories was NRDC v. Train, closing down offshore lease sales in the Breton Islands Wildlife Refuge Area because of the lack of an adequate environmental impact statement. We lost our Sierra Club lawsuit involving an offshore lease sale off the Florida coast in 1973. We were supposed to have the governor and senator of Florida as coplaintiffs in this lawsuit. Our attorneys negotiated feverishly with the Department of Interior to get the conditions of the lease sale changed. You see, we had a minimum list of demands for protection of the environment. If the Interior Department would move to accommodate these environmental demands--which they should have done anyway in doing good planning for the offshore oil operation--then we would not bring our lawsuit. Having the governor and the senator on our side as well put us in a pretty good position in the federal court. However, the week before we filed our lawsuit, the Egypt-Israel war of 1973 broke out, with the Arab oil embargo.

Futrell: Federal official William Simon threatened the governor of Florida with a termination of gasoline for Florida's tourist industry during those winter months. It is our understanding that that threat was effective in causing Florida state officials to back out of the lawsuit. However, we went ahead with it. We lost it, and the lawyer's bill for \$80,000 was the second most expensive Sierra Club lawsuit up to that time.

All of my attention up to this time had been focused on offshore drilling. In spring 1973, Larry Moss asked me to participate in an American Petroleum Institute joint conservationist inspection tour of European superports. Over the last couple of years, oil tanker size had been increasing and the size of tankers was approaching the 500,000 ton range. The possibilities for major catastrophic oil spills were increased. Indeed, several of these did occur during the next years. This undertaking led me to reconsider the whole question of sources of oil in the ocean and its significance. The people who participated on this trip were individuals whom I continued to work with up until the present day, including Eldon Greenberg of the Center for Law and Social Policy, who was the intellectual leader in the whole oil and oceans policy of the environmental groups. There was a division of labor between environmental organizations. The Environmental Defense Fund pretty much had the lead on DDT and pesticides; Center for Law and Social Policy had the lead on ocean issues. Thus it was that I came to work with them to a greater degree during the next years.

The questions of a large American superport had risen in the early seventies because more oil was being imported from the Middle East. We went to Europe and looked at how they were handling their superports. I have been on and off many ships in my years in the Marine Corps and in the four years that I did admiralty law practice in New Orleans, Louisiana. The ships that I saw and the handling operations that I saw at Bantry Bay and at Milford Haven were head and shoulders above the usual practice in Gulf Coast ports and in Japanese and far eastern ports that I was familiar with. However, I would assume that an American Petroleum Institute inspection tour with government people and environmentalists would get the red carpet.

I am a believer in Murphy's Law: If anything can go wrong, it will go wrong. So when we have high technology systems, I look for backup systems, I look for ways to improve the expertise of those running the system--kind of an elite cadre to administer it, and so forth. What I saw in the big supertanker oil management system was high technology, size without backup systems, and an increased degree of risk. There were things that could be done to improve the safety record of the supertankers. These, however, were expensive measures. They included construction of ships with double-hull bottoms, so that if the outer hull was pierced there would still be a water-tight inner

Futrell: hull. Another suggestion was to devise ballast systems that would not allow the mixture of oil and water. I shaped up the club policies on these questions and presented congressional testimony and lobbied the key people, which included Senator Hollings of South Carolina. Linda Billings was my Sierra Club contact.

One of the neat things was that our testimony was aided and shaped to a large extent by senior officials of the U.S. Coast Guard. They gave us most of the information that we needed to make our testimony truly credible. So we have another example of the degrees of cooperation it takes for effective lobbying. We had the Sierra Club volunteer, the Sierra Club staff support person, coalition work with the Center for Law and Social Policy, the Environmental Policy Center, and other groups. We also had knowledgeable agency suggestions on what the conservationist position should be, coming from the Coast Guard, and we had the effective support from Senator Hollings and his staff. This was up against the opposition of the oil industry, which was supported by the Nixon administration.

One of the reasons I admired Larry Moss as a Sierra Club leader was his efforts to ensure that the best professional expertise and quality research was used in the preparation of Sierra Club testimony. Larry as a volunteer reached out and identified many first-rate economists, scientists, and other professionals to assist him in his environmental work. As club leader, he insisted that Sierra Club positions be well researched and be thoughtful. From time to time, I have seen hit-and-run environmentalists. These are people who come in with charges, who will make an accusation, and not be prepared to back it up with data and facts. Larry was at the opposite extreme. Staff people who had not had their homework done well, volunteers who shot off their mouth without having adequate back-up information, would be sharply criticized by him.

As a result of Larry's efforts, the Sierra Club created a new position, research director. The first research director was Robert Curry, a Ph.D. geologist and professor at the University of Montana. He was assisted by Stephen Andersen, a Ph.D. economist. They made valuable contributions in improving the club's work product. However, many people saw them as just being part of the overhead, part of a conservation bureaucracy. When the Sierra Club faced its next budget crisis in September 1976, in the Brant Calkin administration, these positions were one of the first to go. That research director position has never returned. I have observed the budget process in a number of other organizations and have seen a number of organizations experiment with a research director or a research staff, only to cut back and to eliminate these positions whenever the next periodic budget crisis occurred. Several pure research, non-lobbying and litigating organizations exist, and their work has been very useful for club people. These include the Conservation

Futrell: Foundation, and the Environmental Law Institute, both of which are actively engaged in publications of background studies which are very useful in the preparation of club testimony. In the early 1970s, Jim Moorman was the bridge between the Sierra Club activists and the people doing environmental research at the Environmental Law Institute. In 1977 when Jim went to the U.S. government, I came on the board of the Environmental Law Institute. Incidentally, when Stephen Andersen, our Sierra Club economist, left the Sierra Club, he came to ELI to be a staff economist.

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Futrell: Starting in 1973 I traveled at least 140 days each year for the next six years on Sierra Club business, through 1978. I would take my family, my wife and my two children, with me as many times as I could, which led to my wife and I becoming very familiar with California--climbing up Mount Whitney, spending a week in the redwoods in 1971.

But at the height of activity it really became very grinding and very much something I would not want to do again. If I did it again, I would do it in a different way. Now, I would pace myself and make sure that I got to run either two or three miles a day.

Lage: This grinding activity seems to be a common thing in the Sierra Club.

Futrell: It does. Learning the restraint and learning to pace yourself is one of the big things in this life.

But the '73 to '78 exposure is six years, and that is as much as the average staff person is putting in. I was very active on Mirex, and at this time I became an associate attorney in the Environmental Defense Fund suit on Mirex in the southern United States. I took testimony in the administrative proceedings that eventually led to the ban on Mirex. We did finally defeat Mirex. It was later learned that Mirex degrades into Kepone, and it turned out to be a more dramatic and dangerous pesticide than we had ever thought in the beginning.

One of the things that I did on the Mirex matter was to keep the idea of how ridiculous was the attempt to use this chlorinated hydrocarbon pesticide against defenseless nature. They had regulations where they weren't supposed to apply it--over schools, in marsh areas, national forests, and what have you. I got testimony from Georgia, Alabama, Mississippi, and Louisiana of people like--somebody was in a schoolyard and got sprayed [and said], "I combed it out of my hair and here it is." Somebody in a marsh area who was out fishing and said, "And here we are; we got it." Somebody in a national forest. You know, from four different states, four different

Futrell: walks of life: a millionaire, Cason Calloway, Jr., a millionaire Georgian; a roadside snake museum manager from Alabama; a college professor. They came from all walks of life, and it made a very colorful day in court. The judge loved it, and the chemical people hated it. So that was also very much a time of activity there.

Politics of the Board Vote for a Nuclear Moratorium, 1974

Futrell: One of the things that perhaps other people in your interviews have not brought up is the politics of the nuclear moratorium, how that came up from the chapters in that board meeting in January 1974 where the club came out in favor of the nuclear moratorium.

Lage: I've only had it discussed from the board's viewpoint rather than how it came up. That would be very interesting.

Futrell: It came up out of the western chapters--Utah, Arizona, the California groups. Larry Moss was president, a nuclear engineer, pro-nuclear. The votes that voted against the moratorium were, to me, interesting. They were Claire Dedrick, who has a Ph.D.; Will Siri, Ph.D.; Paul Swatek, who has a scientific background; and myself. The issue on the nuclear moratorium was never presented to the whole club.

The nuclear question is like Vietnam to me. Nuclear energy was a technology and an opportunity, but the people in charge of it frittered away--by stupidity, by underestimation of the public, by bad investments, by bad management, by bad decisions--the national consensus that they had in support of nuclear energy.

I was dissatisfied with the club position on nuclear. I am also of the view that the Clinch River breeder reactor proponents are one hundred times as mistaken. I mean, they're a hundred times more mistaken than the club proponents [of a moratorium].

The way it came up at the board meeting--it was presented. The board reacted politically. The scientists and the people that I thought were the more thoughtful people, the people whose opinions I respected more, voted against it. The directors among themselves viewed this as doing the will of the membership.

Lage: Did you get that sense, that the membership was ready for the moratorium?

Futrell: No. I got the view that a number of very well-organized articulate people out in the chapters had gotten together a couple of petitions on this.

Futrell: Since this time, the nuclear industry has lived up to the club's worst accusations. It has been as pigheaded so as not to justify any sort of confidence.

But a number of very thoughtful member resignations resulted from that policy, and a number of very active club members were alienated by that policy. A portion of the club's membership was written off by the way it handled its energy policy.

Lage: Were these people that you knew in the South?

Futrell: No, these were people that I knew in California, people who were very active in the Angeles Chapter. Others took the view: "Well, it's like the church. They get some doctrines wrong, you know, and what have you. Let's remember that the Sierra Club's main activity is always the national parks and old-growth western timber." The Sierra Club may say it's an all-purpose conservation organization, but 80 percent of its energy is going to go to Yosemite, the California parks, and old-growth western timber, as well as to Utah, the Grand Canyon. I mean, it's very much--

Lage: You see it as a more western-oriented organization?

Futrell: Well, in terms of staff. It's wilderness. Most of the wilderness is in the western United States. The classic scenic resources of the United States are in the western United States. This is the wide savannah; this is the wide plain dominated by the Grand Teton. The scenic resources, say, of the Everglades don't turn the Sierra Club member on like rafting the Grand Canyon or climbing the Minarets would.

When I was club president, people were trying to get me to do more on nuclear. I said, "Well, look, we'll just present this question to the membership on the ballot," and the most anti-nuclear people were frightened of going to the membership. Ellen Winchester absolutely recoiled at the idea of a clubwide vote. She said, "How divisive that would be! We might not win!" [chuckles] But, however, the idea of pushing because we are right, you know, and the idea of using such biting, cutting words as well, to me was a mistaken tactic, and I was very doubtful about it.

Lage: Were you in favor of putting it before the membership?

Futrell: In 1974 I wasn't that quick. A lot of these things happen quickly, and I was very active back in Alabama. I'm here Friday evening, Saturday, Sunday in San Francisco, and I take a red-eye midnight plane back to Alabama. I'm teaching at ten o'clock the next morning, and then I'm getting in a car to go over and give a lecture to the Montgomery Bar Association on Alabama corporation law. During that time I'm writing a monograph on Alabama corporation law, drafting a

Futrell: new corporation law for the state of Alabama, and lecturing in just about half of the counties in the state on law, not on environment but on law, which gave me a tremendous leverage within the state. At that time also we organized the Alabama League of Conservation Voters, of which I was the founder, and got involved in endorsing people in state races.

Environmental Rights and Civil Rights

Futrell: I had met Justice [William O.] Douglas in one of my numerous trips to Washington, D.C. Lloyd Tupling took me in to meet him, and I asked Justice Douglas to come to the University of Alabama to talk to Alabama law students about his memories of Hugo Black, who was one of the great graduates of the University of Alabama Law School. Justice Douglas agreed to do so, and he came down, and we got together friends of Justice Black, the leaders of the civil rights movement in Alabama in the 1960s. It was a very emotional two days. John Minor Wisdom, of the Fifth Circuit Court of Appeals, and Judge Tuttle--these incredibly brave and good Fifth Circuit judges, whom I had known earlier--were there.

After law school I was a law clerk in the Fifth Circuit, and the judge to whom I was attached desegregated one-third of the state of Louisiana, school by school. We would go in with consent decrees, meet with the local NAACP, the local county attorneys. We had one that the [Ku Klux] Klan threatened to firebomb. We had two hundred marshals out.

Lage: Another aspect to your life.

Futrell: I have known the civil rights people through the fifties and the sixties. I knew Dr. [Martin Luther] King, Jr., and talked with him in the sixties and about some of the activities in the Red River Valley. I knew Andrew Young. Vernon Jordan and I were cochairs of City Care [April 8-11, 1979].

But one of the great statements was made during those two days [at the University of Alabama Law School]. This lady from Demopolis, Alabama, got up and said, "Well, I remember Demopolis before Martin came. We had Martin Luther King to do it for us then; we don't have Martin now, and now we have to do it for ourselves." That expresses the quality of leadership and what leadership really is all about. You had a situation that was absolutely hopeless as far as human hope was concerned. It was a situation without hope in Demopolis before Martin came, but after he left they knew how to do things for themselves--they were turned on--which is that degree of autonomy which results to others as a result of sound leadership.

Futrell: I mean, my role of leadership was finding people who really were concerned because 40 percent of the bottomland hardwoods of the state of Arkansas had been destroyed in a five-year period, and saying, "You're not alone. Here's what you can say to articulate your views on this. You can find a voice. That voice will be heard. You will find companionship, and you will find aid in the company of others." Then they're on their own; they've got their autonomy. They are freer people because of this linking up.

I became aware of how environmental rights and civil rights are connected. There was a continuing and consistent effort to network people in different states to work together on common issues. In February 1973 we held a regional leadership conference in Atlanta, Georgia. Brock Evans and Mike McCloskey came in. It was at this conference that I made the speech about environmental law which was circulated around and a portion of which later appeared in the May 1973 Bulletin entitled "The Environment and the Courts." I'd like to include that here.* Let me give you a copy, because this was delivered as a speech and was read as such. Mike McCloskey asked that it be put in the Sierra Club Bulletin. It was in that speech that I first used the phrase "love for the land and justice for its people" as a common theme linking environmental rights and civil rights.

A Triangular Power Struggle: Grassroots Activists-Board of Directors-Staff

Futrell: Kent Gill was elected in May '74. I became secretary and began a very productive and very happy two years of Sierra Club life being part of the Kent Gill team. Kent was an extraordinarily effective leader, one of the best small-group leaders I have seen. He was effective in delegating, in delegating well.

Many of the themes that became explosive in my presidency were surfaced in Kent's. For instance, Sierra Club directors became articulate in questioning the conduct of the Sierra Club Foundation's finances. Ted Snyder came on the board of directors in May 1974, and he became a leading spokesman in voicing questions about what he felt was too high an overhead rate for the Sierra Club Foundation and too limited success in raising money. In a stormy closed session in September 1974, bad feelings were expressed about the Foundation. This turned into a confrontation between Ted Snyder and Edgar Wayburn.

*See following page.

EDITORIAL

The Environment and the Courts

MORE AND MORE FREQUENTLY, members read of the Sierra Club's participation in lawsuits. If anything, this trend will continue because there is a pressing need for Americans everywhere to vindicate their environmental rights.

We have many good laws, but they are not being obeyed. In three short years more than 150 cases have raised the National Environmental Policy Act to an environmental Magna Carta. However, in many instances, it is necessary to bring suit to compel the filing of an impact statement. In other cases, the official response is inadequate, complying with the letter of law, but violating its spirit. I do not believe that the administrators of the Soil Conservation Service, the Corps of Engineers, and USDA's pesticide programs are evil men; but I know they are lawless men, for I have read the law and I have seen their work.

If our environmental laws are to have any meaning, they must be enforced. If administrators will not obey the law, they must be taken to court.

The courts do not act unless people bring cases to them. Just as important as the environmental lawyers who have forged the procedural tools, and the judges who have declared the new doctrines, are the plaintiffs who shoulder the burden and expense of administrative and judicial proceedings in order to vindicate their environmental rights. The environmental movement needs plaintiffs who are willing to go the whole route, individuals with civil courage and fortitude to outlast the delays of administrative agencies.

Once the determination to sue is made, the Sierra Club Legal Defense Fund is ready to help. Our lawyers have won standing, a judicial recognition of the Sierra Club as a group with special interests giving it the right of access to the courts in environmental cases. The Legal Defense Fund is also important because it can pick and choose cases. Environmental lawyers know that weak cases can make bad law.

If the Club is doing its job, it will be in the courts because in our system of government the courts are where great issues are finally settled. It was De Tocqueville who said, "Scarcely any political question arises in the United States that is not resolved, sooner or later, into a judicial question." It is my belief that we will see a generation of environmental litigation, just as we have seen a generation of litigation involving civil rights, and before that a generation of labor law cases.

I am continually reminded of the civil rights litigants of the 1960's. People who had never before hoped or dared to find lawyers did so and thereby changed this country. It didn't take many. In some communities it was only a handful, but they were citizens who knew their wrongs and were willing to take every legal means to vindicate their rights.

I personally believe environmental rights and civil rights are closely intertwined. I remember a young girl picketing a department store in the August sun of New Orleans in 1962. As she kept her lonely vigil, I came closer to see the sign on her placard. It was a quotation from the Nobel Prize winning poet St. John Perse: "We are brothers to the wind, the sun, the stars—and perhaps to more."

The Sierra Club's lawsuits are a continuation of the grand struggle for justice, which is the haunting theme of our history. Our stand should be: love for the land and justice for its people. The two are inextricable. When we protect environmental rights, we further the civil rights of the people. The land ethic undergirds the social structure of which justice is the crown.

This is why we have fared so well in our lawsuits. The individuals who make the difficult, sometimes courageous choice to file environmental suits are successors to preceding generations of Americans who have given the Constitution the life it has. Sierra Club plaintiffs and lawyers are writing a new chapter in the vindication of justice and civil rights which has been the grand tradition of the courts of this country.

William Futrell

Futrell: Snyder's persistence and preparation--he always had plenty of numbers to back up his points--riled Dr. Wayburn, who made points that it was very difficult to raise money and that we had a senior staff and board of trustees on the foundation we should trust. There was only one interlocking director between the Sierra Club Foundation and the Sierra Club, and that was Dr. Wayburn. At the closed session in September 1974, Ted made a move for Sierra Club auditors to inspect the Sierra Club Foundation's books and to do a report.

At the next month's board meeting in October 1974, Ted challenged Ed Wayburn's role as leader of the Alaska task force, charging that he spoke for no one but himself and not for the people of Alaska. This is reflected in the minutes of the October 1974 meeting. Ted carried the day on this and forced through a resolution which added lower forty-eight states representation to the Alaska task force. I phrased a consensus resolution which the board unanimously adopted saying that the discussion and resolution reflected no criticism of the Alaska task force. But this obviously was not true. So through 1974 and 1975, the generation tensions between the leaders of the foundation, Dr. Wayburn and his friends, and the newer generation of club leadership coming up, such as Ted Snyder, were sharp. And with each budget season, September-October of each year, the questions about how good a job the Sierra Club Foundation was doing in fund-raising became sharper and the criticism became more pointed.

The question of Sierra Club activity on urban environment issues surfaced at several meetings in 1975. In May 1975 I was instrumental in getting passed at the board of directors a motion directing funding in the next year's budget of an office for New York City. This resolution passed. Six voted for it, five voted against it, one abstained. At the September 1975 meeting, there was a long and often heated discussion about the inner city outings program. There was the concern by some board members that the club might be exposed to a large damage claim and higher insurance rates, that unfortunate incidents might occur, that the outings might be poorly led, or result in incidents which would give the club bad publicity.

Lage: One of the problems for Sierra Club elected officers was staff support, I've been told.

Futrell: Ray Sherwin in 1971 appointed Jack Townsley as his personal aide to come in the building, which was resented very much by the staff. I'm sure that's been described to you, how much that was resented.

But at the same time, the University of Georgia gave me one-half of a secretary's time for Sierra Club work alone, and I had a nationwide WATS line when I was club president. An effective volunteer needs staff support. This university support eased the San Francisco club staff support needed by me in 1977 and 1978. In retrospect I sympathize with Ray.

Futrell: The Sierra Club president comes in. He doesn't have a board that is necessarily loyal to him. He doesn't have lieutenants, these vice-presidents that Phil Berry added. He very much should be, Ted Snyder decided, the chairman of the board. The charismatic Sierra Club president model that Phil Berry had probably is no longer workable in the 1980s.

Lage: The regional vice-presidents are no longer deputies of the president?

Futrell: No, no, no. They are the elected RCC [regional conservation committee] heads.

Lage: Yes. That's completely different.

Futrell: And how to mobilize--what you have to do is you have to woo them, you have to court them, to win them over to become your lieutenants. This takes time to do. And the board is somewhat undisciplined; its members compete with each other.

But it's the idea of three entities here, not staff versus volunteers, but the activists in the membership, the board, and the staff, kind of in a--

Lage: Triangle.

Futrell: It is. Now, the board of directors' duty in a place like this is to fire the executive director if he messes up, and in a corporation that's what a board of directors is for, to fire the top staff person if he messes up.

As president, Kent led the board. He rallied us as individuals to cooperative work. The effort to create a professional staff continued.

Through those years there became a board consensus, debated out, that what the board wanted to do was for Mike McCloskey to manage, and there was a gradual shift that the board would not interview for offices such as the assistant conservation director for the Midwest. They used to put every staff position up for board review and interview the three finalists with the board of directors. The board would interview for the Los Angeles Chapter office person. I mean, there used to be a tremendous effort to please the board and involve them in lower echelon personnel decisions. Later it evolved so that the board would not interview the new energy specialist in Washington. These would be decisions for the head of the Washington office and for Mike.

Lage: Did you support this type of change?

Futrell: I certainly did in the beginning. I was less supportive of it when I was president. When the shoe is on your foot, you feel the pinch, you know. I began to see much of the wisdom of what Phil Berry said and what Ray said when I was president.

Lage: Have you talked that out with Phil Berry now?

Futrell: Oh, no, no. But I have talked it out with Mike. As I told the board as I left, stepped down to go off the board of directors at the ending of my presidential year, I felt that the executive director had done his job and, though there had been tensions between us, that he had never overstepped the bounds of his office. I certainly tried to uphold my end of the tension. There is tension between the offices, and I believe it's creative tension.

Lage: I see. So it wouldn't be something that you view negatively?

Futrell: Oh, I wouldn't want to take it away. I think a certain amount of tension between the executive director and president is healthy for the club. I also think the competition for the club presidency is very, very healthy. It gives it a kind of life. I believe in competition. I believe that it hones ideas, that it makes people's juices flow better, and that they do better jobs therefore.

Kent Gill, as I say, was, I felt, just an extraordinarily good president. He delegated to people. For instance, President Gerald Ford convened a White House summit conference on inflation. There was a meeting in Atlanta to which Kent as club president was invited to present testimony on the timber industry and housing and forestry. He called me up and said, "I'm scheduled for a number of things. Could you make this meeting for me and also attend the meeting at the White House in Washington that will follow two weeks later?"

I can't imagine other club presidents saying, "We have an important meeting at the White House. This will involve you. You'll meet the president of the United States and what have you. Will you go to be my delegate and will you present the club's statement here?" which I enjoyed doing very much. But the sense of really spreading the jobs around; none of this outer ten, inner five stuff; getting people to work well together. Later, in my presidency, I tried to follow Kent's example.

My experiences at the White House Conference on Inflation are summarized in the Sierra Club Bulletin of November 1974 at page 22, under the title of "The View from the Summit." Seeing again how important economic analysis was in these proceedings, we organized a club economics committee.*

*See Appendix D, p. 183.

Teaching Environmental Law at the University of Georgia and an
Evaluation of NEPA

Futrell: I really loved Georgia. We had a very happy time in Athens.

Lage: We haven't discussed your move to Georgia. How did you get there?

Futrell: I got a job at the University of Georgia Law School in [1974]. We had had these marvelous two days [at the University of Alabama Law School, where Justice Douglas spoke in spring 1974]. Then Justice Douglas had his fortieth anniversary on the Supreme Court, and I was asked to dinner, to join him and about a hundred lawyers from around the country up here at the Washington Hilton. One of the lawyers was a young civil rights lawyer loyal to the University of Georgia. We sat together at dinner, and he said, "I would like you to teach at the University of Georgia Law School. We will raise your pay by one third; we'll give your wife a job; and you can do anything you want in environment. We'll support you, and you will like our governor, Jimmy Carter."

Lage: Fantastic!

Futrell: So I said, "No, because I am getting tenure next year at Alabama." He called up Monday, back at the office, and then Georgia called every other day and flew us over just to see the campus, to talk about a visit the next year. Finally I said, "Yes, I'll come."

I felt real guilt at leaving Alabama because we had built a fantastic network there; we had lawsuits going; and it was really wrenching. Alabama is an extraordinary state of pain. I had interviewed Justice Black for a clerkship on the U.S. Supreme Court. He asked me if I would live and work in Alabama, and I said, "No, sir." I mean, Alabama to me was the heart of darkness. I have never known a place of greater pain in the United States. I have never known worse health care, worse racial tensions outside of the urban North, the worst in the South. But also I have never met more heroic and beautiful men and women. Rosa Parks and Martin Luther King, Jr., really flowered in Alabama, Judge Frank Johnson, and there are hundreds more like them. You find some of the most courageous people in Alabama, the greatest civic courage. There is an extraordinary range of people there. We moved over to Georgia, and everything was healthier and richer and better, politer, and nicer. The law school students were on the average better, but the most outstanding ones were not as outstanding.

As I settled in at the University of Georgia Law School in 1974 and 1975, more of my energies went into the local scene than into national Sierra Club activity. The things that were happening in Georgia were a lot more interesting than the things that were

Futrell: happening in San Francisco or Washington. One of the great influences and satisfactions came out of the association with Dr. Eugene Odum in the Institute of Ecology at the University of Georgia. Dr. Odum perhaps is the leading figure in ecology in our generation and emphasizes, as a scientist, systems ecology. However, as a person, in his professional and academic life, a keen sense of environmental stewardship informs his activities. He has built up a sixty faculty member institute at the university specializing in interdisciplinary ecological studies. The presence of Odum's institute was one of the great attractions that drew me to Athens, Georgia. I had been there only a couple of months before I was fully involved in their activities.

Sometimes great achievements are done quietly and not documented. Gene Odum played a major role in turning around the Soil Conservation Service from an ecologically insensitive agency to a very responsible agency which conducted its activities employing environmental assessment and good environmental management. In the middle 1970s the SCS had been subjected to a number of lawsuits because of stream channelization practices which resulted in loss of good stream habitat, unique riverine forest habitats. Stung by a string of court losses and injunctions, the SCS turned for assistance and reeducation. They contracted with the Institute of Ecology and Odum devised a course involving a training program for state and federal Soil Conservation Service employees. Approximately thirty faculty members of the institute and the university interact with approximately twenty-five SCS officials for a two-week period involved in field work and in discussion of environmental assessment. I became part of the faculty team working with these officials in devising an environmental impact statement and assessment that would stand up to legal challenge, emphasizing the things that environmentalists were concerned about. The work was intense, informal, and educational for me and for them also. Through this course I got to know Soil Conservation Service officials in every state of the union and at every level of the agency. Gene Odum, Jim Cooley, and the other ecologists who were more intensely involved in it became even more influential in making the SCS an environmentally responsible agency.

Because the University of Georgia was on the quarter system, I had the opportunity to teach as many as six courses a year. A sympathetic and supportive dean, Ralph Beard, let me branch out into a number of specialized courses which allowed clinical environmental law training. My basic courses, which covered approximately 1,600 pages of environmental law cases and statutes, were prerequisites for enrolling in one of my small, practical seminars. Working with twelve or fifteen students who had already mastered the basic structure of environmental law, we would do a clinical study on environmental development of a particular agency and particular resource. We worked frequently with the Georgia Soil Conservation Service and, starting in 1976, with the environmental impact statement teams of the U.S. Forest Service in northern Georgia. Perhaps our local

Futrell: group established the closest relationship between any Sierra Club volunteer unit and any Forest Service unit. The Forest Service officials in northern Georgia were very responsive to environmentally-oriented Governor Jimmy Carter and to a population that saw the Chattahoochee's main resources as being recreation rather than timber.

I devised a course where the students worked with the Forest Service people or with the Georgia Conservancy, or with the Foresters Association in Georgia on a unit plan and its environmental impact statement. Their final paper was based on a judgment of the resulting environmental assessment document, advice to their client (whether it be the Forest Service, the conservancy, or the timber cutters) as to the strategy they should adopt in trying to modify the agency's position, or the route they would take in using the courts to change it. Many of the students who had this training have gone on to be career environmental lawyers and are practicing environmental law in Alaska, California, and Washington, D.C. More than a thousand law students took my environmental law courses in Alabama and Georgia. Perhaps 120 were exposed to the intensive seminar experience that I have described here.

Out of this intensive work with agency officials in environmental assessment and with Dr. Odum's schools on environmental assessment, I reached some firm conclusions on the National Environmental Policy Act and the role of the environmental impact statement. Back in 1969 when it was first enacted, NEPA was seen by environmentalists as being a Magna Carta, a law which would force government to use the best environmental practices. The courts split on how much muscle NEPA had in it and how many substantive commands it placed on the agency to balance in favor of the environment. In 1976, the U.S. Supreme Court stated in the Northern Great Plains Strip Mining case that NEPA was a procedural law at the heart of which was the duty to write an environmental impact statement making full disclosure of environmental impacts. The court went on to acknowledge that agency officials did have a duty to balance environmental effects, but the decision was a retreat from the great hopes that environmental litigators had had in the early 1970s that NEPA was a "paper tiger." Approximately a thousand EISs were issued each year. Many of them were multi-volume and several thousand pages long. Certainly there was no time for national staff to review these documents.

The situation was dramatically different on the state and local levels. What appeared to be a flood of paperwork in Washington, D.C., was easily manageable on the state level. On the average, only two EISs a month appeared concerning projects in Georgia. These were quickly obtained and reviewed by the NEPA clientele--the Georgia Conservancy, the Atlanta Regional Commission, the local counties, the local Sierra Club groups. These EISs were essential for these

Futrell: groups to function effectively. In one document, they were given a handle on the project. In one place, in which the agency by law had to make full disclosure and to be honest, they could get the truth on what the government was doing. This was just as true for local county government as well as for Sierra Club members.

In many ways the environmental impact statement process brought a lot of people concerned about the community and about the region together who had not known each other. Through the EIS process, local planners, Sierra Club volunteers, state officials, business people, were convened together for discussion in a local way about environmental impacts and planning on projects. The EIS was a powerful educational tool. Most of the EISs and most of the projects were generally not objectionable. Through this process of dialogue, Sierra Club volunteers and environmentalists gained increased credibility with local planners and local officials. The NEPA process helped build civility in the environmental dialogue. This story is not reported generally and it is one which, in all the discussions that I have had with Sierra Club leaders, does not arouse much interest. But NEPA is a very important law, it serves well, and it is significant that three years into the Reagan administration, there has been no attempt to change either the statutes or the regulations of the National Environmental Policy Act. NEPA has a strong constituency--at the grassroots, in the counties, in state governments, and with people who are concerned about local projects.

My law seminars had a running duty to monitor environmental impact statements in a five-state region. We serviced the needs of the local conservation groups in the area, reading the impact statement and advising the local conservation groups in defects in the statement, where they might find experts to advise them on the matter, etc.

The clinical environmental law education work that I was doing received a good deal of attention. I presented a report on it to a meeting of the American Association of Law Schools at its annual meeting and to a special session on natural resources law teaching given in Denver, Colorado, by the Rocky Mountain Mineral Law Association. In 1977, I served as chairman of the Environmental Law Section of the American Association of Law Schools and used that year for a dialogue with other law teachers on the idea of applied environmental law exercises and clinical teaching.

So I came to Georgia and loved it. I went around the state speaking. The Carter people picked me up within two weeks after I was there, and I was networking in with Jimmy Carter's good environmental people in the Department of Natural Resources, with what later became the peanut brigaders. Barbara Blum. I remember going to Barbara Blum's house two weeks later, after I had moved to Georgia. Barbara was the first chairman of the Atlanta group of the Sierra

Futrell: Club, and she served on a number of committees of the Chattahoochee Chapter in getting it started up. Of course, she was number two in U.S. EPA [Environmental Protection Agency], the deputy administrator, later. I really enjoyed it, and it was a very good life.

Land-Use Planning in Georgia and on the National Scene

Futrell: One of the things that made life so enjoyable in Georgia was that for the first time, I had all sorts of people who were colleagues in other professions who were concerned about the same things as I at the university and interested in joint projects. For the first time, I was in a state in which land-use planning was the concern of the governor, key people in the state legislature, the university, and professional communities. Georgia had many land-use problems. It is the largest state east of the Mississippi, and it goes from the Southern Highland Mountains down to the coastal plains and the Okeefenokee Swamp with barrier islands offshore. Each area of the state has different problems. In the North Georgia Mountains, there is an explosion of vacation homes which is leading to unplanned and unrestrained growth, with erosion on steep hillsides. In the middle of the state, Atlanta is paving over almost a fourth of the central area and there is a large loss of prime quality farmlands. The Georgia Coastal Zone presented conflicts between competing uses: offshore oil, Trident submarine base, recreational uses, national parks and wildlife refuges, that were as sharp as any on the California coast.

One of the great land-use planning success stories of the decade was the way Atlanta handled its need for a new regional airport. Earlier plans to construct a facility which would have covered and paved over almost the entire area of two counties were abandoned, and the existing airport was redesigned and rebuilt while never closing operations over a four-year period. Every time I go into the new Atlanta airport, one of the most modern and busiest in the world, I think of the plans to jettison this existing land-use area for an airport and to build a complete new airport over again. Wiser heads, environmentalists and conservatives in the Georgia legislature working together, prevailed.

There were a lot of land-use planners, organized professionally into the Georgia Planning Association, who were open-minded, who welcomed me and got me involved in local projects. During 1975 and 1976, I found myself traveling at least once a week, sometimes twice a week, to the county seats of rural Georgia counties and meeting with local county officials to hear their views on county land-use planning, regional land-use planning, and state land-use planning. Georgia is a rural state in large part, and it has many deeply

Futrell: conservative areas which are suspicious of federal intervention and regulation and even of Atlanta and state intervention and regulation. There was a fly in the ointment, and a major fly it was. The Georgia Supreme Court was one of the most reactionary on the issue of land-use planning in the entire United States. In a series of Georgia State Supreme Court cases in the middle 1970s, the justices took steps which all but tied the hands of state and regional planning authorities. At the university I was asked by the state government to work with the legislature and them in drafting a constitutional amendment to the Georgia constitution which would authorize state land-use planning. We did this. And in 1976 I helped sell this amendment in the political process, appearing on television in different parts of the state, traveling around and lobbying for it for the voters so that it would pass. It became an issue in the election and the advisability of this language on state land-use planning was hotly debated. It perhaps was the activity for which I was best known in Georgia. I certainly had a lot of fun getting around the state, meeting the local people.

During this same time, I was active as a Sierra Club director in lobbying on the Coastal Zone Management Act amendments and in working with the Senate Interior Committee on the proposed Jackson-Udall land-use bill. I had the experience of being with the Senate committee staff one day discussing a national land-use planning bill with them and then three days later, being down in Altamaha County in southern Georgia talking with people with a very different perspective on the land-use planning question. It was one of the most valuable professional experiences of my life and one of the most enjoyable. The Sierra Club gave me the access to the national scene, which had a completely different view from the opinions I heard and that I dealt with on the local level, working as a service person to the Georgia Extension Service as a law school professor.

All of this resulted in massive files in Georgia land-use issues and questions, and I tried to sum up the research and publish it. It is published in the article, "The Hidden Crisis in Georgia Land Use," which is published in volume 10 of the Georgia Law Review.

Being part of the Georgia environmentalist scene, I could not escape the excitement and the activity involved with trying to create a national park along the banks of the Chattahoochee River north of Atlanta. The river comes out of the Southern Highlands and enters the Piedmont north of Atlanta. Its banks are relatively unspoiled, and the opportunity arose to acquire large portions of the riverside for a park. This was one of the goals of Governor Carter's administration, which shifted the whole emphasis of Georgia park planning from the recreational-type of park with boating marinas and swimming beaches to nature areas, preserving wild and unspoiled habitats. The first unit had been the Panola Mountain State Park in Governor Carter's Heritage Trust program. However, the Chattahoochee Park was a far

Futrell: more ambitious undertaking. One of the things that we explored and that I did a great deal of research on, was the idea of a mixed private land-public park, composed of a checkerboard mixture of public and private lands, planned, controlled, and managed as a unit to preserve an entire recreational landscape. This is the greenline park concept as it is called in England, which was applied in this country first in the Adirondack Park system in New York. There was a great deal of interest in Congress where Charles Little, one of the most prolific and gifted land-use writers of that decade, was popularizing the idea. I worked with our local planners in promoting the application of this idea to the Chattahoochee. It passed in 1977 and President Carter established the park.

I joined the board of the Georgia Conservancy, one of the great state environmental organizations in the United States. Its volunteer activities include many fine projects on education, working with high schools around the state. Its conservation lobbying activities have concentrated in two areas in the mid-1970s, the North Georgia mountains and the Georgia coastal area. The mountains are the southern Nantahalas, which are the highest and wildest mountains south of the Smokies. One area contains 37,000 roadless acres with a large stable black bear population and cougar sitings. The variety and nature of the plant life makes it one of the greatest temperate forests.

The U.S. Forest Service came out with a plan to increase timber operations in this area. The plan would have called for extensive clear cutting, tractor logging, herbicide spraying and a 198 miles of road building. Local people were outraged. The Atlanta offices of the Georgia Conservancy found out about this and under the energetic leadership of its chairman, Lucy Smethurst, corresponded and met with Forest Service officials in North Carolina who were in charge of the area which straddled the North Carolina-Georgia border. Despite the reassuring comments of the Forest Service officials, local people referred to an earlier and similar plan on a neighboring unit, in which the Forest Service in the late 1960s had made similar reassuring statements, but it had then moved quickly to cut a unique area.

The conservancy leadership called on my aid to enlist environmental lawyers to protect the area. The best environmental lawyer that I knew was James Moorman, who was the senior lawyer at the Sierra Club Legal Defense Fund in San Francisco. Jim is originally from Rutherfordton, North Carolina, and went to Duke University and has a strong sense of feeling for the Southern Highlands. I got him interested in the case, and he worked closely with the conservancy people and with the chairman of the conservancy legal committee, Paul Cadenhead, one of the leading lawyers of the Atlanta establishment bar. We followed all the administrative proceedings. It was good that the conservancy had Jim with this administrative law expertise, because the Forest Service did move fast. Despite Lucy Smethurst's energetic representations and requests to be kept informed, the

Futrell: citizens were excluded from the planning process and received a final plan and draft environmental impact statement in March with the announcement that the final actions would be taken in April.

We went forward with our administrative appeal. We assembled a coalition of fifteen conservation and recreational organizations in Georgia and North Carolina and included thirty-three named individuals who had used the area to protest the action. Some of these individuals were prominent in the social and political life of the area. All of them were part of the network that was known as the Jimmy Carter Peanut Brigaders later on. The legal pleadings for the administrative appeal before the Regional Forester in Region VIII of the U.S. Forest Service is more than seventy-five typed pages. A skilled lawyer is needed just as much in these internal administrative agency proceedings as in the courtroom in a serious matter like this. We were prepared to take the matter all the way to the chief of the Forest Service and, if we lost there, to the federal courts to review his decision, except that the election results of 1976 ended the matter. The Standing Indian Mountain and the surrounding area were protected as a result of new plans and new regulations by more sympathetic Forest Service personnel.

This incident and a number of others like it involving the creation of the Sipsey Wilderness in northern Alabama illustrate how effectively national environmental organizations can work with state conservation groups. A major theme of my activities from 1970, when I became a regional vice president of the Sierra Club, until the time I left the board of directors was the coordination of state and local groups with the national effort.

Both the Georgia Conservancy and the Alabama Conservancy people had a lot to learn from the national Sierra Club network. For my part, I was impressed by how much some of their local volunteers could teach our people about how to operate. I think people like Barbara Blum, Lucy Smethurst, Virginia Harbin, and Jane Yarn were the most impressive lobbyists of state administrative officials and state legislators that I have seen. I was impressed by how they befriended and had a good working relationship with Pat Thomas, the supervisor of the Chattahoochee National Forest. Early on, they decided that they would make the Chattahoochee River corridor north of Atlanta a national park and over a five-year period, they succeeded in doing that. One thing that I saw repeated a couple of times was the way state conservation officials, having found a supportive constituency in Sierra Club people and Georgia Conservancy people, would call on them for support in intramural fighting with other state agencies such as Department of Highways. There is a lot of eastern wilderness in the north Georgia mountains--approximately 300,000 acres of it. In Pat Thomas we found a sympathetic Forest Service supervisor. One of Pat's main enemies in guarding the quality of the Chattahoochee

Futrell: National Forest was the Georgia Department of Highways and the U.S. Federal Highway Administration, with their highway expansion plans. He often gave us early warning about things that concerned us and the people in the Georgia Conservancy came quickly to aid.

Back at the national level, one of the wild things that I tried to do on the board in those years was the Sierra Club-U.S. Marine Corps coalition. [chuckles]

Lage: Oh, no! [laughter] That doesn't sound very likely!

Futrell: Well, it's one of the funniest stories. In celebrating the bicentennial--the Marine Corps is trained in PR, I think. For the bicentennial year of 1976, the Marine Corps wanted to do something that symbolized life, and they thought about planting trees. So they thought about a joint project where the marines would supply trucks and money and shovels and pickaxes, local marines, and the Sierra Club groups, local groups, would pick out trees and schools, the right kind of tree--like for New Orleans the right kind of tree would be a red maple; for Athens, Georgia, the right kind of tree would be a yellow poplar--to plant.

Lage: Did this idea come out of the Marine Corps?

Futrell: Oh yes. That came out of the Marine Corps. It came out of the Marine Corps' headquarters unit. They came to the Sierra Club, and Mike McCloskey--you know, I'd made no secret of my Marine Corps affiliation ever--gave it to me, and I picked up on it.

But the funding person, the person to give the money for the trees, was supposed to be George Weyerhaeuser at Weyerhaeuser Timber. So it was going to be a joint Marine Corps-Sierra Club-Weyerhaeuser bicentennial tree-planting project! [laughter] Well, they went in to present the idea to George Weyerhaeuser and he blew his stack, and that sunk the idea. [laughter]

Lage: So the Sierra Club didn't back out?

Futrell: No. No. I mean, I was really enthusiastic. Ex-marines Brock Evans and Allen Smith on the staff were big supporters. Petitions for club opposition to the B-1 bomber came up about this time. Ted Snyder and I both took the position that the Sierra Club should steer clear of defense questions about individual weapons systems unless the Sierra Club was willing to address these questions across the board, including the balance between the draft (conventional forces) and nuclear forces. I believe that the American emphasis on nuclear arms comes out of a middle class desire to avoid their sons being in military service with other ethnic groups. There is a lot written on this trade-off by defense policy analysts: American politicians and decision makers opt for high technology rather than make demands on citizen soldiers.

Futrell: I looked through the notes for 1975 and it's more of the same--a lot of preparing testimony; 150 days traveling for group business, chapter business, often taking my family with me. We would go to Tennessee, meet with the Nashville group, spend the night there. There would be a camping trip. There would be a Gulf Coast RCC trip. Just an awful lot of what I call pastoral work.

There were constant worries with finances at both the national and local level. And local groups, starting new ones in different places. Using my role on the board and the executive committee to try to start new capabilities for the club, like an economics committee, just using a volunteer committee of economists that we organized after the White House conference on inflation. We don't have a staff economist, but we can get volunteers because we've got lots of economics professors in the club. Richard Tybout organized that, and they prepared economics testimony which was very useful for us.

Lage: Does the staff welcome that kind of assistance?

Futrell: They should.

Lage: [laughter] Do they?

Futrell: I don't know. It has not been well funded since I left. They need money to meet, and they have not been funded to meet. They just have a little postage stamp budget.

Rivalries and Loyalties in Club Politics, 1976

Futrell: In May 1976 we were ready for the Snyder versus Futrell confrontation for club president. The vote, after a couple of votes--Phil Berry was in a trial. He was absent, so there were fourteen people there, which was bad news. It shook out to a deadlock of votes, six for Futrell, four Snyder, four [Brant] Calkin, and just deadlocked. They wouldn't break.

I had taken a very kind of high road, and my followers had taken a very kind of high road--I had been controversial enough as a board member--and it was very much a gentle thing at this meeting. I felt I had the votes, and I was surprised at the Calkin alternative.

Finally, one of the Snyder votes crumbles. So we went in for a Calkin versus Futrell vote, and I just looked at those faces writing those ballots, and I said, "There they go. Anybody but Futrell." And it deadlocked seven, seven. It just deadlocked and it went on

Futrell: like that for a couple of hours. I said, "You know, I've been on this board for seven years now, and if I can't command a majority, I shouldn't be president," and so I withdrew. I mean, who wants to have a year of misery, being sandbagged? Ted later said, "That's not the way it was supposed to end."

Ted and Iva, my wife, and I talked about it. The Snyders asked us over the following week, because we only lived eighty miles apart, Ted in Walhalla, South Carolina, and we in Athens, Georgia. We were walking up in a wilderness area there, in the Ellicott Rock Wilderness Area, and later talked in rocking chairs on their front porch. "That wasn't the way it was supposed to end."

Lage: You say you had been controversial as a board member.

Futrell: Yes, to other board members and club members.

Lage: Why?

Futrell: By openly trying to promote specific priorities--pesticides, coastal resources, the New York City office--and get them funded. By being constantly in support of a stronger staff. By sometimes using the cutting word when a softer phrase would have done, and by being pushy and aggressive.

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Lage: Is there anything we haven't covered that made you controversial?

Futrell: It was not just so much opposition to my being president, but also a very strong support of Ted Snyder's presidency, because Ted called on people's loyalties just as I called on other people's loyalties. I was very issue-identified on the club board, very much speaking out, feisty, willing to enter into intramural battles, and this caused some opposition. In the same regard, Ted was also, on different issues. So, for that matter, was Larry Moss, certainly Phil Berry, and Denny Shaffer was a person who has ruffled some feathers in his time. I kind of have the suspicion that the Kent Gills and the Joe Fontaines, who don't ruffle the feathers during their board service prior to their presidency, are the exception rather than the rule.

III UNITED NATIONS WATER CONFERENCE IN ARGENTINA, 1977

Praise for Robinson, Scharlin, and the Club's International Program

Lage: We've pretty well covered up to your presidency.

Futrell: Yes.

Lage: We didn't mention the election where you actually were elected the following year.

Futrell: The election was preceded by one of the dramatic and most intense activities that I undertook while in the Sierra Club. One of the great Sierra Club achievements of the decade was its international committee and its international program. The volunteer work was done by Nicholas Robinson, and he never really has been fully praised for the extraordinary job that he's done in pulling people together; in cajoling from a reluctant board of directors money for an international program; working with an extraordinarily accomplished lobbyist, Pat Scharlin, an environmental professional of the first rank.

Pat Scharlin was a representative of the Society of Friends, I believe, during the 1960s, on the Vietnamese War, a peace lobbyist. Dean Rusk, who was Secretary of State in the Kennedy administration, was my colleague at the University of Georgia Law School, had his office a couple of doors down, and I had many talks with him. He told me that Pat Scharlin was one of the most effective lobbyists for the peace movement in the whole Vietnamese thing.

Pat is recognized internationally. She's put on government commissions, and the United Nations Antarctica Commission. She's called on and respected by the leadership of the United Nations Environment Program, by foreign governments. She has great demand on her services, and she has shaped the international program now up to a quarter-of-a-million-dollar budget. Along with the NRDC's

Futrell: international program, it is the major nongovernmental force to protect the international environment in the United States.

Pat's ideas have borne fruit in many governmental and international papers and actions, Pat's and Nick's together. One of their activities was to have Sierra Club representation as a nongovernmental organization presence at all United Nations meetings. For instance, at the Stockholm meeting, Edgar Wayburn, Michael McCloskey, Pat, and others attended and were active in talking to international people about the environment. Pat was very active in seeing that Sierra Club people went to the U.N. Habitat Conference at Vancouver.

A United Nations conference on water and water quality and water problems was scheduled to be held in Argentina in March 1977. We had hoped to have one of our fine people from Venezuela, very active with the Sierra Club international network, to attend, but because of health problems she had to back out.

At a discussion that I was at at an international committee meeting, which happened to dovetail at the same time as an executive committee meeting in New York City--I did try to attend as many international committee meetings as possible.

Lage: Were you a member?

Futrell: Well, kind of ad hoc. There's a problem with loading a committee down with too many board members. I was a determined supporter of everything that Pat Scharlin did, would vote for anything that she would want to bring before the board and would give her time, energy, whatever she wanted.

The discussion of Argentina came up and the political situation there, which involved several assassinations a day between the junta and the Peronist and communist factions at that time. The question was stated that, really, we could not ask a Sierra Club volunteer to go into that violent sort of situation, at which point I said, "Send me. I don't mind being shot at." Everybody laughed, and they put down my name to be the Sierra Club delegate to the U.N. water conference in Argentina in '77.

Well, I thought no more about it. In January 1977 I was Sierra Club vice president after having been secretary for two years. This was my third year on the executive committee, and I thought probably that in the nature of things I would be rotated off of the executive committee. In January 1977 I had no intention of running for Sierra Club president that May. I felt tired and out of place. As far as I was concerned, it was over; Calkin would seek another term as president. I was not being used as Sierra Club vice-president, and

Futrell: I felt that I would have one more year on the board and on some committee and then rotate off, having served two consecutive terms.

U.S. Delegate to the United Nations Conference on Water

Futrell: Then out of the blue Nick Robinson calls in January and says, "Would you like to be a member of the official United States delegation to the UN Conference on Water being held in Argentina? Not as a nongovernmental organization, but you will be one of three nongovernmental people along with people from Interior Department, from USAID, and also they [are] going to bring someone on from industry, the barge canal operators, and somebody on from the water-works utilities. You will make up a delegation of experts that Cyrus Vance, the new secretary of state, wants."

I said, "Gladly." I mean, again, it was one of those things that it only took me thirty seconds to say, and then I found out it would mean being away from school for three weeks and away from my family for three weeks, full participation in two weeks of the conference, and if I'm going to be there I might as well see the Amazon and the rain forest, on the way to Argentina.

It so happened that the conference fell at the time of the university break, so I only had to miss two classes, the last class of one quarter and the first class of another one, during those three weeks. It was perfectly timed with the university calendar.

In February we went up for our briefing at the State Department. They got us together. They told us what wonderful people we were and all the expertise that we had, and went through the conference agenda, which was very interesting, touched on many of my interests in river valleys, in use of water, [the] sort of things that I had written Law Review articles on and had helped prepare lawsuits on.

Then they said, "Oh, and we have a security briefing." They came in, and they said, "You know that Argentina is in the midst of what can only be described as a civil war, and we have learned that this delegation will be the target of a terrorist attack. But you are not to worry because you will have bodyguards. You will be confined to your hotel, you cross the street to the conference headquarters, and we're not responsible for you outside of that area."

At this point, all this happy group, which had been given this fine lunch at the State Department and had been told what experts they were, looked at each other. I remembered my words that I didn't mind being shot at a year or so ago and thought, "Well, in for a penny, in for a pound."

Futrell: So I prepared. I brushed up on my Spanish and Portuguese, had the records and the tapes out, and went down to Rio.

One of the most amazing people in the Sierra Club is John Zierold. He is our extraordinarily effective Sacramento lobbyist. Just like I have given Pat Scharlin a blank check with my energy and time and resources, during my Sierra Club board time I gave John Zierold a blank check.

I made the statement any number of times that the Sierra Club's first priority was a strong legislative lobbying effort in Sacramento; that Sacramento was as important to us as Washington, D.C.; that the Sierra Club's credibility in California was reflected nationwide; if that credibility was underridden in California, it would have repercussions nationwide. Certainly Sacramento, in my view, was more important than all the rest of the state capitals in the United States put together.

Lage: Isn't that an unusual view for somebody who comes from so far from California?

Futrell: Well, no, that's a realist view. It's a realist view. But be that as it may.

And Zierold knows friends worldwide. So I told John I was going, and he said, "Well, let me send some cables to Rio." I was met at the plane, and I was put in this beautiful villa on a beach where they had a three-thousand-foot sheer granite cliff like El Capitan rising above with orchids, a white sand beach. Standing chest-high in the water you could look down and see your feet, the water was so clear.

It was just an extraordinarily wonderful visit, going to see the Tu-Jica National Park. I love jungles: East Asia, Southeast Asia, and the Louisiana swamps.

The cooking in Rio is Creole cooking like New Orleans. The African population is a different tribal racial mix than the blacks of the southeastern United States. It is a Catholic country. I found it an extraordinarily energizing experience--the beauty of the women, the music. Everywhere on the street they were playing sambas, the little sidewalk bands. It was really very reminiscent of New Orleans. Instead of the little jazz combo, you would have the samba group with slum-type girls singing and just looking for coins to be thrown. Very exciting.

I took a plane in and stopped off at Iguazu Falls and then flew into Argentina. And what an experience! What a sad country.

Impressions of Argentina under the Junta

Futrell: Argentina is a fascist state. I mean, it is a population held in terror. At the conference, Huey gunships were flying over the streets. Security was very tight. I saw three police shakedowns and several street arrests. The junta walked in, thirty-two generals and admirals, shoulder to shoulder, to open the conference.

I paid no attention to the "stick to your hotel." I even got a car and went birdwatching out in the pampas and did some beach walks. Just the psychology of the thing--one, the Montefieros aren't going to hit me; they're not going to hit an American with the Carter human rights approach, because Carter was working with the human rights approach to ease the situation in Argentina. If we were hit, it would be the junta doing it and blaming it on the Montefieros.

Incidentally, I talked to Latin American people from Peru, from Ecuador, European diplomats, and they were unanimous in their praise of the human rights initiative that President Carter took. I think that in retrospect Carter's policy on human rights, especially in the cone of Latin America, Chile and Argentina, will be one of the bright spots of his presidency, and certainly what we see now with Mrs. Kirkpatrick and England and the Falklands Islands war would tend to reinforce that.

Argentina was a deeply shocking experience. I met many people who became important in my life at that UN water conference. I met James Mandros, who was the public relations officer for the Council on Environmental Quality. Jim is a career officer in the International Communications Agency, and he was loaned to CEO for its international environmental work. Jim later arranged my lecture tour in India. After retiring from the agency, he joined the staff of the Massachusetts Audubon Society. He is a key networker on the international environmental scene.

I met Oleg Kolbasov of the Soviet Academy of Science and Law, who was the chief environmental lawyer in the Soviet Union. Since then I have tried to follow events in Soviet-American environmental affairs, following in the steps of Nick Robinson, who has done extraordinarily important work in this area and who perhaps might be considered for the Muir Award just on the basis of the work that he has done on Soviet-American environmental cooperation alone, much less the other environmental law work that he has done. I've had Kolbasov here at the Environmental Law Institute as a guest fellow, and I've been to Moscow to see his institute.

I met Gilberto Cano, the prime force in environmental law in Argentina, and we have one of his students here right now as a guest at ELI.

Futrell: It was my introduction to the international environmental law community. It was a very intense two weeks.

Efforts toward Wetlands Protection

Futrell: I came there with a mission. The Sierra Club and Pat Scharlin and Nick Robinson had lobbied to get the official United States position to include resolutions on protection of marsh areas in water development, estuarine resources. This was very much a Sierra Club coastal zone management idea, and the UN staff had nothing on wetlands protection or preservation in their draft document for the UN water resolution. Well, Pat Scharlin had lobbied in the U.S. State Department and got that to be an official U.S. position, spelled out in the U.S. delegation's official instructions.

Now, we belong, in the six areas of the United Nations, to the Northern European section of the world, as opposed to Latin America, East Asia, East Europe, Africa. and so forth. This position had not been carried forward for our area working paper at the Northern European section meeting in preparation for the conference. My job at the conference was to see that the U.S. delegation from the floor got the conference plan for the water document amended. I talked to our European allies from the Netherlands and from Great Britain, from the Scandinavian countries who I thought would be sympathetic, but they were not helpful.

The United Nations, every element of it, is poisoned by the Arab-Israeli conflict. Resolutions have branded Israel an aggressor in the Palestine situation and have labeled it as a racist state, and the United States votes alone, and I saw some really shocking elements of--

Lage: Votes alone, you say?

Futrell: Votes alone with Israel. I mean, other countries--it is very much a virulent hatred and there are nearly hysterical voices of hatred in the speeches. We would have a speech on dams and diversion of rivers, and Arab states would get up six in a row to use it to denounce Israeli occupation.

Lage: So even in the conference--

Futrell: Oh, every element they could get, each issue, they would denounce Israel. One even spat on an Israeli spokesman. Very rough and very much a sobering experience.

Futrell: The Soviets were good guys at this conference. They supposedly sent more of a technical delegation; Oleg Kolbasov's presence there was , some indication of that.

Well, the Sierra Club also sent to this conference Phyllis Corli, a Sierra Club volunteer who rode a bus all the way to Argentina, a very attractive blonde woman, in my view, who lobbied outside, and she lobbied third world delegations. We found a friend in Tanzania. Then we found a friend in Nigeria. We found a friend in another one of the African states. And the chairman of the conference presiding was from Tanzania.

Our U.S. delegation was being chaired for the actual proceedings by the head of the Soil Conservation Service, Norman Berg, and by an industry lawyer, a lawyer from a very large Chicago law firm who represents barge lines and construction interests. Well, they got candid, and they told me that they weren't very interested in our resolution, and it really wasn't worth a floor fight, you know, that we didn't want to antagonize people.

At this point, Charles Warren of CEO was leaving to go back to the U.S. with seven days of the conference left. I talked to Jim Mandros, who had quickly become a good friend of mine. I sat down and I said, "Mr. Warren, they're going to not do right by us." I may have used franker language. He said, "What do you want me to do?" I said, "I want you to write an ironclad instruction instructing those people to introduce the resolution." So I drafted a letter which Charlie Warren signed instructing the delegation to introduce the resolution.

When I brought this to the State Department man, the professional, he flipped. I said, "Well, look, you're interfering with the chairman of the delegation and the chairman of the Council on Environmental Quality." A very sincere, professional, State Department foreign service man. And I said, "Now you're coming in on the side of the barge line developers, and if we don't get our resolution in I'm going to go back, and I'm going to write an article, and I'm going to put this in the papers on how the State Department, when things were neutral, came in on the side of the developers." He said I was threatening him. I said I wasn't, I was just telling him what I would do.

Well, there was a lot of flustering around. The U.S. delegation was supposed to have the resolution printed for distribution. It came up on the agenda item: "The United States," says the Tanzanian presiding officer, "has a resolution." And Berg of the Soil Conservation Service says, "Oh, where is that resolution?" He says, "Oh, Mr. President, we haven't had it printed. There's been a mistake."

Futrell: The conference was running behind schedule, and they were adopting resolutions by voice vote. The Tanzanian chairman (whom we had talked with frequently) just squinted at him, and he looked over at me, and he looked over at Phyllis. He says, "We are recessing for lunch!" Of course, in the lunch period we had the resolution printed and distributed to all. A page and a half on wetlands protection was adopted into the official resolutions.

But it shows how the Sierra Club volunteer team won out by lobbying with the African delegations, my persistence on the inside of the delegation, and the year of work that Pat Scharlin and Nick Robinson had put into making it an official U.S. position.

Well, this is only one vignette, one story, of the Sierra Club's international program, which deserves really to have much written about it and much praise. Many club volunteers contribute to this effort.

Nick and Pat are tremendous people and very successful, and this is only a footnote. I mean, this isn't even one of their major projects. They considered this a throwaway conference.

More Vignettes of Argentina: A Bombing and Memorable Poetry

Futrell: I came back from Argentina and Brazil loving Latin music. I have never heard so much music played by people in the streets and small combos, tangos, favorite new composers, and what have you. New friends who have corresponded, including the newspaper reporter who covered us for the conference and who was with me the night they dynamited the hotel.

Lage: Oh, they dynamited the hotel while you were there?

Futrell: We had gone out for dinner, and when we came in the lobby was littered with glass and blood. They had taken the victims away, eight to the hospital, one blind, and nobody dead. The American ambassador and Nancy Rawls, who chaired the delegation after Charlie Warren left it, had been sitting where the bomb went off about two hours before, and we had all been out for drinks. We came back to a very hysterical hotel staff.

I got ready for the midnight plane back to the United States, to Miami, the thirteen-hour plane trip. On the outskirts of Buenos Aires our limousine was pulled over. Our driver got very upset, and I was spread-eagled at gunpoint and had a young eighteen-year-old or seventeen-year-old Argentine trooper with his rifle in my belly, with his finger on the trigger, searching me with the other hand.

Lage: And this was the Argentine troops, not the rebels?

Futrell: This was the military, yes. So I said, "Yo soy Americano." And he says, "No verdad, no verdad." ("It's not true. You're lying to me. You're no American.") We got to the airport. My briefcase, all my papers, were gone through; possessions confiscated, some of them returned. Some of the papers were confiscated. They took my briefcase, slit the lining on it, and got us on the plane, and we left Argentina, one of the unhappiest countries I have ever seen.

I have a momento of that trip on my office wall now. I was in this room overlooking the South Atlantic in the hotel, and there were no pictures in it whatsoever. I like pictures, so I went to a local bookstore, and I asked for a picture of something to put on the wall. The lady said, "Are you here for the conference?" I said, "Yes." She said, "I have a very good nature thing for you. It's by the Chilean poet Gabriela Mistral."

And here is the poem: "Toda la naturaleza es un anhelo de servicio." ("Everything in nature is a calling to service.") Then it goes on to say, "Where a tree needs planting, you plant that tree." It goes on to talk about accepting the burdens of caring for the natural world, and it says, "You do this despite the difficulty of the road," and then this phrase, which is one of my favorites, "El odio entre los corazones." "You carry on this work despite distrust between hearts," or the difficulties of the problem.

Lage: That's a beautiful poem.

Futrell: It's a beautiful poem. She won the Nobel Prize for literature back around 1946, a marvelous poet. Of course, the Argentines are very literate. In every city you see a statue of both Don Quixote and of Cervantes.

Our plane flew over the lights of Buenos Aires--nine million people, one third of the population of that country in one city--and then the electricity disappeared, and we were over the Amazon, the interior of South America, for six hours. The plane corrected course and outside of the plane window I saw the Southern Cross and then the belt of Orion and then the constellations of the northern hemisphere came into view, the stars of home that I had learned as a boy.

So I came back from that really very excited, very positive. My friends in the Sierra Club network all kind of shared the excitement and the experience with me. I received a number of telephone calls from senior people in the Sierra Club family, including staff, asking me to run for the club presidency. These were people whom I had known for a very long time. With renewed spirit, I said, "I'll do it."

IV CLUB PRESIDENCY, 1977-1978

Choosing Priorities: Conflicting Visions of Top Staff and Board

Futrell: Remember that we had had the Snyder-Futrell kind of fallout the year before. Ted was supportive in 1977, willing to let me go first. My view was, "Ted, you and I both should be Sierra Club presidents. But look, I went on this board in 1971. You went on this board in 1974. I'm a couple of years senior to you in terms of board service." This time he let me go first, and I was elected club president after the usual sort of hardheaded presentation during the election caucus [May 1977].

We assembled an executive committee that gives you some insight, I think, as to the intellectual resources of the Sierra Club. Richard Cellarius, the vice-president, was a Ph.D. in biochemistry and did postgraduate work at Rockefeller University, which is about the most prestigious place to do graduate work in the life sciences. A superb intellectual and a scientist. Ted Snyder was at the University of Chicago, undergraduate, and at the top of his class at Duke Law School. Ellen Winchester had a steel trap of a mind and is really an ambitious writer. Our fifth officer was Kent Gill, who was the most accomplished Sierra Club politician, if you want to use that phrase, of our decade in terms of conciliating people, mayor of Davis, and you know Kent's background. I was very proud to be associated with these people.

We had an executive committee which really worked very calmly together. We had a board that during my year as president was very quiet. The people who had resisted me as president became my most forceful backers. John Ricker, who always had hung in there for Ted, was chairman of the outings committee, and I had no difficulty. I mean, really, he was a superb committee chairman and director. Phil Berry was very supportive the entire year. In terms of any personality strife within the board, it was absolutely smooth sailing.

Lage: That's interesting, you know, after the bitter fight before.

Futrell: Yes. It was smooth sailing completely as far as the old conflicts. I got presented with new problems.

Phillip Berry was very active in offering advice on difficulties with the Sierra Club Foundation relations, about the legal program, and in helping me handle relations with northern Californian conservationists. My executive committee was made up of some of Phil's strongest admirers, Ted Snyder and Richard Cellarius. However, it was I who drafted the resolution and presented it to them for awarding the John Muir Award to Phillip Berry. They enthusiastically agreed. The resolution I drafted stated that: "The Sierra Club presents the Muir Award to Phillip Berry for establishing a legal defense program to protect the environment, leading the nationwide expansion of the Sierra Club, and setting a standard for volunteer leadership that inspires those who follow him." Honors and awards are very important in the life of the Sierra Club. Our chairman for honors and awards was Ann Snyder, who was energetic and fair in seeing that club volunteers received the praise they had earned by their hard work. Ann continued in this job during Ted's presidency. One of the nice things that she did, which I deeply appreciated, was the presentation of a lovely scroll commemorating my term as president of the Sierra Club. This was presented during the May 1979 banquet and just about every living president of the Sierra Club came forward and received the scrolls as a group. The photograph commemorating the occasion is one of my favorite possessions, along with the certificate itself.

But my year was a rocky one because items which I did not care to discuss were put on the agenda. Items which had been building up tension for a long time were being discharged, and this was the relations between the three members of the Sierra Club family--the foundation, the club, and the legal defense fund.

Lage: So that was one of the most divisive--

Futrell: That dominated much of the time of my presidential year. It was an irritant. For the most part, club leaders were free to take the initiative on conservation, Alaska, urban, energy.

I have an attitude of looking at the things that I can change or the things that I can reinforce, where I can make a difference, and then the things that I may dislike very much and that I can't change. For instance, I felt that the club's energy and nuclear policy was askew, and I felt that Michael McCloskey agreed with me in this. Mike's participation in the National Coal Policy Project, which was headed up by Larry Moss, former club president, is evidence that Mike was looking for ways for cooperative work with industry, for ways in which we could defuse some of the environmentalist/industry rhetoric of just trading blows and accusations, that he was looking for a means of better solutions on energy, because neither

Futrell: side (the American coal industry, the atomic industry, nor the environmentalists) is going to have it all their way. Mike is very perceptive in his analysis of governmental institutions.

What is involved in industry, in energy, is enormous capital investment. And we Sierra Club people want the lights to stay on; we don't want to freeze in the dark. And what is required is that capital investments be made wisely and not be thrown away, as much investment in the atomic industry, nuclear industry, has been wasted.

Lage: Are these these things you discussed with Mike?

Futrell: He led in these discussions. Throughout the 1970s Mike was the most important intellectual leader in the club, as well as its chief staff officer.

The National Coal Policy Project work went on mostly for Mike during '76 and '77. During the year preceding my presidency, Mike was away from the office around thirty percent of the time. In my view of the situation, that should fall to about twenty percent of the time. I asked him to restrict his outside speaking engagements, his outside committee work for other activities, which induced some tension between us, and for his speaking engagements to favor chapter banquets and the pastoral work of the Sierra Club.

Mike enjoys and is gifted at the political scene and making the Sierra Club a political force, but the Sierra Club is more than a political force. Politics is only one dimension of a very complex organization. The president and the executive director both, in the club itself, have to be very intensely aware of the pastoral scene, of visiting Philadelphia and meeting with the Philadelphia leaders and listening to their concerns, and going to San Antonio and doing the same. There are three hundred groups out there.

Lage: This is part of your vision, particularly of the presidency, but is it also your vision of the executive director's role?

Futrell: The executive director also should be concerned.

Lage: Was that a vision that you discussed with the board, and was there any consensus on that before you presented it to Mike?

Futrell: Yes. Well, we all agreed that Mike should speak around to our own chapters more. But we also were intensely aware that Mike was being pulled every which way, that he had to steward his energy.

Familial Tensions Erupt over Club-Foundation Relationship

Futrell: Now, Mike's top priority during this time was to get hold of the Sierra Club Foundation and to get a better control on a more professional fund-raising effort. The foundation existed under Nick Clinch as executive director. Nick is one of the leading mountaineers in the world, past president of the American Alpine Club. The National Geographic has named Nick Clinch to be one of the ten outstanding explorers of the twentieth century, and he is memorialized over in the National Geographic Hall of Fame. I came to admire Nick greatly in the course of these years, and I got my board at the Environmental Law Institute to make him a director there in 1981.

Mike had hired Denny Wilcher for the club; Denny was an energetic fund raiser. And the accusation was, by both parties, that the other fellow was hustling his turf.

Now, consider the fact that the Sierra Club Foundation, the Sierra Club, and the Legal Defense Fund had three separate boards of directors with very little overlap between them. The main force on the Sierra Club Legal Defense Fund's Board of Directors is Phillip Berry. The main force on the Sierra Club Foundation Board of Trustees is Dr. Edgar Wayburn. And consider that the foundation is filtering, hopefully, several million dollars a year to the club. This makes Ed Wayburn a very important person in the Sierra Club family.

Now, consider the fact that I have looked up to Ed Wayburn for a decade to be my mentor and to be my friend. Here is a man who exemplifies husbandry to me, which is one of the key nouns in my vocabulary, being able to take care of people that you love and to protect them and to bring them along. Ed Wayburn grew up in Macon, Georgia. He graduated from the University of Georgia. He went to Columbia Medical School, and I went to Columbia Law School. He then went and studied in Germany, in Weimar Berlin, and is deeply rooted in European culture as well.

So here is my fellow southerner, my fellow Columbia alumnus, my fellow hobbist for German affairs, and my teacher in the Sierra Club being just about as mean and as hard to me as anybody'd been in ten years! I can remember Ed Wayburn during that year saying [uses Edgar Wayburn's voice], "Bill, I'm so disappointed in you." And I can remember Mike McCloskey saying [in Mike McCloskey's voice]. "Bill, no one has disappointed me as a Sierra Club leader as much as you." So there I was between Wayburn and McCloskey, and the foundation trustee meetings that we went to were some of the most distressing meetings that I attended during that time.

Futrell: Now, the club and foundation had scheduled a study by fundraising consultant Roger Craver about fund raising for the Sierra Club. The Craver report was presented to the entire board of directors at a closed session in June 1977 at Valle Grande, a ranch in northern New Mexico. For a week we discussed foundation fund raising, the structure of the board, the structure of the Sierra Club, but mostly the financial fund-raising situation of the club. I read from the minutes that I took, from my own notes there.

Lage: Just let me clarify--it was Mike who chose the Roger Craver, not the foundation?

Futrell: Well, they kind of all came in together. Brant Calkin was involved. Ed was involved. Mike was involved. Craver is a good friend of Jim Moorman, who was at the Justice Department by that time.

We talked about the role of directors in fund raising. Charles Kopman, chairman of the [Sierra Club] Council, said, "Well, the phrase 'give, get, or get off' is what marks a director's duty." I mean, a director should either give--

Lage: A director of the foundation?

Futrell: No, no. Directors of the club. Give, get, or get off.

Phil Berry countered that this view, while appropriate for a university board of trustees, is not appropriate for the Sierra Club board because the club, with its unique emphasis on conservation activism, requires more iconoclastic, questioning members than are found on the socially upward mobile boards of charitable foundations.

Then we talked about, who's on the Sierra Club Foundation board now? The Sierra Club Foundation board at that time mostly was made up of former presidents of the Sierra Club. Now, the legal defense fund had some prominent lawyers on it. But the Sierra Club raises its money from member dues. It should also be able to get bequests.

I watched all of this with some fascination. It's just like the military. They're always ready to fight the last war. I had a very clear idea of what the Sierra Club should have been doing during the first year of the Carter administration when Calkin had been president, in which I was very critical of some of the things that were done. But now, instead of being able to fight last year's battles on politics, I was being called on to fight this year's battles on foundation management.

Lage: This was an issue that you really didn't want to take up.

Futrell: I did not want to take it up. Most of the directors did not want to take it up. But we felt that we more or less had to bite the bullet.

I was concerned also with the Legal Defense Fund because the Sierra Club Legal Defense Fund has the Sierra Club's name, and it is far more visible nationally than is the foundation. I wasn't that much concerned about the foundation being a competitor for the club's name and glory. Since then, the NAACP and NAACP Legal Defense Fund are suing each other for possession of the NAACP name.

Lage: I wonder if that will happen in the Sierra Club.

Futrell: Well, it's interesting sometimes how you demand to see information, and it's not given to you. We were assured by Phil Berry that there was a document which allowed the Sierra Club to get the name back from the legal defense fund, and Ted Snyder wanted to see it. I wanted to see it. I've asked for it fifteen times, and I haven't seen it. But that tension between the three members of the Sierra Club family was something that just extraordinarily dominated the year.

Consider also what we've got here. Mike, Bill, Phil, Ted Snyder, Nick Clinch, all are a bunch of lawyers.

Lage: Including yourself.

Futrell: Well, yes. We manufacture self-serving memos. Here is a pile. This is my notes on telephone conversations and meetings for one month [indicates pile of papers].

Here is a meeting of some of the foundation trustees and board of directors. I'm reading notes. [reads from notes] X speaks to Y, "Well, we spent \$3,000 to get people together for that meeting. I am personally outraged by the way you and your personal behavior have resulted in the loss of time and effort on our part, and I am outraged by the way that you have characterized me to others!"

Then here's somebody else saying [reads from notes], "Well, in retrospect, the December 17 meeting was a great mistake." [laughter]

Futrell speaks up [reads from notes], "I heartily desire to save next year's board the travail and turmoil. Can't we at least dispose of this issue?"

And [reads from notes], "Well, the prime irritant is the memorandum that Ted Snyder wrote on. . ." [laughter]

Futrell: Personal accusations, all cast ad hominem--the personalities involved were sharply striking.

Lage: What does this say about your leadership theory? Here you have people who are leaders.

Futrell: Yes. Leadership and service are closely evolved. Coming out of the fundamentalist South, you sometimes will have people ask whether you're a Christian, a born-again Christian, or what have you. My answer to that is, "I am a foot-washing Christian."

One of the best books I've read on religion is Out of My Life and Thought by Albert Schweitzer, and then his more scholarly The Quest of the Historical Jesus, in which he finally concludes that there's not very much evidence that anybody named Jesus ever walked the face of the earth, and he says, "But that really doesn't matter." He says, "Out of the myth he comes to us, across the lake of time, just as he came across the Lake of Galilee to the fishermen. And across the mist of time he calls to us as he called through the mist of that lake, and he says, 'Follow me.'" And he says, "The Jesus whom you respond to will determine whether you are a Christian or not."

The Jesus I respond to is the man who washed his disciples' feet at the Last Supper, and so I think that Christianity is a religion of service, and leadership is very much determined with service. Marine Corps leadership is very physical. You see that people get fed. You see that they get a dry place to sleep. You are very much worried about their physical health and welfare. You bring them back alive.

Well [sighs], I'm afraid that there was a lot of ego-tripping (or competing visions) going on among all these folks and, while they were capable, each in their own way, of service, it didn't come out in this meeting. I don't think that I helped that much. I suffered through it.

My own desire to change things was to wait and let Kent Gill become president of the Sierra Club Foundation. I felt that Kent would be true to his oath of office as a foundation trustee, that with his sense of the possible and with his tact he would be a bridge builder. Now, some of the hardest things were said by those who were closer to the older generation of leadership. And, in fact, when Kent did become president of the foundation two years later, the tension did ease, and they moved past this. We needed time and a facilitator.

Let me acknowledge that there was a big problem. What we had was a replication of effort. We had the foundation staff with overhead expenses. We had the foundation fund appeals going forward,

Futrell: and club fund appeals going forward, and legal defense fund appeals going forward, all very uncoordinated and all done with a good deal of suspicion of each other.

Remember, the foundation had been set up originally because of fears of the Internal Revenue Service, and when the Sierra Club felt most persecuted the club had transferred land to the foundation. This was a rankling problem with club members, that this land was being held, not being sold; the club needed the money; better use could be made of the money; and what have you.

I'm disappointed that the foundation trustees did not reach out to more movers and shakers; that it didn't reach out, and they didn't get Robert O. Anderson of Atlantic Richfield Oil Company on the foundation board; that it didn't reach out to try to build a bridge through the foundation to industry; that if the club board produced more Democrats than Republicans, which it did, that you didn't use the foundation board for more variety, to find conservationist men and women of finance the way NRDC and Audubon did.

But it very much was Ed Wayburn's show. I mean, it was his show, and dealing with Ed as club president, I didn't know whether I was dealing with the chairman of the Alaska Task Force or with the chair of the Sierra Club Foundation. Now, I deeply love him. I mean, the last thing I want to do is let down my friends, but I was heartily glad to hand over to my successor the whole Sierra Club Foundation discussions.

When I talk in terms of an organization's program, I talk in terms of damage control and targets of opportunity. Damage control was all that I could see in terms of the Sierra Club Foundation and the club's relationship.

Encouraging Involvement through the President's Fund Appeal

Futrell: Now, one of the things that took hours of my time was the president's fund appeal. I was told by Denny Wilcher, "Well, you're going to write a president's fund appeal letter, and I'll be glad to help you along with it." Then Denny got busy. The deadline for that comes at a certain date, and I was very consciously aware of it. I put it on my calendar, and I bugged them. Starting in July, I started bugging staff for ideas and aids. The horrible thing that became apparent was that I was kind of expected to write the president's fund appeal.

Futrell: So I came up with a new idea.* One was I wanted to use a cartoon, and this little cartoon of a man being quizzed: "What would you rather be built on this site--an intercontinental jet port, an atomic power plant, a small type shopping center, or a three-thousand-unit middle-income housing development?" And it says, [reading] "Like the elf in the cartoon, we're often faced with hard choices," and I outlined some of the budgetary choices facing us.

And then, opening up, we had a multiple-choice quiz for seven areas--in the North Woods, on Boundary Waters, air pollution and the Utah power plants, the Alaska Task Force, the inner city frontier and the inner city outings program, municipal water pollution, and what have you. They were asked to choose priorities. Then the members were asked both to give money and to also identify what they felt should be the club's priority. We had a good response on it.

Lage: And this was developed by you alone?

Futrell: No. I made up the multiple choice, found the cartoon, wrote about one-half the copy, and then sent it around to my friends. Jonathan Ela wrote the one on the Boundary Waters Canoe Area. Peggy Hynds wrote part of it. The Roger Craver people then did the art work on it, you know, the fold-over flap. But I think my name would go down at the bottom of it.

Then there was the clipped coupon on priorities. Well, this upset our conservation staff no end. "Are we going to be bound by this?" I said, "No, you're not going to be bound on it. This is just an indication." They were very disturbed. "You mean that Sierra Club issues are for sale?"

Lage: Interesting.

Futrell: So then they got all these responses, and nobody wanted to do anything with them. They just wanted to cash the checks. So I had them all sent to me. My mother, my wife, my daughter, and I counted them. We found that there were 3,950 contributors, people that had responded. By issues, Alaska had gotten 1,409 votes. Clean air: 1,300. The North Woods, lower forty-eight wilderness: 1,291. Philadelphia water, municipal water, very much a city issue: 1,025.

Lage: Philadelphia in particular?

*See Appendix E, p. 184.

Futrell: Well, no. It was the symbol of municipal water pollution, the Clean Water Act: 1,025.

Lage: Okay.

Futrell: Army Corps of Engineers, wasteful water projects: 816. Inner city outings [a club program which sponsors and leads wilderness outings for inner city youth]: 713. I was surprised that the great majority, an overwhelming number of the ballots, listed only one choice. I would have thought most people would have checked one of everything.

We then took those lists, and for our City Care conference and for our efforts we took the people who had checked "inner city" first and put them on our Urban Task Force mailing list. I gave everything to Nick Clinch so that he could computerize it for foundation mailing purposes.

It's a key to my whole approach, which is one of involvement, not only asking people to write out a check but also to interact on our budgetary problems. We continued to have budget problems each year in the Sierra Club because we could use \$140 million probably. We'd buy land and everything.

Lage: My impression is that this is the way their fund raising is going more now, trying to identify some of the specific aspects of the club's program for people to support.

Futrell: Yes.

A Presidential Goal: Outreach to Grassroots Group and Conservation Leaders

Lage: We haven't talked in general about your idea of the role of the president, which I think is interesting. You talked about it in the Sierra interview* as you were taking on the presidency.

Futrell: I wonder what I said then.

Lage: Now I'm interested in retrospect.

Futrell: Right, yes. Well, I'm musing here out loud.

Lage: You've talked about the pastoral function.

*See Appendix A, p. 168.

Futrell: Yes. One, he's chairman of the board of directors; and second, a spokesman for the club; and third, concerned with the health and welfare of the whole structure of the club but specifically the volunteer structure of the club.

The problem that I faced, as I outlined it in remarks that were made a week or two before Fran Gendlin's interview [in Sierra], was that during the years that I had been on the board great attention had been paid toward structuring a more professional and orderly staff organization. During those years we brought aboard a professional Sierra Club Bulletin editor, Fran Gendlin, to revise the Bulletin and to upgrade it. We brought in Paul Swatek to be the assistant conservation director, to make that effort more scholarly and more thoughtful, and to take some of the load of planning off Mike. We brought in Doug Scott to beef that department up further. We brought in Peggy Hynds to reshape and for the first time to make it a professional membership department. We brought in a head of Sierra Club books, Jon Beckmann, to make it professional.

We brought in Allen Smith to be the comptroller. Allen was a very experienced financial officer, working for a computer company in New England. He had had eighteen years of experience in financial management. He came in and the financial department of the Sierra Club really began to shape up. Allen understood our widespread cost centers. He understood the importance of funding volunteers. He himself had been an active volunteer with the New England Chapter of the Sierra Club. Allen served as Sierra Club comptroller and chief financial officer until 1978, when James Moorman hired him away from the Sierra Club and brought him to the Department of Justice Lands Division where he became the chief financial officer for that agency, overseeing a multi-million dollar budget. Moorman, after he left the government, told me that the senior people in the Department of Justice who coordinated the activities of the various divisions said that Allen Smith was the best man on the job. Afterwards, Allen left the Justice Department to become president of the Defenders of Wildlife, a nationwide conservation organization with about fifty employees and a budget of around two million dollars. So you can see that my generation of Sierra Club people--Brock Evans, vice-president of the Audubon Society; Allen Smith, Defenders of Wildlife; Jim Moorman, Justice Department; myself at the Environmental Law Institute--have taken our Sierra Club training and gone on to apply the lessons we learned there for other environmental causes.

But during the same years that we were building up the staff, the volunteer structure had proliferated to three hundred groups and fifty chapters, and that's a tripling of groups, a threefold increase

Futrell: In the year when Phillip Berry was president there was a dramatic outreach program to the volunteer leaders throughout the country, so that people in the groups would know the board, the president, and the club. I had a very strong sense of identification with Phil as chairman of the New Orleans group, and the people in the Lone Star Chapter did as well. But the outreach structure for volunteer leaders no longer is as effective.

I felt that the Sierra Club Council was not meeting that outreach function because the outreach function must be centered on active conservation and must involve the politically responsible people in the chapters and groups, meaning the group chair or the conservation chair. Now, the club council tended to bring back [for meetings in San Francisco] people who were very much interested in keeping up membership rolls or very much part of a kind of middle managerial type, as opposed to the club conservation leaders.

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Lage: So was this one of the functions of the presidency, then, to reach out again?

Futrell: To try to give a sense to the volunteer of connections to the whole club rather than through a magazine and what have you.

I chose the regional vice-presidents, even though they were elected by the RCC's, to be called the middle management of the club and to be identified in a letter that I wrote to chapter and group chairmen--it went out to about seven hundred people--saying that I talked with their regional vice-president at least once a month, and if they had concerns about the national club they should get into a closer relationship with their regional vice-president. Now, some took this up much more seriously than others did. Some were very responsive to me and were real live wires in trying to get a sense of better organization.

One thing that I gave a great deal of attention to was intensive and close coordination with my fellow directors on the board. I set up a chart to ensure that I made periodic telephone contact with each of the other fourteen, with each of the ten regional vice-presidents, and with the council chairmen. In addition, I sent a rather detailed monthly letter with attachments which reported just about everything that I was doing. I tried to keep this succinct, sometimes just dwelling only for a line or two on my activities. However, I wanted each of them at least to know how I saw issues and what I was doing and saying. I enclose my letter report of April 25, 1978, as an example and I would like to put it in the appendix.*

*See Appendix F, p. 189.

Futrell: This covers a representative six-week period and I think from some of the questions which you have asked, that the content will interest you. Our staff were deeply concerned with the statements of Vice-President Mondale. A number of staff had started to say that the Carter people were all right, but that the Mondale people were trying to sell out the environment. Vice-President Mondale had made a tour of western states in the early months of 1978, which had caused some of our field staff in the Rocky Mountain West to become intensely critical. Their critical statements were magnified until I felt that attention had been distracted from opportunities for cooperation that existed.

I therefore worked to arrange a meeting with Mondale and saw to it that Mike McCloskey and Brock Evans accompanied me so that there could be no charge of me, an administration enthusiast, short-selling the Sierra Club. We aired our concerns fully and my report to the board of directors recounts the meeting. The other two items mentioned--the critique of Schlesinger as Energy Secretary and my role in the Thorne controversy--are also covered for board members.

What I tried to do in these periodic letters was to identify any issue that concerned board members and to give them my side of it. When I telephoned them for my either biweekly or monthly call, I followed up and tried to find out their concerns. Of course, for some directors; Ted Snyder, Ellen Winchester, Dick Cellarius, members of the executive committee, telephone communication was far more intense. With each director, I tried to identify their concerns.

Another networking effort between various levels of hierarchy involved my chapter visits. Although I made several banquet speeches at chapter annual dinners, my format for a chapter visit was to go in with groundwork having been done by chapter chairs and the regional field staff, if possible, convene the thirty to fifty most active members of the chapter, have a picnic or buffet with them, and then sit around in a circle. I would begin with a five to seven-minute statement on where I was coming from as Sierra Club president and what my concerns were, finishing up with my concern for better coordination between all levels. Then I would ask them to go around the circle, tell me who they were, what they did in the chapter or group, and what their concerns were, and have a first-rate exchange of views. When I got back to Athens, Georgia, I would follow up these circle discussions with a letter to each person, usually no longer than one page, seeking to address his or her concern. That was done during 1977 and 1978, and I still receive compliments and comments on that practice from people who participated in them in San Diego and in Minneapolis and in some twenty or so Sierra Club places where I did it. I also hoped to offer a model or

Futrell: example on how this networking or outreach should be done. Perhaps model is too strong an expression; however, it did demonstrate to all concerned my top priority for listening as well as preaching.

But here we're dealing now with layers of hierarchy and bureaucracy: group, chapter, RCC, board, Sierra Club Council. It's beginning to look like a table of organization of a government agency. [see chart on following page]

Like many of the national issue committee chairmen, the people that were identified with the eastern wilderness campaign, or the offshore oil campaign, or this task force or that task force, I was somewhat suspicious of the Sierra Club Council. I felt in many ways that it was a group of people who were more concerned about revising the chapter and group handbook, and that frequently they just wanted to have meetings because "if we got to know each other better, we'll get along better."

I've always been very suspicious of that. I have been of the opinion that if some people got to know me better, they would know, in fact, that I am someone that they would as soon have nothing to do with, and I believe that strongly about some people, that spending a lot of time with them, spending a weekend with them walking up and down the Point Reyes beach, isn't going to add anything to the health and welfare of the Sierra Club.

Instead, that time should be spent at the typewriter in editing and revising, in writing a piece which communicates. The written word is very important for Sierra Club leaders, and we should look to our work product and to what a person does rather than to vibrations on being a good person.

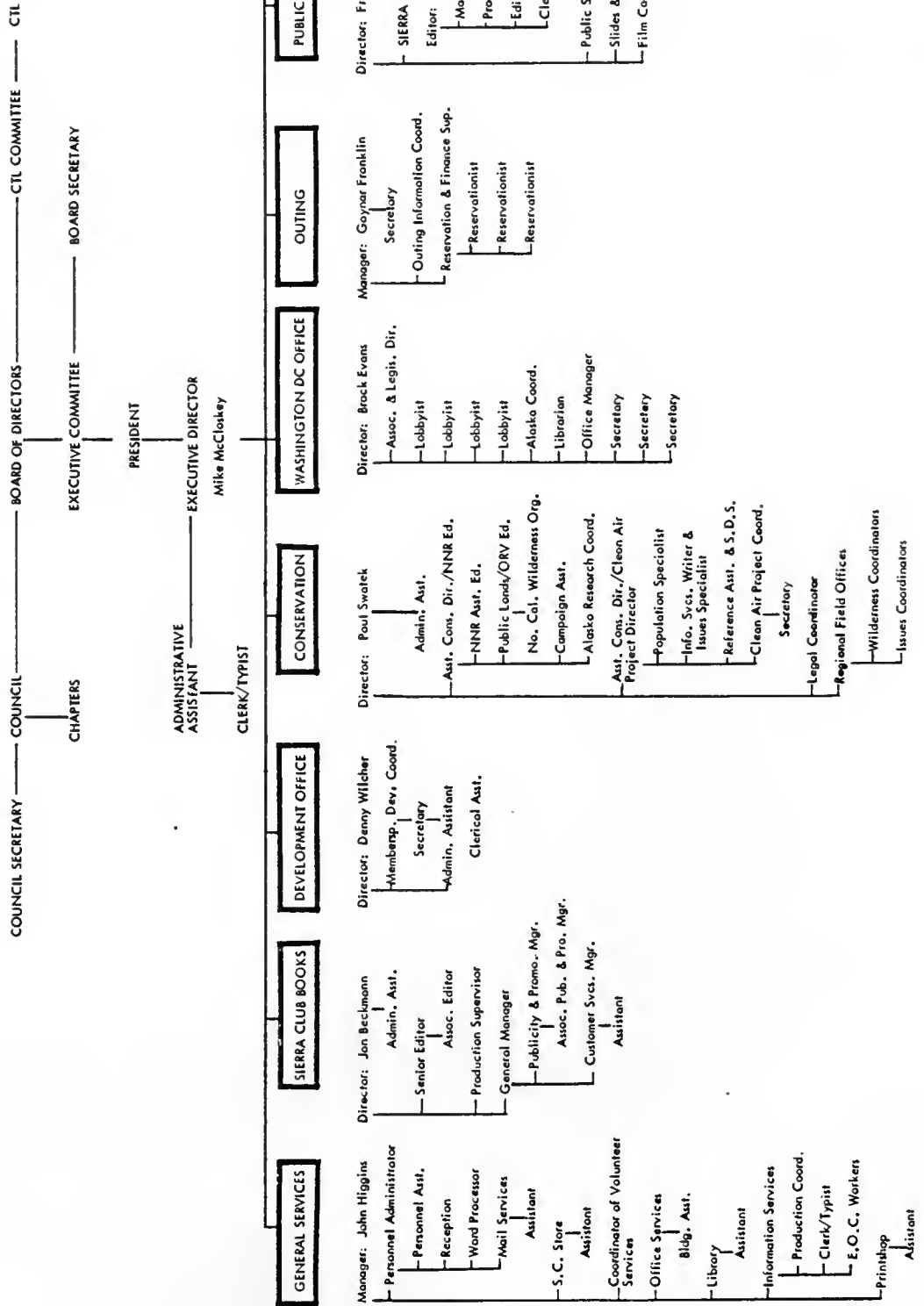
Well, in my heart of hearts, throughout the time before my Sierra Club presidency, I would just as soon have done away with the Sierra Club Council. That feeling was shared by Ted Snyder. That feeling was shared by some of the most active conservation leaders on the board. But, in my Sierra Club presidency, despite my intolerance for the council, I found that Charles Kopman, a Saint Louis lawyer, a conservative Republican, pulled my chestnuts out of the fire time and time again. There were three or four issues where I very badly needed help in a networking function, and Kopman became one of the most helpful people to me.

Lage: And he was chair of the council.

Futrell: That's right, chair of the council.

One of my budgetary reforms was to move the council down to two meetings a year. It had been meeting at four meetings a year, and it was scheduled for three meetings a year. Kopman was very

Sierra Club Table of Organization, 1978



* Departmental reorganization in progress

Futrell: upset about this, bargained with me, and found ways to cut council budgets, much of which was in discretionary funding. Well, remember that how I got hooked into the whole Sierra Club thing to begin with was council funding to bring me out on discretionary money to a meeting in Los Angeles.

Charlie through the year put out a number of brush fires. So in terms of mobilizing the volunteer structure to make it more active, I came to have a very high regard for the work of the Sierra Club Council, and I would think that in a \$14 million budget it should be allowed to meet four times a year.

Lage: So this is something where your opinion changed.

Futrell: Absolutely. It changed completely.

Lage: It sounds as if a lot of your opinions changed through the process of being president.

Futrell: They did, yes.

Lage: You mentioned earlier changing your views on the relation of staff to volunteers.

Futrell: That's right, yes. Our professional staff need not only the support of a good salary, but also one of the most important things for them are emotional perks and benefits--appearing in this company, getting to know national leaders, making this speech, being included in this setting. Well, those are also important perks and benefits for volunteers as well. I tried to spread more of these special perks around to other board members.

When I assumed the presidency, one of my first jobs was to see that whoever followed me had full exposure and on-the-job training. I felt that the board probably would choose one of two people, Richard Cellarius or Ted Snyder. I quite candidly said that I was going to try to alternate as many speaking appointments to them, as many opportunities for management experience for them, to take over programs. I also said that if there was a third or fourth possible candidate I would do the same for them. Cellarius had had a lot of experience in publications. Ted, of course, as treasurer, was on the line there. They were both, as I say, very highly qualified people.

Lage: I'm wondering if we shouldn't move on now to the next items: the club and the Carter administration, and the Urban Task Force. I don't want to neglect that.

Thoughts on a Changing Presidential Role

Futrell: Surely. Of course. First there is something perhaps that I can say about this changing role through the decade. Ted's opinion on the presidency changed, too. We had a bylaws amendment which I argued against at the board meeting in November 1980. I was back on the board again after being off for a year. This bylaw would make the executive director the chief operating officer of the club. I forget the exact language of it.*

I argued that the president should be the chief executive officer. That argument was made by Wayburn, that argument was made by Berry, and it was joined in by Les Reid. I thought that Ted would support us on that. He came in the room. He had been someplace else. He said, "No, the executive director is there day in and day out, and as far as the final say-so on the whole club's activities, the executive director is the one who sees it day-to-day. The president--he's down trying a lawsuit someplace, or he's got family affairs, or he's busy with this, and he frequently will not be able to follow it, and he's going to change as well."

This envisions the club merely as being the staff operations, the political operations of the club, and the business operations of running outing trips. Well, it is a club, and I like the title "club" here. I like the idea of the voluntary association. And the extraordinary element of voluntarism, with all of its sometimes self-indulgent overtones, ego-tripping and what have you, that go with that, make it a much more diverse and more complex organization.

Well, in November 1980 I was trying to bail the Environmental Law Institute out, and I was busy with my own business back here, and I did not sign on to that ballot issue, though I spoke at some length on it and irritated staff people. I know that Brock was upset with me and spoke to me in the hall afterwards that this was again too harsh a criticism of the staff. So I didn't sign on to the ballot; but that change [alternative (1)] passed the membership only by about five percent of the vote, hardly even lobbied on one way or another.

So, you see, even with a hard-nosed guy like Ted Snyder coming to say, "Well, you've just got to let the executive director run things"--of course, Ted had a rough two years as president, and changes, you know, come about.

*The board was choosing between two alternative descriptions of the executive director's role: (1) general manager and chief executive officer, subject to the supervision of the president and the board; or (2) general manager, subject to the supervision of the president and the board.

Futrell: But I am unusual for the Sierra Club presidents in that I now work for a board of directors as chief staff officer of an environmental organization. I have an executive committee that I report to, and I work for a board of directors which has some strong-minded people on it. My reaction is that I wish I had more fire and brimstone on the board. I may grumble about the board. While I'm doing my cross-country running, about mile three when the adrenalin's really going, I mean, I may be cursing them, but at the same time I get help from them, and at the same time I do a better job because I am being forced--I mean, I will spend two days going over a document, getting it ready. My chairman of the executive committee is a powerful Washington lawyer who goes over things with a fine-toothed comb, and nothing ever pleases him. Frankly, I'm grateful to have somebody on the board that cares.

So all of the Sierra Club presidents that I have known have felt somewhat worn down and somewhat feeling less loved than more loved at the end of the process. [chuckles] Some, like Larry Moss, have just gone away completely. Even Kent Gill felt sensitive about some of the kicks and complaints against him.

I have wondered whether the club might be better off now that it has gone through this process of becoming a conservation bureaucracy if it changes the image of the president to be more a chairman of the board, a less outspoken, a more accomodating person, affirming the executive director. Let Mike manage, let's not intrude on the decisions, let's uphold this, let's centralize the foundation in. Because, you see, one of the tensions of it is that there is control of information to the president.

Lage: And he doesn't have his own staff.

Futrell: And the president needs his sources. When we had the foundation and the Legal Defense Fund problems, I had ready-made information sources loyal to me in the foundation. When Sierra Club staff people in the field would tell me something, they would say, "Well, now, don't let Mike know that I told you." I mean, it was just very much a kind of information field here, of getting the information. Now, this may seem that it's a very petty or a very poisoned situation. It's not. It's a very dynamic situation.

For instance, Mike McCloskey told me on this telephone call that he was disappointed in me as president. I wasn't moving fast enough on the foundation. I said, "Well, Mike, you will just have to bear with my slowness; I am not going to steamroller Ed Wayburn and George Marshall and Will Siri and August Frugé; I am not going to steamroller the Sierra Club presidents of the 1960s. Here I am from rural Georgia, and I am going to come in and read the Sierra

Futrell: Club Foundation out of existence? You have placed too high hopes on me." So I said, "Well, why don't you draw up an agenda of what I should do?"

Mike, who is a master of the memorandum, sent in response a listing of what he thought I could be most usefully doing.*

Lage: It didn't focus on the foundation?

Futrell: No. There were some political and internal things as well. It's clear that we had different visions, but this is all right, and I think that the club is well served by having a tension between people with competing visions.

Certainly I did nothing in any of this, even to staff members whom I did not respect and whom I did not like, to injure them in any way, shape, or form. There are people whom I have, on the Sierra Club staff, a very high regard for, and others that I have not a high regard for. Those whom I didn't like or respect prospered during that year just as much as the others because Mike had a high regard and respect for them.

A Perspective on the Club's Political Stance and Adversarial Posture

Futrell: We've talked about the National Coal Policy Project, which I thought was a promising topic, but in which Mike's participation--he got bumped over the head by Ellen Winchester and some members of the Sierra Club family who are extraordinarily suspicious of anything that comes out of corporate America. It doesn't have to be that way, but that just--

Lage: I get the impression from you that there are a lot of different visions in the club, but some people say, "Oh, no. We argue about internal affairs, but we share a common vision on external things." But I get a different sense from you--one of them being this relationship with corporate America, one of them being the political emphasis--you seem to think the club should downplay the political.

Futrell: Well, it's a matter of style as much as anything else. For instance, the Carter administration people in 1980 wanted me to come down to the White House and endorse Jimmy Carter. I was now president of the Environmental Law Institute, which does not lobby, doesn't litigate, which is nonpartisan, and which pulls its board

*See Appendix G, p. 200.

Futrell: of directors from Republicans as well as Democrats. It was just utterly inappropriate for me to come and to do that.

They wanted the club to do it, and the question was whether Mike should go or not. I still was on the board at that time, and in internal argument I said, "No, don't send Mike. Send Ted Snyder. Send Ted Snyder because he's an ardent Carter Democrat, was from the beginning. Send Ted Snyder because he is the outgoing president, and send Ted Snyder because if Carter loses the election you can say, "Ted who?" The point is that when you get involved in partisan politics, you send a volunteer, and you protect your staff person.

Lage: But that wasn't the decision made.

Futrell: No, none of the national organizations did that. You see, the current conservation leadership takes the view that the Reagan administration is truly the enemy.

I mean, one of the things I did at the Argentine Water Conference is that I sat down for three hours in a discussion that included UNESCO, FAO people, some French, and the South Vietnamese delegation, the Vietnamese delegation because at that time there was only one Vietnam. Saigon was now Ho Chi Minh City, and these were the people who had won the war. We talked for three hours about reconstruction of rice paddies. The rice paddy culture is something I am interested in and have watched and observed, having slept on them and other things.

Having been told that Catholics are the enemy and, you know, watching my children in Catholic schools and attending mass, I'm very suspicious of this term "enemy." One of my favorite books is George Kennan's Russia and the West Under Lenin and Stalin, in which Kennan--it's a very simple thesis--says that people tend to make a devil out of their adversaries and the process continues; the adversary does indeed become a devil.

The British propaganda said the Kaiser was guilty of genocide, killing Belgian babies, in 1917; twenty years later they got Adolf Hitler. Lenin was depicted by Allied propaganda in the Russian civil war in 1919 as being a mass murderer and then he was followed, of course, by Stalin. By projecting onto our enemy our worst fears and our worst characteristics, we very well may see in the succeeding generations a successor who takes on those worst elements. So I am very suspicious about casting rivals and adversaries in terms of being an enemy.

Now, the Reagan years have been a very disappointing two years. But let's do turn to the Carter administration now.

Lage: Okay.

V THE CARTER ADMINISTRATION AND URBAN ENVIRONMENTAL CONCERNS

An Early Carter Supporter

Lage: You mentioned that you had gotten to know some of Carter's work. You were in Georgia. Were you a supporter? Am I correct in assuming that you knew of Carter's conservation instincts before most people in the Sierra Club did?

Futrell: Oh, yes. I had been over to brief the governor--slide shows and my offshore oil slides--to talk with him, and I knew his people. When I want to relate to somebody who is very busy, very active, I relate to their people. For instance, I'll work with the secretary and not bother the great man most times. I won't even bother to call, just have a complete working relationship that way.

The meeting with Jimmy Carter at the governor's office was just between the two of us. However, prior to talking with Governor Carter about offshore oil problems, I talked with both Ham Jordan and Jody Powell. I had coordinated the briefing with Powell in the days before, and he had assured me that I need not bring a screen nor even a slide projector, that everything would be set up. I had taken the precaution of bringing my own slide projector but not a screen. When I arrived, there was no screen and no slide projector. Ordinarily, one can just show the slides on the wall; however, the governor's office was paneled in dark brown wood and deep blue drapes. I looked around for a place outside to show the slides; we would have been in the hall, or in a busy secretarial area. Carter, seeing my problem, reached down, got a large piece of white paper, scotch taped it to the wood and then took hold of my slide projector, set it up and moved the slide projector up to within 9-12 inches of the paper so that it projected only a miniature four or five-inch image. I went through my briefing for the governor. He was alert on all the points, well briefed on the issue, and followed up on our session by asking me to contact a number of people at middle levels of the state government's Department of Natural Resources, which I did. These people were later very important in Cecil Andrus's Department of Interior and some of the most helpful sources of information for me.

Futrell: That close relationship began in 1974 with that briefing. Driving back to the university, I reviewed the meeting. About an hour down the road, it occurred to me how different the meeting had been. I have come out of meetings with Senator Henry Jackson, Hubert Humphrey and thought, "This is what Humphrey told me." "This is what Jackson told me." Driving back, I was thinking, "This is what I told Jimmy Carter, and this is what he thought about it." There was a definite sense of communication, rather than receiving a canned presentation from the Great Man. I think we probably had a better meeting because of my awkwardness with the slides, which allowed him to master the technical detail and do a good engineering job on setting up the show. I also had gotten a glimpse on how little I could rely on Jody or Ham. I soon found in the Carter entourage that people like Jack Watson and Stuart Eisenstadt were the sort of people who cared about the things Sierra Club people cared about and who could be depended upon to follow through on their words. Whenever I wanted to get quick action I went to Barbara Blum and then to either Jack Watson or Stuart Eisenstadt.

The Carter people knew they could call on me. Carter's son Jack was at the law school when I was there, and he and I talked about his father's campaign. Carter is a very decent, very thoughtful man. The failure of the Carter presidency is another one of those things that leave me with a hangover.

Barbara Blum called up, and this is February 1975, and said, "Bill, you're going to work for Jimmy." I said, "For what?" She said, "He's running for president." I said, "Barbara, he'd make a great vice-president." She said, "Billy, we're going all the way." I said, "Barbara, I'll do it if you tell me." So my being a foot soldier with the Carter people was strictly because Barbara Blum, who is my good friend, said, "Okay, this is the way we're going to do it."

So I took the message around to Sierra Club meetings starting in 1975--time for a farmer, you know, as their president. It got all sorts of snickers and verbal abuse from people who later had me writing letters to get them a job in the department of this, or the department of that, where they did get jobs.

Lage: So you actually went to the Sierra Club throughout the country or just--?

Futrell: No, just the board and RCC meetings, where we would have people from all over the large United States.

Lage: And you talked up Carter?

Futrell: Yes, just unobtrusively, but straightforward. Then we moved to get the early conservation backing from the League of Conservation Voters, the Environmental Policy Center--

Lage: Now, when you say "we," whom do you mean?

Futrell: The Carter people. We looked for backing from the National Wildlife Federation. I mean, this was done one by one. Barbara Blum, Jane Yarn. Joe Browder, who had been active in the southeastern United States in the Everglades jetport fight; he had led that campaign, and was pro-southern in his sympathies. You see, Jimmy Carter was running against a powerful prejudice as a southerner.

There is still an enormous amount of anti-southern prejudice in the United States. One of the very interesting things to me is the lack of anti-southern prejudice in California. I still am somewhat puzzled as to how I got to be president of a nationwide conservation organization and what it is about southerners that Californians appear to be not as prejudiced against as--the prejudice would appear in Chicago, Cleveland, New York City, and Boston, where there is a--

Lage: Did you sense that also within the club?

Futrell: No.

Lage: Prejudice from the Northeast or--?

Futrell: Oh, no, not as much. The Sierra Club people, you know, tend to be college graduates and liberals and quiche eaters and all of that.

Lage: [chuckles] They'll accept the southerners.

Futrell: That's right, yes. It's just another ethnic group, accepted as another ethnic group.

So the Carter campaign came through, and I did lobby the transition. There were targets that I had for getting people jobs. James Moorman was number one.

Lage: These were your own personal things or things you had worked out with Sierra Club?

Futrell: Brant [Calkin] and Mike didn't talk to me very much about the transition. They appeared to have their own agenda, so I pretty much was left my own personal way during that time. They did a number of things which I disapproved of and which some of our Washington staff thought were bad ideas as well.

Lage: What types of things?

Futrell: Well, these were just calls on lobbying for appointments and what have you. That's the sort of thing, I mean, really, that you can bear down too hard on. It almost should be more personal, not the Sierra Club candidate for such and such, because you pay a downside, you see. There's always a downside that you've got to consider. And you can have Sierra Club people doing things for someone.

The club saw James Moorman appointed assistant attorney general for lands, which was a major appointment. Jim did an outstanding job in that position, was one of the great successes of the Carter administration in the environmental field.

Lobbying a Sympathetic Administration: Drawing the Line on Criticism

Futrell: When I went in as club president we were looking at administrative lobbying. The people who had worked closely with me in the past in different staff positions had a full list of things they wanted me to do.

One of them was--in the secretary of Interior's office, there was some bad feeling between the Sierra Club and Secretary Andrus, and one of my tasks was to try to reduce some of that bad feeling and, with Andrus' staff, which included close friends of mine, to try to get the best foot of the Sierra Club forward. There was a continuous tension during the four years; club people often said that Secretary Andrus was doing less than his best for the Sierra Club causes, that he was going to open up the West to the dam builders and the energy developers.

I have to be critical of my environmentalist brethren. They could have been far more supportive, I believe, and truer to themselves if they had been more positive. Cec[il] Andrus didn't need hitting over the head with a baseball bat, and the staff that he had reporting to him, I felt, was good. Now, in the viewpoint of some of our conservation staff, I was overly generous to the Carter people and to the Andrus people.

Lage: Well, it did seem in some of the Bulletin articles--it may have been your interview--that your idea was that we should support the Carter administration's energy policy and the related policies, which seems a little bit of a departure for the club, to support a particular program even if it had aspects we didn't like, because this was our man's. That seemed like a departure.

Futrell: No. Yes, that would be a departure, and that's not really what I wanted to convey there.

Futrell: Of course, I later wound up my presidential year by calling for the removal of Secretary Schlesinger, and I wound up also testifying against the appointment of Robert Thorne to be assistant secretary of energy. This was at the request of the Sierra Club Energy Committee, and this was a very bitter thing. We had about 150 people in the hearing room and about eleven senators cross-questioning me. The club's energy committee felt that Thorne had acted improperly in a California election on one of the California propositions when he was an Energy Department employee in California and had used federal funds in a state election.

But I went down the road developing that position with the energy committee people and did it finally to voice their feelings more than my own. In fact, we had drawn the line very sharply against Schlesinger by 1978.*

Lage: You didn't object to criticizing Carter when you felt it was warranted?

Futrell: Oh, absolutely not. Oh, absolutely not, no. In fact, a number of the things that caused some controversy internally in the staff were misunderstood simply because some of these people didn't communicate with me as much as I communicated to them. The charge was made that I was muzzling the Washington staff because I asked to be informed in advance when a new or major attack would be made on the administration. This was precipitated when Brock used some colorful terms I forget that went in the National News Report [internal Sierra Club newsletter reporting on current conservation affairs]. I said, "Look, if you're going to use language that forceful or that cutting, I want to know about it, so clear it with me first." When it comes to what amounts to denunciations of officials at the assistant secretary level or higher, I want to know about it before I read it in the papers. I had three very angry board members complain to me about it.

Lage: That's a continuing thread in Sierra Club history as well.

I think the words were--I researched this since I'm interviewing Brock too--Brock said Carter had betrayed us in terms of the water projects.

Futrell: Well, I don't think that--I think it was somebody that he--and that it was more prickly language than that.

Generally, I had absolute confidence in Brock's political judgment and ability to speak for the club. I think Brock's attitude toward me as president changed in the course of the year. The first

*See Appendix F, p. 189.

Futrell: half of the year, he felt I was nonsupportive, but by midyear we had a good working relationship. Brock is a very sensitive person, and he's got all sorts of antennae. While I sometimes criticized him, I always supported his work and position.

For instance, the Sierra Club people were invited to the White House twice to meet with President Carter. Brock went, not me. I did not go to the White House once to meet with Jimmy Carter, despite an invitation in November 1977. The Washington staff office man went. I went to the White House many times to meet with Carter's staff.

Lage: Was that of your own volition?

Futrell: Purposeful. That was my choice in November 1977. You know, this is Brock Evans, comes to the board/council meetings and talks about being with the president and what have you. He is the Washington, D.C., Sierra Club presence.

Brock, by the time I got to be president, was finishing about fourteen years and was ready, really, probably, to do something else, and he did later leave the club staff and become vice president of the National Audubon Society. Now, he was still as fully energetic, and his great talent was that of an evangelist. Brock's one of these circuit riders who's out finding people and recruiting them and going back and sending them things.

##

The Urban Environment Campaign, a Club Priority

Lage: Another area where you were very supportive of Carter was the urban environmental package.

Futrell: Yes.

Lage: I remember that you got the board to declare this a priority.

Futrell: Yes. I made the motion. The force and power came from many others.

Lage: Do you recall if that was a controversial issue on the board?

Futrell: Not really.

Lage: It was a little surprising that that would come out as one of their few priorities that year. Was that your own dynamism in putting it forth?

Futrell: Well, no. Actually, there was a consensus that started building in January 1977, when I was chairman of the land-use planning committee, and where we had a number of people emerge--Ann Duff, Helen Burke--who felt deeply on these issues,

My theory on the urban environment campaign was that Sierra Club people live in the cities. I was chairman of the New Orleans group, and I know that the condition of Audubon Park, the major park in the city of New Orleans, was one of the continuing interests of our people, and that this would kind of give us a second stroke, you know, kind of a pull, where the Sierra Club heart was.

Now, if you analyze--I have a memorandum from September 1977 on budgeteering. They're discussing the closing of the New York City office and why a strong New York office is necessary for the national Sierra Club. [reads from memo] "Alaskan and western wilderness [is] saved by northeastern votes. The first one hundred friendly votes of the two hundred or so majority needed in the House are clustered in the Boston-Washington, D.C., corridor."

For most of the 1970s, the Sierra Club was not able to carry the congressional delegation from California, nor get a majority from the Los Angeles delegation on Sierra Club votes.

[continues reading from memo] "On Friday, Neil Goldstein and six Atlantic Chapter members went to see Senator [Daniel] Moynihan. His first statement was, 'Before you talk to me about Alaska, tell me what the Sierra Club's doing for New York.' They told him. As our urban staff man, Neil shores up the alliances, the friends who are sympathetic to us but who can be lost, especially if the Sierra Club should be turning inward, away from its position as an environmentalist organization."

So this really had built up. In 1977 we made urban environment the land-use committee's focus. I became president six months later. The new chairman of the land-use committee was Ann Duff. Helen Burke was on the board and very active on this issue. So there was a coterie. Les Reid, a labor union spokesman on the board of directors, was also very supportive. So there was really quite a strong block of directors interested.

If you looked at what the Sierra Club did in fact, if you listed the most famous lawsuits, the most famous campaigns--Citizens to Protect Overton Park, stopping the Overton Park Highway, which was one of my personal conservation interests for eleven years. San Francisco Bay. These are your most famous. These are urban issues.

Lage: So it wasn't really a departure.

Futrell: No, it was absolutely not a departure. It was one of these things where we had done the work; we might as well claim the credit for being the nation's leading urban environment organization. So supporting that package was merely good communication, if anything.

Willie Hyman, Neil Goldstein, and City Care, 1979

Lage: Well, let's talk more about urban environment.

Futrell: Yes.

Lage: I guess the way that related to what you're saying is that this was a widespread consensus, not a program you put through as a personal interest project. Am I correct?

Futrell: I would say that there was a lot of support for it, but that I did articulate it by saying that this was something I felt that I could do as president. What am I going to do as president? Well, I'm going to give Ed Wayburn all the support that I can on the Alaska Task Force. Alaska is the club's main priority. Should I go up to Anchorage? I've never been to Alaska. I mean, if somebody invites me, I send Ed Wayburn, or I send Brock, or I ask that the invitation go to someone else, simply because they could have asked me years ago, but now that I'm here in this office, in this position, it's better to send somebody who's going to be right on top of the issue. But what can I do that will be useful? It so happened that I felt the urban environment thing needed doing and that I could do it well, and that my efforts would strengthen other efforts.

Part of that was an outreach as well to more diverse groups in our society. Brock Evans found and introduced me to Willie Hyman, an active member of the NAACP in California. Willie had been brought to Washington on one of Brock's leadership training schools. He is an ex-Marine Corps sergeant in Korea and very articulate and very concerned about blacks and environmental questions.

Well, Willie said, "I want you to go to the NAACP convention with me in Saint Louis." So Willie and I went to Saint Louis, and we introduced a resolution on Alaska wilderness, a very strong resolution that was adopted as the NAACP official position on Alaska.

Lage: Was that controversial within the NAACP?

Futrell: Well, there is more support for general environmental community and questions concerning the community as a whole, not just a special-interest organization. NAACP is a reform organization, I've been to

Futrell: a number of its national conventions. That's where I met Dr. [Martin Luther] King, Jr. in '64. So Willie and I went, and we really had quite a time.

I appointed Willie chairman of the Urban Environment Task Force. We started getting it off the ground. It was at our meeting in September 1977 with Neil Goldstein and Willie Hyman that we floated the idea of making the wilderness conference an urban environment conference. In the biennial wilderness conference series, the Earth Care was the last one, and so it was just easy to call this one City Care, and we got off.

We thought it would be a \$60,000 conference. The conference budget eventually hit \$280,000, and we did raise \$350,000 for this conference. Zero money from the Sierra Club was ever used in it, and it helped support the New York office for three years. It was one of the most successful Sierra Club undertakings. More than nine hundred people attended the conference--governors of states, cabinet-level officials. People desperately wanted to be one of the cosponsors of it. It presented all sorts of opportunity. I was disappointed at the lack of staff support.

Lage: Club staff support?

Futrell: Yes. We had the executive director for one day. We had the head of the Washington office for one half-day. We had Neil Goldstein, of course, there.

Part of it may be, you know, that this was viewed as a personal platform or agenda, and that it was pushed through. But remember that the City Care conference took place in April 1979, a year after I had left the board of directors, and the City Care conference would not have taken place without the support of Ted Snyder, Sierra Club president, who was there for the entire conference and who kept me in place as the conference chair, along with Vernon Jordan of the National Urban League, and he had to answer all the questions and ease all the doubts that would come forward. People would ask him, "Is there any possibility of us losing money on this?" And, they would ask the board, "Are they going to give away our birthright?" You know, people were afraid [chuckles] that we were going to do something shameful to the memory of John Muir. There was a lot of suspicion, if you will.

Lage: Within the club itself?

Futrell: Oh, yes. Oh, yes. At all levels. At all levels.

The inner city outings people had been very upset with me about the questionnaire [in the president's fund-raising letter]. The inner city outings people took the view that all of the money--

Futrell: from everybody who checked "urban priority"--that the checks and donations should go to the inner city outings program, which is what the staff had been afraid of. So I met with them, and gradually, instead of being mad at me, they came around. I had always supported them, their work, in the past, and they took part in City Care.

One of the things that I feel good about is the fact that the inner city outings program has now spread to thirty-five cities, and it is extraordinarily active here in Washington, D.C. It's where Sierra Club volunteers are taking their expertise and their knowledge on outdoor recreation, and they are setting up a long-term relationship with certain inner city community centers and taking them out to walk on the C&O Canal and other places.

You have in these local Sierra Club groups a lot of people who are very attractive personally, who are stable emotionally, and have got a lot of surplus energy to give, and they can be good resource people. So this is a cultural resource that I think the country is richer for having, and it resulted from the Sierra Club. I think the inner city outing effort was aided by City Care.

Lage: I had not realized that.

Futrell: The inner city outings program was very fragile. It was very fragile and had its board critics who were laying low for it. But, I mean, we just emphasized again and again in all the City Care propaganda, "This is where it's real. This is where it's real," and the idea had a force of its own because it's fun. If it's not fun, people aren't going to do it. If they don't enjoy it, if they don't feel good about doing it, they're not going to do it. No reason to do things out of a sense of duty, to be a Puritan, or to be a Puritan about it. If you're a Puritan or compulsive about doing your duty, it's not any fun.

More Work for Urban Concerns: The Cotton South and the Sidewalks of New York

Futrell: One of the things that I spent an enormous amount of activity in was visiting local chapters and groups. I would fly to San Francisco--Atlanta to Minneapolis to San Francisco--and I would spend a day with the North Star Chapter, the Minnesota chapter. I would be scheduled for a speech in Utah, and I would come in and I would spend the day, have an evening dinner with the Utah Chapter Ex[ecutive] Com[mittee] and the group chairs, and then would make a speech the next day, and then would fly to Denver and have lunch with the Denver group executive committee, and then fly back home.

Lage: So this was the pastoral work.

Futrell: Yes, right. Yes, well, I mean, just one of the things of closer networking in the club. I did this in twenty chapters in the course of the year, and I encouraged Ted and Dick Cellarius to do the same, and I tried to get Helen Burke and other directors, if they were going to Washington from San Francisco, to stop in Memphis or to stop in Cleveland and to try to do more of that networking because it only added \$30 to the air fare, and it got somebody from the national level where people had not seen them before.

One of the things that struck me was the responsiveness when I spoke out on the urban environmental theme. I had used this technique of visiting with a group when I was scheduled to speak at the American Bar Association in Chicago in August of 1977. I met with the Chicago group, and they lined me up with a couple of reporters, both print and radio. They came to the speech and picked up the last five-minute closing on the urban environment. That night NBC news broadcast my speech on about 125 stations, which caused then a real outpouring of mail and telephone calls about the idea of the Sierra Club speaking out on urban environmental issues. It was overwhelmingly a positive response.

One of the telling things that I saw in the budget discussions of September 1977 was how, when the budget cuts came up, always it was the New York City office, or it is the air and water pollution control people who are most under threat. In that very tough September '77 meeting, the Washington office was told to cut back its budget by \$45,000. Now, they were given more money than they had had the year before, but they were given only half of what they had asked for in increase, only half of the increase.

Shortly after that (two weeks later) I got off the plane in Philadelphia to meet with the New Jersey Chapter and the eastern Pennsylvania people, and I met about twenty-five furious people. They told me someone called Rhea Cohen up and said, "You're fired." Rhea Cohen was the Sierra Club lobbyist on the Clean Water Act amendments. This was September. Those amendments were to be voted on in six weeks, and she was the chief lobbyist for the Sierra Club and one of the only three lobbyists in the environmental community on water pollution. I had no idea that this was an option. I mean, I faced a fire storm of criticism.

I got on the phone to Mike, and I said, "What's happened with this firing of Rhea Cohen?" Mike said, "You people on the board tell us to act tough. Well, here, I've acted tough." I said, "Mike, here the first to go was a woman, and here--" I mean, I just made some sardonic comment about that, which he thought was irrelevant. I said, "Well, all right, so you've let Rhea go, and you saved how many dollars by this?"--which was more than the budget

Futrell: cut. I said, "Well, what are you going to do with the extra \$30,000?" Mike said, "Well, there's always little old redwoods!" [laughter]

Well, we rehired Rhea Cohen. We saved her job again. But to me it's in my heart of hearts as an easterner, the fact that this was done just in a preemptory way--I felt this staff change was really a way to hit me over the head. But she got back. It gave you the idea that water pollution really wasn't very important to the Sierra Club, and it gave that same message to the people in Philadelphia and to New Jersey, that when the crunch comes the top priority is the redwoods, expansion of Redwoods National Park, and old-growth western timber.

Lage: So you see that as one of the tensions within the club too, the East/West, city/forest--?

Futrell: Yes, with the staff, but not with the members. (The staff knows you can't pay for everything and they will try to save money for timber/western campaigns.) The people who live in California, the members, I think, put air and water pollution as a priority. They want it done. They want the old-growth timber saved, and they want the air and water pollution control. They want it all, you see.

The environmental lobbyists on the clean water question were weak and disorganized in comparison to later lobbying task forces on the Alaska public lands and past task forces on the SST and the timber supply bill. However, I think the forces of industry were offset in the personality of one man--Senator Ed Muskie of Maine. He was the chairman of the Senate Environment and Public Works Committee during the 1970s and the driving force behind both the Clean Air Act and the Clean Water Act. Muskie took the view that industry polluters should be forced to control their polluting emissions at the point they were released into the environment. This policy of point control, as opposed to a policy of pollution dispersion, became the centerpiece of both the Clean Air Act and the Clean Water Act. Muskie, who specialized in pollution control questions from the time he came to the Senate in the 1960s and who presided as chairman of committee, became a formidable expert in pollution control questions. His expertise and his passion and commitment to clean air and clean water, I think totalled more than that of all the environmental organizations put together.

One time when I was visiting Senator Herman Talmadge and talking to him about Sierra Club positions, I spoke to him for a half hour about Clean Air Act questions. He told me that, frankly, he would have preferred to speak up for a more lenient position toward industry, but that he would never engage Senator Muskie in a public debate on the question of pollution control. The Georgia Conservancy

Futrell: was close to the other Georgia senator, Senator Sam Nunn, and I mentioned this comment of Senator Talmadge to him and he opined that while he considered himself an expert on defense, he would never publicly cross swords with Ed Muskie on any question concerning pollution control. Both these senior respected senators stood in awe of Muskie's control of the field.

One of the most remarkable scenes that I witnessed in my years following environmental matters involved a conference for industry lawyers and lobbyists held in Washington, D.C., in 1977. I had been a participant on the panel at the 11-12 o'clock slot. Senator Muskie was scheduled to be the speaker at the noon talk, and I stayed to listen to him. There were perhaps 200-300 industry lobbyists and lawyers in attendance. Because this was a specialized legal education conference, there was no press or television present. Indeed, it was a bit of an accident that I was there, an environmentalist in attendance. Senator Muskie gave one of the strongest, most aggressive presentations for stringent industry clean-up that I have ever heard. His audience sat stone-faced as he spelled out the need for strengthening amendments to the Clean Water Act. He laid down a set of conditions for minimum performance. Following an outline of basic legal matters, he went on to talk about policy, and then to his basic attitudes concerning protection of public health. He was eloquent. He said that public health meant not only keeping people free from specific disability and safe from diseases. Public health meant not just being unsick, but it also meant the full and enthusiastic use by individual citizens of their powers of self-fulfillment. He said that we were working for a Clean Air Act and a Clean Water Act that would be not only safe for workers, but also conducive to good living for all Americans. It was quite a performance. He received only polite and restrained applause.

A couple of months later I had the privilege of presenting to Senator Muskie the Sierra Club's special achievement award. Brock Evans and I had an hour-long visit with him in his Senate offices in which he reminisced about the good work that he had done for environmental causes during the decade.

But to get back on track, one of the most carefully thought out letters of my Sierra Club presidency was drafted many times between Neil Goldstein, Linda Billings, cleared with Mike McCloskey before I signed and sent it on August 15, 1977.* I enclose it to attach in

*See Appendix H, p. 203.



Bill Futrell presenting Sierra Club's Distinguished Service Award to Senator Edmund Muskie, 1977



To Bill - Westhaver Jis

Meeting with Vice-President Walter Mondale, 1978. Left to right, Brock Evans, Mike McCloskey, Bill Futrell, Mondale

Futrell: the appendix. It is addressed to President Jimmy Carter and compliments him on his stand against the Corps of Engineers' and Bureau of Reclamation's unsound water projects. It then goes on and urges him to take the next step and to provide a positive direction to the public works program. It urges him to undertake a major urban environment effort and to appoint an interagency task force. Specific projects, including modernization of the railroads, suburban sprawl, energy insulation and conservation, urban recreation and parks, etc., were listed. These projects tied in to the past projects of our National Transportation Committee over the last five years. The urban environment letter to President Carter did mention some new things, but it mainly tied in to our lobbying for mass transit, urban recreation areas, and energy conservation. The response to that letter was an invitation from Secretary of HUD, Patricia Harris, to meet with her. She had been named head of the interagency task force to shape the Carter urban policy. A great deal of political footwork had gone on during May, June, and July prior to the drafting of the August letter. Our Sierra Club people, especially Neil, and I were in on the ground floor in the drafting of the Carter urban environment policy.

Goldstein, key Sierra Club board, and key Sierra Club staff, and I had lunch with Secretary Harris at the Department of Housing and Urban Development. She had three of her assistant secretaries there. We discussed our letter and her role as chair of President Carter's urban task force.

"Oh, do you have an environmental affairs man for HUD?" She looked around. Her assistant secretaries--they looked around. "Is there--? Yes, I think there's someone." They got a phone book and they found his name. They said, "Well, where is he?" And, "Find him!" [laughter] So they called down, and he was in the cafeteria. So they sent down to the cafeteria in the basement, found the environmental affairs man for the agency, and brought him up to the executive dining room to meet the Sierra Club board and also the secretary of HUD. [laughter]

Another one of the funny things was that HUD decided that it wanted to cosponsor the City Care conference. We were at EPA, talking to the senior EPA staff about what's involved in this, and we had figured City Care's cost to be \$60,000 and they figured that it would cost \$120,000. Eventually it's going to be \$280,000, and federal agencies are going to be fighting to get in as cosponsors.

Lage: That was mainly how it was funded. wasn't it?

Futrell: Well, and industry and some groups, yes.

Futrell: The EPA staff was talking about HUD and the EPA people asked, "Where is HUD?" So we pulled the curtains back [laughter] and showed them where the Department of Housing and Urban Development was. "Oh! Is that where you fellows work?" [laughter] So here Goldstein and Futrell were introducing different agencies of the federal government to each other. And the Goldstein-Futrell team--the cotton South and the sidewalks of New York, Irish blarney and Hebrew anxiety--was very productive.

Lage: It's marvelous.

Futrell: Oh, it was very productive. Goldstein suffered because constantly people in the senior ranks of the Sierra Club wanted to fire him, and they would say, "Well, listen, the only person who supports Neil Goldstein is Bill Futrell." I would say, "Well, you'd better talk to Shirley Taylor, and you'd better talk to Ann Duff, and you'd better talk to Ellen Winchester."

Lage: Did they want to fire him personally or get rid of the New York rep?

Futrell: I think they wanted both.

Lage: Is he still with us?

Futrell: Oh, yes. He's got several assistants working for him, and he could probably raise twice as much funding as he's got for his cost center, just as Pat Scharlin can.*

Lage: That helps with seniority and longevity, I think. [chuckles]

Board Controversies, November 1977: Texas Dissidents, Bowhead Whales, Peripheral Canal

Futrell: [looking over notes] The November 1977 board meeting blew up with problems from the grassroots. I had all sorts of things. In the background I had the foundation difficulties. Then there was a petition from Texas (chapter chair Richard Evans) to do away with direct election of Sierra Club directors and to have regional election by the RCCs. Now, this had been tabled during the Calkin administration, and a telephone call by Dick Cellarius had said, "Oh, we'll get it on the agenda next year." So Evans said, "Well, look,

*Goldstein resigned his New York staff position in 1983.

Futrell: I was promised that this would be put on the 1977 agenda by that 1976 telephone call." Well, I mean, there are requirements in the bylaws as to what goes on the ballot, and this had not been explained to Evans in 1976. Evans was extraordinarily abusive to me, believing that I was trying to throttle his proposal.

Lage: Now, what Evans is this?

Futrell: This is Richard Evans, a lawyer in Beaumont, Texas. He was extraordinarily abusive to me on the telephone and in letters. Everybody said, "Just ignore the guy." Well, he's a former chapter chairman and ex comm member in Texas, and I felt that we had to deal with him fairly, and so Kopman and I brought him to the November meeting where he made a presentation, and we let him get his item on the ballot. But it took an awful lot of listening. He made people very angry because he was angry. Charles Kopman helped negotiate a fair solution. Evans, after we showed a willingness to listen, became constructive and polite.

Then there was the bowhead whales, the wildlife committee against the Alaska Task Force. This was a conservation issue that probably somebody else has described in greater detail. But just trying to reconcile these two warring camps, the club wildlife committee against the Alaska Task Force, was very emotional.

And then there was the Peripheral Canal. This was the Brown administration's idea. John Zierold had a very good relationship with Governor Jerry Brown. Brown called Zierold in to talk to him about the Peripheral Canal compromise and about the various mitigation measures that would be taken. Zierold took the Brown ideas to the Northern California RCC. Zierold, on the basis of the NCRCC discussions, went back to Brown and said, "Okay, the Sierra Club won't oppose it." They went through with it. Zierold went public. Brown went public.

Then about a month before the board meeting of November 1977 the critics of the canal compromise came in. I asked John, "Well, what do we do with this? What's the RCC position?" He said, "It still remains in favor of the governor's compromise. but it may change because these people [the critics] are working very hard." I said, "Well, what do I do with them?" He said, "I guess you give them their hearing."

So what I did is I gave them their hearing, and I urged my board members not to reverse John Zierold or the RCC, and I told this person, "You can go to the direct vote of the membership if you disagree with this." In fact, my idea of going to the direct vote of the membership is something I liked. I think that that increases the interest of the membership in their club. I like the idea of

Futrell: the referendum very much on these issues, and I am not afraid of conflict. I have an idea that conflict really is helpful to the renewal of an organization, that without conflict the organization becomes static and decays.

Well, they viewed me as a somewhat hostile force, and we came to the election. Governor Brown, through Zierold, asked to meet with me. That meeting was at the Zen Center in San Francisco. Eventually the governor wakes up and comes out yawning and stretching. Stewart Brand comes galloping upstairs. [laughter] I mean, here we've got the Brown entourage, and we have three and a half of the most interesting hours of discussion in politics.

Governor Brown says, "Do you think maybe I could be a speaker at the University of Georgia Law School for Law Day? What would that do to Jimmy Carter?" I said, "It'd just drive him up the flagpole." He said, "I'd like to do it!"

And he says, "You know what Jimmy Carter should do? He should come to California, and he should embrace me [and say], 'You're the kind of great Democratic governor that I want to have all over America!'" He says, "Why doesn't Carter like me? Maybe you could be an intermediary," and so on.

So we're talking, and there are some things that I'm very interested in from the Sierra Club point of view. Most of all the governor has this question for me: "What are you, as Sierra Club president, going to do about the Peripheral Canal in the [Sierra Club] election?"

I said, "Well, our man John Zierold has taken a position, and he made representations to you, and as the volunteer leader I'm backing John Zierold up. I believe that the Peripheral Canal initiative will fail in the club. Now, what the merits are, I don't know, and maybe John even has second doubts about this, and there is divided opinion in the Sierra Club, but the political leadership of the club's leadership is going to back John Zierold."

Lage: You saw it more as backing John Zierold than as backing the Northern California Regional Conservation Committee?

Futrell: Yes, but that misses the point. Zierold would not have taken the stand without consulting the NCRCC. Zierold was representing club volunteer opinion to the governor.

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Futrell: When speaking to the governor of California I wanted to tell him that John Zierold is speaking for the Sierra Club, whether the Sierra Club president is from Georgia or West Podunk.

Futrell: Then we talked about the Sundesert power plant, which I had been working with the San Diego Chapter to try to stop.

But Zierold's importance to Governor Brown was very clear; this trust was an asset for the club. Also it was just, as far as I was concerned, a very unhappy situation because, what are the merits here? When your friends are in power--the Carter administration, Jerry Brown, people who say they're your friends, at any rate--the club is fixed with a lot more difficult situations for tactical lobbying. Really, our people are often less happy than when they are just fulminating and saying, "These people have betrayed the public trust."

Lage: You have harder choices.

Futrell: They are much harder choices. We were feeling, in my presidential year, very much the frustrations of these situations. The staff, experienced and sophisticated, was wary of anybody in public office. They remembered Henry Jackson--the father of NEPA [National Environmental Policy Act], the recipient of the John Muir Award--becoming their adversary in many energy fights in the middle 1970s, and no longer considering him as a friend anymore.

Lage: You took a very neutral position on the Peripheral Canal in the Bulletin.

Futrell: Yes.

Lage: Did you privately lobby in support of Zierold's and the NCRCC's position?

Futrell: Only if someone asked me. I mean, supporting Zierold was for me the bottom line. But I was not active. I really did not know much about it.

VI PAVING THE WAY FOR CITY CARE

Taking a Back-Door Route toward Land-Use Planning

Lage: I think it would be interesting to record the remark you just made, to show what preparation you did for the interview.

Futrell: Okay. I did a lot more preparation for this interview. For the first interview, covering my Sierra Club presidency and time on the board of directors, I was able only to go through my calendar date-books, pocket calendar, which just listed the number of meetings that I'd been to, and I did not go back into my correspondence file or into my telephone logs, where I jot down the substance of a telephone call as office lawyers do, something that I do habitually.

For this interview I was able to go through my telephone logs and through the committee notes of the land-use committee of the Sierra Club, which played a tremendously important role in the formation of the City Care effort because the City Care effort did build on the land-use committee. It was a natural outgrowth of what was being done by a number of Sierra Club activists in the five-year period before City Care.

Lage: You hinted at that last time but didn't really make it specific.

Futrell: Well, the Sierra Club National Land-Use Committee was a kind of professional and expert committee, with landscape architects, lawyers, planners, and the sort of people who would be involved on the planning staff of a county or state agency. They gave expert advice to the Sierra Club Board of Directors on a number of issues and helped to shape up a list of issues that were breaking in the future, and to identify also for the staff and the board some important land-use issues, like in Oregon, the Oregon Land Use Bill, and what have you. Of course, land use is one of the key issues in the Sierra Club.

Lage: Right. It can take up about everything.

Futrell: It's wilderness, trees, and what have you.

Lage: I think of land use more as being a general regional planning or wilderness type of thing. But how did the committee take up this interest in the city?

Futrell: Now, here's you've just said something very interesting. You said "planning," and I had not used the word "planning" in my conversation at that time.

There is a tremendous tension in American life, an ambivalence toward planning. Corporate leaders at IBM, at Exxon, have no doubt that planning is very important for the conduct of their multi-billion-dollar enterprises, but when it comes to planning the activities of the federal and the state government, there is a resistance on the part of the business culture to see planning. The theology of the Chamber of Commerce is that we want no central planning in the United States. This naive, fundamentalist, free-market theology spills over into the land-use area, where there is an enormous hostility to land-use planning.

In the early 1970s there was an extraordinary effort, led by Senator Henry Jackson and by Congressman Morris Udall, to pass a national land-use planning bill, and this was one of the club's prime priorities. In 1972, '73, and '74 it was lobbied on. There were efforts to pass state land-use planning bills; the Oregon bill is an example. CEQ [Council on Environmental Quality] and EPA [Environmental Protection Agency] put a lot of effort into it.

It was bitterly resisted by the Ford administration. Nixon supposedly was going to support a Jackson-Udall National Land-Use Planning Bill, but when the Watergate tensions arose Nixon backed out of it. I think that we will see, incidentally, a reevaluation of Nixon's role as an environmentalist president as part of a reinterpretation.

Lage: You think he was better than we give him credit for?

Futrell: No, I think that--I've told you the story about Nat Reed, who is a Sierra Club hero, going to Richard Nixon on full funding of the Land and Water Conservation Fund. Lyndon Johnson created it; Richard Nixon funded it. Nixon looked at Reed and he said, "All right, Nat, I'll sign off on this, but you know these Democratic ecological bastards are never going to give me the credit for it!" Nat Reed told me the story in 1976 when I interviewed him as part of my Green-line park research, reminiscing about the differences between Richard Nixon as president and Gerald Ford as president.

Futrell: On the other hand, Nixon's EPA was the great EPA of William Ruckelshaus and of John Quarles. It had just been created and took a very activist stance.

So I think there will be a reassessment. I mean, you know, I'm a good old Georgia Democrat, so I don't want to pardon Nixon. We've got all sorts of stories down our way, anti-Nixon jokes of a different sort. But a lot did happen in the Nixon years that we liked, and we give credit to our congressional leaders, but actually a lot was happening that we liked in the administrative agencies.

So there was this rising tide for a national land-use planning bill. There were all sorts of compromises worked out between environmentalist and business interests. Eventually the bill became so watered down and so compromised, and by late '76 Senator Jackson and Morris Udall both were exhausted.

We had a very important January 1977 Sierra Club National Land-Use Committee meeting where the decision was made to back away from support of Jackson-Udall and to move toward three targeted efforts: ag [agricultural] lands, coastal zone, and public works in the cities. But there was this background of the rising tide in the early 1970s--you know, all this effort for a national federal land-use bill.

Our land-use thinkers--and one of the most intellectually creative is Michael McCloskey, the executive director of the Sierra Club. Mike is a thinker as well as a conservation executive. Mike, through 1976--and I was keenly aware of what he was thinking because I was on the board, on the executive committee, and a professor of land-use law, and of environmental law. I was passing papers back and forth with him and trying to get the benefit of his thinking for my own intellectual development, and Mike has been one of my best teachers. To him I'm indebted in my intellectual development on land use and on environmental issues.

Robert Healey at the Conservation Foundation, who helped write the Rockefeller Foundation report, "The Use of Land"; Michael McCloskey at the Sierra Club; thinkers at EPA; legal staff, all came around to the view in late 1976 that a national federal land-use planning law which just gave a lot of subsidies to local governments without accompanying standards really wouldn't get us very much. But they thought there was real promise in the evolution of back-door land-use planning where tough standard-setting laws on specific key environmental questions--soil erosion, timber cutting, timber harvesting, point-source discharges in the water pollution control area--that these tough standard-setting laws added up piece by piece into a jigsaw mosaic that did curb land abuse.

Futrell: In my speeches in the southeastern United States, which is a conservative part of the country in terms of opposing central planning from the federal center--and there is a suspicion of central planning--I stressed land stewardship preventing land abuse and stressed the areas in which land abuse could be prevented.

Jimmy Carter was elected president of the United States in late 1976. The Sierra Club board met for the first time under the Carter presidency in Washington, D.C., in January 1977. There was a flurry of lobbying in the transition for appointments. Prime on my list was getting James Moorman appointed in the Justice Department. We were trying very badly to get Michael McCloskey appointed assistant secretary of the Department of Interior, using all the levers. At our Sierra Club parties we had candidates for EPA like Doug Costle coming around, you know, meeting and networking with people; Barbara Blum, who had been chair of the Sierra Club's Atlanta group--all a very exciting January there in terms of the transition.

I had been appointed chairman of the national land-use committee by Brant Calkin. It was kind of something for me to do, you know, other than to sit. I had a lot of energy, a lot of ambition, and rather than to keep me grousing Brant appointed me chairman of the national land-use committee, which upset some of the members of the committee. They said, "Look, here you're just dumping this defeated presidential type on us and, personally, we like Ann Duff. She's somebody who was on the board of the League of Women Voters, and she is really bright in land-use areas." One person on the committee said this to me.

I thanked them for their candor, and I said that this probably was just a one-year thing and that it would be a closer relationship to the board for the committee and that we could call Ann cochair. Ann Duff, instead of being resentful of me being dumped on her committee, was most cooperative and very gracious, as she is. She's one of these people who's part of the solution and never part of the problem. So Ann and I had a great correspondence through the last part of 1976 on these issues. I was very pleased when she was elected to the Sierra Club board in 1979.

We got some people that we thought were really good on the committee worked in. One of these was Kent Watson, who's a planner here in California. He is a planner in Sacramento and went to a hearing in the middle seventies, where he testified against a developer's plans for an area that Sierra Club people wanted for a park. The developer took offense at this and sued Kent in damages for more than one million dollars. This lawsuit dragged on for more than four or five years, and it is an example of the strike suit against Sierra Club activists, which was an isolated but a very real phenomenon through those years. So Kent was a member, and he paid

Futrell: for that experience. He had to pay attorney's fees. He was helped by the Mother Lode Chapter, the Sacramento, California-based chapter of the Sierra Club.

Lage: Didn't the Legal Defense Fund come to his aid?

Futrell: No. The Legal Defense Fund's job is to go out and sue the government, and this was a private civil action lawsuit.

The same thing happened to Rhea Cohen in our Washington, D.C., office, one of our key urban environment activists. She was sued by developers in Maryland for her Sierra Club activities. These are two of the key people in the land-use, urban environment area. Both of them got sued for their lobbying pains. There are some people who beg to get sued; I mean, really offensive. These were not offensive people. They finally won but they had to pay their attorney's fees. It was a burden for them.

So we prepared for this [January 1977] committee meeting, and it was a significant committee meeting. What I did is I used my contacts professionally, as a law professor; my contacts politically, as a Georgia Democrat; and my contacts as an officer of the Sierra Club to convene an open hearing for a day and a half with what I thought were the best, most knowledgeable people on the land-use issue, as to what should be done.

I pulled together experts like Bob Healey from the Conservation Foundation; Nelson Rosenbaum from the Urban Institute; Frank Schnidman from the Urban Law Institute, which reports on land developers' interest; Stephen Quarles from the Senate, from Henry Jackson's staff; the Environmental Law Institute's land-use people; Paul Swatek from our staff; and Ellen Winchester from our club's energy committee, to give advice on committee formation. We had two days of open hearings and of discussion.

One of the hardest things to do in life is to disinvest. Disinvestment is very difficult--out of American Steel into Sunrise Industries, out of a stock that is no longer producing, out of a program that is no longer producing. When I was pulled in as head of the Environmental Law Institute, I had an organization with a \$330,000 deficit and the money was going to run out in six weeks. I had to fire twenty-five members of the seventy-five-person staff in the first two weeks.

One of my decisions was to close down the entire energy program. Then I closed down the entire land-use planning program. just separated all the people from it, simply because I believed that the contract money--the Environmental Law Institute lives on foundation and contract and grant research money, grantsmanship--would not be

Futrell: there in 1980, '81, and '82 for energy conservation and land-use planning. It was a very cold-blooded decision, but because I did that ELI's financial performance came to a quarter of a million surplus the next year and a quarter of a million surplus the next year, and our programs in air and water pollution control, our programs in toxic substances and hazardous waste and acid rain, were able to do very significant, nationally important work.

But saying good-bye to those senior people, people with families who were without work for as long as six months, some of them, was a painful thing. Disinvestment is always painful.

So what the Sierra Club land-use experts were facing was disinvestment, a disinvestment decision out of support for Jackson-Udall and national land-use planning. To do it candidly, openly, and forthrightly, instead of just being silent on it, and not sending the word out to Tucson and New Orleans and Minneapolis that the Sierra Club no longer is backing Jackson-Udall, but to say, "We are going the route of back-door land-use planning and not a national land-use planning bill"--but we discussed that; we came to that decision.

Lage: Did the committee pretty well agree with you?

Futrell: Oh, yes, and these experts. For instance, Nelson Rosenbaum from Urban Institute, really a great and good writer on these issues, said, "I have to reflect a consensus around Washington that a comprehensive bill is not going anywhere, but more mission-oriented programs involving specific controls will go places."

We were told by the Jackson-Udall people, by people from both Mo Udall's staff and Henry Jackson's, that both legislators were exhausted, that they were irritated--that's the weak word--for losing the Democratic primaries to Jimmy Carter. You see, both men had been beaten by Carter for the presidency. And these staff people said that unless Jimmy Carter came out strongly in the first thirty or sixty days for land-use planning, a national land-use planning bill, there would be no such thing, and that we would just be preaching to the wind.

Well, our committee people heard that, and so we said, "Where should we go? Where should we put the Sierra Club's effort in the land-use area? How can the Sierra Club be relevant in the land stewardship dialogue on a national level?"

So one of the things that I did here--I'm taking this chronologically and not thematically. One of the things that I want to do in this conversation is not talk so much about myself but give you vignettes and portraits of people who really made a contribution and some of my insights to them.

Futrell: Because I respected Ellen Winchester's organizational abilities and keen intellectual analysis very much, I brought her in to give a report on how the energy committee is organized, and she so reported. [picks up notes] These are the thirty-seven pages of my notes from that meeting. She talked about the subcommittees that she had on her fifty-member committee, which is organized into seven subcommittees. Some of the subcommittees, such as the oil and gas subcommittee, hold multiple meetings, correspond, and have a legislative agenda. All fifty members never meet at the same time. The coal subcommittee met twice in 1976. The energy conservation subcommittee had two meetings.

So it's a mix of meetings, the Xerox circuit. She has five hundred people on her mailings for the Energy Report, which is produced out of the Sierra Club's national office, which she edits, and which she writes. She tried to get committee activity reported fully in the National News Report [a summary of environmental news, primarily for club leaders] and also to get several articles a year out of the energy committee into the Sierra Club Bulletin. Working with the club staff, she also tracks all energy-related--that means nuclear, oil and gas, offshore oil, energy conservation--bills in Congress and to have appropriate club testimony drafted on them.

The energy committee at that time had a budget of \$11,000, which was compared to the wilderness committee with a budget of \$10,000, so it was one of the two really senior committees for the Sierra Club. We were building the land-use committee up to have a budget of around \$3,000, which would allow one meeting or two meetings a year at best of a six- or seven-person committee, and to circulate correspondence.

So I kept asking them what they wanted the committee to do. As we listened to the experts tell us what they thought would be the key issues, we heard again and again coastal zone management, agricultural land, and some sort of activities in the urban environment, in the urban city areas, for a massive rebuilding program in the cities or an urban public works program that would help upgrade the crumbling and deteriorating urban environment.

So the committee said, "We want to meet four times a year, we want to set up task forces on coastal zone and agricultural land and urban public works, we want to have a newsletter, and we want to have the board recognize a national priority for land-use standards for the agricultural lands and coastal and urban areas." So you notice that this is a disparate, you know, sort of a threefold sort of a thrust here, replacing the lobbying effort for a national land-use planning bill.

Now, the Sierra Club issues a priorities list at the end of each year, and perhaps this [holds up list]* should be attached at the end of my interview. I'll Xerox it for you, the priorities list that

*See Appendix I, p. 209.

Futrell: was sent out at the end of November 1976: the mega-campaigns, the lesser national campaigns, the build-up level, the executive branch lobbying, regional issues. There is nothing on here which can be called urban environment. Down about number seven is something called urban mass transit. This is, on the other hand, first-class staff work. Read carefully pages three and four on choosing priorities. It's really good. But, let me say, parenthetically, about these lists that are circulated; as a lawyer, if you let me phrase the question, I will be glad to let you state the answer. I have always considered these lists that the conservation staff circulates as stacking the deck. They get a little irritated with me when I tell them that I'm going to do my own kind of counseling around with what I consider are the key movers and shakers in different parts of the country just to see what they think of the way the questions should be phrased and what they see as the priorities.

We came out with a resolution at the end of our two-day committee meeting. That part of it which had to do with urban environment said [reading from resolution], "The national land-use committee recommends that the national Sierra Club adopt as a priority support of a public works program to make American cities livable. This campaign would support the Carter administration's announced goal of reconciling jobs and the environment."

We had been told that the Carter administration's two big thrusts would be an energy effort, "the moral equivalent of war," one; and two, economy--you know, try to revitalize the economy, more jobs--and that the urban public works would tie into the jobs effort, and that this would fit in with the political situation.

"Love for the Land and Justice for Its People"

Futrell: At the January 8-9, 1977, meeting of the Board of Directors, I made a report on our land-use committee meeting, and it did emphasize the ag lands, coastal zone, and urban environment, but [also] the idea of a public works campaign. Almost from the beginning--I don't know who said it first, whether it was one of the experts, whether it was Neil Goldstein, or whether it was me, but a catch phrase was "dams into sewers." Instead of trying to defeat the Tennessee-Tombigbee Waterway or that barge canal or this highrise dam, just go right after that public works money, and put it into the sewers and let wasteful construction wither for lack of funding.

What we have is a crumbling, deteriorating, public waterworks system for New York, Philadelphia, all the Great Lakes and the North-east, and it's getting worse, and nobody's putting money into it.

Futrell: We're not putting the money into infrastructure. Instead of tearing up the agricultural lands on the suburban fringe, instead of going after the wilderness, go and build up the infrastructure. Our committee emphasis was on infill. We felt this was a strategy which was very important for protection of the wilderness and for ag lands.

The results of that national land-use committee meeting were communicated to the membership in an editorial in the March 1977 Sierra Club Bulletin, "Taking the Lead on Land Use." I would like to have this attached as an appendix* because it shows how we balanced the three things: ag, coastal, and urban.

It also sounded the theme that I would sound for the next three years in the City Care effort, and I quoted from William Faulkner, The Bear, that section about going out in the woods [reads from quoted passage in editorial], ". . . the old days. We came in wagons, the guns, the bedding, the dogs, the food, the whiskey, the young men." And I skipped down a couple of paragraphs [resumes reading], "God created man, and he created the world for him to live in. The woods and fields he ravages and the game he devastates will be the consequence and signature of his crime and guilt and his punishment. No wonder the ruined woods I used to know don't cry for retribution. The very people who destroyed them will accomplish their revenge."

I boiled this down to a catch phrase slogan, "love for the land and justice for its people," which will be one of the things that will come out in my City Care talks around the country. But this very much reflects Mr. Faulkner, one of my favorite persons to read. Land abuse, racial discrimination, social injustice, in my experience, go hand in hand.

Lage: Now, the board meeting that this was brought up in was in January 1977, right after your land-use committee meeting?

Futrell: Exactly. It followed the day after. The board meeting went for three days, and the committee meeting was the two days prior to the board meeting, so we had all the land-use committee people there. We also were meeting in Washington. That's where you get your eastern Sierra Club members present; not that they are any more liberal or any less urban-oriented, because the real urban activists, enthusiasts, are in the Bay Chapter and in the Angeles Chapter.

Lage: That's the core of them?

Futrell: Well, there are many strong ones. We'll start listing some names later on. The fifteen or twenty most active Sierra Club leaders in City Care are still prominent in the Sierra Club and the environmental movement.

*See Appendix J, p. 221.

Lage: The club did adopt the urban public works as a priority.

Futrell: It did indeed. In the minutes for the board of directors meeting of January 8 to 9, 1977, on page 15, you find the listing of the megapriorities: Alaska, water and air pollution, Forest Service wilderness, urban public works to make American cities livable, Outer Continental Shelf Lands Act Amendment, strip mining, and a seventh was added on by consensus.

This priority-setting thing that the board gets involved in is a big go-to-school kind of consensus-building thing where we are educating ourselves. These board meetings are our chance to jawbone each other and also the people in the audience.

You've got the Sierra Club board sitting up there, and then you've got about a hundred people in the audience. If you read back through the minutes through the years, which list not only board members, but all others in attendance, there's a lot of repetition. I have a theory that it's somewhat like the sand-sharing system on a sandbar, that the waves wash, and some of the people in the audience go up in the fifteen board members, some of the fifteen go out into the audience, and that there's a constant kind of recycling here. But there is a core, a marvelously consistent core through the years that means much to the life of the Sierra Club, of people that are persuading each other as to what should be done now. So these priorities are important, but remember that volunteers do what volunteers want to do.

Lage: Whatever the priorities are.

Futrell: Yes, whatever the priorities are. The club may not say that Peripheral Canal is a priority, but people in northern California are going to go out any time the Peripheral Canal or California water transfer comes up. That's where they're going to put their efforts, no matter what the priorities are.

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Futrell: Now, the corollary to that also is that the staff does what the staff wants to do. I mean, these are extraordinarily dedicated people. You could tell John McComb to lobby about the Philadelphia public waterworks system, and if something comes up on Bureau of Land Management stock-grazing practices, John McComb's heart is on the open range. If you tell Doug Scott that he's supposed to lobby on the Clinch River breeder reactor, I'm sure that he would put in some hours, but if something came up about western old-growth timber in Washington and Oregon states, that is what Doug Scott is going to do.

Attending the NAACP Convention, 1977

Futrell: Well, then I was elected president in May, and that made my urban interest, or my urban pronouncements, somewhat of a greater concern to others. Let me say that sitting with the president's gavel, I looked into what people were doing and what I could do to help them. I would love to have gone to Alaska and to have been a front-line player in the Alaska campaign, but other people really had mastered that subject, and I would have had to shove them aside. Ed Wayburn was very much in control of the situation, and there were a whole host of back-ups, like Joe Fontaine. So in my entire time here I would not try to push aside other strong leaders who are doing important work, but I would try to service weaker, less-well-supported constituencies which still have a viable claim.

And in May 1977, as I listened to many different people, one of them who made a claim on me was Willie Hyman, and Brock Evans. Willie Hyman was a very active member of the NAACP in northern California. He was not a group officer or a chapter officer, but Brock had brought him back to Washington for his leadership training course. Willie wanted me or Brock to go to the national convention of the NAACP in St. Louis.

Now, I had been an NAACP member, and I had done work for the NAACP in the 1960s, legal work. Willie was an ex-marine, and I'm an ex-marine, and we hit it off very nicely together there at the beginning. So we went to St. Louis together to the NAACP convention, and that in itself is a separate story.

It frightened a couple of the Sierra Club members in St. Louis, some of the more conservative types, as to what we might do. But what we were doing was presenting to the NAACP Resolutions Committee a resolution having the NAACP endorse the Alaska lands bill, which they did endorse. Black leader support and widespread public support for the Alaska lands bill was very important.

I sat and listened to the final debate in the House on the Alaska lands bill in 1978. Morris Udall led the debate on the floor, and Ron Dellums [a black congressman from California] was his number-two assistant. I mean, it was Udall and Dellums back and forth in the dialogue with the opposition.

Lage: What did you propose to the NAACP? How did you reach them on that issue?

Futrell: That the Alaska lands were part of a great national heritage, that all interest groups in the United States should support this, that these lands belonged to black people just as much as they did to middle-class whites, that they were part of a great national treasure. No log-rolling, no promising urban jobs or anything like that, just, "Do it because it's right," and they came out for that.

Futrell: Now, interestingly enough, I met the leaders. I had known some of them before, but I met the new leadership of the NAACP. Benjamin Hooks had just been appointed in 1977. He was a Nixon Republican and was a Nixon appointee in the federal government, and in his leadership of the NAACP, he tried to lead it to the right. We had a lot of trouble with the NAACP--the environmentalists did--because Hooks led the NAACP into the camps of the oil companies and opposed the Carter urban policy; they opposed energy conservation.

Lage: This was after--

Futrell: Oh, this was after Benjamin Hooks came in, in 1977.

I was really amazed at the NAACP convention--its chapter organization with a strong board and with a very colorful staff, somewhat similar to the Sierra Club. But the board of directors disciplined five chapters for insubordination at that meeting.

Lage: For coming out on policies--

Futrell: Yes, right. I mean, it was really a volatile meeting. Also, there was a lot of singing and what have you, very exciting.

One of the really funny things was that Roy Wilkins, the legendary NAACP Washington representative, got up and said, "Look, I've just got one more year here, but looking out at all you thousands of NAACP volunteers--you sometimes hear that there are differences and disagreements between the board and the staff. Whenever you hear about these, I always want you to support the staff members!" [laughter] I just sat back and roared at that!

But I sensed the kinship of a great fellow organization here. I was very pleased that we got their support on Alaska lands. I was worried that they were not interested in cooperative efforts with us, because I already had the idea for City Care, and I wanted it to be a joint conference between the NAACP and the Sierra Club because we were similar membership based organizations with activist boards.

Lage: But you didn't find support?

Futrell: Well, we just couldn't get together. We couldn't get together for lunch with Ben Hooks. He always put us off.

In September 1977 we [the Sierra Club] had a vicious budget meeting where we had to slash budgets. One of the saddest things that happened in my presidential year is that we took some of the money out for national committee meetings. For instance, the land-use committee went down from a budget of \$3,500 to a budget of \$500, energy committee from a budget of \$10,000 to \$2,000. In retrospect, I almost

Futrell: really feel that we sapped the committee strength. You pay a price sometimes for being president because you can't fight for the things that you believe in. If I hadn't been president, maybe I could have organized support to keep the committees funded more strongly. As president, I was not in a position to go overboard and be the advocate I would have been otherwise.

At the September board meeting, I was asked what would we do about the biennial wilderness conference. The last wilderness conference had been the Earth Care conference in 1975. It had been preceded by a whole series of special meetings on wilderness through the years. Mike wondered whether we should just abandon it or not. I told Neil Goldstein to write me a memo proposing that the biennial wilderness conference be a cities' urban conference. So that was the idea, to take the Sierra Club's wilderness conference, its biennial national conference, and to give it an urban theme. Nobody else was in sight with any ideas, and as far as a traditional wilderness conference, no one wanted to do that. So it was either not have a biennial conference or come up with an idea for one, and we had an idea for one.

In November we established the Urban Environment Task Force with Willie Hyman as chair. Why establish a separate task force? We broke it out from the land-use committee. Why didn't we make it a separate subcommittee under the land-use committee? The land-use committee is made up of experts--city planners, architects, specialists, planning professionals. To mesh with the groups that we were going to have to reach out to on the urban environment, we needed to free the super-structure for Willie, who was new to the club structure and who basically had just worked with Brock and just worked with me in very short-term sort of things.

Lage: Willie had been trained under the leadership training. Had he done anything in the Bay Chapter?

Futrell: He's up in Chico, California.

Lage: Oh, in Chico.

Futrell: He's way up north there. He had been active kind of in the group on some of the things but not sitting through the enormous Sierra Club bureaucracy.

Lage: Had he been active in NAACP?

Futrell: Yes, he was.

Lage: So he knew something of that bureaucracy.

Futrell: Yes. Well, he did, but he was also very, very impatient about it.

In January 1978 the Alaska lands bill had emerged as the Sierra Club effort of a several-year period, and it was made the one mega-campaign priority. Eight major campaigns were designated--urban, mining, clean air, redwoods, and others--and we moved forward through our various board meetings.

The Carter energy effort really came to the fore here, and the NAACP was in the papers time and time again as opposing the Carter energy package. The NAACP wanted to see development, it was opposed to the growth-control proponents, and it really was head-on allied with the oil companies.

Partners and Angels: The Urban League, EPA, HUD, and the Urban Environment Conference/Foundation

Futrell: An ally in the black and the minority community was very important for the conservationists to find, and the Urban League surfaced as this ally. The National Urban League is a federation with very strong local chapters around the United States and with a national office in New York City that primarily is a grants office. That is, an office that gets grants from foundations and grants from the United States government.

Lage: And distributes it to the locals, or runs its own programs?

Futrell: It has its own programs, but it also works in with the locals.

It came about that through us the Urban League built up. because of its relationship with the Sierra Club that now begins to evolve, its staff on environmental issues, and they created an environmental capability to deal with pollution control problems on the staff. So we had an impact.

Lage: Now, what was your contact there? How did it evolve?

Futrell: It came about through Neil Goldstein. It came about through energy conservation lobbying and the personality of Vernon Jordan. Vernon Jordan comes from Georgia. He knew Jimmy Carter. He was involved in all of the civil rights lobbying of the 1960s and the 1970s. Jordan sensed that, despite the black community's many differences which arose with Carter, as they did arise in '77 and '78, that to go along with the president's package, energy conservation was the answer.

Futrell: I think that Jordan, as opposed to Ben Hooks, is more of a liberal Democrat in his orientation, while Hooks is a Nixon Republican. Jordan tends to believe more in a positive government role; the government can act positively. So, really in an act of statesmanship--and this was a decision made at the highest level of the National Urban League over the opposition of some middle-level staff--they reached out to us; we reached out to them. So the basic elements in the City Care conference were made--the National Urban League and the Sierra Club--and we decided to have this conference.

Lage: You mentioned the Urban Environmental Conference and the Urban Environmental Foundation.

Futrell: Right. That's the third cosponsor. They come in just a little bit later.

Our idea was that we could fund the conference from internal funds, and we'd have a small conference of around sixty thousand dollars, and maybe we'd have sixty people come to it. That was my idea from the beginning. And the conference results would be disseminated, and we would pass out some interesting reports and see if we could get some projects that we could work on together, something very low-key.

Well, the government got interested, and the two key agencies interested were EPA [Environmental Protection Agency] and HUD [Department of Housing and Urban Development], both at the highest level. Secretary of Housing and Urban Development Patricia Harris had Neil Goldstein and me and our friends, anybody we would ask, like Ann Duff, Helen Burke, Michelle Perrault, our key urban enthusiasts on the board, to lunch. EPA expressed interest in funding the conference.

The National Urban League was picked as the prime contractor, with the Sierra Club as a subcontractor. Why pick the National Urban League? I mean, this is something that our staff and executive committee wondered. One, because they have a huge grants office that is used to doing government contracting, which is an arcane art. Second, they had a large conference office used to running conferences with as many as three thousand to five thousand attendees four or five times a year and running many smaller conferences. Thirdly, they had a public relations office that had eleven people working in it.

It was a very different kind of organization than the Sierra Club. It was a professional organization, as opposed to a membership-oriented organization, which led to some of the tensions between the two groups that were not bad, but which did require constant stroking by Neil and constant back-up by me to cover Neil when he was taking too much flak.

Futrell: So we began negotiating, and one of the first things we did was to hire a conference coordinator, who was Vivien Li, a Chinese American. She had been Mayor Kenneth Gibson's assistant in Newark, New Jersey, and she was brought over to the National Urban League to work for the Sierra Club for the City Care effort. In 1982 and 1983 Vivien was chapter chair of our New Jersey Chapter. I hope she runs for the national board someday. As soon as we hired her, we got our first \$4,500 start-up money, and the planning effort was under way.

At this time, in July and August 1978, I went around the world with my family. I had finished my Sierra Club presidency. When I came back from Italy, I learned that we now had a third partner, the Urban Environment Conference-Urban Environment Foundation. Now, I had seen this really as a Sierra Club project in which we moved the Sierra Club out as, you know, the urban environment group that we had moved bravely and boldly into this area.

The Urban Environment Conference-Urban Environment Foundation was a small group. It only has a staff of two now. At that time it had a staff of four. Sydney Howe heads it up. He was head of the Conservation Foundation around 1970. He emphasized urban environment themes when he was at Conservation Foundation. He left it, and they revitalized it and rebuilt it under the leadership of William Reilly. Syd has kind of eked out, and the Urban Environment Conference/Foundation has eked out, a grants existence. They've gotten money from the United Automobile Workers for a kind of coalition-building between labor, environmentalists, and minorities.

When that group came in, that was a grantsmanship group, a group that strictly would be competition for the Sierra Club. I'm being callously forthright here and unapologetic to be less than idealistic, because the organization and maintenance of voluntary associations is a very difficult thing to do, and positioning for communication to your membership or to the outside world is a very difficult thing to do. Much of the benefit that would have come to the Sierra Club was siphoned off by UEC-UEF. I felt sore about it.

Lage: Siphoned off because--tell me.

Futrell: Later on, in the follow-up, my fear was that contracts which should have gone to the Sierra Club and to Neil Goldstein would go to Syd Howe. It turned out later on that that did happen, but it also turned out later on that there was so much that it didn't matter. Because there was so much follow-up work to be done and so much follow-up funding, we were able to fund Neil Goldstein's New York office on the basis of grants that grew out of Sierra Club, out of City Care, for the next two years and to hire additional staff to do urban environment. Frankly, that still could be going on now at that level if we wanted to do grantsmanship.

Futrell: But they did come in. Now, on their behalf, let me say that the City Care effort is right down Syd's alley, but what they didn't have was the national clout or the national prestige to be a credible force in convening a national conference.

Lage: Yes. Or the membership?

Futrell: They didn't have any membership. It was basically their ability to get a grant to write a little contract report or something.

Now, what they did bring was seven or eight years of experience in the area of trying to work with both environmentalist and minority groups, which was a valuable contribution. They were far more sensitive to the nuances of feeling, and they did valuable work as a bridge. So this was another example of where my initial judgment was mistaken and where wiser heads than mine prevailed, because I would not have had them as a partner in the City Care effort.

And it was a nuisance, with three nonprofit groups, three different heads, each trying to maximize their own interests. and with two federal agencies, HUD and EPA, which did not work together before. trying to draft a contract, going back and forth, back and forth. Of course, the people doing this--Neil Goldstein--in the internal hierarchy of the Sierra Club, Neil is not very high, and people in San Francisco are down on him. I mean, he's different from how they are. He's brash by their standards, not by mine, but then I'm brash by their standards.

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Well, we had a loss at this time, and that was Linda Billings, who was one of the most effective staff people in supporting volunteers and the pollution control effort, pesticides and what have you. She also was very active on the redwoods bill. She went to work for the Office of Toxic Substances in the U.S. EPA. I probably would not have continued on the Sierra Club board without the help Linda gave me. I never would have been as effective.

In all of these efforts, some staff people support some board people or some chapter chairs; and some chapter chairs, some board people, support some staff people, making sure they get timely information and are kept fully briefed. These elective affinities grow up. Without these personal ties, staff support just does not happen as a matter of course.

When Linda left, I felt a real void, a real departure, and she would have been a dramatic aide in the whole City Care effort. She went on to work there at EPA, as Rhea Cohen did also a year later, and Rhea was one of our big urban pollution control specialists. We lost her.

Lage: Were you able to replace them with people also interested in urban issues?

Futrell: No. BLM [Bureau of Land Management] western public lands issues types replaced them.

Lage: So that makes a big difference.

Futrell: In the Washington office. Right.

Here is an aside that I have in my notes that reflects on Neil and our efforts. I had a meeting with Dean Rusk and Eugene Odum at the University of Georgia where we were discussing a joint proposal from the law school and the Institute of Ecology on an international environmental research project.

Eugene Odum said, "You know, in interdisciplinary institutes, the people who do interdisciplinary work don't get promoted in their own departments. If you're working in agriculture, and if you're working out of the forestry school and the ag school, and also doing work at the Institute of Ecology, you've got to do twice as much in agriculture to keep your panel of peers in your home department to promote you."

The cross-cultural communicator is frequently neither fish nor fowl, and I noticed this in international work, how some of the people who really are best in interpreting Japan to the United States and the United States to Japan don't rise in their respective milieus. So this is one of these things about reaching out from the Sierra Club to the Urban League and vice versa.

At this time we were in September 1978. The conference was planned for April 1979. The EPA staff funding this really began to be concerned. They began to worry about who's going to come to this conference, and if the people coming to it might perhaps seriously embarrass the EPA. What have they funded here? Will it be a broad-based group? And if it is a broad-based group, will it be controllable? Will they be polite?

Then there was a tremendous go-around in EPA all through September on whether to go the grants route or the government contract route.

Lage: Grants from private foundations?

Futrell: No, a government grant, which is one thing, or a contract, which is another one. Really a lot of confusion that held us up.

Futrell: In the meantime, the EPA activists had built a budget of \$225,000 for the conference. Their targets were \$40,000 from HUD, \$40,000 from EPA, \$35,000 from Interior, \$15,000 from Agriculture, \$25,000 from fees, \$20,000 from the business community, \$12,000 grants cash from the National Urban League, and \$38,000 of Sierra Club volunteers' time contributed to the conferences, in-kind services.

To satisfy their concerns on broad-based attendance, Judy Kunofsky at the Sierra Club San Francisco office, a big City Care supporter and a big urban environment outreach supporter, began building lists of Sierra Club volunteers for outreach.

I have a note from my phone log on a phone call here. [consults note] Neil called up, and basically the only reason he called was that he wanted to ask me whether I thought anybody would come to the conference. [chuckles] Nervousness was building on top of nervousness.

EPA decided, "We want an advisory committee." So an advisory committee was drawn up of very prestigious people from the NAACP, from the United Automobile Workers, from Conoco [Continental Oil Company], the Sierra Club, Audubon Society, etc. We'll come to what the Detroit automobile companies thought about this conference in a little while--and we identified the Sierra Club leaders. It turned out that we had fifteen to twenty Sierra Club leaders who would have made ideal City Care leaders. The Sierra Club is very strong in urban areas.

We were beginning to think about conference format. I went to a conference in September 1978 that had a major impact on me, the National Conference on Citizen Participation held in September 1978. Senator Kennedy helped originate it. It was done by Tufts University with three years' lead time in planning, with a budget of \$200,000, 750 delegates, and it had three tracks. This became the model for City Care. I persuaded the City Care people to do it this way.

First, they had a core group, a home room. You started off with them for a quick little meeting in the morning, and then you went to a plenary session in the morning where you heard a speech or a panel of three speakers like Ralph Nader, Andy Young, and a leader from NOW [National Organization of Women]--well, it was Heather Booth, a feminist woman activist--three different movements or interest groups. Then the whole group broke into self-selected small seminar groups led by experts to discuss specific topics, such as federally subsidized citizen participation, intervenor funding, etc.

But first there was the home room, then there was the plenary session, and then they broke into about fifty different seminars on a substantive topic, and you could go to any seminar that you wanted to.

Futrell: Now, the people in the home room were assigned to be a mix of professions, interests, different groups, and what have you. Then you'd come back to your home room at the end of the day, and everybody would say what they got out of the different seminars they went to, and they'd draw their thoughts and their reports. This gradually worked up to recommendations from the home room on the future of citizen participation.

City Care was a major venture in citizen participation, federally funded citizen participation. It was a major outreach effort by U.S. EPA and HUD to involve individual citizens and citizen organizations in building an agenda on urban environment. The agencies were looking for ideas, and they were also looking for new networks.

So that was the model I sold the folks for City Care, the core-group, home-room theory, and that we'd mix all these people up, and that we'd come up with their recommendations out of the core group and home rooms.

Doubts, Fears, Opposition, and a Rising Excitement about City Care

Futrell: I have notes here of phone calls. [consults notes] Brock Evans expressed his doubts, and Brock is thoroughly sympathetic with the urban environment initiative. He likes the outreach to minorities. But he muses philosophically that the club has limited energy and that from his chair's viewpoint maybe the Sierra Club can only do two big things at once, wilderness and something else. That something else can be energy, that something else can be Clean Air Act, but you can't overload; you have to drop, or it becomes so confusing in the Washington office that they really can't bear the burden. He fears that urban environment will be a major staff assignment. I could expand on this. Brock's concerns are legitimate. D.C. staff energies must not be dissipated in a helter-skelter fashion. Saying "no" to good causes is hard but necessary.

I try to quiet staff fears. I view that my urban environment rhetoric and initiatives are an effort to build up a local group leadership because the Sierra Club exists in local groups. The Philadelphia group has close to a thousand members. The New Orleans group has about eight hundred members. The groups have their own agendas. This conference and this effort focus on their triumphs, on their concerns.

Lage: So as you saw it the effort would be local, politically.

Futrell: A lot of it would be; city care requires coordinated local, state, and federal efforts.

Lage: The follow-up.

Futrell: Exactly. I saw it also as an effort to cast a spotlight on our local groups.

In the September budget meeting in 1978 there was an effort to close the New York City office, a very determined effort. Denny Shaffer reported on an informal poll that volunteers felt that the New York City office was not needed. I was not on the board of directors and was not there to speak up for the New York City office. But any number of times I have pointed out that the Sierra Club's first one hundred votes in the House of Representatives come from the area between Boston and Washington, D.C. The Sierra Club has never been able even to carry the California delegation in the House of Representatives in votes.

Some very negative things were said about the whole urban environment effort, that this was going to siphon off energy, that Neil Goldstein stayed on board, was hired, only because I was protecting him. Now, here I'm not on the board of directors. I'm not even coming to club meetings during that year. I have taken this as a vacation after nine years of constant going to Sierra Club meetings. Between 1973 and 1978 I traveled at least 150 days each year, an extraordinary toll in disruption of family life. I mean, I'm glad not to be going to meetings. Now, I'm not on that board, but I tell you that Helen Burke and Ellen Winchester and a majority of directors came out strongly for support of that New York City office.

Lage: How about Mike McCloskey and other top staff? Were they--?

Futrell: Well, budget meetings in September are acrimonious. It's never as bad as the Sierra Club Foundation concerns. Nothing ever was as acrimonious or as mean-spirited in my environmental years as the Sierra Club Foundation concerns. But people dig in. There are millions of dollars in the club budget, but it comes down to \$2,000 here and \$3,000 there and, you know, in shaving differences. Mike and the staff let the budget committee do the arguing.

The main concern was that we're going to deflect funds in the future. But as it was, the urban environment/New York City office pretty much raised its own money, a lot of its own money.

By correspondence I heard that Dick Cellarius had polled and that Doug Scott reported that the New York City office should be closed, and Cellarius says letters were against keeping it open. I told them that my presidential mail during my year ran three hundred to twenty-five strongly--three hundred for, twenty-five against--and letters of

Futrell: praise, affirmation, as opposed to letters of criticism on this topic. It's obvious that some of these letters are lobbied. I mean, some of the mail that you get as club president is obviously lobbied by the use of certain phrases that are repeated or what have you. If you really have been around long enough, you even know the networks to know who pulled the lever.

Meanwhile, back at EPA, Joan Nicholson, assistant administrator of the agency, arrives on the scene with her ideas. Joan is now U.S. liaison for the United Nations Environment Program. She's a good friend, and we became friends because of City Care, but the first time she swept in she threw us off balance. I wanted an easy conference. I wanted to have as little risk as possible. I mean, I wanted to come out without egg on the Sierra Club's face.

The National Urban League wanted the conference to be held in New York City. I wanted the conference to be held in Washington, D.C., because Sierra Club people are used to coming to Washington. I mean, we'd just be a drop in the pond. We could get in town and get out of town and be just another of the countless meetings. Joan decided that the conference should be held in a snow-belt northern industrial city-- Buffalo, Cleveland, Detroit. I listened to this. Detroit? Cleveland? [incredulously] I mean, where are the Sierra Club people in Detroit and Cleveland? Have we even been to those cities before? [chuckles]

We suggested Boston, where we have a marvelous Sierra Club leadership, and one of our key City Care people was Michelle Perrault, who is now vice-president of the national Sierra Club.

So the more Joan talked--

Lage: What was her thinking?

Futrell: Her thinking? Well, the Carter administration played up cities and revitalizing cities, and it tried to have an alliance with some big-city mayors. Mayor Coleman Young in Detroit was one of them. Dianne Feinstein here in San Francisco was another.

Neil and I looked at each other. [whispers] "Who do we have in Detroit?" We knew that our Sierra Club director Marty Fluharty from Michigan sharply opposed the urban environment initiative. She's from rural Michigan, she's a farmer, and she's a conservative Republican. She told us that the people in Michigan were opposed to the urban initiative and that the Mackinac Chapter in Michigan was opposed to the City Care Conference. "Well, who do we have in Detroit?"

So we went out to Detroit, and what we found in Detroit, in the Detroit group of the Sierra Club, were superstars. We found people, three of whom have to be named: Gene Perrin, Grant Trigger, and Connie

Futrell: Kelmenson. Neil went and saw them by himself the first time. Neil and Paul Danels of the Urban League and Vivien Li went out. When Neil told the Sierra Club people in Detroit about the conference, their jaws dropped, and the Detroiters' response was, "Anywhere but Detroit! I mean, what are you going to do? With several hundred people coming, it's going to cost. What are we supposed to do? What do we have to do? Do we have to raise the money for it?" they asked. When we explained to them that they didn't have to raise the money for it, they calmed down.

When I talked to Connie Kelmenson on the telephone, she was already positive. The next time we went to Detroit, the Detroit group's attitude was that this was the best thing that had ever happened to Detroit. They really got excited.

Lage: Was it a very large group in Detroit?

Futrell: Oh, yes. It's hundreds of members, over five hundred.

Lage: So maybe the Michigan Chapter doesn't represent the Detroit group too well.

Futrell: Oh, no, no. Marty Fluharty didn't reflect the chapter. Jane Elder, the chapter staff, was there and supportive. To her credit, let me say that Marty came to the conference, stayed through it, and was positive. But the Detroit group people came up with ideas which had a major impact on the conference. For instance, it was Grant Trigger and Gene Perrin who came up with one of the most sensational twists for the seminars--remember, we've got the core group, the plenary sessions, and the seminars. For the seminars we got the City of Detroit to give us buses with a loudspeaker and microphone that you can pass from speaker to speaker, and we went out into different Detroit neighborhoods where rehabilitation projects were going on. We put the seminar on the bus, went out for the demonstration, had a discussion coming back on the bus, and were able actually to have field trips and laboratories as part of the conference. I know that on the three that I attended--and I was busily involved in conference administration--they were three of the most interesting and vital things that we've done. So we lucked out with the Detroit group, just really lucked out.

Lage: Maybe you'd find that same type of group anywhere you would have chosen--a group that would be a credit to the Sierra Club.

Futrell: I ran a conference in December 1982 in Cleveland, Ohio, on regulatory reform and environmental values. The Cleveland group of the Sierra Club worked with me and the Ohio Lung Association, and we've had a good experience.

Futrell: It's now November [1978], and the snowball effect is beginning to build. Bill Whalen, head of the National Park Service, called to complain that he had just heard about the City Care conference. His feelings are hurt that he was not told about it in the beginning, and he would like to be part of it and is willing to bring National Park Service money into it. As this conference builds, we have agencies standing in line to give money.

I went on a fund-raising trip with Syd Howe to Detroit. Detroit business leaders sat on their hands. I was told by a vice-president of Ford Motor Company that he was personally offended by this conference being held in Detroit. The idea of the environmentalists and the blacks getting together in Detroit seemed to be drawing the line to pick a fight with the automobile industry.

Well, reflecting on that, I've thought an awful lot about management during the last couple of years. One thing, I'm president of a \$2 million-a-year, fifty-member staff, organization. I am the chief staff person. It interacts a lot with industry, with government, and with the environmentalists. I have read an awful lot on management theory this year, and I have come to study Japanese management as well. This year I've been reading an awful lot about Japanese management. Of course, the Japanese are supposed to be managing very well, and the Americans not so well. Well, that depends on what industry sector you're in, because there are some sectors in American industry and technology where clearly the American genius is still going full blast.

But in Detroit the business leadership attitude reflected a bad conscience. I think Detroit, the business community there, is an example of an area where you didn't have city care, where the leadership really didn't care about their city.

Now, think about the good American cities. What are the best American cities? Minneapolis. Atlanta, for the way it's dealt with its race relations. Then, you know, Atlanta is not as impressive as Minneapolis is in physical plan or still in the quality of health standards. And then what are you judging on? There may be some physical environment appearances that are important for city care, and then there may be more spiritual, psychological, building-community facets where Atlanta definitely would come out very high on the chart.

We were very concerned about the mix of delegates, getting the whole range of different kinds of people in. Then, in December, an ironical exchange. Duff Laboyteaux of the inner city outings questions whether the inner city outings people should participate in the conference. I said, "Look, you're one of the stars of the Sierra Club, the ICO [inner city outings] people." Through the years on the board I've supported the ICO when it was sticky back in 1973 and 1976 about having club insurance cover their activities.

Futrell: What they were angry about was my president's fund appeal [see pp. 91-93]. They felt that the money donated by everybody who checked a block about inner city outings on my president's fund appeal should have gone to inner city outings. If you will remember, Mike McCloskey and the staff said about this check-off system, "Look, we don't want to raise people's expectations."

Well, I had not heard anything about it during the year. It had been more than a year since the president's fund appeal. But here a year later after the president's fund appeal, a key leader of the inner city outings program is telling me that his expectations were raised by that cartoon and multiple-choice sort of indication of opinion, and that he felt that his group should have gotten funds from it. Mike turned out to be right again.

So I tried to defuse that and tell him that one is drawn many different directions, not being able to confer and to consult, and that I wished that I had consulted with each of the leaders of the inner city outings program to make them understand the story of the president's fund appeal, that there was no indication of such a commitment in the letter, that their work was so important that I hoped that they would attend. Well, they did attend, and they had very good and well-received panels on inner city outings. In the following year's budget, funds were increased for ICO.

We told our steering committee--composed of people from different agencies, from the National Urban League, from the NAACP, from Audubon Society, from the American Baptist Church, and others that are now on the steering committee--about ICO. The steering committee blacks were suspicious of the inner city outings program: "Is this some sort of middle-class, fresh-air fund that you're trying to sell on us? We want hip city care stuff. We don't want something that's being recycled!" Well, they came around, and they thought that inner city outings was really good. Larry Rockefeller, an NRDC lawyer, came to the conference, and he said, "You know, this inner city outings thing was one of the best things that was put on here."

We brought fifteen key Sierra Club leaders in to case Detroit on January 31: Amy Meyer of the Golden Gate National Recreation Area, people here in San Francisco; Fred Gunsky from up in Sacramento, the Mother Lode Chapter; Michelle Perrault; Al [Albert J.] Slap from Philadelphia; Jonathan Ela, the Sierra Club's Middle West representative; Shirley Taylor from down in Tallahassee, Florida; Carol Ruckel, Denver; Dudley A. Gilbert, the chapter chair in New Jersey. These are all people who either are on the board of directors or very easily should be on the board of directors sometime in the future. They're people that are very active in environmental activism right now, have been for a number of years.

Lage: And you brought them in previous to the conference?

Futrell: Oh, yes. We brought them in previous to the conference to case Detroit, to look Detroit over. Detroit on January 31 is blizzard-driven, with the wind cutting in from Canada and the Great Lakes. It is an urban desert; I mean, deserted buildings, dying downtown, unemployment not nearly as bad as it is now. But it is a city which has been neglected. Of all the Great Lakes snow-belt cities, it is one of the most disturbing.

In January we get a rising tide of excitement. The Detroit group has just got excellent reactions from all of their area. We are getting criticism from the National Urban League and EPA that the Sierra Club is not preregistering delegates. They're worried that there are not enough Sierra Club people going to come. We are mixing the panels now, the core groups and leaders.

Friction between Conference Sponsors and with Detroit Mayor Young

Futrell: Friction develops between the sponsors at the end of January. On fund raising, the Sierra Club and National Urban League are cleared by NIB of the Better Business Bureau as legitimate charities. It's a bill of health. But the Urban Environment Conference-Urban Environment Foundation does not have a clean bill of health, and so this holds up corporate contributions, and corporate contributions that we had lined up don't come through because of this.

Then there is a blow-up at the National Urban League. The Urban League supervisors tell Vivien Li, "Stop doing things the Sierra Club way! Do them the Urban League way!"

Lage: And she was hired--

Futrell: To be a conference coordinator.

Lage: By the Urban League or by all three together?

Futrell: By all three, but she was sitting at the Urban League.

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Futrell: They're tired of having to go back and clear things with the Sierra Club and Urban Environment Conference; it's taking too long. Then there's an internal Urban League memorandum: "Why hold a conference with the Sierra Club?"

Lage: They're getting up pretty close to the conference date for that!

Futrell: "This is damaging to our long-term interests. The National Urban League has more in common with the developers and with industry than it has with environmentalists. The Urban League is mistaken not to take the same tack as the NAACP. Our interest is for our people for jobs, and jobs depend upon development."

Lage: Now, where did that feeling come from? One segment of the Urban League?

Futrell: Yes. That came from a middle-level staff in the fund-raising department. It was a memo from fund raising.

Lage: So they experience perhaps the same kind of inner turmoil that perhaps the Sierra Club does.

Futrell: Oh, yes.

"The developers and people in the oil industry care more for black people as people than do the Sierra Club types. It would be best if this conference were just allowed to wither and not happen."

Neil Goldstein was in a dither about this: "We're over a barrel. If this conference goes down the tubes, EPA and our friends at EPA have put so much on the line with this, they're going to be mad at everybody, and they're not going to apportion guilt."

Well, what happened was that this was an internal Urban League problem. The City Care conference and the Sierra Club affiliation was backed by Vernon Jordan very strongly, and this was a fund-raising memo.

Now, Vernon Jordan and I sat down for a long dinner together in Athens, Georgia, in October 1978, shortly after I came back from our trip around the world. Vernon was there with his mother and with his brother. His mother runs a catering firm over in Atlanta, Georgia. He was there to speak to the business club at the University of Georgia, business students. It was a very, very lovely evening.

He had been on the Georgia campus the night the University of Georgia was integrated by Charlene Hunter, in 1962 or 1963. He had been over there working for the Southern Christian Leadership Conference. There is a dean of men, William Tate. Dean Tate is a very active Sierra Club member, a university official who did things right on civil rights and other things. The students were milling around, far from a riot, but it was just this sort of, "Charlene go home!" Beginning to turn ugly.

Lage: Now, when did this occur?

Futrell: Oh, this was in 1962, '63, that this occurred.

So Vernon and I are walking around the campus, and he points out spots where Dean Tate turned aside and broke up the incipient mob. He mimics Dean Tate with his bullhorn. Dean Tate was making fun of the students with a bullhorn and telling them to go home and to get back; anybody whose name he caught, he was going to kick them out of school, and he was grabbing boys and getting their wallets. Vernon thought Tate was a very, very funny man. I mean, this is not a nice situation, but order is restored in about an hour and a half.

Vernon was going back over that night and other nights as a civil rights worker during that time, and his mother was commenting on Vernon and Andy Young, the leaders of SCLC. Really, we had a lovely evening together just talking about people and things, people I knew, people he knew, common friends, mutual friends, and what have you.

So at the highest level of the Urban League, Vernon simply says, "Look, this isn't a fund-raising gimmick. You people are going to have to do your own fund-raising proposals, but the right thing to do is this coalition-building." He made it clear that he wanted this Sierra Club city care effort to go forward.

Lage: So he saw it as in the best interests of the people he served or represented.

Futrell: Right. The leader of an association in our pluralistic society has a duty to reach out to other groups. I have this metaphor about windows and walls, that we build the walls of our association very strong, but we also have to have windows in the walls to see what other associations are doing. Just as families join together to create a church, which is people with a shared body of beliefs, so churches and other associations join together to build a society. The health of the whole society, the health of the community, demands that there be an outreach and a willingness to work with others. This is more than just political coalition-building, but this is the wider idea of how our culture and how our society work, how the civic culture works.

Lage: Did Vernon Jordan share that view?

Futrell: Well, I think so, just by the witness of his life.

But with that kind of knowledge of, awareness of, a leader's attitudes you can get over a lot of this friction that's going on. You know, when there's heat, when you've got the heat to keep things moving, there is some friction, so it's not really anything to worry about. Let me emphasize, though, that this kind of interracial

Futrell: cooperation occurs only if the top leadership of an association supports it. The inertia of the 1980s is leading to resegregation in many corners of our society.

I have notes here [refers to notes]: "Crisscross of chaotic calls," all through March. [chuckles]

We were going to have Vice-President [Walter] Mondale as our conference speaker. On March 22 we heard that Mayor Coleman Young of Detroit asked Mondale not to come. He said that he would appreciate it if there were not White House participation in this conference. It turned out that Mayor Young was opposed to the City Care conference. The EPA and HUD people, having brought it to Detroit, were aghast; they were dumbfounded.

There's a major reason here. Mayor Coleman Young is very close to the Detroit automobile community, and this was perceived as a negative thing in their eyes. Also, some of the people coming to the conference, ACORN and other urban activist groups, were perceived as being not part of the black status quo mainstream that Coleman Young is part of. I have always been mystified by his opposition and really held it against him.

Governor William Milliken, the Republican governor of Michigan, came in and made a dynamite talk. He was there to welcome us on the first morning. We had Congressman [John R.] Conyers, [Jr.] give the keynote speech instead of Vice-President Mondale.

On March 29, Willie Hyman, two weeks before the conference, decided not to come, and this was a disappointment. Willie came to the planning conference in January in the casing of Detroit. He interacted with the Detroit group. Willie said that he had personal things and work things keeping him at home. But it's just one of those things that saddens me, and I'm sorry he wasn't there.

VII CITY CARE, APRIL 1979--THE CONFERENCE AND THE FOLLOW-UP

Creative Ferment at Conference Proceedings

Futrell: So we came to City Care [April 8-11, 1979].

Lage: Let me just ask you--in planning for the conference, you were on the steering committee. Did they also plan the actual proceedings at the conference, or was there separate planning?

Futrell: Oh, no, no.

Lage: You were setting up the conference, getting the grants, working with--?

Futrell: Oh, yes. Substantively I worked in choosing who came, the panelists, the panel topics. Because you have the City Care conference proceedings here, you know that the seminars or the workshops--[reads subjects from conference proceedings] recreation for city people; innovative land-use controls; zoning; rehabilitation; urban gardening; new jobs in the neighborhood; environmental disease in the home, which is kind of like lead control, lead poisoning for children, a very environmental health issue; urban waterfronts, which became very important to us later because that was one of the follow-up projects that we got a lot of funding to do and that we put a lot of effort into; waste crisis: health, jobs, and energy. They're all listed here, and there were nineteen major workshops that were repeated several times, allowing people the chance to get to them in the three days of the conference.

So I did take a leading role, along with Neil and Vivien and Paul and Syd, in defining the workshops. The five of us defined the workshops and content, and we also reached out to get really some of the most well-known people in the country to talk about these issues.

Lage: Did you anticipate conflict between the various types of participants you were going to have?

Futrell: Well, we hoped that there would be creative ferment. Tension, you remember, and conflict, I always view as a healthy part of a living organism. I hoped that there would be no destructive or mean-spirited conflict, that this would be done in a good spirit. And there were. There were some feelings that boiled up in the conference. There was nothing that was mean-spirited, but there were times when people felt that their interest was not being given a full hearing, in which case we let them get a full hearing.

For instance, Ramon Rueda, a Hispanic activist who is in urban revitalization rehabilitation in the Bronx, feels very strongly about nuclear power. The Three Mile Island nuclear accident had happened a couple of weeks before. He got hold of the microphone after Mr. Blauvelt of Conoco Oil had spoken and went into a speech against nuclear power, and the microphone went dead. So through the afternoon his friends said, "Look, you pulled the plug on Rueda. That's really bad, man." So we immediately put out a mimeographed sheet to all the eight hundred or so plus participants, saying, "Look, it was a mistake. It was an accident, and it's happened before. We'll give Rueda the microphone at this evening's proceedings so that he can make the statement that he wanted to make about Three Mile Island." So that sort of thing quieted down.

Now, as far as the microphone going out before, it had gone out before on me. I had been asked to give the major environmentalist speech there and to give the environmentalist rationale for the conference. I put a lot of thought into what I was going to say, and I've done a lot of public speaking before various audiences. I decided to make it short, to try to use concrete physical examples that would be understood by different segments of the audience.

The format of the plenary sessions was to have at least two speakers always, and I was on a session with Father Geno Baroni following lunch. Now, this was a hotel dining room with approximately one thousand people in it. Father Baroni is a man I like very much. I see him still from time to time. He is a Catholic priest, very active in the civil rights in the 1960s, and a key activist of the sixties and the seventies. He was assistant secretary of HUD, the Department of Housing and Urban Development, and he made a speech. He was supposed to talk for twenty minutes. I was supposed to talk for twelve minutes in our conference time allocation; that's all I asked for. He talked for thirty-five minutes and used up all his time, used up mine, and made a speech, so the audience was restless after lunch.



Recognition of past Sierra Club presidents, 1979. Left to right, Ray Sherwin, Phil Berry, Kent Gill, Dick Leonard, Lewis Clark, Ed Wayburn, Will Siri, Brant Calkin, Bill Futrell.



City Care planners, Neil Goldstein, Vivien Li, Bill Futrell

Futrell: I got up to speak, and the National Public Radio people who had been taping for half an hour, pulled their equipment; you know, they had finished the reel. When they pulled the equipment, they also pulled the plug on the loudspeaker for me. So I was facing an audience of a thousand people, and the waiters started to come in to clear the tables, and this was a public-speaking challenge.

Now, I have a voice trained on the parade field to speak and carry, to project it without shouting. I also know that in the midst of dealing with artillery, with shells going off, there are various ways that you can pitch your voice to carry, and that sometimes, if you want to communicate, the trick is to get your listener to make a greater effort to listen, rather than try to increase the volume.

A basic command in the military is "Cease fire!" Now, when you've got young teenagers that are really itchy trigger-fingered and that have been shooting and shooting and shooting--I mean, they've been pumping in these howitzer shells, 105 howitzer, and it really goes off with a bang--they are primed to hear the words "fire" and "shoot."

I remember one of the funniest things. This caused this captain to be relieved of his command. He goes out, and he's got the command "Cease fire!" and there are friendlies in the area. He goes out, and he shouts, "Cease fire!" Boom! I mean, the kids--all they heard was "Fire!" He said, "Cease fire!" but they were programmed to hear "Fire!"

When I give the command "Cease"--running as a commander--"fire!" I go out and I say, "Cease, cease, cease," and I'm getting eye contact. I'm getting section chiefs really to get in there to move in. And then I say the "--fire!" very easily.

So I had a communication problem in that dining hall, and so what I decided to do was just to speak to the first two rows of tables, and not care whether anyone beyond the first two rows heard much of what I said. My wife was sitting at a rear table with people from the Trust for Public Land. They did not know her, or they didn't know who she was. They were making very vicious comments about me and about the Sierra Club, and they said that the Sierra Club really had its nerve to come in and try to pretend to be an urban environment organization; I mean, what a pile of nonsense. So she's, you know, just listening.

So around the top of page two of my speech, though, people were quieting down; on page three they asked the waiters to stay back, and when they did that around row five, I knew that we were going to be able to have a successful speech. My wife, sitting at the rear of the room, says it was audible after the first two minutes.

A Common Vision for Shared Action

Futrell: Now, I'd like to put a couple of paragraphs from this speech in here. I edited this out of the conference proceedings because it was too personal. Vivien Li, Paul Danels, the Urban League staff, wanted me to put it in, but I said some things in here that I had not articulated in a talk before. I offer a formulation of how to go about reaching a common vision for shared action.

[Reading from material edited out of the conference proceedings]
 "In my ten years as a Sierra Club director," I said,

I heard the life stories of many of our activists, and a common theme among these conservationists' experiences was how their lives had been changed because of their outdoor experiences in certain places and how those peak experiences had led them to a commitment to land stewardship.

One of the most intense campaigns in the Sierra Club concerned the effort to protect the Grand Canyon. When I went there, I decided to walk to the bottom and up the other side. I started down the Bright Angel trail two hours before daybreak, reached the canyon floor by 9:00, and spent the morning watching that wild river.

On the way back, after coming up over the inner canyon walls, I encountered a family, the wife suffering from heat exhaustion. I shared my water with her and stayed with them and helped them walk towards the ranger station at Phantom Ranch and then started back up again,

As the midday heat approached at 3:00 p.m., I found myself with eight miles of vertical switch-backs and roller-coaster trails and still three thousand feet of vertical gain still ahead. I left the trail and sat under a large overhang of rock where there was shade, waiting for the sun to set and for the evening cool before continuing to the top. I watched the long shadows, purple and crimson, lengthen down the valley of the Colorado and looking up at the wall of the overhang, I saw it was embedded with fossil remains.

At that moment of dusk, I felt the overwhelming conviction of death and of life, that I would die, but not then, not there. It was accompanied by the same contemporary conviction that I existed, that my life

Futrell: was as real as the river, as real as the canyon. It was an experience of existence as intense as I have ever known.

Now we say that we know the Grand Canyon, but what we mean is that we know ourselves better because we have been to such places. We are a richer people because we have been in contact with these diverse natural areas. It is visions such as this which empower environmental activists to do what they do, and to understand the Sierra Club and our people, this is what you should understand. We have a sense of place and a sense of responsibility and a feeling of a duty to exercise stewardship for land and for its living landscape, the wildlife.

A different kind of intense experience of related meanings comes from the years I spent in East Asia when I trained American and Southeast Asian troops for military duty. They were good men facing difficult conditions. I remember many nights in the dark by the rice paddy and voices unlinked to any face, speaking of home. In their different accents, I heard the diversity of our people reflected--the accents of black Americans from rural Alabama, of hillbilly Kentuckians from Appalachia, from Detroit, the harder sounds of Boston.

Charles De Gaulle wrote that the army is the school of the nation and that it is sad that the only institution in all of French society that mixed people from all backgrounds and treated them as equals was this institution.

I trained teenagers from urban ghettos and rural slums who had left school at the fifth grade. Their personnel records said that they only had IQ's of eighty and sometimes less, yet we were quite willing to depend for our lives upon their action. We knew they were smarter and more able than those records and tests suggested.

In those years, I saw what could be done with all our different people if we cared and if we trusted. I saw how suspect the records are which exclude diverse groups from our community. From those years, I got a vision of national service calling on the best efforts of people from different regions and backgrounds. I acquired a vision of America's human resources which rests side by side with my vision of America's natural resources, a diversity of human resources as splendid as the country's land forms.

Futrell:

Of all resources, the most crucial is man's spirit. The waste of human resources in neglected communities, the plight of the cities, is mirrored by a continuing environmental crisis. Waste of energy leads to a frightening gamble on a troubled nuclear power industry. These problems of social and ecological disruption evidence a failure of stewardship, a failure to build community in this country, and that failure in part results from the fact that community is too narrowly defined and too narrowly perceived.

I went on to talk about environmentalists perceiving ecological communities, Urban League types perceiving sociological communities. So what we need is a common shared vision to nurture community, and our common agenda is to prevent wasted resources.

I go on to speak about three particular seminars that we're going to have as an example of how we could translate this vision into activity, and then I go on to end with the windows and walls comment which is picked up here, which is the idea that:

there are three thousand citizen groups in the environmental movement, and we build our voluntary associations strong. We put a lot of effort into them. We are proud of the Sierra Club, and people that care about decent housing support their Urban League. They build the walls of their associations thick and strong.

I contend that no matter how thick these walls, they need windows because we can build the walls of our associations so thick and strong, they divide us from each other. We need windows in our walls just to see how much we have in common with our fellow activists so we can find those items for a common agenda for a coalition to protect the urban environment.

In the conference proceedings, it comes out "the urban government," not "the urban environment." [laughter]

The speech got a tremendous response, and I edited parts of it out because this was the first time, really, I had talked about what the Marine Corps meant to me and I wasn't ready to put it on paper. The military reference was very important for many of the black delegates because they saw it as the only thing I had in common with them.

Well, that was the City Care conference. There were great talks. Ramon Rueda gave a great talk the last night. Jeanne Malchon gave a great talk, a Florida woman [Pinellas County Commissioner], a feminine activist. We got a lot out of it in terms of enjoying the conference, but the follow-up is key.

Follow-up: CETA, Urban Waterfronts, Coalitions, and a Network of City Care Leaders

Futrell: There is a whole pile of material that we have on file on the lobbying efforts that were done in years to follow on CETA, the Comprehensive Employment Training Act. The city of San Francisco's park maintenance efforts primarily for the next years were funded by CETA employees. It's interesting in the Reagan Administration to see that job training, UDAG, and urban park recovery are still endorsed.

Lage: I thought they made a lot of cutbacks.

Futrell: They did in many areas, but these parts of our package survived even Reagan. They are appropriate for the time and are still going forward. It's interesting to see that NEPA is still endorsed, the environmental impact statement process.

The Urban Waterfronts Program, the Urban Park and Recovery Program--a whole list of things that we--

Lage: These grew out of the conference?

Futrell: Yes and no. These were things where we combined our energies and ideas with emerging ideas of other groups and the Carter administration.

One of the key concepts in ecology is a key ecological area, a vital area. For instance, there is one slope of the Chattahoochee National Forest in northern Georgia about twenty miles in length. It's a southerly slope of that forest that drains into Lake Lanier, and that water reservoir provides the drinking water supply for eighty percent of the people of Georgia. By not cutting, by not doing any forestry on that slope, you avoid erosion and assure better water quality. By not using any herbicides or chemicals on that slope, you assure better water quality. It's just your sense of a key ecological area.

In the city areas, in urban revitalization, urban waterfronts are key social/ecological areas, so we work on those.

Lage: It seems as if the core groups at some of the workshops came to an agreement on what--

Futrell: Oh, yes, they did, and these are reprinted in the conference proceedings.

Lage: Right. But was there any conference-wide recommendation?

Futrell: No. What we did is we gave core group recommendations seriatim-- we chose not to have a conference plenary resolution. This was one of the ways that we sold City Care to the leadership of the Sierra Club and to the Urban League. If you had not had these caucus reports and these workshop reports and these core-group reports, and if you had had a plenary resolution, there would have been tremendous lobbying, log-rolling, push-coming-to-shove in a three-day conference to come up with an agenda, and you just simply could not do this.

Lage: This makes more sense.

Futrell: I mean, you get the ferment, and you get the diversity, and things don't get boiled out to where there are no vitamins and no substance and no nutrition in them.

Lage: Then how was it chosen which areas would be concentrated on as follow-up?

Futrell: Okay. Well, you got a follow-up area, follow-up funding, by-- I'm reaching for some papers here--a contract that goes from the Environmental Protection Agency to Neil Goldstein--to the Sierra Club. Neil Goldstein is to be the primary vehicle in the New York City office for doing follow-up, outreach, on communication and education on further environmental effort. We establish as follow-up to the conference our various committees.

Later, Don Lief, who is a key EPA agency worker on this, expressed a disappointment that there were no new organizations to come out of City Care. He says [reading from notes], "All I see is just increased capability in the Urban League, the Urban Environment Conference, and the Sierra Club to cope with these issues." [stops reading] To me, that was a major success. But, you see, he had expected--goodness knows what. Don's a rational man, but you don't know the effort that went into this on the federal agency side. I mean, they really worked, and they really got their hopes up that life would be better, the cities would be cleaner, America would be a better country, all as a result of this one conference--unrealistic expectations. And all they got was the fact that on the Sierra Club Board of Directors for the next three or four years, they would be consciously aware of the relationship of the Sierra Club to other organizations like the Urban League and vice versa--and about 900 people in these organizations had been networked together.

I mentioned being in the House of Representatives, in the gallery, on the day of the Alaska lands vote, which was the great Sierra Club victory of the last decade, increasing Alaskan parks and wilderness protection, and there was the one hundred percent support of black congressmen for this. When the final vote came,

Futrell: I saw Shirley Chisholm, congresswoman from New York, leave the floor. I've always been very fond of her. I think she's a very attractive person. So I ran past our Sierra Club staff to follow her and just to thank her for her vote and her support. I have her exact words written down someplace.

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She said something about, "You should have heard the things that people opposed said about you,"--meaning the Sierra Club and the environmentalists. "Always they're trying to split us off from each other."

Ron Dellums and the black congressional delegation supported the Alaska lands bill because it's right for the country, not because it creates more jobs or because it's a transfer payment. It's something that we should have in mind. So there are things to support as citizens of the wider community, to do, on their part.

City Care was a major effort in federally funded citizen participation, and that's something to think about as to whether it's good or not. You wouldn't find City Care happening today. Many of the people active in City Care are on the Sierra Club Board of Directors right now. Michelle Perrault is one. Their sentiments are still there. But you will not have consensus-building outreach efforts in a time of confrontation, and this is part of the price of the Watt-Reagan years: The possibility for consensus-building and outreach diminishes.

Lage: Although there seems to have been more consensus-building, say, with labor, as a result of having a common enemy in the Reagan administration.

Futrell: Well, you know, "the enemy of my enemy," all of that of Churchill. One of the things that Heather Booth, the Chicago-based woman activist, says about how coalitions work--remember, we were talking about coalitions.

Lage: Yes.

Futrell: One, the glue can be an opponent. I mean, it can be a negatively based coalition. But then that doesn't necessarily give you an agreed-upon program, which is what's really important in a coalition. It doesn't give you the positive combining force, which is what I want to work from. The groups joining can see possible gains and what they risk. Their relationship should be clear on their power relationships. But what you are trying to do is to interact to build a common culture, and this is the civic culture.

Lage: Do you think City Care contributed towards building a common culture?

Futrell: Oh, I think it did.

Lage: Did people come out with their consciousness raised?

Futrell: Yes, I think so. Although I don't know about consciousness raising. I'm suspicious of that term. That's not one of the terms that I like.

Lage: You got Sierra Club people. Did you have Sierra Club people attending who hadn't had much contact with inner city people?

Futrell: Oh, some.

Lage: Or did you try to draw from those who were already interested?

Futrell: Oh, a mixture, a mixture. Some of those in the Midwest had had contact; some others had not.

Lage: Well, how did they hold up overall, do you think, in the conference, in relating to a cultural setting that they weren't that used to?

Futrell: Well, the cultural setting is a meeting, you know, and, of course, the people coming from these other groups have gone to a lot of meetings too.

Lage: Yes. They're all used to meetings. [chuckles]

Futrell: That's right.

One of the follow-ups was a clean-air coalition between the Angeles Chapter of the Sierra Club and the Los Angeles Urban League and a Hispanic group in Los Angeles. There were many small things like that. Well, it wasn't considered small by the Los Angeles people.

Lage: No, but local.

Futrell: Yes, but local, and locally oriented.

What the federal government people thought they were doing was constituency-building, and this reflects a thought that Paul Sabatier, a political scientist, wrote an awful lot about during this time, the middle seventies, and it's reflected in an article about constituency-building. I wonder if I've got that. [looks through papers] Well, I can check the title later. [Paul Sabatier, "Social Movements and Regulatory Agencies: Toward a More Adequate and Less Pessimistic Theory of Clientele Capture," Policy Sciences (1975), pp. 301-342]

Futrell: Sabatier's work was taken seriously by the EPA people, in the Office of Public Awareness, which is that they go out and they try to use federal funds through public education money and outreach money to strengthen the groups that will support the agency being a strong regulator. So this public-participation funding was used to strengthen groups that the agency perceived as being friends of a strong regulation/enforcement-oriented EPA.

Lage: So they had a certain agenda.

Futrell: Yes. Now, should the Sierra Club be suspicious about this question of using conference funds, using government funds here? It can be a danger to the organization because, if it becomes too great, you face the loss of autonomy, with a program being shaped to attract federal funds, ending finally in the association's co-optation. This was at the back of the minds of some of the senior staff: "We don't want to be co-opted to reflect the grant-makers' whims." Some think the National Urban League is very responsive to grant-makers' whims.

The government viewpoint--the agency opens itself to criticism for trying to bribe the public, if you will. The positive point from the taxpayer's interest is that frequently, if there is going to be a public education goal, the dissemination of information, the use of the Sierra Club Bulletin is one of the most cost effective ways to reach your target audience. So, instead of trying to put something in Harper's magazine or in Newsweek, you've got a more targeted audience. So there was that background to it.
[looking through notes]

One of the things that I'm looking at as a consequence of the conference is the network of the City Care leaders. The club has a leader list on various issues--coastal zone management, forestry issues--and we came up with one of the largest leader lists in the urban area. In 1980, the list had more than 800 names, and those City Care people have remained active. Recent articles in Sierra evidence this.

Lage: Did you stay on the steering committee following the conference? The steering committee was expanded and continued, you said.

Futrell: Yes. Right.

Lage: Was that something you were involved in?

Futrell: I was in name, though actually I tried to pass that on to other people.

Futrell: I came back on the board of directors right after the conference and then came to Washington, D.C., to the Woodrow Wilson Center at the Smithsonian Institution to write my book. In the middle of that, I was pulled out to come over to the Environmental Law Institute to be its president and chief staff officer. Shortly thereafter I resigned from the club's board of directors simply because the conflict between trying to manage a \$2 million-a-year organization where I'm raising the funds for it and drafting its policy and its position papers, and then going out to the Sierra Club board meetings, which is easily at least eight days a year of sitting in meeting rooms and the travel that's involved, led to too large a demand on energies and distracted attention.

Lage: Okay. I think we've about covered everything, unless you can think of something else.

Futrell: Okay. [tape off briefly] I was off the board of directors during the entire time that the City Care conference was being planned in great detail. I was not going to board of directors' meetings. Neil Goldstein frequently communicated with the San Francisco staff. Ted Snyder was president of the Sierra Club.

In all the doubts about City Care that were raised and expressed, if there were hard questions, Ted immediately referred them to me or called me up to consult with me about them. The City Care conference would not have happened without Ted Snyder's support. Realize that this was an effort in which I was given heavy publicity, in which my picture was there on the conference program along with Vernon Jordan's, in which I was advertised as the person responsible for the Sierra Club to the nation and the administration at large, when I was not on the Sierra Club Board of Directors and was a former president. This was very generous support on Ted's part and really was an act of faith on his part that I would not let him down.

Now, you know some of the past background of the dealings with Ted and myself. We did know each other very well, and I certainly did not betray his trust. He did come to the City Care conference and did participate throughout the entire conference.

We had seven directors there of our fifteen directors. Of the staff, Jonathan Ela, Neil Goldstein, Mike McCloskey, Brock Evans, and Norbert Dall from Sacramento participated.

Lage: You expressed some disappointment about staff involvement last time.

Futrell: Yes. Mike came in for a day and a half. He was heavily committed. Brock came in for a day, brought his son with him, Brock at this time, I think, as his children were getting older--his son, I think,

Futrell: was seven years old at this time--was really feeling keenly the pressures that traveling causes on family life and wanted to travel less and to be away from home less. To go away to a conference for three or four days is indeed an imposition. So we can always understand the individual reasons why people are not there and why they don't take their funded efforts to come.

But I did want to say that about Ted, that the conference would not have occurred without his strong personal support.

Lage: Let me ask you--what about, in general, the southern branch of the Sierra Club, if we can call it that? Was there support for City Care in the South?

Futrell: Oh, yes. Oh, yes.

Lage: I know Ted had to answer a couple of protests about the club getting involved in city concerns.

Futrell: Yes.

Lage: --that came out of the Florida Chapter or Alabama.

Futrell: Well, they came from various chapters. Sometimes they were mischievous, you know: "Are you going to take the profits from the outings program to finance the City Care conference?" [chuckles] But I would not identify them as being based out of the South. I knew of only one. They came from all over the country, if they came. The gravest concerns were from the staff, about overloading agenda, about diversion of staff time from public lands and western old-growth timber to more general things like water pollution control, urban parks.

##

International Concerns: Okinawan Parks, American-Japanese Environmental Conferences

Lage: You mentioned your family trip around the world in 1978 and some conservation concerns in Japan.

Futrell: I speak, read, and write Japanese, and I've kept it up through the years. One of my big efforts when I was in charge of the military police on Okinawa was to lobby the Japanese government for a national park on the seashore of northern Okinawa. I mean, I was one of many who passed the word on about this marvelous coast,

Futrell: which is, to me, even more dramatic than Big Sur or Amalfi down in southern Italy. That park was created in 1972.

In the mid 1970s, Tony Look, a Sierra Club volunteer, led an effort to end the whaling moratorium. Tony led the Sierra Club outings to Japan for the outings committee; he's done it eight times. Tony and his Japanese environmentalist friends came up with the idea of a joint national meeting of the leaders of the Japanese environmental organizations and American environmental organizations to talk about issues in common, including whales, and how the Japanese environmental community perhaps could be organized to speak up for whales in that consensus society.

Believe it or not, that effort came off. Fifteen of us, including David Brower, Tony Look, Ray Sherwin (a former Sierra Club president), and I went to Japan. I brushed up on my Japanese, and when I told my wife about this opportunity to go back, she said, "Good. We'll all go," meaning our two children. It turned out the cheapest way to go to Tokyo was to go around the world with Pan Am.

I talked to Jim Mandros, my good friend from the Argentine water conference who was now in New Delhi, and he set me up with speaking engagements around India to meet the leaders of the Indian environmental organizations in New Delhi, Bombay, and other parts of India.

The Japanese conference was very dramatic, but I did not get down to Okinawa to see the new park because of the Pan Am ticket and commitments in India.

So we spent the two weeks in Japan, two weeks in India. We began a very fruitful exchange with the Japanese. In India, I got involved in the Rewas litigation, which took a lot of my time when I came back to the United States, working on an environmental lawsuit in India.

Lage: What is it?

Futrell: It's a huge development outside of Bombay. It's very involved. I got into a network to service the Indian environmentalists, and that effort is still going on today.

In other countries we've been to, people have hosted us and opened their homes to us, and my wife and I have said, "Come see us," and it's never happened in any other country. But every person we visited in India to whom we said, "Come see us," has come to see us, has stayed in our home at least once--one person at

Futrell: three times. It's been a great international adventure. Sierra Club people will find soulmates in India.

In 1980 the Japanese brought a delegation of forty-five to the United States for the Second Biennial Japanese-American Environment Conference. Lowell Smith and Tony Look raised the money for that, and it was held at Stanford, and it was a great success, with the conference proceedings published.

In 1982, I was the chairman of the conference. I raised the money. In September 1982 I formed a delegation of seventeen Americans, including Tony Look; Nick Robinson; the vice-presidents of the Audubon Society, the Sierra Club, and the Conservation Foundation; two members of the Reagan cabinet, assistant administrators, for the government side; and two people from industry, and took them for a conference.

Lage: Where was that held?

Futrell: That was held in Osaka, Japan, and dealt with water resources allocation and water pollution control.

At the end of that conference, I flew down to Okinawa, where I was met by the minister of environment and the superintendent of the national park. For two days they drove me around, and we went with packs up into the jungle--sixty-foot tree ferns. Can you imagine a fern sixty feet high? Jungles. This great rugged coast with waves breaking on it. Sixteen different species of coral on the reef. Dramatic.

One of the great things in my life was this escape, evasion, and survival school I used to run in 1961 and 1962. There is this one dramatic valley where the only way to get through it is to swim the river. It's not deep, but the canyon walls are high, and they're covered with flowers and what have you in the springtime. When you come out of it, there is this dramatic stand of tree ferns, these great jungle creepers and ferns and elephant leaves that a man can stand up under. It's one of the great jungle experiences I ever had. This valley is one of my favorite, favorite things.

So we went to all sorts of little jungle places, and we walked on the beaches. I had my maps, my old maps, out. I said, "Look, we've got to whack up through here," and there was a paved road now where formerly there had just been a trail. We came up, and there was my valley submerged behind a hydroelectric dam built in 1980. However, there's a lot more jungle, and there's a lot more effort there in the Okinawa--

Lage: So this was not part of the national park.

Futrell: No, no. This was not part of the national park.

Lage: But in the same area?

Futrell: It is, yes, inland. But, you see, the beaches are in the park; it's a seashore park.

Lage: I see.

Futrell: The jungle isn't in the park. They should have the jungle. Fortunately--and my Japanese friends would object to this--because Okinawa has sixty thousand American troops on it, and it is an American military bastion, the Japanese, with limited self-defense forces of their own, depend on American forces for their security umbrella, but this is an imposition upon these people.

Lage: Certainly.

Futrell: Though the Japanese government wants us there. I mean, Japan imports ninety-seven percent of its energy from the Persian Gulf, and its defenses are the American sea power.

Forty percent of the jungle area is a Marine Corps training area in which vehicles do not go. In other words, it's strictly patrolling. It's just learning to live in the jungle. It's almost Sierra Club standards, you know. [laughter] Leave no footprints. Actually, you're trying not to leave footprints because you've got people behind you tracking you that are trying to catch you.

You see, at our escape, evasion, and survival school we had one group coming from the west with another group coming from the east trying to catch us or, if they got our tracks, trying to trace us, which is why swimming in the river was important. You don't leave any footprints in the river, and we'd come down that river at night.

Well, at any rate, in 1984 I will be in charge of hosting the Japanese delegation again. This is a burden, but it's a very rewarding burden.

Lage: How did you feel about the valley in Okinawa being dammed?

Futrell: Well, it ruined the trip. I just had a sag in my spirits that my Okinawan hosts recognized. The park superintendent, Jahama, had taken me to three other areas on the way there with huge jungle overlooks and what have you that had not yet been cleared, though I feel that possibly, with the agricultural development of the island, they are vulnerable to being cleared. These areas have got tremendous diversity of trees--camphor trees. Tropical forests are very diverse.

Futrell: One of the things that's unique is that the Marine Corps still owns forty percent of that area, all that jungle area, and that when that is turned back to the Japanese, it will be in pristine condition. There will have been no logging, no road-building in the area.

Now, having all these connections, knowing the head of the Japanese National Park Service, knowing the heads of the Japanese environmental organizations, just as in the 1960s I was writing to Tokyo and sending pictures of coastline, I am going to make the argument for a tropical forest national park in northern Okinawa of approximately, oh, maybe twenty by two, twenty by three, maybe only about eighty or ninety square miles. There are several river valleys and mountain complexes that can be linked together in an adequate park area. Gulf Coast swamps and Asian jungles are part of our scenic heritage, just like the Grand Canyon and the redwoods.

Lage: I think we have covered our planned topics now. Is there anything you would like to add?

Futrell: Yes. While we have talked about a lot of activities in which I was prominent, my main role was to be part of a team that advanced the club's priorities. Through all these years, I had maps on my office wall showing the size of the national park system, our wilderness system, and wild and scenic rivers. When I started work as a Sierra Club volunteer in 1968, there were 29 million acres in the national park system; in 1980 there were 79 million acres. In 1968 there were 9 million acres in the wilderness system, in 1980, 80 million acres. The number of wild and scenic rivers had grown from eight to fifty-four. Ninety-six percent of U.S. industry sources complied with the 1972 Clean Water Act goals. It was a decade of great progress and to participate in it as an activist was a real privilege. However, in 1980 twice as much oil is spilled in the ocean as was spilled in 1970. I could go on and talk about the menaces and challenges and rewards, but enough is enough.

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*If we can exercise stewardship
of our environment,
if we can exercise responsibility to ourselves
and future generations,
then we will survive as human beings.*

A Conversation with Bill Futrell

FRANCES GENDLIN

FG: I'm delighted to be here in Georgia, Bill, despite having gotten drenched on our walk at Panola Mountain State Park yesterday. It was beautiful, and I thank you for showing it to me. Can you tell me more about conservation in the South, perhaps where it's been for 200 years and where it is now?

BF: Two hundred years of conservation in the South is a course in itself. *Bartram's Travels*, which is William Bartram's account of what Georgia, the Carolinas, Florida and Alabama were like in 1776, describes northeast Georgia as the site of the grandest forest he saw on the North American continent. He describes great avenues of trees that formed a cathedral, the trunks forming the naves, the first branches sixty feet from the ground. Those trees are gone. Right after Bartram wrote, during the next two decades of colonial expansion, half the topsoil in Georgia washed away. What finally saved the remainder was the succession of loblolly pine in the piedmont, and slash pine in the coastal plain. William Faulkner said that three great crimes mark American society: ravaging the land, killing the Indians, and African slavery. These all happened in the South. On the other hand, the southerner has great individual identification with the land. Most southerners point to a place, even if they grew up in a city, and they say, "this is where my family comes from." They can identify back several hundred years with a place, or easily several generations.

SG: Hasn't there been as much movement in the South as in other parts of the country?

BF: There has been movement, but the extended family has remained definite. Out of four or five brothers, one will certainly keep up the home place; there is also a closeness between nephews and uncles, so that there is an awareness of where they



came from and who they came from. Now, as for specific conservation crusades, citizens' activities, they haven't been a strong theme in the South.

FG: Then how did the Sierra Club get started here?

BF: The Club here was an outgrowth of the environmental concerns of the sixties. I was responsible for organizing eleven of the Sierra Club groups in the Southeast.

FG: When was that?

BF: In 1968. I joined the Club in 1962 when I came back from East Asia at the end of my Marine Corps tour of duty. I was in San Francisco and was looking for an affiliation with an organization that went to the mountains. When I was a boy I belonged to the Boy Scouts, and I got to know the woods and forests of Louisiana, my native region. Then the Marine Corps gave me many delightful outdoor experiences.

FG: Is that what we call war?

BF: No—many experiences in a variety of habitats—rice paddies and jungles, mountains and desert. While in East Asia, I taught a school in survival, escape, and evasion. I think of what I'm doing in the Sierra Club as being a kind of survival school. In those Marine Corps days as a forward observer, I could just relax with a paperback novel at my side and binoculars, and enjoy the sunshine out on a high bluff. Somewhere along the way, mountains became a symbol of the supreme outdoor experience. I no longer feel this way, for I value marshes and swamps as much as I do mountains. But that was in 1962 and I was really sold on mountains. So, being in San Francisco, I went by the Sierra Club office and joined. Then in 1968, I wrote a letter to the membership department when my wife joined. We lived in New Orleans, and we asked where there were some good places to visit. Somebody wrote back and said they didn't know anything about New Orleans or Louisiana, but they sent us names of six members in the state and suggested we contact them. It was also suggested we form a regional group. So I got those six people and some of their friends together for coffee on a Sunday evening, and we decided to go ahead with it. Now the New Orleans group has about a thousand members, and it has become a very strong force for conservation.

FG: Yes, and now in general our demographics have changed so that we're not just a western organization, but a national organization and an international force. Fifty percent of our members are west of the Rockies and the rest east. Yet we don't hear that much about what's going on in the Southeast.

BF: Oh, I'll differ with you on that. The Club has four southern directors: Ted Snyder, Ellen Winchester, Denny Shaffer and myself. You have heard about offshore

oil drilling in the Gulf of Mexico; there have been several articles in the *Bulletin* about that. Jim Moorman and Carl Holcomb, both southerners, were leaders in getting reforms embodied in the National Forest Management Act of 1976. That act, regulating tree cutting, is addressed in great detail to the Appalachian Forest which stretches down to Georgia. I've been involved in the pesticides issue, as have others here who have allied themselves with the Environmental Defense Fund and other such organizations. I was also co-counsel on the Mirex proceedings.

to "Regional Reports," and we can report on any current regional issues anywhere. But it seems to me that the other areas, until this change, have carried much more weight than the Southeast.

BF: Well, the South now has the president, the secretary and the treasurer of the Club. We don't feel underrepresented.

FG: What current issues are going on in the South?

BF: Backing up President Carter on water resource projects. That list cuts across a number of southern states and touches on some of our keenest interests.

councils and, as we find them, we work toward a resolution of many problems.

FG: This gets into the question of adversary relationships. It seems clear that some that have been termed adversary relationships must cease now, and that whatever "side" you're on, people who think are coming to the same realization. Yet we don't know exactly how to proceed. But there is a growing realization on the part of labor, for example, that despite our past differences, we must now work together. I'm becoming involved with labor groups in the San Francisco Bay Area, trying to set up conferences to devise particular projects we could work on together. I know we have to work together with the major corporations too, yet the public view is that our two groups are consistently adversaries.

BF: The nature of adversary relationships is overstated. After all, much of our membership and leadership comes from people in the business community—merchants or professional people. I was a business lawyer before I became a law professor. I divide my teaching time into two-thirds environmental law and the rest corporate law. And I follow very closely, through meetings and conferences, through reading the *Wall Street Journal* and business magazines, what the American business community is thinking. Reconciliation is the attitude of the more enlightened sector of the business community. Yet there is another substantial sector with whom we have to deal in Congress, whose attitude toward us is that we are a temporary phenomenon they can outlast.

FG: There are still some people who think we should not be allied in any way with corporations.

BF: I disagree, and I think most of our leadership disagrees. We look for allies who will speak for environmental quality anywhere we can find them. We are allied as coplaintiffs with railroads to stop a Corps of Engineers project, Locks and Dam 26. We are speaking out on the Arctic gas pipeline on the advantages of the Alcan route because it is the least environmentally hazardous. When I talk to industry groups, I suggest that when they are engaged in their efforts to secure a permit, for instance, they should consider which is the better environmental alternative, and that considering the environment should always be one of their strongest concerns. And then, they should look to us as allies. We don't have blinders on as far as they're concerned. The Club's alleged anticorporateness is something that some people in the business community have invented to smear us with.

FG: What issues are you personally involved with now?



United Nations

Delegate Futrell at the United Nations Water Conference in Argentina confers with the Chief U.S. delegate, Ambassador Nancy Rawls.

FG: Can you tell me why we don't have a southern "rep"? We have staff representatives in the Northwest, Southwest, Northern Plains, Midwest, New York and California. Why not in the Southeast?

BF: We don't have a southern rep because of a disagreement among the southern directors. Some want one, some don't. We have a very strong volunteer effort here, and there is a feeling that they don't want to have a staff person down here, that they'd rather use the money in other ways. I disagree.

FG: Until recently, in the *Bulletin*, we've had columns called "Regional Representatives' Reports," and the Southeast was thus notably left out. We've changed that now

FG: And others?

BF: There's the continuing issue of clear-cutting in the national forests and arriving at a workable forestry policy. The South is seen by the timber industry as this country's wood basket of the future. Here in the South, our forests can have a thirty-year period of rotation, something you don't get on dry, high-altitude, western soils. What quick rotation does to the soil we don't know. The whole question of scientific forestry is a vital one. The Sierra Club, being a tree-oriented organization, has a great future in the South. Parenthetically, it is not my attitude to regard people we come in contact with in the timber and mining industries as enemies. Sooner or later we find enlightened people in their

BF: Energy conservation and support of the President's energy program. We have a president who has taken the initiative in addressing what we have labelled as one of our first priorities. He has come up with a plan that we are about seventy percent in agreement with. And rather than nit-picking, we are going into Congress with our representatives and our support and doing what we can to support the energy program. There is division in the environmental community. Some of the groups are denouncing the President's motives, saying that the plan is a charade to bring in nuclear power, that he really isn't interested in energy conservation. This is extraordinarily counterproductive. For the first time in years, we've got leadership that has defined goals we believe in.

FG: Do you think some of these other groups who are, as you say, "nitpicking," are getting stuck in what has historically been an adversary relationship between citizen groups and the government? During the last eight years we've had an unresponsive administration, and now we have a President and an administration who are positive about the environment. Do you think we're going to have to take on new roles and a new awareness of the kinds of strategies and directions we want to take with this government?

BF: I agree with the thrust of your question, but not with some of the shadings of meanings. It's not an established historical pattern. In prior administrations, we've had people in the executive branch who gave a lot of encouragement to conservation: John Kennedy supported the Wilderness Act. Lady Bird and Lyndon Johnson worked to strengthen the park system.

FG: Some twenty-five years ago, though, President Eisenhower said that water pollution was a "uniquely local blight."

BF: Well, it is. It makes you uniquely, specifically miserable where you are. But let's talk about the past eight years. The conservation movement did become increasingly assertive and pointed in its attack on the administrations. We talked about lawless agencies that would not follow their own directives. We've seen government officials attacking environmental activists by name in their home communities. That has changed, certainly. We have a different team. I do think what's happened on the Carter energy program with some of these other environmental groups is that they are prisoners of the past, that by disagreeing, feeling a need to be true to themselves, they have chosen to dramatize their differences with the President's plan, rather than pointing out the agreements. We too have our disagreements with the plan, and we have made them clear.

FG: What are they?

BF: We are concerned about the reliance on nuclear power, and we don't think the plan moves toward energy conservation strongly enough. The language of sacrifice is gone, and I don't think we're going to have a successful energy conservation program until there is some sense of sacrifice in the public's attitude and in the plan.

FG: I'm not sure about that. . . .

BF: But, the situation in Congress is such that all the special interests are lined up, and the halls are full of industry lobbyists. I've spent a few weeks in Washington this past month working as a Club representa-

our attitudes generally. It's under attack in Congress. What do we do? Well, we call people from around the area to come in to lobby. Ellen Winchester, who chairs our energy committee, finds herself spending three or four days a month in Washington. And then we find money tucked away that might hire a lobbyist, month by month, on a minimal salary. We have made budgetary adjustments to bring more people in, just to work on the President's program. We can't match the American Petroleum Institute with its hundreds of employees, but we do have a team of about seven in Washington, supplemented by volunteers who can

We look for allies who will speak for environmental quality anywhere we can find them.

tive lobbying on these issues. Generally, business has had the most expensive lobbyists per congressman. The oil companies, the utilities, the automobile companies, are all being asked by the President's energy program, to upgrade their operations, and they are all fighting for their special interests.

FG: What about the Sierra Club?

BF: Let me talk about how the Sierra Club reacts and how it's flexible. We are under tight budgetary restraints. We have a budget of \$8 million. We could spend \$80 million. I would know how to do it and the rest of the leadership, too, would know how to do it and spend it well. But from our actual \$8 million budget, only a relatively small percentage goes into direct lobbying efforts. The major percentage goes to support activities such as the *Bulletin*, the books program, the outings programs, and the whole infrastructure of member services in the Club. In addition, we have commitments to the clean-water campaign; there's a 1972 water bill that is undergoing revision. We're tied down with commitments on the Endangered American Wilderness bill, which is one of our major priorities. We have a historic opportunity in Alaska, and we will regret it all our lives if we don't do all we can to see that it's implemented by creating new national parks. Our every dollar is spoken for a number of times.

FG: So what do we do?

BF: We have a dramatic energy proposal by the President, which goes along with

fight the entrenched lobbying establishment.

FG: A while ago you said that people are going to have to sacrifice, and I want to talk more about that. I'm not sure about that. I think what we're really talking about is a return to old conservation values. Until the middle of the depression, historically, people saved everything. They turned off their lights; they didn't waste. And then during the depression, the government tried to stimulate the economy just as it did a couple of years ago in the recession, by asking people to buy, consume. And what that did was instill a sense of artificial values. Now entire generations have grown up with this artificial value system. So what we should really be saying to people is not that they have to sacrifice, but that they have to go back to those values of the past.

BF: Here again, I agree with you as far as you go. Yes, advertising has boosted the throwaway culture, and what we need is not only a sense of sacrifice but a sense of stewardship of resources. But let me go beyond what you said. From the beginning of our history there has been an attitude of land as a commodity—move in, chop it down, burn it up, use it up. We have been a people whose view is that resources are the cheapest part of the equation and that labor is the dearest part. Classically in economics, we have four factors of production: land, labor, capital and the entrepreneur. Today, a fifth one has to be added to all economic thinking, and that is pollution-absorption capacity, the ability of

the environment to absorb pollution. The equation has also changed because land is no longer the cheap-fueling motor; cheap land, cheap resources, cheap timber, cheap oil, cheap you-name-it, are no longer there.

FG: Beginning with the first one, then, with land use. That's something the Club is very active in. Isn't it one of your particular interests?

BF: I teach a land-use course and was chairman of the Club's land-use committee last year. Sierra Club people are strongly oriented toward stewardship of the land. Stewardship is a key concept in all of this. It's a word we should get into our vocabu-

FG: You mentioned the old Protestant hymn. I have a feeling this comes out of a background that's very strong in you.

BF: Yes. It's very interesting how environmental values are acquired. In my own personal experience, environmental values were instilled early on and the basic lessons were learned at an early age. That hymn is perhaps the first verbal lesson I remember concerning the environment. Earlier messages came from my family. I remember one morning when I was five years old, when I was taken for a day of work with my father on the railroad. We went out on an open car, and we were going across a

Club does so well: our book program, for example, speaks to both the emotional and the intellectual. We're truest to ourselves when our environmental message expresses all these senses of stewardship.

FG: But do we do this enough? Sometimes we get so caught up in our daily conservation efforts that somehow the sense of tradition and the sense of heritage get lost.

BF: That may be true, but in the hustle and bustle of life, one needs time to withdraw, to be introspective, to assess where one's values are. A quotation I have used frequently is, "All religion begins in mysticism and ends in politics." While I was in East Asia I immersed myself in learning Japanese and I read, in English, everything I could get on Japanese and Chinese history and literature. One of the great traditions there is that the man of action always withdraws to the willow grove for introspection. In Western society we have the example of Montaigne, who withdrew to his tower; although he talked to his statesman friend, Henri IV, he wouldn't become engaged in the political scene itself. The man of action has to be a man of introspection, and the thinker should be committed to action.

FG: What we're talking about is values. When we concentrate our efforts so heavily on particular wilderness areas or on energy, how can we instill values and talk about the basic motivations of our society?

BF: My undergraduate training was in philosophy. I had a Fulbright in philosophy in Berlin. One of my teachers there was Paul Tillich. He fit in well in the transition from my becoming what I first thought I would—a minister—to what I'm doing now. So I've always had this interest in values. One thing I learned from Tillich was the idea of bearing witness, how one attests to the truth of one's beliefs. The model I choose is not the individual who verbalizes his beliefs, but the one who by action attests to them; who by the things that he or she does, describes a pattern of life that embodies the ideal.

FG: You're saying people have to live their beliefs.

BF: Yes, "live it" is one expression, but Tillich got it from Kierkegaard, who talked of this form of action as pointing beyond one's self—that one's actions point beyond the self.

FG: So how do we get these values to pervade every issue we work on? For it isn't just that we want to save the national interest lands or the Congaree Swamp, we should know the reason we want to save them.

BF: Essential to the Club's whole activity is the outings program. I came to the Club because of its outings program. I came

Reestablishing natural connections is necessary for our sense of well being. I think it is necessary for survival.

lary. One of the most impressive speeches I've heard on conservation was at the dedication of the first unit of Georgia's state park system. Prior to the Carter governorship, Georgia had recreational parks with cabins, camping, golf courses and lakes for swimming. While Carter was governor, the Heritage Trust system was developed, through which scenic and scientific reserves were purchased. Carter, when he dedicated the first unit of this system, made an impressive speech.

FG: Was that Panola Mountain, where we walked yesterday?

BF: Yes, that's right. Carter spoke of the need for stewardship, the need to recognize that this world of wonder we inherit and which we inhabit as citizens is a mighty charge to care for and to be handed on to future generations. It is clear that the President believes in justice between generations; that this generation has an obligation to future generations. That is as good a definition of stewardship, perhaps, as we've arrived at. And it is the sense of stewardship, in my viewpoint, that marks the environmentalist. Listening to Carter, I heard overtones of the old Protestant hymn: "This is my Father's world/I rest me in the thought/of rocks and trees, of skies and seas/His hand the wonders wrought." If we can emphasize the message of stewardship more in our addresses to the public, I think some of our basic problems of confrontation will drop out of the picture, because there is a hunger in this country for a definition of spiritual values, and this message of stewardship is central.

causeway, across a swamp. All of a sudden the water was filled with ducks, the water was black with ducks and they rose in the sky against that dawn, and it's one of the sights I remember most strongly from my youth. When I think of my father, I think of that dawn with the ducks rising, when my hands tightened on his shoulders. It's a memory that came back clearly many years later.

I was with my family a few years ago in New York. Having finished the meeting I had come for, we went the next day to Montauk Point, at the tip of Long Island. We're very serious bird watchers, the four of us, and we were looking for various eider and sea ducks. My children love to beachcomb, picking up rocks and shells. They were finished doing this, and we were heading back to the motel. We beat our way up off the beach and over the dunes and as we crested one dune and I was carrying my son on my shoulders, we came to a pond, and there was a great whistling swan there, wintering from his summer grounds in Montana. He rose up out of the water, stretching his long neck and his great wings forward. Then I felt my son's hands tightening on my shoulders, and I remembered my own father, that morning long ago.

FG: So you had a sense of values being transmitted from generation to generation.

BF: Yes, maybe it's an aesthetic sense, but I think at this early point of human development, the aesthetic, the intellectual, the religious, and the emotional—all are so closely akin to each other that there can be no distinction. This is one thing the Sierra

because the Club showed me the way to the mountains, because it published Starr's *Guide to the Muir Trail*. And many Club leaders have this interest in the outdoor programs. In one of the Club's books, *On the Loose*, two young men make this statement: "We say we know Point Reyes. We say we know Yosemite. What we mean is we know ourselves better because we have been to Point Reyes, because we have been to Yosemite." For me, it is the Grand Canyon. On my way to East Asia I stopped at a number of places. At the Grand Canyon one morning, I walked down to the bottom and up the other side—a very long, long

I'm going to die . . . not then and there . . . but I'm going to die, and at the same moment came an absolute, fundamental conviction that I am, and I fully exist as much as this canyon and this solid rock at this moment. So when I say I know the Grand Canyon, what I really know is the experience of walking down to the bottom and up, of feeling the rock and the sky and my own existence.

FG: This same thing happened to me in Jerusalem, where I came to understand the continuity of time and my place in it, when I stood in the Old City, at the church of St. Anne. There were the ruins of a pagan

book that says it happened because we are divorced from agriculture, from the land, from our connections—maybe we are trying, environmentalists, to reestablish this connection?

BF: Obviously, I think the experiences I am talking about are the opposite of the messages carried by most novelists of alienation. I have seen the world they're describing; intellectually I know it, but I'm pointing to something different.

FG: Isn't this our message?

BF: Well, except that I'm suspicious of being too doctrinaire. A message doesn't excite me. I'd rather point to something and not formulate it as a message.

FG: Isn't that just different language?

BF: Ah, it may be different language, but I am wary of the ideologue. I'm suspicious of ideology, and I'm suspicious of an environmentalist ideology. Every time it starts to get pat, I'm glad we have our emphasis on the outings program. Let the ideologues be rained upon, let them sweat a little bit.

FG: Is this what happened to me yesterday at Panola Mountain? Did you take me out to be rained upon?

BF: Let them get lost in the woods and get ticks. It's all very good for ideologues.

FG: Nonetheless, you mentioned before that the Club is a tree-oriented organization. Do you see wilderness preservation remaining as the Club's central, unifying theme? I mean, if the ozone layer becomes weak and we run out of fossil fuel, what's going to happen? Will wilderness matter?

BF: Like Antaeus, so long as the Club sticks to the ground, it's got its strength. And when the Sierra Club gets away from its basic concerns, it loses its strength. It's all right to get up into the ozone layer for occasional sorties, but the Club's going to be strongest when people are talking about things they know, are in direct connection with. When they are in connection with these things, they are also going to extend themselves to talk about the ozone layer, because Sierra Club people believe, as John Muir said, that everything in the universe is hitched to everything else. So, people who are interested in wilderness preservation are going to wind up eventually concerned about the ozone layer.

FG: Perhaps I'm really asking if our emphasis isn't too narrow, if in some way we shouldn't broaden our concerns. Don't we often get too far into specifics?

BF: No, I don't think so, because the only way one learns is from specifics. From individual campaigns, from individual political causes, from individual experiences with nature, we learn single truths we are able to use. But you keep seeming to suggest that you want to convert the



Bill Futrell with his children, Daniel and Sarah.

hike. Coming up with a full canteen of water, having passed the heat of the day down by the banks of the Colorado River, I met a family at the top of the inner canyon only about twenty percent of the way out, with miles and miles uphill still to go. A teenage girl and a woman supporting a man staggered under great difficulty in the heat. They had no water. I shared mine with them, and so I rationed myself. I got to one of those great overlook promontories and crawled under a large overhanging rock, and I looked down maybe a hundred miles of canyon—purple and red, yellows and blues. Above me on the wall as I looked around were fossils in the rock, and the absolute conviction registered on me that

church, and a few feet away was the cistern where it is said that Jesus cured the infirm man, and you could see where the water level had been a thousand years before. And right there in the same place were the ruins of an early Christian church—perhaps second century—and there was a magnificent Crusader church of the twelfth century. When I was there the Franciscans were restoring it. And I was there! And I understood about the continuity of time, and that I'm going to die, and that I have a place and it's right here, now. I wonder if this experience doesn't have something to do with land, in a way. When we read novels about this society's alienation from soul, from self, and Wendell Berry's new

David Henning, Athens Newspapers, Inc.

rest of the world to the way the environmental movement thinks.

FG: Why not?

BF: I'm leery of preaching, of doctrinaire formulations and of the received truth. This is why I use the terminology of bearing witness, of pointing to a better solution. That sort of approach necessarily means individual campaigns, setting aside a park area and exercising stewardship, for one's self and society.

FG: I'm not talking about preaching so much as I am about moral responsibility. Can't we somehow get people to embrace a moral responsibility toward the environment in their daily lives?

BF: One would hope so.

FG: By this pointing beyond oneself? How does it come about?

BF: One means of instilling values is the law. The law is a teaching mechanism because it formulates a general rule that people can learn. As a lawyer, someone who has drafted laws and worked for judges in enforcing them, let me say that one of the concerns of the judiciary over the years is public acceptance of the law. If the law becomes so burdensome that people won't follow it, that leads toward a general disrespect for the law. In drafting laws one has to be concerned with their enforceability and their social acceptability.

FG: I've always been under the impression that the law has to be about fifty years behind society, for if laws kept up, how do we know we wouldn't enact one trendy law after another, just on the whim of the moment?

BF: The legislature moves in response to the felt needs of society. We have an ebb and flow in laws—in consumer laws and tax laws and laws regulating business. One of the encouraging things over the last twenty-five years is the steady progression of laws involving environmental quality.

FG: Let's talk about the Club again, for a while. What directions do you see us moving in during the next few years?

BF: We'll continue to consolidate our position as a national conservation organization. We have 300 groups spread throughout every state in the union. These groups will grow stronger. Perhaps the greatest challenge will be quality control—in our publications, in the statements we make before legislative committees, in the outings. Having expanded across the country and built this exciting, extraordinary volunteer structure, we want to see it grow. I hope to see a Club membership of 250,000 at the end of three years. Membership has picked up in the last eighteen months or so. We're growing at the rate of about eight percent a year. I'd like to see that become ten percent a year. We're at 175,000 mem-

bers right now and we're going to be pushing for 200,000 by May 1978. As president of the Sierra Club, my greatest concern is not whether we win or lose on some congressional vote, but the health and welfare of our growing volunteer forces. I've been very impressed over the past four or five years with our staff as it becomes more and more professional. I think we have the best staff of any citizen-type organization. Bright, energetic and committed, they are vital people. We are aware of the pressures on our staff, of the time demands made on them, time spent away from their families while lobbying. But, there are also enor-

ington to present testimony on a subject matter in which one is expert, truly expert. The volunteer's presentation of that expert testimony is made possible because a staff person has coordinated the committee, is following the progress of the legislation and can bring the volunteer in. Later the staff person follows up on what the volunteer has done and coordinates with him. The staff and volunteers support each other. It's a symbiotic relationship. The staff has endurance. They are there, they have continuity, and the volunteers can come in for the intense 100 yard dash and campaign.

From individual campaigns, from individual political causes, from individual experiences with nature, we learn single truths we are able to use.

mous pressures on volunteers, such as the risk of compromising one's professional future by taking an unpopular stand on a key environmental issue in the community. A Sierra Club regional chairman can spend every waking hour doing Sierra Club business, and the Club will absorb that time. One of the things I have never encouraged is for people to sacrifice family values, family time, to sacrifice their professional careers for the good of the Sierra Club, or the good of a cause. I want these people to survive to fight again another day.

I'm concerned with the whole ambience of the Club, with the Club in balance, with its integrity. One of the most pressing needs I see right now is the health and welfare of the volunteer leadership.

FG: You've said this twice. Do you have some sense that it isn't in a healthy condition right now?

BF: I'd say we need to do better. As we've gotten bigger, we've become too bureaucratic. One great danger is that our professional staff will relate to each other and not to the volunteers. They'll talk to others, say at EDF or at NRDC, but forget to get back to a professor of political science in Cleveland who has expressed interest in an issue, has written an expert article on it, and has asked how he can volunteer.

FG: Then can you define the role of the staff?

BF: The staff is our continuity. I said I was suspicious of the Club leaders who sacrifice family values and professional careers to carry the standard all the time. One needs to be able to swing in and out as a volunteer. One is able, as a volunteer, to get one day off from work to go to Wash-

FG: On the other hand, labor and environmentalists in the San Francisco Bay Area have talked about creating an ongoing structure so that whenever a new issue comes up, there will be a steady mechanism for continued discussion. One of the labor leaders said, "Yes, but we never know who we're going to talk to. There's always some different person. When you bring your environmentalists, make sure we know the same person."

BF: Of course we do change chairs a lot in the volunteer structure. There's a turnover on the staff, too. Yet, if you had gone to a Sierra Club meeting five or ten years ago, you would have seen a great number of the same faces you see now.

This matter of staff/volunteer relationships is extraordinarily complex. Each such relationship is different, but mutual respect is a primary requirement in all of them. The staff must know how to use volunteers, and this includes openness in speech and conversation. It would be repugnant to me to have a staff who did not feel they could speak out candidly to the volunteer leadership. I would feel that what was good in the Sierra Club had passed away. Tidy organizational charts have never interested me: openness to communication at different levels is necessary. Absolute candor in easygoing situations, such as we have here, such as in our board of directors and staff relationships, is essential to the survival of the operation.

FG: Do we still have to talk about who runs the Club? Does the volunteer sector run the Club? Does the staff run the Club?

BF: The Club is unique in being an organi-

zation whose board of directors still directs. We have a structure in which, even though the staff people might feel bothered by the volunteers, they must respond because of the volunteers' national standings and impact, and because they sit on the board.

FG: This sometimes leads to strained feelings between volunteers and staff.

BF: Yes, but my observation during the last eight years as a Club officer and director has been that the major interpersonal clashes are not between volunteer and staff people, but between volunteer and volunteer. If your feelings get hurt easily the Sierra Club is not the organization to be a part of, because the amount of criti-

volunteering, that women knock themselves out as volunteers and then, when a staff position comes up, a man gets it.

BF: Well, you are running one of the major programs of the Club and you can look at Mary Ann Eriksen, running one of the most important conservation positions in southern California. If there are women who want high positions in the Club, they should come and interview for them.

FG: Okay, we hear you.

BF: You're going to have to push. The Sierra Club is a very pushy organization. In the Sierra Club you toughen up.

FG: You've mentioned the word bureaucracy and I assume you mean our compli-

the board meetings as chairman of the board. He is the executive director's boss. He's the point man.

FG: What does that mean?

BF: The point man is the one who is out in front, who answers for the Club. I see the president's role, for myself, as sparking and upgrading the volunteer effort. Finding the talent, making sure the talent gets recognized, seeing that the committee structure is made up of people who are going to do the work. Our spokesmen, as volunteers, should maintain a certain level of performance. They should be informed on the subject on which they're testifying. Testimony should be prepared carefully, neatly, with the proper number of copies. They should follow up their testimony with telephone calls or letters. This is professional behavior, and our best volunteers are nonpaid staff, if you will. Quality control of that sort of operation is vital to the future of the Club. There's so much work to do, and there are so few hands to do it. We may have 175,000 members, but only 3,000 are there on the telephone, writing letters, involved. We've got the structure that could easily handle twice that level of activity. There are places at the table that have been set and are prepared for anyone who is willing to join us. There is important work to be done, satisfying work that volunteers will be deeply gratified and proud that they've done.

FG: Why do you think our people can be so particularly effective?

BF: Because our people have gone out and walked the valleys. They have canoed the streams. They are able to testify, show pictures or maps, while the Forest Service brings in some bureaucrat from an office, who has made a decision about an area he really doesn't know or care much about. We can bring first-hand information to Congress, so we score better. This is why we do so well—we're experts.

FG: And our greatest expertise . . .

BF: Is wilderness—is natural values. We've kept wilderness right there at the top all the way through and I think we always will. Because we know it best, we're some of its most expressive spokesmen. It reminds us of where we came from and who we are. And in these campaigns, that's one of the most important things. Winning or losing is important because if we lose, we lose the resource, and it may be gone forever. But more important to me is the fact that we are becoming more human by carrying on this process. Reestablishing natural connections is necessary for our sense of well being. I think it is necessary for survival. If we can exercise stewardship of our environment, if we can exercise responsibility to ourselves and future generations, then we will survive as *human* beings. SCB

Like Antaeus, so long as the Club sticks to the ground, it's got its strength.

cism that goes on among volunteers is intense. As Club volunteer leaders we may have our behavior and statements criticized in very sharply worded letters that are distributed to hundreds of people. Sometimes our motives and judgments are called into question. This is part and parcel of free debate that marks the Club. If you haven't had your feelings hurt, you really haven't been in the Sierra Club.

FG: You're saying something I haven't heard much before; pressures on volunteers. We always hear so much about pressures on staff.

BF: Volunteers understand the pressures the staff is under. We have a conscious desire to support our staff. There is enormous patience and self-discipline at the upper levels of the Club and through the middle ranks of our volunteer leadership. This is one of the most impressive things about the Sierra Club.

FG: What about women in the Club? Is there a balance in the leadership?

BF: We have four very articulate women on the board of directors and one, Ellen Winchester, is on the executive committee. She also chairs our energy committee, which along with the wilderness committee is one of the two most important. Helen Burke chairs our Task Force on Urban Problems and is playing a key role in the Club's land-use activities. I have appointed women as task-force chairmen, as heads of major campaigns, and this has had nothing to do with going out and getting a balance. This happens to be because they were the best people there.

FG: In the feminist movement there is some question of the value to women in

cated structure of chapters, groups, RCCs, the council, the board and the staff. Are we committed to this structure?

BF: No, we're not stuck with it. We are streamlining it. I am relying heavily on the ten regional vice-presidents, who double as chairmen of the regional conservation committees. I've told our chapter, group and conservation chairmen that the regional vice-presidents are my right-hand people. There's no way I can relate closely to fifty chapter chairmen and 300 group chairmen, but the regional vice-presidents can. For instance, Roger Pryor in the Midwest knows well the key people there. He's doing a great job in helping me reward the competent and aid those who are not doing so well. The regional vice-presidents have emerged as the Club volunteer structure's middle management. Our volunteer leadership needs a sense of vitality and a sense of priority, which the board and president can formulate.

FG: What is the role of the president, as you see it? What is different about your presidency?

BF: One thing is my background. I am the first president of the Sierra Club to have come up through the ranks.

FG: Really? That surprises me.

BF: Yes, I am the first to have been a group chairman, a chapter chairman, plus an RCC chairman and regional vice-president before going on the board for the last seven years. This background aids me in working with our volunteer management people, the regional vice-presidents and chapter chairmen.

FG: What else?

BF: Of course the president presides at

New Orleans Group Response to Oil Spill in Gulf of Mexico
 March 12, 1970

U R G E N T

TO: Sierra Club Local Leaders (Lists 3, 5, 13 and 14)
 FROM: New Orleans Group, Don Bradburn, Conservation Chairman
 Subject: National Letter Writing Campaign to
 Secretary Hickel, Oil Spill in
 Gulf of Mexico

In its Monday National News Report the Sierra Club will call on its membership to write and wire Secretary Hickel urging him to (1) put the parties responsible for the oil spill in the Gulf of Mexico on notice that they will be held liable in damages for the injury done to the Department of Interior's nearby wildlife refuges, (2) demand that petroleum producers "fail safe" their wells to the technological limit and that the U.S. Geological Survey inspect and enforce the necessary stringent regulations, and (3) to stop drilling in areas which should be set aside because of their biological resources as marine sanctuaries. Please put your "conservation correspondents" to work. This is a hastily prepared fact sheet to serve as background for your group's letters. See the article on ocean oil pollution in the current National Parks Magazine. The oil companies do not have the excuses they can offer in Alaska or Santa Barbara (unstable geological conditions allowing oil seepage); there was no excuse for this accident. This incident is a "handle" for conservationists to press for adequate offshore oil drilling regulations.

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1. The oil geyser at Chevron Platform C is presently spilling oil into the Gulf of Mexico at the rate of 600-1,000 barrels (up to 30,000 gallons) daily. Three to four weeks may be required to cap the well. This spillage threatens to form the largest oil slick in the history of offshore drilling.
 2. The spill threatens a priceless and unique biological area. The slick is currently threatening oyster beds, migratory bird sanctuaries, and shrimp spawning grounds. Platform C is 10 miles from Delta Wildlife Refuge hosting 250,000 waterfowl; 30 miles from the Chandeleur reefs with 400,000 acres of oyster beds, and its spill lies directly in the path of shrimp migrating into the marshes.
 3. The spill threatens the very vitality of the Gulf itself. The Outer Continental Shelf is very shallow, in many parts averaging a depth of only 16 feet, and the sea beds of algae, mollusks are threatened. The Gulf's very underlying life support system is threatened.
 4. Secretary Hickel, following a tour of the area on March 12, stated that the clean up efforts were not effective and that the oil industry did not have the knowledge to handle big spills.
 5. While drilling in the Gulf is potentially less hazardous to the environment than in the Santa Barbara Channel or on the north coast of Alaska because of the stable "salt-dome" geological structures, spills occur because of the human factor - negligence. Hurricanes are also a threat, but spillage from them has been minimal. Regulations require a "storm choke", a sub-surface valve, on the well which will shut off the flow in an emergency.
 6. The responsibility for the Platform C spill lies with the producer. A storm choke was not on the well even though it was required by older (pre Santa Barbara Channel spillage) regulations. A storm choke costs \$800. Secretary Hickel said this catastrophe would not have happened if Chevron had had a storm choke on the well.

7. Inspections after the accident revealed that 145 out of Chevron's 292 wells in the area did not have storm chokes.

8. Secretary Hickel was questioned by newsmen in New Orleans as to what action would be taken by the Federal government against the responsible parties. He referred only to the "slap on the wrist" penalty of 43 United States Code Annotated Section 1331 setting forth a penalty of \$2,000 a day. He did not answer questions concerning a claim for damages for the injury to and cost of resuscitating Interior's wildlife refuges.

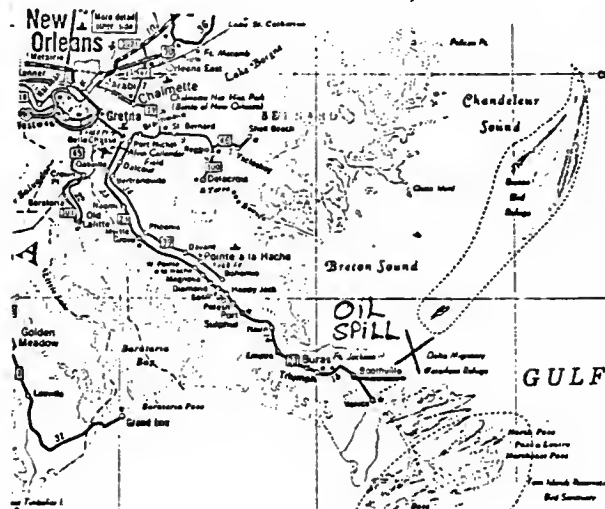
9. Attorney General Gremillon of Louisiana has put both Chevron and the U.S. Government (for negligent inspection) on notice that the State of Louisiana will sue for damages.

10. The oil industry needs to become aware that it is not operating in a vacuum. It must learn that there are biological problems. We need their products, but not at the price of environmental deterioration.

11. This is a test case. If offshore drilling can be done with safety anywhere - it is on the Louisiana continental shelf. If you are concerned, this is the time and case on which to write.

For further coordination, contact:

Dr. Donald Bradburn
465 Audubon Street
New Orleans, Louisiana 70118
504-866-8787
Sierra Club: Louisiana
Conservation Chairman



3323 Jefferson Avenue
New Orleans, La. 70125

March 25, 1970

TO: Donald Bradburn, Susan Wilkes, Bill Penick, Ron Parsley

I was telephoned by Mr. Ned Roach, acting Public Relations man for Chevron, on Tuesday, March 24. He began by asking me whether Philip Berry was still in town. I told him that he had gone back to San Francisco. He said that was too bad because he wanted to ask him whether there was anything he (Roach, acting for Chevron) could do for Berry. He went on to ask whether there was anything Chevron could do for the Sierra Club. I refrained from asking him to stop drilling and spilling oil in the Gulf of Mexico. I said that we appreciated the offer very much and that Philip Berry I know would regret having missed the opportunity to chat with him.

He went on to say that he would offer plane flights over the well to Sierra Club people, Berry, etc. I told him Don Bradburn was still in town and lived here, and could be reached if he wanted to pass the offer of assistance onto him as he was most intimately connected with more of the details in our study of the oil problem than anyone else.

He said that Chevron was offering to cooperate as much as it could with all of the conservation people. He said that Chevron had talked with Audubon Society people. From the way in which he spoke, it was not clear whether Chevron called Audubon or Audubon called Chevron. He said that the Audubon Society people have lost interest in seeing the situation, after they were told that there were no dead birds. He said that they said that they would be interested in going out if there were dead birds. (This doesn't fit from what some of you have told me about conversations that Chris Friedrich had with Chevron people.)

I did not press Mr. Roach, but had a friendly conversation with him. Of course, at the back of my mind was the fact that we have questions to ask of Chevron. I think that we should all put our thinking caps on and start to work listing these questions and mail them to Don Bradburn. We will of course type the letter up here for Don's signature, and will do the necessary secretarial support. I believe that this question and letter to Chevron is important as the next step. I think that it is tied in with the whole legal situation. This is not a well considered letter, but I am dictating off the top of my head.

Our visitors from California had a whirl-wind tour, it was a lot of work to set it up, and they seemed well satisfied with it. But they did go home leaving us with the situation still down here. If you all are getting tired by being bothered by me on telephone calls and letters about this whole thing, I am tired of it too. But then I am sure that Chevron also wishes that they had never heard of the oil spill.

It does seem that we do have to keep on and choose the right means of action, whether it be public education, letter writing, publicity, or a lawsuit. This is in the cards just by the kind of group that we are and by the very nature of who we are.

Best regards for a good Easter vacation.

Bill Futrell



SIERRA CLUB LOMA PRIETA CHAPTER

To: Distribution

From: Loma Prieta Chapter Executive Committee

Subject: Urban Conservation

Several draft resolutions pertaining to the Sierra Club's interest in the urban environment and its sympathetic responses to the needs of ethnic minority groups have been circulating within Club circles. Director Munger's draft of 2-14-71 (Enclosure A) and the Gunsky resolution as passed by the Northern California Regional Conservation Committee on 3-27-71 (Enclosure B) are two notable examples.

The Loma Prieta Chapter Executive Committee, representing a predominantly suburban-based membership close to and including some prime examples of urban blight, has long recognized the legitimate needs of the urban dwellers. In addition to a substantially more sanitized and inspiring environment, these needs include a sense of individual identity, purpose and self-fulfillment. As we must recognize the great responsibility modern industrial society has for creating the manifold problems of urban blight, so we must at the same time recognize that the days of the white missionary are past.

With this recognition the Loma Prieta Chapter Executive Committee repudiates the wording of the Munger draft and rejects the Gunsky NCRCC resolution. In their place we propose for consideration and for adoption by the Board the resolution stated on Enclosure C. ^{these}

We encourage an open discussion of ^{these} relevant issues at all Club levels so that the newly adopted purposes of the Sierra Club will be meaningful for all. Only through such discussions, we believe, will responsible action ensue.

Lowell Smith

Lowell Smith
Chairman
Loma Prieta Chapter

Distribution: Phil Berry
Mike McCloskey
Board members
Ed Royce
Kent Gill
Chapter Chairmen

Enclosure A

Draft introduced by Director Maynard Munger at Board Meeting 2-14-71

DRAFT STATEMENT ON URBAN ENVIRONMENT AND
MINORITY GROUP PARTICIPATION IN THE SIERRA CLUB

For nearly 80 years the Sierra Club has clearly demonstrated to the American public and to all walks of life therein its aggressive pursuit as a member organization of the preservation of this nation's natural and scenic resources. During the last decade the Sierra Club has greatly expanded its purposes to include aggressive participation in the nation's environmental crisis.

At times working with other groups, and at times working alone, we have clearly implemented as our goal the inalienable right of all mankind to an enduring and healthy environment. We have demonstrated our deep humanitarian concern. We have encouraged people of every walk of life who share our objectives and who seek aggressive implementation of our policies to join us and participate fully in our organization. Our open membership policy is best evidenced in recent years by our numerical growth. We recognize the phenomena of rapid urbanization in this technological age and the resultant loss of life quality for urban citizens. Politically we find numerical growth in our national and state legislative bodies of representatives from these urban areas. To seek their support of our objectives, many of which clearly address themselves to urban environmental problems, is considered essential. We find a growing environmental awareness among social, ethnic, educational and labor groups, and we find at times our objectives lead us in the same legislative and political direction. We recognize that the use of alliance and coalition with these organizations and legislative representatives is a pattern of the future. We recognize and appreciate our many successes due to past joint efforts. The Sierra Club Board of Directors not only encourages our staff and membership to seek coalition when it furthers our policies, but to clearly communicate our concerns in life quality for all people.

This Board reaffirms as it has in the past its interest in the quality of life of all people, urban or rural, for this and future generations, and seeks unrestrictively membership and active participation in our organization by individuals of all walks of life. We further wish to achieve a balance of club membership that can best reflect a cross-section of this nation's citizenry that we trust we clearly represent.

Enclosure B

Resolution by Gunsky adopted by NCRCC 3-27-71

1. The Northern California Regional Conservation Committee supports adoption by the Sierra Club Board of Directors of a position statement regarding the Club's concern:
 - (a) for improving the environment in urban areas for the benefit of residents of all socio-economic and ethnic groups;
 - (b) for involving members of all such groups in programs and activities of the Club; and
 - (c) for joint action by the Club with organizations representing the interests of urban residents of all socio-economic and ethnic groups.

2. The NCRCC requests the Board of Directors to establish an Urban Environment Task Force through the Sierra Club Council to recommend a final draft of the position statement and to propose a program of action to accomplish its purposes.

Enclosure C

DRAFT RESOLUTION ON URBAN CONSERVATION

Preface

The Club must be a positive force in urban conservation.

A basic conflict may arise as to which is the most urgent of problems, the wilderness and the accompanying traditional view of the Club, or the urban ecological crisis. There is no way to resolve this dilemma other than to place ourselves squarely in the middle and embrace both horns.

We must not view these problems separately as two totally different processes, each to be solved by itself and without reference to the other. We must, rather, pursue both objectives--recognizing that this course will be difficult--to maintain the crucial distinctions between them and to, at the same time, protect each from the erosion of the other.

If we succumb to the urge to be totally involved in the urban environment, our dedication to the wilderness is diminished and the liberating exposure to its freedom and solitude is squeezed out. It must, therefore, be remembered that too much relevance, in the narrowest sense, should not be our goal.

On the other side, we must not embark on the urban sea with preconceived notions of what is relevant. Our intense awareness of the multitude of problems can become a problem in itself, for many individuals in the urban area doubt the capacity of any institution to engage in meaningful problem-solving. The person who presents a problem is often viewed as a problem himself, particularly if the way in which the problem is presented is widely regarded as being offensive. We will have to pull ourselves out of the process of one-sided ossification and join together with established urban action groups into a viable venture that can be relevant in restoring the environment.

The time for rhetoric about the need for protecting the essential environmental rights of all people is over, because the task of doing so is upon us.

Findings:

The Sierra Club recognizes:

1. The many areas of mutual interest and concern which join the Sierra Club and all residents of this country's urban centers.
2. All inhabitants, workers and visitors in these areas are assaulted with the same environmental offenses, common to Sierra Club members and non-members alike.
3. Those who suffer the most from these environmental insults are often least knowledgeable or capable of finding satisfactory remedies suitable to relieve the environmental stresses they experience.

Enclosure C-page two

4. These same individuals are least able to escape, temporarily or permanently, to other less environmentally impacted areas.

Policy

Therefore, the Sierra Club reaffirms as operating policy for all levels of the Sierra Club:

1. Its active interest in finding viable solutions to these urban environmental problems and pledges a reasonable percentage of its resources to this end.
2. Its willingness to work in concert with all individuals, associations, unions and other organizations towards achieving specified environmentally related goals.
3. Its eagerness to accept as members all individuals who agree with the purposes of the Sierra Club with no distinction made as to social class, ethnic origin, religious belief or any other non-relevant criteria.

Actions

To further implement this policy the Board of Directors:

1. Seeks to stimulate discussion of these matters and their resolution within the Chapter and Groups by requesting their active searching for and reporting of effective programs.
2. Requests the Bulletin editor to repeatedly give significant coverage in the Bulletin to articles which stimulate thought and discussion in this area.
3. Establishes an Urban Environmental Task Force to assist in coordinating the implementation of this policy and to seek new ways of making the Sierra Club's programs increasingly relevant to the residents of urban impacted areas.

EDITORIAL

William Futrell

The View from the Summit

THE WAR ON INFLATION has replaced Watergate and the Arab oil embargo in the headlines. The Sierra Club's executive director and I participated in the recent round of regional and national meetings that culminated in President Ford's summit conference on inflation. From the summit, one thing did seem clear, and that was that economic analysis will be an even more important tool in environmental advocacy than it has been in the past.

Pre-summit rumblings from Administration spokesmen suggested that the "Economy Crisis" would replace the "Energy Crisis." It was disconcerting to hear in many of their statements a clear call for a rollback of environmental controls in the name of curbing inflation. The agenda for the pre-summit conferences, in posing possible courses of action, singled out a relaxation of environmental regulations as the way in which the federal government might help in the fight against inflation.

The 750 delegates, of whom 600 were corporation presidents, with the remaining 150 coming from labor unions and citizens' groups, did not rise to the bait. Instead, spokesmen for labor, business, and the Congress (as well as the eight environmentalist delegates) called for the implementation of energy conservation. The presidents of the nation's leading labor unions were particularly impressive in calling for a campaign for a healthier economy without sacrificing social and environmental gains. During an intermission in the proceedings, two union leaders expressed to me their appreciation for the Sierra Club's support of the boycott against the Shell Oil Company during the 1973 strike.

Although environmentalists were outnumbered, they were not outgunned. At the summit conference, they used economic facts and arguments to rebut the smear that environmental reform efforts are inflationary. Russell Peterson, Chairman of the Council on Environmental Quality, said that CEQ's most recent analysis of the impact of environmental programs on the economy indicate that these programs account for at most roughly one-half of one percent of our current inflation. Put in perspective expenditures made during 1973 to satisfy requirements of federal water- and air-pollution-control legislation amounted to approximately one percent of our GNP. Actually, as long as environmental controls enable a reduction in damages at a lower cost than the damages themselves produced, real economic efficiency is improved. In this sense, environmental controls can be counter-inflationary in the sense that more value is received per dollar.

President Ford's proposals following the conference are disappointing in their emphasis on the accelerated construction of nuclear plants, amendments of the Clean Air Act, and a generally soft approach toward energy conservation. It appears that the new administration has not yet developed its own economics-energy-environmental program and is still relying on the oldtime religion that "more" is better than "enough"; that America's difficulties in the closely related areas of energy and economics are going to be solved by increasing the supply of offshore oil and building more nuclear plants, rather than by implementing a program of energy conservation coupled with a serious research-and-development program for new clean energy sources.

At the White House reception, I had the opportunity to tell President Ford that Sierra Club members wanted to be able to support his programs. And there is much we can support; for we are opposed to waste, to government policies shaped to protect a favored industry from competition at the expense of the public and the economy. Two examples are Civil Aeronautics Board's regulations that result in half-filled airplanes on even the most heavily traveled routes, and Interstate Commerce Commission regulations that require a trucker to ship a cargo on a roundabout route. However, as Congress begins to reform outmoded regulatory policies, we must beware of attacks on the environmental controls enacted during the past few years. Our opponents will certainly try to confuse the economically wasteful, anti-competitive variety of government regulation, typified by those of the CAB, ICC, and oil depletion tax subsidies, with the recent hard-won environmental regulatory activities of the EPA, and the technology assessment required by the National Environmental Policy Act.

The current debate on how to achieve a healthier economy is being phrased as a war against inflation, but the problem is more than inflation. A healthy economy and a healthy environment are compatible goals. The terms "economy" and "ecology" are both derived from the Greek word for household, suggesting that both disciplines bear on the manage-

Continued on page 38

EDITORIAL (Continued)

ment of resources. To the extent that each discipline claims to be a study of the whole, it will have to take into consideration the teachings of the other.

Sierra Club spokesmen need to learn the language of environmental economics. Therefore, the Sierra Club is establishing a national economics committee that will serve as a panel of advisers to the club on the economic implications of club's policies. Further, we need to establish in each chapter an economics committee to act as a reservoir of expertise for advice and aid in the preparation of testimony on the local level. We are anxious to receive the names of both economists and noneconomists who are concerned with environmental economics. Please send your suggestions for nominees to this important new club effort to The Secretary, Sierra Club, Mills Tower, San Francisco, California 94104.

Sierra Club Bulletin
November 1974

SIERRA CLUB



530 Bush Street • San Francisco, California 94108

PRESIDENT'S ANNUAL
FUND APPEAL
AND REPORT 1977

Dear Sierra Club Member:

Like the elf in the cartoon, we are often faced with hard choices. It seems that each year issues become more complex, challenges grow greater, and our financial resources more limited. Although our membership continues to grow (this year we expect to pass the 200,000 mark), the pace of giving has not kept up with the welcome increase in members, and we will need increased donations to do the job right.

We can look at much that has been accomplished in this past year and be proud. We have made our voices heard all across the country—from California's beautiful coastline to the halls of Congress. Many important battles have been won, but I hardly need stress to you the battles which will challenge us in the coming months.

Inside this report you will find the Sierra Club's "1977 Environmental Issues Quiz." The questions highlight some of the priority issues the Club has been working on recently. But more importantly, the quiz poses a most disturbing question to all of us: Will we be able to follow through on all the issues we want to—and should?

Doing the Sierra Club's work costs more and more; this year, for the first time, we have had to cut back our plans. We need the utmost in support from you so that the many voices of the Sierra Club will be heard and we will know the Club has done its best to resolve satisfactorily these vital environmental questions.

Join us then, for the moment, in taking a look at the quiz and reviewing where the Club has been and where it hopes to go—all with your help!



H. K. Martin

"Which would you rather see built on this site?"

- (A) An intercontinental jetport;
- (B) an atomic powerplant;
- (C) a mall-type shopping center; or
- (D) a 3,000-unit middle-income housing development."

1 The North Woods

Music of Wolves and Snowmobiles

The Boundary Waters Canoe Area, a million acre forest on the Minnesota-Canada border is the largest eastern wilderness area—and the most abused. Here in this land of interconnecting island-studded lakes and virgin conifer forests, canoeists can travel for days on lake and portage. Here the haunting cry of the loon and the musical call of the wolf still sound—and the air and water are clean, clear and pure. Although this magnificent wilderness area was supposedly saved by the 1964 Wilderness Act, a little noticed clause authorizes the U.S. Forest Service discretion to allow continuing logging of the virgin pine forests and increasing use of motorboats and snowmobiles. The Sierra Club leads the efforts for full protection of the whole area. Which do *you* want to see?

* Passage of the Fraser Bill which would give full protection to the million acre wilderness.

Passage of the Oberstar Bill which would stop logging but would carve out 400,000 acres for snowmobile trails and commercial resort operations.

Continuing the status quo—with ongoing timber operations and incompatible recreational use.

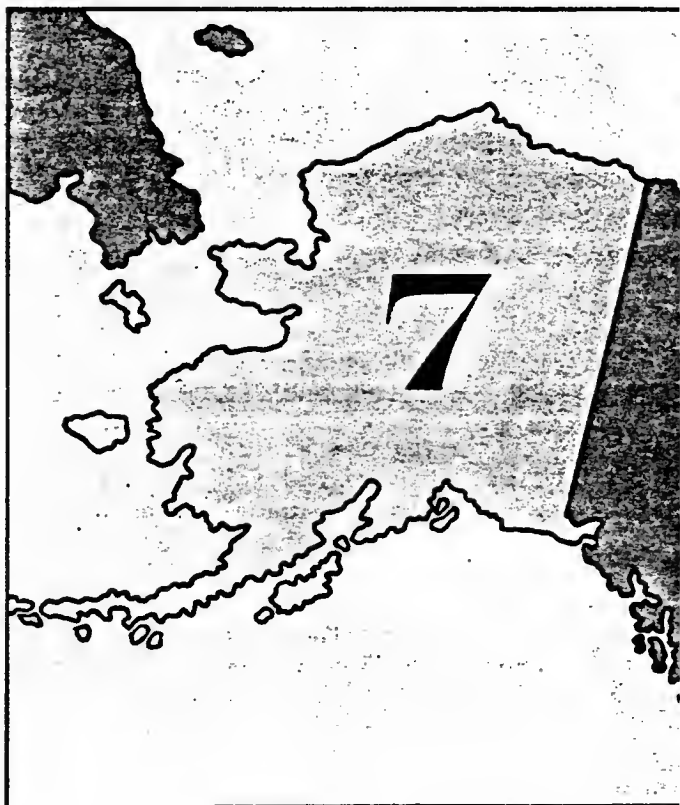
2 Air Pollution

Clean it up or shove it around?

Southern Utah is home for the greatest concentration of scenic units in the National Park System: Bryce, Zion, Capitol Reef, Arches and Canyonlands are all bathed with the crisp, clean air that their wilderness environment gives rise to. Only 10 miles from this magnificent national park complex, a 3000 megawatt power plant called the Intermountain Power Project has been proposed. Because the air is pristine and subject to the highest level of protection under the Clean Air Act, the power company is seeking permits from the federal government to emit pollutants in excess of the legal maximum standards. This could result in smog-like conditions in Utah's greatest canyonlands and valleys. Which do *you* want to see?

The plant will be built as planned with resulting significant deterioration.

* The Sierra Club will challenge the plant licenses to force compliance with the Clean Air Act or to have the plant built away from the parklands.





4 Trinity River

Diverting the ditch-diggers

Ever since the 1830's, the busy beavers of the Army Corps of Engineers have been "improving" our waterways. Their latest project, converting Texas' Trinity River into a 200 mile long ditch, is designed to turn Dallas and Forth Worth into seaports. Other destructive water projects being fought by the Sierra Club include the immensely destructive Tennessee-Tombigbee Canal in Alabama, and the expansion of Lock and Dam 26 on the upper Mississippi River. Despite indications that many of this nation's people, as well as its president, are against such boondoggle water projects, the Corps perseveres. Which do you want to see happen?

The Army Corps will finish the Trinity Ditch project and move on to other costly, tax-biting, needless pork barrel water projects.

* The Sierra Club will spearhead the movement to save the Trinity River, and turn the tide on destructive waterway projects.

5 Inner City Frontier

Building bridges to people

In July, 1977, the Sierra Club took part for the first time at the national NAACP Convention in St. Louis. The Convention passed a strong resolution in favor of wilderness protection. More importantly, we triggered mutual concern among urban, civil rights and environmental groups. This did much to counter the efforts of major oil companies at the Convention to emphasize the conflict between energy concerns and environmental quality. For years, the Sierra Club has pushed for improving our nation's physical environment, both in our wilderness areas and our cities. Our inner-city program to take kids on wilderness outings has been enthusiastically received. We feel a strong responsibility to take the lead on urban environmental issues—without diminishing our activities in the Club's more traditional fields. Which do you want to see happen?

* With proper funding, the Sierra Club can expand its Inner City Outing Program and other programs in which we will work closely with urban and other groups to develop fundamental mutual understandings that lead to real progress in protecting and enhancing this nation's physical environment.

Our political adversaries can succeed in their efforts to paint the Sierra Club's work as being against jobs, productivity and progress—and the various public interest movements will remain at odds with each other.

3 The California Coast

Can we keep the golden shores golden?

California is in the forefront of Coastal Zone management efforts. Its failures and successes are a bellwether for coastal protection efforts nationally. Despite a 1972 Act voted in by the people, the golden state's renowned beaches, wetlands, and scenic headlands of its magnificent shoreline remained threatened by developers and energy firms. Sixty percent of California coastal wetlands have already been lost. We can still safeguard the rest, however, if proper actions are taken. Which do you want to see happen?

* Through constant vigilance and participation in administrative actions, litigation and public education, the Sierra Club can prevent the ruination of America's great coastal areas.

The fragile planning mechanisms established by the 1972 Coastal Zone Management Act will buckle under the incessant development pressures, and coastal landscape will continue to diminish at a steady rate.

6 Philadelphia

Controlling the polluters

Philadelphia is the front line of our water pollution control efforts. The worst municipal polluter in the country, it has openly defied abatement efforts for 15 years, with its officials declaring that pollution control would always be the city's last priority—no matter how many priorities are added in future years. The Sierra Club's water pollution task force has brought Philadelphia's careless handling of toxic wastes and illegal ocean dumping before the Environmental Protection Agency. These are the possible outcomes. Which do *you* want to see?

Philadelphia will once again evade compliance, sending a signal to large cities that the water pollution control laws can be safely ignored.

- * Philadelphia will cease ocean dumping and move to land disposal and installation of BAT ("best available technology").

7 Which Way Alaska?

Subdividing the great land

Dr. Edgar Wayburn, Chairman of the Club's Alaska Task Force, is convinced that this coming year is the year of decision for the *115 million acres* of new parks and wildlife refuges in Alaska. Although there is proof of strong public support for protecting this unique wilderness area, old-line mining, timber and other interests want to open the vast majority of this area to exploitation. Powerful forces are pitted for a confrontation in Congress on this, the Club's major priority. Following are possible outcomes. Which do *you* want to see?

The Alaska National Interest Lands Conservation Act will be disembowelled, granting a pittance to the public and a bonanza for energy, mineral and timber companies.

- * The Congress will be convinced to give the American people their due: 115 million acres of new parks, refuges, and wild and scenic rivers—on schedule—in 1978.

Epilogue and Dialogue

The answers are far from "in" on the questions raised here, and your role in resolving them is a terribly important one. What we are able to do in the coming year depends on the strength of our resources, which in turn affects how effectively the Club is able to work; the levels and intensity of our negotiations, legislation, behind-the-scenes persuasion, and the many forms of advocacy that define the Club's action program are in the balance.

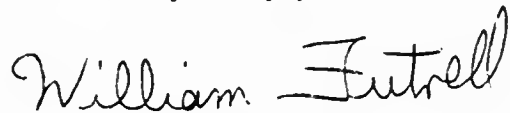
As you know, it is a program that works. Our record of achievements is solid, as the successes of the past year show. The strip-mining bill was signed, the Clean Air Act was strengthened, many excellent appointments were made by President Carter in the resource agencies, an organic act was passed for the Bureau of Land Management, and sweeping reforms were made in forestry laws. In all these endeavors, Club activists played leading roles.

We did have our disappointments too. Effective safeguards on the nuclear power industry were not obtained, the pork barrel water resource bill was padded again with wasteful projects, the campaign for enforcement of the water pollution laws is in trouble and more; but I'm sure you get the point.

A few months ago, I saw a cartoon that showed a darkened earth with voices shouting, "We're running out of water!" "We're running out of energy!" "We're running out of faith!" Here, at the Sierra Club, we are long on faith and short on cash. Our message is that there will be enough energy and water and clean air and wild lands for us and our children—but only if we keep the faith.

Because so many of us believe that what the Club is doing is highly effective, and so necessary, you can understand why we would hate to cut back our efforts and programs any further. Please consider giving a larger gift than you ever have before, and join us in making sound environmental policy in the next year. Thank you so much.

Very truly yours,



William Futrell,
President

THE UNIVERSITY OF GEORGIA

SCHOOL OF LAW

ATHENS, GEORGIA 30602

MEMORANDUM

To: Board, Regional VP's, Council Executive
Committee

From: Bill Futrell

Date: April 25, 1978

I would like to report to you on various activities since my last report letter of March 8. These two months have been the period of most intense activity for me during this year. I'm pleased to report that all systems seem to be working and that I have received maximum support from staff and volunteer components of the club. I was disappointed at the controversy in the Bay area following the election. However, I hope that the Board will be able to resolve these misunderstandings at its May meeting.

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1. Policy concerning the Carter Administration
 - a. Mondale and the West
 - b. Critique of Schlesinger as Energy Secretary
 - c. The Thorne Controversy
2. Chapter visits
3. Defense of Overton Park
4. Meeting with Governor Jerry Brown
5. The Trident Submarine Base at King's Bay
6. The Urban Environment Conference
7. Executive Committee meeting of March 4
8. Sierra Club Foundation Fund Raising Events

1. Policy concerning the Carter Administration
 - a. Mondale and the West:

During the past two months Brock Evans and I have been active concerning recent developments in the Carter Administration on resource policy. While the administration remains strong on many

of our interests, there have been some disturbing developments in certain areas. We have conducted our meetings with administration representatives in such a way as to accentuate the positive on our areas of agreement while coming down very hard and heavy on the things that we are disturbed about. The first of these was Walter Mondale's trip to the western United States in January which was widely reported as being a signal for a retreat by the administration in its "War on the West." Of course, the administration had never declared war on the West, this being a news reporter's short-hard term for some of the resource controversies of last year such as the hit list on water projects. Nevertheless, the administration has been under constant pressure by western Democrats to go softer on water reform issues. The press reported Mondale's statements and conduct on the western trip as being an act of appeasement to those interests. However, a close and detailed study of all the press reports and with people at those meetings reveals no statement by Mondale which could be interpreted in that light. Nevertheless, the Mondale trip did help form a climate of opinion which aids our enemies. Brock Evans and I met with Jack Watson, Secretary of the Cabinet on March 27 and with Vice President Mondale on April 19 (who chair the ad hoc White House/Interagency Special Committee on the western states). Both these meetings were warm and constructive. They have been reported in great detail to you in the two letters addressed to Watson and to Mondale which have been distributed to you through the Board/Council office. It is understood that we will be in close contact with the Vice-President's office and with the administration policy planners as with the Water Reform and Timber Issues develop in greater detail. We received from them affirmance on the administration's commitment to sound environmental policies.

b. Critique of Secretary Schlesinger as Energy Secretary:

One of the disturbing developments of the last six months has been the increasingly clear picture we are getting of Secretary Schlesinger as a strong proponent of nuclear policy to the detriment of other forms of energy. The most marked evidence of this is his failure to make balanced appointments. He has left two Assistant Secretaryships (for Environment and that for Solar and Conservation) vacant. Much of our lobbying on the Washington scene has been to campaign strongly for appointments to these positions. We have been muted in our criticism of Secretary Schlesinger until I broke silence in my Saint Louis Post Dispatch interview of March 10 which is attached to this report. I took up this line of criticism in a series of other press conferences and speeches in the following weeks.

c. The Thorne Controversy took up a good deal of energy during the month of March. Robert Thorne was the ERDA Assistant Secretary for the West Coast during the height of the California anti-nuclear initiative. Our people who observed him closely during that time felt that he was a terrible choice for the Assistant Secretary for Technology Research in the Department of Energy (Schlesinger's choice). We passed by our opportunity to testify

against Thorne in the October hearings on the advice of our Washington energy lobbyist. From the volunteer ranks in the Sierra Club and the members of the Energy Committee there came increasing pressure on me to take a stand against Thorne. Finally, it became clear that the only way that Thorne would be opposed was if I became personally involved. After a series of interviews with our energy people, I prepared testimony against Thorne and delivered it. A copy of that testimony with the ensuing press reportage is attached. Thorne was confirmed. However, those who followed the scene closely in other environmental organizations and in our San Francisco staff believed that we did the right thing.

The situation has changed since the presentation of our views concerning the imbalance in the Energy Department in March. As of the third week of April, Ruth Clusen has accepted an appointment as Assistant Secretary in the Energy Department for Environment, while Omi Walden's confirmation as Assistant Secretary for Conservation and Solar appears certain. We have been very active in March and in April in pushing these two appointments.

2. Chapter Visits:

These last six weeks have been a time of intense activity in visiting chapters. I spoke at the annual meetings of the Ventana, Florida, and Ozark Chapters. Additionally, I was also able to schedule meetings with the Memphis and Birmingham groups and Connecticut Chapter.

3. Defense of Overton Park:

The defense of Overton Park against a plan to build an interstate highway through it has taken up a good deal of my time since the first of the year. I have made this one of my top personal priorities. Senator Baker and his staff have revived the old plans defeated in the United States Supreme Court case to bring the highway through the park. This is in response to constituent pressure primarily from Memphis and from the Tennessee Highway Department. The citizens to preserve Overton Park crowd called on me late in December to become personally involved with this as President of the Club since I have been involved with defense of Overton Park a number of different times over the last ten years. I went to Overton Park on March 16 and held a press conference, met with community leaders, and tried to reassure people in Memphis of the Sierra Club's continuing commitment to section 4(f) and the defense of Overton Park. On Wednesday, April 19 I testified before Senator Baker's Senate Environment committee and told him of the Club's strong commitment to this campaign. My own assessment and that of experts on the Senate's mood is that the move to bring the highway through the park will not be successful.

A copy of my testimony is attached to this report letter.

4. On Saturday, March 4, I met with Governor Jerry Brown at the Zen Center in San Francisco. The purpose of my visit was to thank him for his efforts on Sun Desert nuclear plant in which he has fought our fight so well, to tell him of what the California leadership in the Sierra Club was doing on the peripheral canal initiative, and to discuss the operations of SCCOPE during the coming California election year. Our two-hour meeting ranged over a wide number of subjects. I was impressed with Governor Brown's depth of knowledge in resource and environmental issues. I think Californians are lucky to have one of the outstanding governors on the environmental field.

5. King's Bay: Trident Submarine Base:

On the weekend of March 31, April 1, I went to the Georgia coast to meet with environmentalists in that area concerning the construction of a Trident Submarine Base in the marshes across from Cumberland Island National Seashore. This appears to be a project which is well under way and, while regrettable, there appears to be little to be done about it.

6. The Urban Environment Conference plans are going ahead. It now appears that we have promises of funding for the Conference over the 130,000 dollar mark. Our goal is \$190,000 for the Conference. I've been most impressed with Neal Goldstein's work on this matter. We have met twice with Urban League leaders and others during this period.

7. The executive committee meeting of Saturday, March 4 in San Francisco took up a number of pieces of business which you have been appraised of through the minutes and through the brief of actions. However, the most important piece of work was the setting up of the Sierra Club fund, the in-house fund-raising organization used by the League of Women Voters. As you know, we have sent our papers on the Fund forward to the Internal Revenue Service for a ruling. One of the things that has bothered me about our discussion of fund-raising during this year has been that we needed to get a number of the pieces of the puzzle on the table in front of us. I did not think that we could discuss the desirability of going the contract route when we had no contract as an example before us. We now have Phil Berry's draft contract as an example. When we receive the answer from the IRS on the feasibility of a fund, then we will have it settled once and for all as to whether this is legally possible or not. You may remember from my prior reports to you on negotiations with the Foundation, that Gary Torre and others on the foundation have taken a view diametrically opposed to Clark Maser, the Club's lawyer, concerning the legality of an in-house fund.

I regret that Phil Berry's letter concerning the contract was distributed so widely. Mark Hickock was well within her rights in demanding an equal audience for her communications. I can only report to you that confusion and hurt are spreading because of these two actions.

8. Sierra Club Foundation Fund-Raising Activities were held in New York City April 17 and in Atlanta April 30 by the associates program and by the Foundation staff. I participated in both of these events.

ST. LOUIS POST-DISPATCH

Sun., March 12, 1978

3A

Sierra Club Calls Schlesinger Liability To Energy Policy; Nuclear Bias Alleged

By JON SAWYER
Of the Post-Dispatch Staff

Secretary of Energy James R. Schlesinger is becoming "more and more of a liability" to President Jimmy Carter's energy policy and should be given "marching orders to curb his pronuclear bias," the national president of the Sierra Club said.

J. William Futrell, a law professor at the University of Georgia who became president of the environmental organization last summer, said that he wrote to Carter last week "telling him to get the Energy Department off the dime."

Under Schlesinger, he charged, appointments of assistant secretaries for the environment and for conservation have been kept in limbo "while the old nuclear hands are already in position, spending money. The neglected orphan child at the Department of Energy is conservation and the environment."

Futrell, who spoke to the St. Louis chapter of the club Friday night, said in an interview that environmentalists were "fed up" with Schlesinger's attempts to undercut the otherwise commendable record by the Carter administration on environmental issues.

"Carter's bona fides on the environ-

mental issues have been apparent all year long — passage of the strip-mining law, tough amendments to the Clean Air Act and the Water Pollution Control Act, expansion of the Redwoods National Park, and on and on.

"But with Schlesinger, one has to be worried. The Department of Energy is out of step with the rest of the administration," he said.

The Sierra Club, which has previously not been in the forefront of opposition to commercial nuclear power, is now taking a stronger stand, Futrell said. It will oppose construction of nuclear power plants until the problems of nuclear waste disposal, safety and proliferation of weapons are resolved, he said.

Futrell said that during his term the organization has also stressed improvements in the urban environment, which he said "goes hand in hand with job development and economic prosperity."

"The environmental movement has got to have one foot in the city and one in the wilderness. With that balanced stance, we're going to be able to achieve a survival ethic. But if you're just concerned with the city, or just with the wilderness, you're going to be off balance."

Those seeking to preserve the environ-

ment, he said, must learn to respond effectively "to the preoccupation in this country with economic growth. What we want is a healthy economy; it doesn't necessarily have to be growing." Unrestrained growth can be like a cancer, explosive and destructive, he said.

To broaden its constituency, the Sierra Club has appealed to industry and civil rights organizations. Futrell took issue, however, with a controversial energy policy adopted last January by the National Association for the Advancement of Colored People.

The NAACP statement strongly endorsed the development of new energy sources and suggested that too much emphasis on environmental protection would curtail economic development, keeping blacks and other minorities on the bottom rung of the economic ladder.

"What the NAACP statement suffered from was another application of the trickle-down theory that's been dominant since the 1930s — that if we keep the automobile industry healthy, keep basic manufacturing healthy, the results will trickle down to the sharecropper in Georgia and the retiree in Florida. Well, it just hasn't happened, and we've got to be thinking of new approaches to these problems," Futrell said.

STATEMENT OF WILLIAM FUTRELL, SIERRA CLUB PRESIDENT,
TO THE SENATE COMMITTEE ON
ENERGY & NATURAL RESOURCES ON THE
APPOINTMENT OF ROBERT D. THORNE

The Sierra Club opposes the nomination of Robert Thorne to be Assistant Secretary for Energy Technology. We base our opposition in part on the improprieties of some of the operations of the San Francisco ERDA office while it was under his stewardship. More importantly, we oppose this nomination because it is part of a disturbing trend which has resulted in a lack of balance in the Department of Energy.

You have heard much about the effort of the San Francisco ERDA office to defeat the nuclear initiative in California. Official ERDA policy voiced by Frank Zarb was that federal officials should not comment on an issue to be resolved in a state election. However, officials of the local San Francisco office of ERDA were busy working against the initiative. Although they claimed to be providing information only, the record and documents they were responsible for show not only a strong effort to defeat the initiative, but that the information they sought to provide was at times irrelevant and irresponsible. Much of what the San Francisco ERDA office produced or was responsible for was used directly by the No. on 15 Committee. You have seen the pamphlet Shedding Light on Facts About Nuclear Energy. While ERDA claims it was not responsible for actually putting the document together it was responsible for its distribution.

No attempt was made to disavow it and it was not withdrawn from further distribution until several California politicians raised a protest. Even then its disappearance was only temporary, since it turned up at debates as part of the literature display. Mr. Thorne knew about this document and simply failed to act as the manager of the local operations office should have acted by publicly disavowing it and refusing to distribute it. Ironically, during this time, the ERDA San Francisco staff was producing documents and publications dealing with the viability of energy conservation: documents which were not made available to the public prior to the election.

Mr. Thorne has claimed that he did not believe that there were any activities in his office deliberately designed to influence the outcome of the California initiative. One is faced with believing that either he did not know what ERDA was up to in his own area or that he himself was a leading player in implementing ERDA's role in this campaign.

We need leaders in the energy field in whom the public can have confidence. We do not believe that Mr. Thorne is such a person. He is a figure closely tied to the past policies of ERDA which favored nuclear development at the expense of research in solar and alternative fields. We applaud his recent statements expressing support for solar research and we do not question their sincerity. Our Sierra Club staff here in Washington has found Mr. Thorne's office cooperative in answering questions. But we question whether this recent reversal of his past positions can modify the clear and

persistent perception of Mr. Thorne as a key player in the old ERDA with its imbalance and lack of interest in alternative technologies. As Assistant Secretary he will be in charge of virtually all energy research, including solar and fossil fuels programs. We have little confidence given his background and the Sierra Club's experience with the San Francisco office during his tenure that he would provide a balanced and effectively led research program.

If nuclear power is to be made acceptable then the public must have confidence that its problems have been addressed and adequately solved. Do we want a person whose history is so identified with nuclear energy advocacy, whose claim to impartiality has been clouded by charges of improprieties in the Proposition 15 contest to be in charge of seeking the solutions and judging their adequacy for non-nuclear alternatives? Is he the kind of person who will be able to convince first the environmental groups and then the larger public that the problems of nuclear power are solved when that day comes?

Preliminary findings of a study financed by the Department of Energy and conducted by the University of California have just been released. This study indicates that it is technologically possible for California to rely on non-nuclear sources of energy by the year 2025 without curbing its economy, population growth or quality of life. Would such studies be funded and disseminated under a nuclear proponent such as Mr. Thorne?

Would this study have been released prior to the nuclear initiative in California when Mr. Thorne ran ERDA's San Francisco office? From our experience with his administration of that office, we have serious doubt.

Finally, on a larger issue, we oppose Mr. Thorne's nomination because of the continuing imbalance in the Department of Energy. For the last year, we have held silence, as the President's choice for the office of Secretary of Energy has presided over a Department which has become more and more clearly imbalanced. Under Secretary Schlesinger, the appointments of Assistant Secretaries for the Environment and for Conservation have been kept in limbo while the old nuclear hands are already in position spending money. The neglected orphan child at the Department of Energy is conservation and the environment. We do not have an aggressive spokesman for solar energy development on hand now at the Department of Energy. The priorities of pushing the nomination of such a marked nuclear advocate as Mr. Thorne while neglecting the solar and conservation positions clearly is out of line with President Carter's announced energy goals. The President's bona fides on environmental and energy issues have been apparent for the last year and a half. As it now stands though, the Department of Energy is out of step with the rest of the administration. And no position is more inconsistent with the administration's announced stance than the backing of Robert Thorne for Assistant Secretary of the Department of Energy. The Sierra Club, for the record, opposes his confirmation.

STATEMENT OF WILLIAM FUTRELL, SIERRA CLUB PRESIDENT

TO THE SUBCOMMITTEE ON TRANSPORTATION
OF THE ENVIRONMENT AND PUBLIC WORKS COMMITTEE
ON THE OVERTON PARK CONTROVERSY

April 19
~~MARCH 23~~, 1978

I wish to make these remarks on behalf of the Sierra Club, with 185,000 members in 289 regional groups around the United States, and on behalf of the Highway Action Coalition.

The Sierra Club stands firm in its support of the citizens who have worked to preserve Overton Park. Memphis is fortunate to have a first rate city park of a quality that people in cities such as Birmingham and Dallas can only envy. Its old growth forest is unique among city parks. Now, in 1978, President Carter and Congress are working to devise an urban package aimed at helping ailing American cities and building a healthy urban environment. Overton Park is a vital part of what makes Memphis a decent liveable city. Around the park area, many families are redoing homes, upgrading property. To degrade the park that acts as a magnet to these people will remove one of the best things going for the retention of a vital city core for Memphis.

Overton Park is a historic place - a battle site like Gettysburg and Yorktown. It is the first place where individual citizens used the law to stop the state and federal highway builders and all the money and power behind them. That had never been done before anywhere in the United States. It was a very gutsy thing to do. As a lawyer, I recognize the Supreme Court decision on Overton Park as being one of the most important cases to have been decided by the Court in this century. It was the first important case where the Court put the law on the side of life - on the side of the environment. It was the first case to lay out the guidelines for judicial review of informal agency action.

Congress passed a law barring highway construction through a park unless the Secretary of Transportation can show there is no prudent or feasible alternative route. It is an important fact that every man who has held the office of Secretary of Transportation has passed upon this case and every Secretary has upheld the law and forbade the highway to go through the park. Alternative routes exist. But there is no alternative to Overton Park. Once bulldozed, its ancient trees cannot be recovered. What hundreds of cities would yearn for, and seek federal aid for, Memphis has as its birthright.

I am a native Southerner, born and reared in Louisiana and now teaching law at the University of Georgia. I have a deep commitment to the South. But I've travelled a lot outside of the South: in East Asia on active duty with the U.S. Marine Corps, in Germany on a Fulbright, 3 years in New York City for law school, and

too many trips to California for our Sierra Club board business. In those travels, I've run across some people, a not insignificant number, who think the South and Southerners are second rate, not up to standard. I have been bemused but not bothered by such folks. The people who bother me are Southern politicians and community leaders who are willing to have second rate schools - or a second rate environment because they are not willing to pay the price people willingly pay in other states and countries. I've got no use for these people and take it personally when they are willing to settle for a second rate environment in the South.

But the times are changing. One of the sharpest contrasts I ever saw was when I moved across the state line from being an environmental law professor at the University of Alabama to being an environmental law professor at the University of Georgia. I remember the last time I talked to George Wallace about pollution. He had described the stench of a 20 mile fish kill as the smell of money. I remember my first meeting with Governor Jimmy Carter to talk about marsh protection and his responsiveness and help. President Carter is a man who loves unspoiled parks. When he was Governor of Georgia, he ordered a halt to further freeway construction through the city of Atlanta.

When one goes to Memphis one hears a lot about the so called missing link, the gap in the interstate system caused by the highway coming to an end near the park and it is implied that Memphis is unique in having park and city integrity values triumph. Not so, as Sierra Club President, I am familiar with other places where construction plans have been abandoned: places like Minneapolis, San Francisco, Baltimore, and Lincoln. Indeed, the decision to push the highway through the park now would be a backsliding of the worst sort.

I feel that the Overton Park controversy is drawing to an end. There is no reason to put the highway through the park. I hope that you will soon join in that conclusion. Memphis is fortunate to have such a resource as Overton Park and must not risk it.



SIERRA CLUB 530 Bush Street San Francisco, California 94108 (415) 981-8634

December 5, 1977

CONFIDENTIAL

MEMORANDUM

to: Bill Futrell
President

from: Michael McCloskey
Executive Director

re: Useful Tasks That the Club President Might Undertake

You recently asked me for suggestions about what things you ought to be doing as club President. I promised to give you a memorandum on this subject. I know you were primarily thinking of things that might be done in the next few weeks, but I thought it might be useful to provide a longer checklist from which you might choose. I hope it is useful. Good luck.

I. Issues

1. Help lobby DOI to keep the Heritage Trust idea from undermining the NPS;
2. Lobby President Carter to appoint a new OMB director who is sympathetic to the environment;
3. Help lobby White House to appoint a good person as Assistant Secretary for the Environment in DOE;
4. Lobby HUD on environmental elements to go into Urban Package;
5. Help lobby DOI to develop a better approach to OCS leasing;
6. Catalyze development of Sierra Club strategy on reorganization of Executive Branch; lobby to keep EPA out of DOI;
7. Work with Barbara Blum in EPA to develop a strategy to translate EPA's programs into terms which are meaningful and effective in developing a constituency for their programs;
8. Provide legal interns who could help research environmental standards to go into bills to reform Mining Law of 1872.

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Memo to Bill Futrell
December 5, 1977
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II. Internal

A. Things that Should be Done Now

1. Mediate conflict over dues increase between Ed Bennett and Denny Shaffer; involve Helen Burke;
2. Decide whether Sierra Club will cooperate with Rock Concert in Rose Bowl;
3. Complete arrangements for meetings in mid-January with Bergland and Andrus;
4. Respond to Brock's letter of late August on possible conflict with Western Canada Chapter over gaslines (if not done; letter attached);
5. Decide on permitting Lois Mack to go on reduced time to just do the minutes;
6. Approve memo on travel time for M. McCloskey and B. Evans.

B. Things that Should be Done Soon

1. Revise draft of article on Alaska;
2. Monitor Ray Sherwin's work in wording ballot propositions;
3. Monitor club/Foundation negotiations;
4. Pick someone to run the Annual Dinner in May;
5. Complete work on paired job descriptions for President and Executive Director;
6. Prepare for White House Conference on Growth.

C. Longer-Range Undertakings

1. Lead Issue Committees toward becoming Task Forces which are oriented toward implementation;
2. Develop process to clarify roles over allocation of responsibility for implementing Board policy in conservation;

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Memo to Bill Futrell
December 5, 1977
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3. Continue to work to clarify the role of RCC's with respect to providing linkage, implementing national campaigns, and monitoring chapter work;
4. Continue effort to reach out to other groups in society who are affected by our work to improve relations;
5. Help develop strategies to deal with opponents who can mobilize grass-roots responses;
6. Develop strategy for focusing more attention on the problems of local groups;
7. Develop strategy for planning Board agendas a year in advance to assure that Board time is devoted to important questions and is not just planned by happenstance referrals from committees;
8. Accelerate planning for fall Urban Conference;
9. Develop strategy to apply two-term limit to members of Outing Committee;
10. Search for ways to re-invigorate leadership of CTL Committee.

MM:rar

P.S. I am attaching some memoranda which deal particularly with items C-1 and C-6.



SIERRA CLUB 530 Bush Street San Francisco, California 94108 (415) 981-8634

August 15, 1977

President Jimmy Carter
The White House
Washington, D.C.

Dear President Carter:

The Sierra Club has been pleased with your vigorous opposition to uneconomical, environmentally unsound water projects and urges you to continue your opposition to them.

We also urge, however, that you take the next logical step in improving the nation's public works by providing a new positive direction to the program. You have stated that the current pork barrel program takes money from other important national needs. We in the Sierra Club agree. We have catalogued a series of critical and hitherto unaddressed environmental improvements whose neglect justifies a shift from economically competing unsound public works.

A public works program consisting of projects such as these would help to make our cities liveable, restore and rehabilitate damaged public lands, and conserve scarce energy and material resources. We find it ironic that money for these environmental improvements has been unavailable till now because funds have been reserved for environmentally damaging projects. Your continued opposition to unsound appropriations and the formulation of an "environmental works program" in its place, would be appropriate. We, therefore, urge that you establish an interagency task force to take this important step in reformulating the nation's public works program.

Two Sierra Clubbers, Sam Sage and Neil Goldstein, have already met with Kathy Fletcher, Charles Warren and Gus Speth to express the Sierra Club's interest in an environmental works program and to discuss the merit of such a program. They have outlined to your staff the potential for public works projects in the following areas:

- modernization of the nation's passenger rail system to conserve energy used for transportation (this program would include upgrading of approximately 25 medium distance corridors, renovating several hundred stations, and improving safety protection at many of the system's 31,000 grade-crossings)

- community development assistance for urban areas to reduce energy-wasteful suburban sprawl and improve the inner city environment

-insulation for federal, state and municipal buildings throughout the U.S.

-rehabilitation and restoration of public and private buildings and neighborhoods of historic significance contained in a vast backlog of National Register Program projects

-urban recreation projects

-maintenance, reclamation, restoration, and transportation projects for national park lands

-reduction in the backlog of U.S. Forest Service conservation projects enumerated in its Renewable Resource Program (including projects for campground and trail construction and maintenance; reforestation; erosion control; revegetation of abandoned USFS roads and overgrazed rangeland; improvement of soil productivity; air and water quality, and water yield; and habitat protection for fish and wildlife)

-reduction in backlog of maintenance and restoration projects of the Fish and Wildlife Service

-rangeland and watershed rehabilitation for BLM-administered lands

-land and river restoration to remove impoundments on waterways

-resource recovery for solid waste disposal

-mass transit construction under revised criteria aimed at energy conservation (including "light rail" system projects in approximately 20 cities and "people movers" in 10 cities)

Many Sierra Clubbers, and other environmentalists, have contributed further details regarding available and necessary projects in each of these categories of public works.

To solve these problems, to improve our cities, to restore our damaged public lands, and to conserve scarce energy and material resources, we urge that you take the initiative in establishing a program of environmental public works.

Sincerely,

Bill Futrell, President
Sierra Club

BF:lm

ENVIRONMENTAL WORKS PROGRAM
(Program Summary)

have catalogued a series of critical and hitherto unaddressed environmental improvements whose neglect justifies a shift from economically competing unsound public works and which could comprise geographically balanced, economically sound public works program. A public works program consisting of projects such as these would help to make our cities liveable, restore and rehabilitate damaged public lands, and conserve energy and material resources.

These projects include:

- maintenance, reclamation, restoration, and transportation projects for national park lands
- reduction in the backlog of U.S. Forest Service conservation projects enumerated in its Renewable Resource Program (including projects for campground and trail construction and maintenance; reforestation; erosion control; revegetation of abandoned USFS roads and over-grazed rangeland; improvement of soil productivity, air and water quality, and water yield; and habitat protection for fish and wildlife)
- reduction in backlog of maintenance and restoration projects of the Fish and Wildlife Service
- rangeland and watershed rehabilitation for BLM-administered lands
- land and river restoration to remove impoundments on waterways
- resource recovery for solid waste disposal
- mass transit construction under revised criteria aimed at energy conservation (including "light rail" system projects in approximately 20 cities and "people movers" in 10 cities)
- modernization of the nation's passenger rail system to conserve energy used for transportation (this program would include upgrading of approximately 25 medium distance corridors, renovating several hundred stations, and improving safety protection at many of the system's 31,000 grade-crossings)
- community development assistance for urban areas to reduce energy-wasteful suburban sprawl and improve the inner city environment
- insulation for federal, state and municipal buildings throughout the U.S.
- rehabilitation and restoration of public and private buildings and neighborhoods of historic significance contained in a vast backlog of National Register Program projects

-urban recreation programs

ENVIRONMENTAL WORKS PROGRAM
(LEGISLATIVE ACTIONS TO BE TAKEN)

A. Non-Urban Areas

1. National Park Service

- a) Increase funding for reclamation, restoration and cyclic maintenance programs
- b) Authorize parks transportation as outlined in Senator Harrison Williams' parks transportation bill

2. National Recreation Areas

- a) Authorize funding for Meramec Heritage Riverway Plan, Delaware River Park, Savannah National Recreation Area. Direct Army Corps of Engineers to draw up specific plans for implementing these proposals including proposals for legislation which will be required (e.g. deauthorization of Russell Dam)

3. Redwood Watershed Restoration

- a) Direct Secretary of Agriculture to prepare a plan for Redwood watershed restoration on public and private lands. Plan must employ environmentally sound techniques and must be labor intensive. To implement the plan, authorize funding for USFS to restore National Forest lands in watershed and authorize funding for Soil Conservation Service funding for restoring private lands.

4. National Forest Service Conservation Program

Direct Secretary of Agriculture to review USFS's RPA Program and determine all conservation projects (as defined on program summary sheet) suitable for inclusion under a conservation program under the following criteria: projects must be labor intensive and avoid massive chaining, rechannelization or indiscriminate use of herbicides. Authorize funding.

5. Department of Interior

- a) Direct Secretary of Interior to study BLM lands and to devise a pilot program for _____ watersheds and range areas throughout U.S. for restoration and rehabilitation using environmentally preferred methods (i.e., no chaining, highly labor intensive, no herbicides). Authorize funds for implementation.
- b) Direct long range study of all BLM lands to follow pilot program.
- c) National Wildlife Refuges

"same as a) and b) above."

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6. Land and River Restoration

- a) Authorize Army Corps of Engineers to restore portions of Cross Florida Barge Canal and restore Oklawaha River. Authorize restoration of Kissimmee River.

B. Urban Environmental Works

1. Urban recreation and natural areas

- a) Increase appropriation for Land and Water Conservation Fund for state and local assistance.
- b) Specify that funded plans must include balance between projects for outdoor recreation and for preservation and appreciation of natural areas.
- c) Provide additional funding for urban trees programs of USFS.
- d) Authorize Lowell Cultural Park (see H.R. 6230) and direct Secretary of Interior to institute a study of potential cultural parks and waterfront parks throughout U.S.

2. Intercity passenger rail service

- a) Authorize upgrading 25 suitable medium-distance intercity rail corridors. Program should be undertaken by Amtrak with assistance from Department of Transportation
- b) Authorize stations upgrading program.
- c) Authorize grade crossing safety program.

3. Historic and Neighborhood Preservation

- a) Increase funding for national register program.
- b) Increase UDAG funding
- c) Modify the Community Development Bloc Grant Program formula to give points to areas with federally approved CZM, 208, and Clean Air Act plans.
- d) Increase CSA funding for installing insulation in low income homes.

4. Public Buildings

Authorize funds for installing insulation and solar equipment in all federal, state and local government buildings. (see H.R. 3982, 3983).

Page 3

5. Resource Recovery

Authorize EPA funding of resource recovery and source separation/reduction projects. Pattern on Title II of Water Pollution Control Act but require that all non-structural solutions be explored first.

6. Urban Mass Transit

- a) Direct Secretary of Transportation to study the maximum practicable energy saving from providing new mass transit systems.
- b) Authorize funding for 20 light rail systems.
- c) Authorize funding for 10 people movers.



SIERRA CLUB 530 Bush Street San Francisco, California 94108 (415) 981-8634

11/18/76

Input Needed For

JANUARY BOARD DISCUSSION OF CONSERVATION PRIORITIES

This is an invitation for you to participate in shaping the Sierra Club's conservation priorities for 1977 and beyond. It is part of a process leading up to the Board of Director's meeting on January 8-9, 1977 at which the Board will adopt a priorities document to guide the Club's conservation effort the next year and beyond into the second session of the 95th Congress.

This package is in four parts:

- A. A description of the framework for articulating our conservation priorities
- B. A list of criteria by which we want to evaluate proposed conservation objectives
- C. A proposal by the Club's conservation staff which came out of a staff meeting on November 10-11, 1976
- D. A request for comment and input from Club RCC's, chapters and groups.

Please understand that whatever priorities document is approved by the Board must, of course, be "implemented" with flexibility. Many factors which we neither can control nor anticipate will influence what we work on, including administration attitudes and priorities, congressional committee assignments and chairmanships. We will continue to be opportunistic, as we have been in the past, and rise to new challenges and opportunities as they present themselves. We will work in coalition with other groups, as we have in the past, but this time many more of them will now be able to lobby alongside us with the change in the tax law.

However, not every issue can be "top priority" for the Club. If every issue deserves maximum effort, then we have no priorities. Your input at this stage, will be helpful in deciding where we should place emphasis and in planning to achieve the best possible results from our limited resources of time and money. Our representatives in Washington increasingly call to our attention that we cannot continue to spread ourselves too thin. To do so results in our doing not as well as we could on anything. Effective campaigns cannot be carried out unless the energies of the Club are focused to the extent we can on a few pivotal public policy decisions.

A. CONSERVATION PRIORITIES FRAMEWORK

It is proposed that our environmental priorities be fit into the following framework.

2.

I. Mega-Campaigns

This select list of objectives will be where we apply our major muscle. The campaigns to achieve these goals will receive the big commitments of our major campaign funding, staff time, mailings, publication space, etc. All elements of the Club will be expected to support these campaigns. At critical times, these campaigns will have authority to preempt attention from less important matters.

II. Other National Campaigns

This larger list of objectives will also require national resources and staff time but to a lesser extent than the mega-campaigns. In general, we do not expect the Club to make as strong a commitment on these issues either because other organizations are expected to do so, because they are less central to our major programmatic priorities, or because the Club's involvement with the issue is less advanced. At the same time, significant congressional action on each of these items is expected sometime in the 95th Congress, and we will be calling on our leaders to organize letter writing campaigns and the like when the issues are at critical stages.

III. Campaigns Now in the Build-up or Educational Phase

Items in this list are judged to be important and deserving of some Club attention. However, they are not yet ripe for action. Legislative vehicles must be refined. Our own members and the Congress need to be brought up the learning curve. Some of them could mature, especially in the Second Session of the 95th Congress.

IV. Area Protection Campaigns

Items relating to restricted geographical areas belong here. Some may be of primarily local or regional importance, while others may have national importance or significance. Within this list we need to distinguish a select list of items which are worthy, needing and ripe for a national push or which simply cannot move without a national effort. As with the other classes, the Club will want to focus its resources at the national level on this latter list.

V. Implementation and Executive Branch Lobbying

Items in this list will be dealt with in the executive branch agencies. We will want to follow through to monitor implementation of various aspects of some of the more important federal environmental statutes. This work will generally not be done by our Washington, D.C., lobbying staff, but rather on a special project basis by volunteers, other staff or SCLDF. Topics within it are prime candidates for "soft money" fundraising. There is a mix here of statutes which give us leverage at the national level and others which will necessarily be dealt with on a very decentralized level. Again, we must establish priorities within this list.

3.

B. CRITERIA FOR EVALUATING PROPOSED PRIORITIES

I. Intrinsic Value -- Is the proposed priority basically a good idea?

- (1) Is it important to our stated, generally acknowledged goals?
- (2) Will tangible environmental improvement come as a result? Or will the bill or administrative action involved merely set up a study or elaborate governmental structure which will, with time, perhaps bring about actual physical improvements in the real world? Is the effect direct or indirect?
- (3) Does the measure establish a major precedent? Does it defend a major precedent setting action? Or, is it merely an elaboration of existing law?
- (4) Does the proposed action have symbolic value to our traditions of values?

II. Internal Value to the Club -- Is the proposed priority good for us?

- (1) Is it of political value? Will it increase our credibility? Will we make friends that will be useful to us in the future?
- (2) Is it of public relations value? Will it give us high visibility? Will the media pay attention? Will it improve our image?
- (3) Does the action have educational value? Will it improve the Club's expertise? Will our members learn from the campaign?
- (4) Will the action improve our fundraising abilities? Can we expect donations for the campaign? Will it improve our image among potential donors to the Club for this and other campaigns?
- (5) Will the action provide a stimulus for membership growth? Will it have appeal in areas where our potential for growth is great? Will it have appeal in politically strategic areas? Will it cause our members to renew their memberships? Does it deepen the commitment of our members?

III. Internal Commitments and Costs -- Can we muster an effective campaign?

- (1) Is there current interest among our members? Do we have a background of working on the issue? Is there potential for utilizing our membership strengths? Do we have a sound policy base?
- (2) Do we have people with the aptitude and knowledge to help us handle the technical aspects of the issue?
- (3) Do we have individual leaders who are free of other commitments to give our effort the needed cohesion and direction?

4.

- (4) Are we prepared with already developed educational materials (brochures, slide shows, exhibits, etc.) or can we get them together readily?
- (5) Are the issues straightforward and easy for our members to understand? Or, are they so complex that most members will not be able to follow and become involved in the campaign?
- (6) To what extent will other groups efforts affect our role? This cuts two ways:
 - (a) Do we have an obligation to support a coalition effort to some extent in order to maintain our credibility and commitment at a time of need? What is the minimum we need to do to maintain this commitment on an issue where we do not assume a leading role?
 - (b) If we take a leading role, will others follow? Will we get the support we would need for a major campaign?
- (7) Can we afford the effort needed? If we open up the issue, will we be able to handle what happens? Or will the industry involved mount a campaign that will drain us dry? Will the campaign take a lot of time?
- (8) Will our action demand a follow-through? If we get a new law, will this require a commitment to follow its implementation? Will it only work if it is properly administered, and will this mean additional years and dollars to monitor and influence administration of the new law?

IV. Prospects for Success -- Can we make a difference?

- (1) Is this the right time? Is the issue ripe? Is congressional or administrative action being forced by industry, or is timing in our hands? Have there been hearings? Is there a bill already available? Are there sponsors for the bill? Is the issue ready to move?
- (2) Is the political climate right? Will we attract allies? Can we develop a coalition with other public interest organizations on the issue, or will they be busy fighting other battles? Will members of Congress take the issue seriously?
- (3) Will we encounter insurmountable opposition? What is the nature of the opposition? Are they well organized and funded?
- (4) What is the public climate like? Will we get support all across the country? Will we get the necessary press attention? Do we have support in key areas? Can we form a broad-based coalition of public interest groups?

5.

- (5) What is the attitude of key leaders? Do we have enough support on the key congressional committees? Or will a few key people veto the effort? Will the administration back the effort?
- (6) Is the legislative vehicle a good one? Has it been worked over and sharpened? Have problems been anticipated and dealt with? Will it really accomplish what we want?

C. NATIONAL CONSERVATION PRIORITIES PROPOSAL FOR THE YEAR AND CONGRESS BEGINNING JAN. 1, 1977

The following staff proposal is offered as a starting point for discussion and refinement. Initial drafts were assembled by the Club's Conservation Department, and it was worked over at a meeting of the Washington Office lobbyists, field representatives and several San Francisco staff on November 10-11 at Shenandoah National Park. You should recognize a number of items which were on our priority list for the 94th Congress as well as some new items not previously considered.

I. National Mega-Campaigns

- (1) Alaska National Interest Lands*
Alaska Natural Gas Pipeline (on a contingency basis)*
- (2) Water pollution (PL 92-500) Amendments*
- (3) De Facto National Forest wilderness packages*
- (4) Outer Continental Shelf Lands Act*

* See further paragraphs of explanation. For the others, see relevant NNR stories in Congressional session summary issues.

6.

II. Lesser National Campaigns

- (1) Energy price reform (particularly utility rate reform)*
- (2) Clean Air Act (significant deterioration and auto standards)
(could become a mega-campaign depending upon relative timing with water pollution in the Senate)*
- (3) Urban mass transit (Highway Trust Fund in second session)*
- (4) Government & Congressional reorganization*
- (5) Stripmining*
- (6) ERDA Authorization Act (including synfuels, breeder reactor)
- (7) Nuclear exports
- (8) Lobby Act
- (9) Appropriations for various agencies
- (10) Deep-sea mining

III. Building-up - Getting Our Act Together

- (1) Mining law reform
- (2) Fish & Wildlife Service Organic Act
- (3) Auto excise tax based on fuel efficiency
- (4) BTU tax
- (5) Railroad roadbed rehabilitation
- (6) Natural gas pricing
- (7) Parks expansion package
- (8) An omnibus islands protection package

IV. Executive Branch Lobbying/Implementation

- (1) Coal and oil leasing
- (2) Forestry

* See further paragraphs of explanation. For the others, see relevant NNR stories in Congressional session summary issues.

7.

- (3) BLM Organic Act
- (4) Coastal Zone Management Act
- (5) Toxic Substances Control Act
- (6) Water Resources Projects
- (7) Marine Mammal Protection Act & Endangered Species Act

V. Regional Issues (Regional or area specific)

High priority (probably requiring a national push)

- (1) Redwoods
- (2) Mineral King
- (3) Boundary Waters Canoe Area
- (4) Lock & Dams 26 - Waterway Users Fees
- (5) Tongass Wilderness
- (6) Chattahoochee NRA
- (7) Tall Grass Prairie
- (8) Dickey-Lincoln Dam

Medium Priority (probably can be handled mostly at local level)

- (1) Bonneville Power Reform
- (2) Nantucket Islands
- (3) Santa Monica Mountains NRA
- (4) Individual Wilderness Areas
- (5) Idaho Primitive Area
- (6) Interbasin Transfer Prohibition

Channel Islands

Pine Barrens

Beartooth

8.

Standing Indian Mountain

Rio Grande National Historical Park

Mt. Mitchell National Park

etc.

I. (1) Alaska National Interest Lands

Congress must act by December 1978. More than 100 million acres of future parks, refuges, wilderness is at stake. A nationwide effort is required. We have been building up to this battle for several years. Some other organizations will be working on this major project.

Alaska Gas Pipeline

Through our FPC intervention and extensive lobbying on this year's procedural bill, the Club has a major stake in following through to protect the Arctic National Wildlife Range. Contingent upon the outcome of the FPC decision making and the President's subsequent action, a major congressional effort may be necessary.

(2) Water Pollution: PL 92-500 Amendments

The 95th Congress will conduct the major review of the Federal Water Pollution Control Act. Year 1976 saw major attacks on several important provisions of the existing act. Volunteer interest in this issue is building and the Club's Washington, D.C. staff has assumed a leading role in organizing a broad coalition among public interest groups.

(3) De Facto National Forest Wilderness

The Sierra Club has prepared the way for a major effort to secure protection for now unprotected de facto wilderness in national forests of the West by developing the Endangered American Wilderness Act. An equivalent bill embracing eastern areas is in preparation.

(4) Outer Continental Shelf Lands Act

We came close in the 94th Congress. A new administration means that we now have a chance to reform the juggernaut federal OCS leasing program that has frustrated efforts by the Club and others to protect our valuable coastal and marine resources. The Club can provide the critical political push that will get us a stronger bill. Our Washington, D.C. staff is prepared to furnish needed leadership.

II. (1) Energy Pricing Reform

Focusing on electric utility rate reform, Club efforts will be important in achieving energy conservation. Congressman Dingell is drafting a bill. (A BTU tax proposal could ripen during 1977, while any Club involvement in natural gas pricing needs to be preceded by an educational and policy development effort.)

(2) Clean Air Act

Because the same committee's are involved, the Clean Air Act amendment effort will affect and be affected by the review of PL 92-500. The Club has a vital interest in protecting significant deterioration, and should also play a supporting role in defending against further weakening of the auto emissions standards and deadlines.

(3) Urban Transit/Highway Trust Fund

Congress will take up these two important transportation matters, urban transit this year, and the HTF next. The issues have importance to our broader energy goals and to our urban members. It is proposed that the Club play a more active role nationally.

(4) Government and Congressional Reorganization

The papers are full of speculation about the sweeping changes which the Carter Administration would like to make in the structure of government. Alternative proposals have come from the Senate, together with suggested changes in the structure of the committees of the Senate and House. These changes could have a substantial effect on our programs and interests, and we will want to play a role in shaping the changes that are brought about.

(5) Stripmining

The regulation of stripmining has long been a Club priority. Mining abuse has a profound effect on land use, water pollution, and energy use. Our recently adopted policy on coal mining gives us a broad base to finish this piece of "old business." While the administration is expected to be sympathetic, enacting a good law will still be a fight. A broad-based coalition is still in existence, headed by the Environmental Policy Center.

(6) ERDA Authorization Act

This is back with us because it failed in the last moments of the Past Congress. We want to ensure that energy conservation and alternative energy sources are properly funded. With a sympathetic administration, this should not prove too difficult.

D. WHAT YOU CAN DO

In evaluating these priorities, please recognize the following:

- . We have tried to categorize the various kinds of campaigns to indicate different kinds and levels of effort and the degree of commitment of national Club resources that might be budgeted.
- . We have tried to respond to the need to focus our major effort on a few major priorities, without telling Club leaders they cannot work on other important matters.
- . We have focused mostly on objectives relating to specific public policy decisions, both new legislation and the implementation of existing laws. These are not broad, programmatic long-range goals such as "energy conservation" or "preservation of biological diversity," but rather elements of such programs.
- . They do not focus on SCLDF litigation.
- . We tried to keep in mind the kind of criteria spelled out in Part B in coming up with this list of priorities and ask you to do the same in evaluating and commenting upon them.

Please return the attached form to the Club's Conservation Department in San Francisco with your comments on it and any additional input you would like to make on additional sheets of paper. It would be helpful if your comments were addressed to the proposal outlined in C.

- I. Please indicate where you concur in the categorization of the individual items and where you don't. For example, you may feel that an item on the Other National Campaigns list should displace one of the listed Mega-Campaigns. Or that an item which we have listed as in the Build-up or Educational Phase is ready for action.
- II. If you think items should be added, do so by writing them in. Should anything listed be entirely omitted? If so, cross it off. For new items please try to be specific in defining what the objective is and describe it in a few sentences. We especially need your help on the area specific campaign list.
- III. Rank the items in each of the categories in the order you think they should receive Club time, attention and funding. For example, which Area Protection campaigns should receive priority national attention and which should be primarily a regional responsibility. Where should we place emphasis in monitoring existing legislation? If you had 100 points representing Club time attention and funding to allocate among the campaigns you have listed, how would you distribute these points? Do this on the form.

11.

- IV. On a separate sheet, put down in succinct form any supporting views or considerations you think would be useful to us in evaluating our priorities or in understanding your views. Can you think of any additional "criteria for evaluating conservation objectives" (Sect. B)?
- V. Finally, in order to make maximum use of this exercise, please indicate on a separate sheet the kinds of resources that your particular unit of Club structure (RCC, chapter, group, committee) would be prepared to devote to the issues of greatest importance. Since our aim is to involve as many of you as possible in the campaigns which end up on our priority list, it would be helpful for you to list any strongly interested individuals, people with relevant expertise and those willing to work to accomplish our objectives. Who are the key contacts who are willing to work on the issue in your area and serve as contact points on it? Have you any ideas for alliances, funding sources, use of media, or other campaign techniques?

Thanks for wading through this document and for your prompt responses. They will be very helpful to the Board. This package is being sent to the Board, RCC Chairmen, National Issue Committee Chairmen, and Chapter Conservation Chairmen. We are counting on the chapters to help gather input from the groups.

COMMENTS SHOULD BE SENT TO THE SIERRA CLUB CONSERVATION DEPARTMENT, 530 BUSH ST., SAN FRANCISCO, CA 94108 AS PROMPTLY AS POSSIBLE. WE WILL NEED TO RECEIVE YOUR FEEDBACK BY DECEMBER 19th TO BE ABLE TO RESHAPE THE PROPOSED PRIORITIES IN TIME FOR THE BOARD MEETING. WE REALIZE THE TIME IS SHORT.

Nov. 18, 1976

PRIORITIES RANKING SHEET

Return to: Major Issues Coordinator, Conservation Department, The Sierra Club,
530 Bush Street, San Francisco, California 94108

I. MEGA-CAMPAIGNS

- (1) Alaska National Interest Lands
Alaska Natural Gas Pipeline
- (2) Water pollution
- (3) De Facto National Forest Wilder-
ness packages
- (4) Outer Continental Shelf Lands Act

II. LESSER NATIONAL CAMPAIGNS

- (1) Energy price reform
- (2) Clean Air Act (initially mega-
level?)
- (3) Urban mass transit
- (4) Government and congressional
reorganization
- (5) Stripmining
- (6) ERDA Authorization Act
(including synfuels)
- (7) Nuclear exports
- (8) Lobby Act
- (9) Appropriations for various
agencies
- (10) Deep-sea mining

III. BUILD-UP LEVEL

- (1) Mining Law reform
- (2) Fish & Wildlife Service Organic
Act
- (3) Auto excise tax based on fuel
efficiency
- (4) BTU tax
- (5) Railroad roadbed rehabilitation
- (6) Natural gas pricing
- (7) Parks expansion package
- (8) Omnibus islands protection package

IV. EXECUTIVE BRANCH LOBBYING

- (1) Coal and oil leasing
- (2) Forestry Act
- (3) BLM Organic Act
- (4) Coastal Zone Management Act
- (5) Water Resources Projects
- (6) Marine Mammal Protection Act
- (7) Endangered Species Act
(critical habitat)
- (8) Clean Air Act

V. REGIONAL ISSUES

National Campaigns

- (1) Redwoods
- (2) Mineral King
- (3) Boundary Waters Canoe Area
- (4) Lock & Dams 26/Waterway users
fees
- (5) Tongass wilderness
- (6) Chattahoochee NRA
- (7) Tall grass prairie
- (8) Dickey-Lincoln

Regional Campaigns

- (1) Booneville Power reform
- (2) Nantucket Islands Trust
- (3) Santa Monica Mountains NRA
- (4) Individual Wilderness areas
- (5) Idaho Primitive area
- (6) Interbasin transfer prohib.
Beartooth
Pine Barrens
Channel Islands
Standing Indian Mt.
Rio Grande Natl. Hist. Park
Mt. Mitchell NP

Editorial

Taking the Lead on Land Use

William Futrell

The Sierra Club needs to take the leadership in a new great debate on land use in the United States. As Aldo Leopold said, land is not merely soil, it is a fountain of energy flowing through a circuit of soils, plants, and animals. It is the basic resource. Land abuse has been the unaddressed, unresolved environmental issue of the 1970s. After much legislation and initial successes in the fight to control pollution, concern has mounted over threats to the land base. Senator Jackson and Congressman Udall led a prolonged campaign for a federal land-use bill that was rejected by six successive Congresses. At the beginning of a new administration and a new Congress, it appears that the drive and leadership to push a national land-use bill is gone. The time has come for a grass-roots movement led by a new and expanded Sierra Club National Land Use Committee for land stewardship.

At a recent series of briefings for Club leaders in Washington, D.C., congressional staff members and land-use lawyers reiterated the message that Jackson and Udall were exhausted from their six-year push on a federal bill, which had come tantalizingly close to passage three times, and would not push on land use unless President Carter made it one of his early and major goals. Club leaders who have followed the progress of the Jackson/Udall bills now have mixed feelings about them. Compromises removing all sanctions and most federal controls over the use of federal funds suggest that passage might be a hollow victory, an environmental equivalent of some of the massive federal funding programs in the human resources field that have turned sour in a bureaucratic maze.

Yet it would be tragic to lose the momentum of the Jackson/Udall bills. In many states, knowledgeable citizens believe nothing will happen without federal incentives. Many states do not even have a data base, an inventory of resources to serve as the basis of environmental planning. What is needed now is a grass-roots movement to shape a new popular consensus on land-use issues, and to determine whether to push for a comprehensive planning law, as we have done for the last three years (and failed), or to push, piecemeal, for a series of standard-setting laws, with teeth, to protect specific resources such as prime farmlands and coastal areas. It may well be that a back-door approach in which we take our enemies on one by one is the best strategy.

William Futrell is vice president of the Sierra Club.

The Sierra Club needs volunteers to put together a series of campaigns on the pressing land-use issues.

(1) *Prime Farmlands.* We need a subcommittee of the National Land Use Committee to advise the Club on how best to protect these critical areas.

(2) *Coastal Zone Management.* The coastal areas face their greatest danger as pressure mounts for offshore oil drilling in virgin areas.

(3) *The Urban Frontier.* At its last meeting, the Sierra Club Board of Directors identified a public-works program (creating environmental jobs) to make American cities livable as one of its major legislative goals. Other subcommittees are needed on what we call Back Door Land Use Planning, the score of federal programs under pollution laws that require a permit for an activity that impacts land use.

Failure to act carries inevitable consequences. Even in earlier days when the results of land abuse had not been scientifically documented, its human consequences were recognized by the morally alert. William Faulkner wrote of the insight of an old hunter who had watched the destruction of the forests he had known as a youth:

In the old days we came in wagons: the guns, the bedding, the dogs, the food, the whiskey; the young men. . . . There had been bear then. A man shot a doe or a fawn as quickly as he did a buck. . . . But that time is gone now. Now we go in cars, driving faster and faster each year because the roads are better and the distance greater, the Big Woods where game still runs drawing yearly inward as my life is doing.

. . . God created man and he created the world for him to live in. . . . The woods and fields he ravages and the game he devastates will be the consequence and signature of his crime and guilt, and his punishment.

. . . No wonder the ruined woods I used to know don't cry for retribution. The very people who destroyed them will accomplish their revenge.

The bottleneck on a federal planning bill should not discourage Sierra Club members. Just as Antaeus drew his strength from the earth, we gain new vitality from grass-roots land-use concerns. It is time to go back to doing what the Sierra Club does best: a grass-roots campaign for land stewardship. We need the help of members who have expertise and experience on land-use matters to expand the National Land Use Committee. Please send your ideas and nominations to: Bill Futrell, Chairman, National Land Use Committee, The Sierra Club, 530 Bush St., San Francisco, California 94108.

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- Legal Experience: Trial Attorney in New Orleans, Louisiana, from 1966 to 1971 (handling personal injury, product liability, and insurance defense cases). Law Professor at University of Alabama School of Law (1971-1974) and University of Georgia Law School (1974-1980), specializing in corporations, environmental law, land use, natural resources law, administrative law. Law Clerk for U.S. District Judge Edwin Hunter (1965-1966). President of ELI since 1980.
- Fellow, Woodrow Wilson International Center for Scholars, Smithsonian Institution, Washington, D.C. (1979-1980), writing on administrative law.
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Research Projects and Publications

Research Projects
and Grants:

1. NEPA in Action: The NEPA Process in 19 Agencies, Report for the Council on Environmental Quality, 1981.
2. Public Participation and Administrative Law project with the Woodrow Wilson Center of the Smithsonian Institution, 1979-1980.
3. Co-Chair, City Care, Urban Environment Contract and Conferences for EPA, HUD, and Department of the Interior, 1978-1979.
4. Reporter, Corporation Law Revision for Alabama Law Institute, 1972-1975.
5. Federal Highway Administration contract on legal standards governing noise and vibration, 1974.
6. Environmental Protection Agency contract for special project on enforcement of air pollution control, 1972.

Selected Articles:

Environmental Mediation and Lawyers, American Law Institute -American Bar Association-ELI-Smithsonian 1980 Conference on Environmental Law

Annual Survey of Georgia Law: Environment, Natural Resources and Land Use, 31 Mercer L. Rev. 89 (1979); 30 Mercer L. Rev. 75 (1978); 29 Mercer L. Rev. 131 (1977); 28 Mercer L. Rev. 109 (1976)

Citizen Participation and Environmental Law Suits, Japanese Nature Conservancy Bulletin (1978)

The Inner City Frontier; Sierra, Vol. 63, No. 2, p. 5 (1978)

Recent Developments in Environmental Litigation; The Forum, Vol. 13, No. 2, p. 360 (1978)

Taking the Lead on Land Use; Sierra Club Bulletin, Vol. 62, No. 3, p. 21 (1977)

Parks to the People: New Directions for the National Park Service, 25 Emory Law Journal 253 (1976)

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Schools, Short
Courses, Speeches:

1. Planning Chairman, American Law Institute-American Bar Association continuing legal education courses on Hazardous Wastes and Toxic Substances (1982 and 1983)
2. Lecturer and Panelist, American Law Institute-American Bar Association-Environmental Law Institute annual course on Environmental Law (1980, 1981, 1982, 1983)
3. Numerous speeches on environment, land use, energy, for university and civic groups (American Bar Association annual meetings 1977, 1981, 1982)
4. Land Use Issues for Georgia: A short course with Georgia Center for Continuing Education for officials and civic groups around the state (1974-1978)
5. Litigation: New Discovery Rules: A short course for Alabama Continuing Legal Education in 16 cities during 1973
6. Compliance with Environmental Laws: A short course for Soil Conservation Service officials given with the Institute of Ecology (1974-1977)
7. Survival School: A short practical course given with the Third Marine Division in the jungles and mountains of different Pacific Islands (1960-1962)

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Sierra Club History Series

David Sive

PIONEERING ENVIRONMENTAL LAWYER
AND ATLANTIC CHAPTER LEADER,
1961-1982

With an Introduction by
Nicholas A. Robinson

An Interview Conducted by
Ann Lage
1982

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David Sive, ca. 1982, Testifying at Congressional Hearing

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INTRODUCTION

Pioneers, of course, have not only led exploration of the western provinces of North America. David Sive pioneered an eastern movement, the expansion of the Sierra Club from its roots in California to the Atlantic coasts. He also pioneered the creation of environmental law. His extraordinary contributions to the Sierra Club and to the wise stewardship of our natural resources bespeak a personal dedication and selfless commitment which is an essential part of his character.

David Sive grew up in Brooklyn. To be sure, trees do grow in Brooklyn, but David's heart and soul flowered in the wooded glens and ancient mountains of New York's Catskills and Adirondacks. Nature taught as surely as any school and David grew up committed to advancing conservation.

My first encounter with David was at the monthly conservation committee meetings of the Atlantic Chapter of the Sierra Club in 1967. I was a new volunteer having just moved to Manhattan as a law student at Columbia Law School; in meeting David I encountered a knowledgeable environmentalist who had been Atlantic Chapter Chair from 1962-66. The Atlantic Chapter ran from Maine to Florida, and the crises and festering problems which concerned the conservation committee were as diverse as the ecosystems of eastern North America. These were exciting meetings, sharing information about threats to the environment and brainstorming about how to avert the threats. Experienced leaders like Susan Reed, Al Forsyth and David Sive made these meetings vigorous and insightful. David led thoughtfully and patiently in defining the Sierra Club's positions.

It was also in these meetings that I first learned of David's sister commitment, to the law. A graduate of Columbia University School of Law in 1948, David was by then a seasoned litigator and partner in his own firm, then Winer, Neuberger & Sive, which in 1984 became Sive, Paget & Reisel, P.C. He had been invited to teach discovery as an adjunct professor of law at NYU School of Law in 1964 and had co-edited a revised text for Rowley On Partnerships (1959). As might have been predicted, David was applying his legal talents also to nature protection.

Innovative as all pioneers must be, David Sive contributed his legal representation to a then freshman congressman, Richard L. Ottinger, in suing the New York Central Railroad Company to stop discharging oil into the Hudson River. He prepared and advocated conservation proposals to the New York State 1967 Constitutional Convention for adding an environmental bill of rights in the constitution; while the voters did not adopt the revised constitution for reasons unrelated to environmental issues, the advocacy of nature protection educated many individuals in state government and paved the way for bipartisan acceptance of the many new environmental laws to be enacted in the New York legislature of the 1970s.

David Sive's legal prowess, however, came to have a more immediate impact on me than these accomplishments. David impressed me into service in the legal battle to stop the Hudson River Expressway. Sive had won a major legal victory in federal district court* against Governor Nelson Rockefeller and his allied state and federal agencies, who wanted to fill in the shore of the Hudson River with a dike along the Tappan Zee on which to construct a superhighway. There was as yet no National Environmental Policy Act (NEPA), nor a Clean Water Act, only the ancient Refuse Act of 1899. David won standing in court for a motley group of citizens, a village and the Sierra Club. After a full trial, he then won a court judgment revoking the permit given by the Army Corps of Engineers on the grounds that the corps lacked authority to grant the permit for the highway because Congress at the time had not given the corps authority to grant permits for dikes. The highway needed a dike. Only Congress could approve a dike in a navigable river. The dike was in Congressman Ottinger's District. The Hudson River was safe from Rocky's road, unless a higher court reversed.

Naturally, Rockefeller and the corps appealed. David Sive, aided by Al Forsyth, filed cross-appeals. He was so busy defending the victories, he had little time for the appeals of the collateral legal issues which his plaintiffs had lost below. He turned to me, as a second year law student, to prepare the appellate briefs on these losing points. David won affirmance of his trial court victory from the U.S. Court of Appeals for the Second Circuit.** Not unexpectedly, we lost the cross-appeal; losing these legal issues in no way affected David Sive's victory against the proposed expressway. Working with David Sive taught me a great deal. As a young lawyer to be, I could have no better mentor.

David went on to help organize the nation's first conference of environmental attorneys at Airlie House, Virginia, under the auspices of the Conservation Foundation in 1969. He began the now celebrated annual continuing legal education course on environmental law sponsored by the American Law Institute-American Bar Association, the Smithsonian Institution, and the Environmental Law Institute. He helped to organize and to serve on the boards of directors of the Environmental Law Institute and Natural Resources Defense Council, on whose litigation committee he has served, overseeing hundreds of nationally significant environmental law suits:

I went on to serve with David on the Legal Advisory Committee of the newly created President's Council on Environmental Quality. One of my own law school professors, Frank Grad, who was also a classmate of David's,

*Citizens Committee For the Hudson Valley v. Volpe, 302 F. Supp. 1083 (S.D.N.Y., 1969).

**Citizens Committee For the Hudson Valley v. Volpe, 425 F.2d 97 (2d Cir., 1970).

began to specialize in this new field and also served on this committee. Professor Grad acknowledged his debt to David Sive in the foreword to his law school textbook, Environmental Law, with these words:

My very special thanks to go to David Sive, Esq., reknown environmental litigator, colleague, and friend, with whom I have for many years shared the instruction in Columbia Law School's Seminar in Environmental Litigation, and with whom I was honored to participate in the annual...Conference on Environmental Law. He will recognize his contribution to the chapter on environmental litigation....

David Sive's dedication to using law to safeguard the environment literally built a new curriculum for legal educators and generations of new attorneys.

David represented litigants in many of the environmental suits of the late 1960s through the mid-1980s. The reknown defense of Storm King Mountain, the protection of Amchitka from nuclear weapons tests, the vindication of the "forever wild" provisions in New York's constitution for the Adirondack and Catskill Forest Preserve, further battles to stop highway builders from carving ribbons of asphalt across the land, and numerous other environmental law suits. He has litigated NEPA cases to require preparation of careful environmental impact statements and endangered species cases to advance our society's reverence for life. Whether the cases won or lost, they advocated environmental values and inevitably have advanced society's moral and political commitment to nature protection. He has counselled private land preservation real estate efforts and advised government officials at all levels.

David's activity with the Sierra Club relaxed in 1969. He had worked closely with Dave Brower, and was on the slate for election to the national club board with Brower. At the loss of that election, David Sive helped David Brower with the creation of Friends of the Earth. However, most of David's time went into creating New York's Environmental Planning Lobby (EPL), the umbrella legislative advocacy coalition in Albany composed of New York's many environmental groups; EPL became an essential advocate for environmental protection in the state. He continued to represent the club as an attorney when his services were sought but was so engaged as one of the nation's recognized environmental law specialists that he had not the time for continued volunteer service in the administration of the club itself. The Atlantic Chapter had "shrunk" to be composed of just New York, as each region along the coast generated its indigenous local volunteer leaders. His pioneering as the club leader was surefooted, and the strength of the club in the East is its legacy.

Everyone whom David met was touched by his commitment. While raising his family in the countryside of Pearl River, New York, he personally enlisted many a person into conservation work. He has taken time to personally encourage and counsel generations of young attorneys and law students aspiring

to be environmental lawyers. He has urged all with an interest to do more in conservation. A young school teacher whom he enlisted into the Sierra Club while in Pearl River, Michelle Perrault, went on to become president of the Sierra Club. His wife, Mary, and his children share his love of the wilderness; as testimony to his teaching and nature's tonic, they now spend more time in the wilds than does David, tied as he is to his legal work on nature's behalf.

David Sive has combined the love of nature and of law. The Sierra Club bestowed its William O. Douglas Award on David for his many accomplishments in environmental law. Others too have recognized his leadership, with awards from groups such as the ALI-ABA, the NYS Bar Association, and the Nature Conservancy. He was named EPL's Citizen of the Year in 1984. Dozens of law schools have invited him as a lecturer and visiting professor.

Wilderness values constitutionally are a part of David Sive's self-definiton. He built for nature the bulwark of environmental law. In him, the Sierra Club and environmentalists everywhere claim an advocate without peer.

Nicholas A. Robinson

New York, New York
May 1985

INTERVIEW HISTORY

David Sive was interviewed on June 11, 1982, in the New York offices of his law firm, Winer, Neuberger, and Sive. The interview followed Sive's return from a Washington, D.C., meeting of the board of directors of the Environmental Law Institute, which Sive chaired. His willingness to make evening time available at the end of a busy week for this session typifies his committed service to many environmental and social reform organizations.

The three-hour interview session covers the highlights of Sive's entry to the environmental movement and the Sierra Club. It chronicles his involvement in the Sierra Club's Atlantic Chapter, which he chaired in the late 1960s, and his brief service on the board of directors of the Sierra Club, during a particularly stormy few months in 1968-1969.

The discussion then focuses on Sive's contributions to the development of environmental law, including his participation in the landmark Storm King and Hudson River Expressway cases in New York. He describes the idealism, fervor, and romance surrounding the explosive growth of the field of environmental law, a development he has been instrumental in encouraging through his teaching and personal recruitment of young lawyers to the cause. For his inspirational role in the development of environmental law, the Sierra Club awarded Dave Sive the William O. Douglas Award in 1981.

This interview complements a number of others in the Sierra Club oral history series: those of Alfred Forsyth and Steward Ogilvy for history of the Atlantic Chapter; and those of Phillip Berry (in process), Alfred Forsyth, William Futrell, Richard Leonard, Michael McCloskey, and James Moorman (in process) for the history of environmental law.

Mr. Sive reviewed this transcript, making only minor changes for accuracy. The original tapes of the interview are in The Bancroft Library.

Ann Lage
Interviewer

March 15, 1984
Berkeley, California

I ENVIRONMENTAL PROTECTION IN THE NEW YORK AREA

[Date of Interview: June 11, 1982]##

Education, Law Career, and the Outdoors

Lage: Today is June 11, 1982, and we are beginning our interview with David Sive of the Sierra Club. Now, you were going to start with your origins and your environmental interests.

Sive: Yes, I'll follow somewhat the outline contained in your letter to me. The very first series of items in the letter is family, education, career choice, et cetera.

Well, beginning with the family, and, I suppose, that portion of the family and education which led directly or indirectly to the Sierra Club, is very simple. Like so many other of the Sierra Club activists and leaders, my involvement in the environmental movement stems from being a camper, a hiker, and an outdoor lover. That began as a child. I lived as a child in Brooklyn, but at a very early age somehow was always fascinated with the parks and the snowstorms, and beginning at about the age of fourteen or fifteen began hiking and camping.

Lage: Was this something peculiar to yourself, or did you have friends who liked the same things?

Sive: Well, it was in a sense odd and peculiar because of the family background, which was middle class Jewish. We had a Jewish heritage (though both parents were born in the United States) and that society was not one which thought much of the outdoors. In fact, it was a bit frightened by the outdoors, and it was somewhat unusual for a person of that age in that kind of society.

##This symbol indicates that a tape or a segment of a tape has begun or ended. For a guide to the tapes see page 45.

Lage: Was there a particular group?

Sive: No, there was no particular group. I was, I think, for about a year and a half a Boy Scout, but I think that was in the mid-thirties; then I was a pacifist and the Boy Scouts were too militaristic.

But from a very early age I remember loving passionately snowstorms, and I used to go to Prospect Park in Brooklyn whenever it snowed, and to me the idea of going to and being in the "country" was just the most fascinating part of life.

Lage: That's interesting that it seemed to come out of nothing in terms of family interests. Was there any special reading that you were interested in?

Sive: Yes, it might have been. Some of the earliest reading was reading about polar exploration. I wanted to be a polar explorer, and I read the great literature of Wilfred Grenfell, the Labrador medical missionary, and I wanted to be an explorer. I think that at some age, around twelve or so, I wanted to be the first man to climb Mount Everest.

It's hard to put it all together. At the age of about fifteen or sixteen I began camping, in part through the friendship with a high school friend who was a very accomplished camper and woodsman, although also coming from a very urban background in Brooklyn. He first took me camping to the Hudson Highlands, to Harriman Park and the area close to Storm King Mountain--so that began the camping.

Then, at the age of about seventeen, I think, just before entering college in '39, I somehow got ahold of booklets published by the New York State Conservation Department, describing the hiking trails in the Adirondacks and the Catskills, and then, I think, in the summer of '39, I took the first real camping trip in the wilderness of the Adirondacks. That then really made me a passionate lover of the Adirondacks, which has shaped a good deal of my life and led, in large part, to the Sierra Club and the career.

Well, I think that explains the family background. Essentially I was a lover of the wilderness and a camper and a hiker, beginning with the Adirondacks, and continuing while I was a student in Brooklyn College from 1939 to '43.

Then came my service in World War II, and that was in Europe with the infantry. I was wounded twice but not seriously, came back, and may be one of the very few ex-infantrymen who still went back to the woods [laughter] after it.

But essentially, it's the love of the outdoors and the passion for camping and hiking, which is my chief and almost single recreation--

Lage: It's nice if you can find the roots of that, but in your case it seems almost to come from within rather than from without.

Sive: Well, I don't know. I could, I suppose, trace a good deal of this to the education. In, I think, late high school and college, I became a lover of the romantic English poets and began reading Thoreau and Whitman and Wordsworth. I became really a pantheist and transcendentalist, and to me that was the great age of American history. I was a good student and really became a lover of Thoreau. I read every word of his and, I think, Muir and John Burroughs during college, and that became a very dominant part of me.

Lage: What was your major in college?

Sive: It was political science. In college I didn't have any clear idea of becoming a lawyer. In fact, I did not want to be a lawyer because the classical way for people of my social group to be lawyers was to go two years to college, then to night law school for four or five years, and then hang out a shingle and wait for the first cousin to have an accident. I just didn't want that, so in college I thought that I would go into some public administration or civil service, something like that. I was a very good mathematics student, but I remember the only living that anybody could do with mathematics was to be an insurance actuary.

Lage: [laughter] That didn't interest you.

Sive: No, that didn't interest me. Also, the legend was then--I don't know whether it's true or not, but there was some basis of truth--that if you were Jewish you couldn't be an engineer; you were just barred. That was part of the family tradition. Of course, that group of people wanted every son to be a doctor or a lawyer.

Lage: I see. So that was what you heard from the parents, not necessarily from the engineers.

Sive: The parents. That's right, yes.

Well, World War II, with the provision for the public education--the G.I. Bill of Rights and those things--supplied the funding to go to a top law school, where I believed that, correctly, if I did go and I had a good academic record, I could at the end of that begin practicing as a lawyer and skip the stage of waiting and begging every relative to become a client. So I did that at Columbia Law School (where one of my classmates was Russell Train) and had a good academic record and began practicing law in February of '48.

Lage: Did you have a particular specialty then?

Sive: No, except I joined a modest-size corporate commercial law firm, and from the very beginning I've done mostly litigation. I've been a litigator.

During this period in law school, I continued to spend every vacation hiking in the Adirondacks or, by that time, going to the Catskills and camping. That was the whole recreational part of me. Then I began practicing law in February, '48.

Now then, to try to bridge the period from then to the involvement with the Sierra Club, maybe I can just try to pinpoint the involvement with the Sierra Club, which I recall very precisely, though not the precise date.

I married in '48 right after leaving law school. Then, after a year and a half, the family--my wife and myself and one child--bought a modest house in Rockland County, which was the northwestern suburb of New York City. I chose it because that was the suburb within twenty minutes of the hiking trails of Harriman Park and the Hudson Highlands, and there continued the hiking and the traveling, and every vacation was camping. We made a trip every four or five years to the West, as many middle-class families did.

Lage: Did your wife take this up with enthusiasm as well?

Sive: Yes, she did. She liked the camping and the hiking. I'm not certain whether I sort of pressed her into it. [chuckles] Oddly enough, she is now a much better hiker than I. She does it more. She did like the outdoors, but I think perhaps my particular camping and backpacking she did, in part, because I liked to do it. This was the period before the women's movement, although she was modern; still, to a certain extent, the women followed the men.

Well, those family vacations and camping and hiking continued, but in the early fifties, as lawyers do--they're activists and busy-bodies--I became quite active in party politics in Rockland County, and my wife and I organized a Democratic club. We were basically liberals, Democrats. For a few years I headed a Democratic club. Then in '57, I think it was, I was the Democratic candidate for Congress; I did not win.

Then, the early sixties, the environmental movement began--I always date the beginning of the environmental movement with Rachel Carson's Silent Spring in '61, with the beginnings of the Storm King Mountain controversy in '62, with the Grand Canyon dams controversy a couple of years later. Well, that environmental movement began about '61, and in the period from '48 to '61, I practiced law mainly as a litigator, handling trials and other aspects of litigation, but there was no environmental law then.

Sive: Then, in the early sixties, one of the early events in the personal environmental history was the "natural beauty movement" led by Mrs. Johnson.

Lage: Yes. Lady Bird.

Sive: Yes. One of the events which was important, I think, was in '64 when there was a series of natural beauty conferences. There was one which my wife and I led in Rockland County where we got William O. Douglas to come and lecture. I think that was '64.

Early Opposition to the Storm King Project

Lage: Now, you weren't involved in Storm King then, were you?

Sive: Yes. Now, Storm King--I was involved from the very beginning. The Storm King controversy started out of a union of the traditional hiking groups, mainly hiking in the Hudson Highlands, including Storm King. One of the groups was then the very beginnings of the Atlantic Chapter of the Sierra Club. That involved also a chapter of the Adirondack Mountain Club and the New York-New Jersey Trails Conference.

About '62, the Storm King project first came to public notice. It came to public notice in part, I think, by an article in Popular Science magazine, which had a story, "The World's Greatest Wet Cell Battery,"* and then it had a sketch on an inner page showing half of Storm King Mountain stripped away and a tremendous cable spanning the river. The article portrayed that as the greatest engineering feat and, indeed, one of the greatest things that ever happened to the world. [chuckles]

Lage: So that's sort of how it was brought to people's attention.

Sive: Yes. That and a couple other events brought notice of the Storm King project to the hikers, and the hikers then assembled. Many of them were members of the New York-New Jersey Trails Conference, which was a combination of hiking clubs in the New York area, several of which had a long history.

Lage: Did you belong to any of these groups?

*"World's Biggest Wet Storage Battery: Storm King Mountain," H. Walton, Popular Science Monthly, August 1965.

Sive: I don't think I then belonged to any of the groups, no. I'm quite certain I did not.

But a lawyer who had a modest office in lower Manhattan--I've forgotten his name--was a leader of that hiking club, the New York-New Jersey Trails Conference, and when he heard about Storm King, there was a letter to the editor of the Times, I remember that; he correctly described the project as a horror. He led the hiking groups to begin to oppose the project.

At the same time, a number of families living on and near the mountain in their ancestral estates--some very socially prominent and quite wealthy, including the Duggan family--together with the hikers, organized the Scenic Hudson Preservation Conference, a loose federation. I became a member of it and involved in it. I'm not certain how. Steven Duggan helped organize it and became later the main organizer of the Natural Resources Defense Council and was a senior partner in the Simpson Thatcher law firm in Manhattan, one of the great law firms.

But one of the important events was leadership of some of these early Storm King efforts. Well, several people became involved with the conference, including a Susan Reed, who is, I think a great leader and has become a close family friend and was a Sierra Club member. Virtually everybody in the Atlantic Chapter knows her. She invited me and also another lawyer, Irving Like, to a meeting in her husband's office (Robert Reed, a lawyer) of the Scenic Hudson group soon after it was organized.

Lage: I see. And you weren't involved with the Sierra Club then?

Sive: I'm not certain whether I was then a member of the Sierra Club. I may have been, and I'll describe in a moment the events which led to my becoming a member of the Sierra Club.

I'm not certain of the exact sequence of events, but at that early stage I became involved with Scenic Hudson and from that point on, at that meeting, I became one of its leaders. Shortly thereafter and for several years, the meetings of the Scenic Hudson steering committee took place in my office on 42nd Street. I remember we used to gather every chair in the office and get them into a crowded room with Steven Duggan and Mrs. Reed and Pete Seeger and all of the other Scenic Hudson leaders, particularly Frances Reese, the wife of Willis Reese, a professor of law at Columbia University. The Reeses had a home for many years in Wappingers Falls, New York, the east side of the Hudson, a little north of Storm King Mountain.

Well, that involved me very heavily in Scenic Hudson, but I was not then the lawyer for the group, and I can in a moment explain the sequence of events which led to my becoming the lawyer for the Sierra Club.

Sive: Now, I'm not certain of the time relationship between my becoming involved with the Sierra Club and Scenic Hudson. I think I became a member of the Sierra Club in '61 or '62. I could easily figure it out if I had documents which would tell me the year that New York state's voters voted on an amendment to the state constitution to permit the construction of the Northway. [The Sives joined the club in October, 1961.]

The Northway is the main road going from New York to Montreal, through the Adirondacks. The Northway, when it was proposed, was to be built across certain state lands in the Adirondacks which were part of the Adirondack Forest Preserve. The protection of the forest preserve has been the classical environmental issue in New York state for almost a hundred years. The "forever wild" forest preserve is to me the unique, and tremendously romantic, provision of the state constitution.

At a very early stage--I don't know exactly when--I became involved with the groups who are the classical protectors of the forest preserve, including the Adirondack Mountain Club and the Association for the Protection of the Adirondacks.

Lage: This was prior to your Sierra Club involvement?

Sive: Yes, that's right.

Lage: It came out of your hiking?

Sive: Yes. This was out of the love of the Adirondacks and the passion for the forest preserve.

But in the summer or fall of the year, I think, the big campaign was going on over whether the amendment to the constitution permitting the Northway, where it would cross some forest preserve land, should be passed or rejected.

For reasons which I've no time to explain here, the environmental groups, the traditional groups protecting the Adirondacks, were divided on that. There was not a unanimity of groups opposing that Northway. The Sierra Club did oppose it. As the club has almost always been, it was more left-wing, let's call it.

Early Atlantic Chapter of the Sierra Club

Sive: Now, at that time the Sierra Club Atlantic Chapter was led by Stewart Ogilvy and a Charles Little and a couple other people. I think Tom Jukes was a member of it. It was a small group. It always seemed to

Sive: me that the group was almost entirely out of the Time-Life office. I remember the early associations with the Sierra Club; everything was done in the Time-Life office.

Lage: Because of Stewart Ogilvy.

Sive: That's right. Stewart Ogilvy is, in almost every respect, the founder, the patron saint, the organizer, the creator of the Atlantic Chapter of the Sierra Club. He wasn't its first chairman, but he did all the work. He had the files in his office. He had the passion and the zeal and the selflessness.

That summer my wife and I, I remember, living in Rockland County, became members of the Rockland County Conservation Association, which was fairly local and was involved with issues in Rockland County. The northern part of Rockland County is in the Hudson Highlands.

Lage: Now, would this group have been a long-standing group that was just coming to life then?

Sive: Yes. The Rockland County Conservation Association had a fairly long history, but it was a very traditional conservation group. There was also at that time a Hudson River Conservation Association--very traditional, very gentle. In fact, I think that traditional group did not want to fight the Storm King Mountain project, and I think Scenic Hudson was organized in part because the traditional, nice, bird-loving group just didn't want to fight.

In any event, my wife and I belonged to the Rockland County Conservation Association. At a meeting of the association in the summer of that year, '63 or '64, when the debate and campaign about the Northway amendment was going on, I think it was Stewart Ogilvy or somebody else who organized a kind of outing and trip by representatives of a number of conservation groups to go up to the Adirondacks and camp there and walk through the very place where the road would go. So my wife and I were asked to go there to represent the Rockland County Conservation Association, and to us it was a fun outing. We had an excuse to get a babysitter and just the two of us go to the Adirondacks.

So we went there and met Stewart Ogilvy and a couple other of the early leaders of the Atlantic Chapter. Bob Shull. He was a high executive in American Cyanamid, a large Fortune 500 company out in Wayne, New Jersey. He lived in Tenafly, New Jersey, and I think then he may have been the mayor. He was a great hiker, also a leader of the Sierra Club. Well, Stewart was the evangelist. As soon as he saw us, he asked Mary and me, "Will you join the Sierra Club?" And I said, "We'd very much like to."

Sive: Then about a month after that there was some meeting and showing of slides--I think at Bob Shull's house--and I just came under the spell of Stewart, as so many others did. Almost every leader of the Atlantic Chapter of the Sierra Club was really the protégé of Stewart.

Lage: Can you explain how he wove the spell for you or what type of person he was?

Sive: His pure zeal, his pure dedication, his pure selflessness. If you know Stewart, and anybody active in conservation in the New York area does, including David Brower and others, he just overwhelms you with his evangelism.

Well, we became members, and the chapter then was small, and that was in '64 or '63. Then, I think, eight months later, Stewart suggested that I be a member of the chapter's executive committee, and I remember telling Stewart, "I just joined six months ago." Well, he said, "Dave, we need you, and we need a good lawyer." So, lawyers being busybodies, I did it, and almost immediately it became just a dominant interest with me. I think two years later--you have to check the date, '66 or '67--I became the chairman of the Atlantic Chapter, succeeding Harry Nees. This is important because Harry Nees was a great hiker, a very well-known, famous leader of the hiking fraternity.

Lage: Was he known beyond the Sierra Club for his hiking?

Sive: Yes, in the New York-New Jersey Trails Conference.

When I became chairman of the Atlantic Chapter, that was when the chapter became politicized. Harry Nees was a good leader, but his background was the hiking, not the political side. Well, he was not a lawyer.

Lage: Did he object to the political side?

Sive: Oh, no, no. He did not. It was simply that that wasn't his heritage, his occupation. Also, he was then in his sixties or seventies. He's a wonderful person who's now in a nursing home and beloved by everybody. He developed some heart condition at the age of fifty-five, and I think he didn't have long to live, and the doctor said, "Get some exercise." He became a fabulous hiker, and at the age of seventy could climb a mountain more quickly than I could at the age of thirty-five.

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Lage: As a whole, how would you characterize the chapter at that point, before you took over?

Sive: It was small. It has just a small number of activists, the most important of which was Stewart, and I can try to think of a few of the other names. I'm not sure whether Stewart was formally the chairman of the chapter before Harry Nees. That may have been Bob Shull. But Stewart was the heart of it and, always being selfless, he let the others occupy the office.

Lage: And he did the newsletter?

Sive: He did the newsletter. He did everything out of his office in Fortune magazine.

Lage: Now, in the Stewart Ogilvy interview that I mentioned to you, which was shorter than we would have liked, he downplayed the importance of the newsletter, whereas others have told me--

Sive: Probably he downplayed it because to a fault, and I mean this, he downplays himself. That's his nature. But the newsletter was critical, and the whole group of leaders centered around Stewart, and the meetings were always in the Time-Life Building, and the early leadership were mostly people whom he recruited, whom he evangelized.

Lage: So he was an inspirational leader?

Sive: Absolutely. Right. And a personal inspiration. He's been an inspiration for my children most of their lives. He's just that selfless, wonderful person. I will write something about him. There's nothing I'd like to do better than just writing about Stewart. [See Sive's introduction to Stewart Ogilvy's oral history in Sierra Club History Committee series.]

Well, I became the leader, and I was the first lawyer to be a leader, and I was becoming more involved with Scenic Hudson. I suppose I began the real politicization of the Atlantic Chapter, and this you'd have to relate to the activities in San Francisco with Dave Brower. That period, I suppose, is the beginning of Dave's real strong assumption of leadership, and you'd have to relate the dates to the Grand Canyon dam controversy and the Santa Barbara oil spill. All of that was occurring between '64 and '67, as I recall it.

Storm King: The Beginning of Environmental Law

Sive: Now, you asked about Storm King. The basic permit for the project was granted by the Federal Power Commission, I think, at the end of '64. When they did that, the Scenic Hudson group decided, "We want to appeal and go to the Federal Court of Appeals." I remember wanting

Sive: to bring that appeal as we discussed this in my office. I had a great desire to do it, but it was just impossible for one single lawyer, and I was then a partner, but junior, and the firm was small. We could not do it. But somehow--

Lage: Did any group ask you to, or it was just something you wanted to do?

Sive: Well, we discussed it, and we tried to figure out how to do it, but I imagine it was Steven Duggan, with his associations and his leadership, who probably was the one who was instrumental and secured a \$40,000 grant from the Taconic Foundation. That Taconic Foundation, I think, was a client of the Paul Weiss and Lloyd Garrison firm. Lloyd Garrison then became the attorney who replaced the traditional power commission type of attorney who first worked on Scenic Hudson, and Garrison brought the Storm King appeal. That was the classical case which began environmental law [Scenic Hudson Preservation Conference v. Federal Power Commission].

Lage: Did he develop unique points of law in bringing in scenic beauty?

Sive: Well, yes, he began it, but I'll go into that a little bit more. He developed the theories--and when I say "he," I mean his firm--and I assume he had working with him some young men in the firm. I didn't know him closely then, but the great Scenic Hudson victory was Lloyd Garrison's.

When that was decided in '65, one of the great parts of the decision was the part that granted standing to environmental groups. Immediately after that decision, the proceedings were remanded to the Federal Power Commission to retry the issues. With the standing expanded to environmental groups, I and others--encouraged by Lloyd Garrison and others--began to assemble a whole group of groups to intervene in the renewed proceedings.

I then became the lawyer for the Atlantic Chapter and the Sierra Club, intervening in the proceedings when they were renewed and remanded. I took a significant role in the renewed proceedings, which I can describe in a moment, but I was always junior to and always served as a kind of aide to the principal attorney, Lloyd Garrison.

Lage: Oh, he continued as the principal attorney?

Sive: That's right.

Lage: I see.

Sive: There's an interesting story there. Some time after the first Scenic Hudson case, Albert Butzel, whose name everybody knows here, got out of Harvard Law School, and he joined the Paul Weiss firm. Well, some-

Sive: how, when he joined the firm, the firm's managers decided, "Well, you work on Storm King," and he began to work and help Lloyd Garrison.

I remember his coming to a meeting of Scenic Hudson in my office, and I saw Al, who was young and bushy-haired and looking as though he just came out of Greenwich Village, and I began to feel a little bit concerned and demoralized--"Who is this fellow?"--and I was a little bit impatient. Well, Albert Butzel became inspired and evangelized. He just grasped this case and made it his life, and he is now one of our great environmental lawyers. He just had a tremendous victory in the Westway controversy.

Lage: I see. But he didn't come out of the environmental movement, then.

Sive: No, he did not.

Lage: Storm King brought him into the environmental movement.

Sive: That's exactly it. This brought him in.

Lage: Didn't he come out of kind of a radical political movement?

Sive: I don't think so. As closely as I know Al, I've never asked him about his youth, except I know that his father was a prominent Detroit lawyer. He's the son of a very prominent lawyer in Detroit; there is a Butzel firm there, and that's where he comes from, but I don't know much about him in his law school or college days. He's a wonderful, selfless, great lawyer. He then began to do the bulk of the work under Lloyd Garrison as the senior partner.

Well, then, when we planned the renewed proceedings, Lloyd Garrison decided that the issues would be divided. There were a number of different issues: the fish issue, the power issue, the beauty issue. Because of my experience and my hiking, because I had come out of the movement and was a hiker, Lloyd, I think, in part, said to me, "Well, Dave, you assume a principal responsibility for the beauty issue." So when we had the weeks and months of proceedings which followed, trials in Washington, D.C., primarily, I assembled many of the witnesses on the beauty issue, and I managed and presented that testimony. I assembled as expert witnesses David Brower and Charles Callison and Dick Pough and others.

So I had an important role in this, but I was not the principal attorney, and the three of us really handled the renewed proceedings: Lloyd Garrison as the principal attorney, Al Butzel as his assistant, and myself. We had a couple of others, including a lawyer who is now the chief attorney for the committee which John Dingell heads, a Frank Potter. He's well known in Washington, D.C. He was engaged to help out.

Sive: Well, that was the team, and I developed and became very heavily involved in trying this issue, and I made some real contributions to what lawyers call Scenic Hudson II, and the third and fourth Scenic Hudson cases. But very frequently people mistakenly, particularly in legal educational circles, say, "Dave--he was the Storm King man." It's wrong, and I feel embarrassed, and for fifteen years I've been calling up Lloyd Garrison and apologizing, and in his wonderfully humble way, he says, "Dave, don't worry about it." [chuckles]

Storm King and the Atlantic Chapter

Lage: I wanted to talk more about the Atlantic Chapter.

Sive: Yes. Getting back to the Atlantic Chapter--while Storm King was going on, the Scenic Hudson needed a depository for its monies which would be tax deductible. The Sierra Club was then tax deductible. I'm not certain who first conceived the idea; it may have been I. But Scenic Hudson decided then to receive most of its contributions, put them into an Atlantic Chapter Sierra Club account, and then pay out the monies. So when I led the Atlantic Chapter, it was very deeply involved in Scenic Hudson that way, aside from being involved with me as the lawyer.

Lage: It seems like Storm King helped shape the chapter.

Sive: Yes. Storm King is absolutely critical in the history of the chapter. Among other things, David Brower seized upon Storm King as the great cause célèbre; it was in the East what Mineral King later was to the West. He sensed the drama and importance of Storm King, and he secured the Sierra Club to appropriate \$10,000 as fees for my firm in Storm King.

I'll just pursue that a moment because that \$10,000 was paid to my firm for probably \$150,000 of work, no less. Two or three years later, the one uncomfortable part of the Brower controversy for myself was a charge, I think by Tom Jukes, that I had made a lot of money from Storm King; there was also criticism of Brower for the activism in Storm King. I'm not sensitive, but I didn't like that, and I don't think Tom knew, or certainly didn't know then, the extent of the involvement and the relationship of the work and the fee.

Lage: Well, I don't think you were the only one criticized. I mean, there was a great deal of West Coast criticism.

Sive: Absolutely. Surely, there were others. But part of the reason that Jukes led the anti-Brower group was his criticism of Brower for involving the Sierra Club in Storm King.

Lage: So Jukes opposed the Storm King involvement also?

Sive: I think so, yes. I remember I was told that he began a charge that I, when I was running on the Brower slate--this was two or three years later--somehow I made a big profit from Storm King. But it was \$10,000, and the work was no less than \$150,000. In any event, that involvement in Storm King built up the very close association between Brower and myself, and part of that is closely related to the Santa Barbara oil spill.

Lage: I thought that came later.

Sive: Yes. The Santa Barbara oil spill, I think, was in '67.

Lage: I had thought it was '69.

Sive: We'll have to check. Well, in any event, at that point, out of Storm King and other things, Brower regarded me as a competent lawyer. He almost didn't think of anybody else for a lawyer, and he began to involve me very deeply. You'll have to check the date of the first cutoff of the tax-deductible status of the Sierra Club related to the full-page ad--

Lage: It was '66 or '67.

Sive: It was the ad about the Sistine Chapel.

Lage: Right.

Sive: You know that. Immediately after the tax-deductible status was cut off, Brower phoned me and said, "You go fight this with the IRS," and I represented the Sierra Club for one month in fighting the IRS. But it became illogical because the initial stages of the process would have to be done by IRS in California; so, correctly, the case was moved to a California law firm. I think it was the Lillick firm. I just mention that because it shows the very close relationship of Brower and myself, and his viewing me as his lawyer.

Then when the Santa Barbara oil spill came, he told me, "Dave, you bring a lawsuit." Well, I developed theories, but it became illogical for me to bring lawsuits out of that, and that, I think, was two years later.

During this period, I headed the Atlantic Chapter, I think, for two terms of two years each ending in '68 or '69. During that period, it began to be an increasing portion of my work, tremendous hours.

Lage: Just the work as Atlantic Chapter chair? Rather than the environmental campaigns?

Sive: Both. Also during that period, I first developed a friendship and association with a group of leaders, including Al Forsyth, Mary Forsyth, Nancy Mathews, and others. Nancy was a young woman who graduated from Bard College [New York], went out to San Francisco, worked in the Frisco office of the Sierra Club for a few months--I think '65--came back here, and began to work for the Sierra Club.

Lage: As a paid employee?

Sive: Yes, a very modest salary, at the time when the Sierra Club had an office in the Commodore Hotel. Now, all of this was occurring in '66 and '67.

Central Park and Hudson River Expressway

Sive: Before my involvement as an attorney for Scenic Hudson--I think in '64 --I became involved in what I call my first environmental case. People ask me, "When did you begin?", and this first case involved a very interesting controversy over Central Park.

Lage: This was before Scenic Hudson?

Sive: I think it was in '63. New Yorkers are familiar with this. Huntington Hartford offered to give a large sum of money to the city to build a cafe at the southeast corner of Central Park near the Plaza Hotel. A combination of people fought it; the Tiffany store and others with quasi-commercial interests fought it. They didn't want a cafe right against that beautiful area of Fifth Avenue.

Also, some other people began a lawsuit that became an important lawsuit involving the problem of what a few years later began to be called the "public trust theory." The lawsuit was essentially over whether a cafe was proper in a park, which involved the definition of the word "park." Well, that lawsuit was brought by Tiffany's and others, and they lost it at the trial stage and at the appellate division stage. Then they appealed to the Court of Appeals, the highest court in New York.

At that point, the principal lawyers, Coudert Brothers, a very famous firm in the international law field, suggested that some good-government and conservation groups file briefs in the Court of Appeals as amici, and it was suggested that the Sierra Club and the City Parks Association join that. I immediately decided I'd do it; I'd write a brief for the Sierra Club and the City Parks Association, an amicus brief, to oppose the building of the cafe.

Sive: Well, that case was lost in the Court of Appeals, but it's a story I've told many times about losing the lawsuit and winning the war, because the final court decision permitting the cafe was one month before [John] Lindsay became mayor and [Tom] Hoving, Jr., became parks commissioner, and Hoving said, "No cafe." So we won the war. It's a very fascinating story. So you can date this by the date, January 1-- I think it was '65--that John Lindsay became mayor and Tom Hoving, Jr., who later headed the Metropolitan Museum, became parks commissioner.

Lage: So here is a lawsuit that brings publicity and helps win two campaigns, even though the suit is lost in court.

Sive: Yes. Well, that was the first environmental case I was involved in, and there's a very fascinating story about that involving social and religious and other issues, which I won't go off into now, involving the law firm and the judge and other things.

I think that was '64. Then came the Scenic Hudson Preservation Conference, and then the development of my environmental law activities, and the beginnings of environmental law; these came together with the history of the Atlantic Chapter. A principal event there and one of the principal early cases was the so-called Hudson River Expressway case. Now, that case, that controversy, began around '65. Rockefeller proposed a four- to eight-lane expressway along the east side of the Hudson, originally from the Bronx to Albany; later he cut it down because of protests, and after a few years he decided he'd only build the first section, about twenty-five miles, from Tarrytown to Croton.

That became a tremendous cause célèbre, and again there was a combination of groups opposing the expressway: the Atlantic Chapter of the Sierra Club was led by me, and by that time Al Forsyth was very active, and Nancy Mathews; a group of residents along the river, who would have had their views of the most beautiful river in the world transformed to views of the expressway instead, were also active. They were joined together in the group called the Citizens' Committee for the Hudson Valley, which was led for many years by William Hoppin, who was an important leader, a lawyer. Hoppin was a leader of the Atlantic Chapter of the Sierra Club, too. That citizens' committee and the Atlantic Chapter and the village of Tarrytown, which would see a large part of its rateables (houses and commercial properties) taken for the road and would lose the tax income--those three fought the expressway.

The matter came to a climax when people heard that the Army Corps of Engineers was about to issue the permit for a dike, the dike being the outer wall of the road, in the river. When that came to a head, there was a meeting one Saturday morning in a Catholic church and seminary just north of the expressway, in Tarrytown. I attended it;

Sive: Al Forsyth attended it; Nancy Mathews attended it; and the citizens' committee, officials of the village of Tarrytown, and some of the priests and nuns in that seminary--which was to be taken for the road--also attended. They decided, "We have to sue," but they didn't have the money, and they didn't have a lawyer.

I decided then, "I'll do it." I simply turned to Al, and I said, "Al, let's do it together, and I'll be the principal litigator." Al is not a litigator. He's a great lawyer, but he is not a litigator. I said, "We'll do it together. We'll have some fun. Whatever fees there are, we'll share equitably." Al said, "Great."

We did it. We began the suit, and that suit went on for about a year and a half, and that was won. The final judgment enjoined this third-of-a-billion-dollar project. It has a whole history of its own.

Lage: It was another landmark case.

Sive: It was. It is a landmark case. It's known in the books as Citizens' Committee for the Hudson Valley v. Volpe, who was then the transportation commissioner. That became the case which, more than anything else, first established me, I suppose, in the legal community as a leading environmental lawyer when there were just two or three across the country. That also built up the association and deep friendship of Al and myself and the families. Then Al succeeded me as the chairman of the Atlantic Chapter.

The Membership of the Atlantic Chapter

Lage: I want to go back a little bit and find out more about the kind of people who were members of the chapter and were leaders. Were you drawing a lot of members from the Hudson River Valley area?

Sive: A fair number. It's hard to recall. A lot of the members were hikers. This was the beginnings of the environmental movement, three years before Earth Day, and Storm King was the big issue, and the Grand Canyon dams, and David Brower's first becoming--I've always referred to him as the Martin Luther King of the environmental movement. The Santa Barbara oil spill occurred. The Mineral King Canyon case began. The Sierra Club tax deductibility issue arose.

Lage: Was the Sierra Club name well known here in New York?

Sive: No, no. In fact, I can tell you a funny story about that, involving Nancy Mathews. The Sierra Club had this room in the Commodore Hotel. Nancy used to work till late in the night, and one night she got a call

Sive: from somebody, half sober who said, "Is this the Sierra Club?" She said, "Yes, it is." The person said, "Well, are the people there?" She said, "Yes, there are some people here." Then he asked, "Well, are the girls there?" She said, "Yes, there are a couple of girls here." Then he asked, "Well, are they blondes or brunettes?" and he asked a series of other questions. Finally, Nancy figured out that this guy thought the Sierra Club was some kind of Playboy Club. [laughter]

Ask Nancy about that. The Sierra Club was beginning to be known, but people then still didn't understand. They were puzzled that it had a presence in the East.

Lage: How did your members come in? Were you recruiting members as chapter chair?

Sive: A lot of the members continued to come in just through the personal evangelism of Stewart. Everyplace he'd go he would meet a person and press them to join the club. A lot of my friends came in. A lot of people engaged in the Hudson River fight joined the Sierra Club.

Lage: They'd tend to be professional people?

Sive: Oh, yes. Professionals, educators. Unfortunately, almost exclusively white, middle class, educated--white upper-middle-class professionals, executives, advertising people, they were people dealing with words. No plumbers, no blacks, no bricklayers. They were the traditional groups, and many people have written about this. The membership grew. I think when I joined it may have been seven hundred. In '72, I think it was seven thousand. You could trace the figures.

Lage: What about social liberalism? Was that a defining quality of the members?

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Sive: Membership in the club then was upper-middle-class professionals, teachers, hikers, but a large number began to join the club, particularly the Atlantic Chapter, for its politics, as a political commitment. That's where the Atlantic Chapter was different from other chapters.

The Atlantic Chapter then had the whole eastern seaboard from Maine to Florida. Now, we picked up members through activism--I don't recall the year, but I think it was '68 or '69--over the controversy of Machiasport in Maine. It's at the very northern end of Maine, along the coast, near Eastport, where there are tremendous tides. There were proposals to build a huge oil port for Machiasport, but because it has some of the world's highest tides, there were tremendous fears of oil spills. It became a very important controversy in Maine, and the

Sive: Atlantic Chapter, under me or maybe Al by then, took a very important role in that. I remember going up to Maine for three days and meeting people at Bar Harbor and talking on the university radio station.

Lage: Did you have Sierra Club groups there that you were representing, or is that when the Sierra Club groups got going?

Sive: Well, that enabled us to form a group at Machiasport.

Lage: I see.

Sive: We were the leaders, the activists.

Lage: Were you actively working to enlarge the membership, make groups there, and so on?

Sive: Oh, absolutely. Sure, everywhere, and we'd use every little local controversy. I've always made a particular effort to do this. When a person is involved in a backyard controversy, that's what arouses the interest to expand it to the Grand Canyon and the Sierra Club and the western forests, and that's, I think, the wonderful history of the Sierra Club, that it always would accommodate everybody. If you wanted to do something, you'd go do it.

That creates problems sometimes, but that's the difference between the club and the Audubon Society, which was very carefully centered and organized, at least in those days. So wherever there was an activist, the Sierra Club grew. It grew in Kentucky because an activist there decided to save the Red River from some dam project around '69. He later became a representative of Friends of the Earth or the Sierra Club in Alaska. I don't recall his name.

So this happened wherever we were. This was the time of the airport controversy near the Everglades. That was led by the Sierra Club, by Audubon--

Lage: This is the whole Atlantic Chapter?

Sive: Oh, yes, the whole Atlantic Chapter. So we just grew; we sparked everywhere.

Lage: Now, how did you relate all these outlying groups? You didn't have that much bureaucracy in the chapter.

Sive: We had, I think, six formal groups of the chapter, one of which was the whole Southeast from Washington, D.C., south. Another was New England. The New England one was led by Roger Marshall, a son of George Marshall, who was an architect in Boston. We had a Washington, D.C., group. We had a New Jersey group, quite active. We had a New York state group.

Sive: The New Jersey group was led by Bob Shull and Ed Little and a wonderful legendary person you may have heard of, William Delmhorst, a very close friend of Stewart. He died four years ago, one of the most wonderful people I've ever met. He was a hiker, though not a wilderness hiker, just a walker, and he in '65 or '66 went on, I think, a Sierra Club trip in the Olympic Mountains with Stewart. I think Stewart got him into the Sierra Club. So Bill organized a Jersey group, or maybe it was organized before by Ed Little. I don't know. But he was one of the most wonderful leaders of the early Atlantic Chapter.

Impressions of the Sierra Club Board, 1968

Lage: What did the national Sierra Club mean to the members out here in New York?

Sive: Not too much because the Atlantic Chapter was sort of separate, and there were even sometimes currents of rivalry because we were a kind of stepchild, and they were too much involved with the Sierras. Of course, our hero was David Brower because the Atlantic Chapter, more than the traditional chapters, was a political chapter, and it was politicized in large part by myself and a couple others. The politicization was beginning with Stewart, though Stewart also came out of the hiking fraternity. So we weren't too much involved with national club affairs.

Now then, at a certain point, David began to build up the board of directors with some nominees of his from the East: Paul Brooks, John Oakes, and a few others of the real activist fraternity.

Lage: Was John Oakes an active member of the Atlantic Chapter?

Sive: He wasn't active. He joined it. Who got him to join, and how, whether it was Stewart or David--probably it was David--I don't know, but he was a great and passionate environmentalist. He still is. He became a board member. Then he decided--he was always a very conscientious person--he couldn't go to the meetings, and suddenly one day David phoned me and said, "John Oakes is resigning. Will you go on the board?" I think that was after I ran for the board once and was defeated because it was wholly novel for an Easterner to go on; I was defeated by a small margin.

Lage: So you were the next in line.

Sive: I was the next in line, the one with the highest vote among the losers. So David asked me, "Will you go on? John can't get to the meetings and he decided to resign." I think on two or three days' notice I flew out to Reno and went up to Clair Tappaan Lodge [the meeting site, a club lodge in the Sierra].

Lage: And that was September, '68.

Sive: Right.

Lage: Now you can give us your impressions of the national board.

Sive: All right. Now, then the next election was in June. Right?

Lage: April [1969].

Sive: April. Now, that five months was extremely interesting, with a large number of things happening. At first I was a bit overwhelmed by the pure lustre of the people on the board, including, of course, Ansel Adams; Eliot Porter; Dick Leonard, who can overwhelm you; and the others. Pat Goldsworthy was on the board, and David [was executive director].

Lage: Were these people you'd been acquainted with before?

Sive: No, I'd never known them.

Well, I went there, and I'll just give you some impressions. I can't remember it day by day, or week by week, or the chronology of it.

Lage: Well, that kind of thing is available in the written record.

Sive: Between the first board meeting and the election, there may have been three meetings, and I became deeply involved in the very strong controversy. I was essentially a Brower man; I believed in his activism. I didn't agree with him completely, and I formed a very close friendship with Ed and Peggy Wayburn.

Lage: At that time?

Sive: Yes, that's right, and that became very close. Ed was the president then.

All I can say is that I was essentially a Brower advocate. I got into some disputes and used to carry on the arguments in the board meetings led on the other side by Dick Leonard, and I had the feeling that it was one of the few times Dick came up against a lawyer who tried to match him. I may have been the only other lawyer on the board--

Lage: Phil Berry was a lawyer.

Sive: Phil Berry, yes. Berry is very talented, but I think he didn't have quite as much experience as I had as a litigator, and I think I led, or began to lead, the countering of some of the things which Leonard argued. For one thing, Leonard, I remember, talked about the club going bankrupt. I had some expertise in bankruptcy. I did a lot of bankruptcy work. So I remember just discussing bankruptcy. Also, I became, I suppose, a leader of the Brower group, though I didn't agree with everything they did.

I may credit myself with too much, but I've thought for many years that if I'd been there a whole year, I could have softened and maybe helped resolve this bitter dispute. I have a real strong feeling. I apply myself with great doggedness to coalitions, to mediation; to everybody who knows me, that's a dominant quality. It can be a fault as well as a virtue, I could tell you. I began to chip away at this bitterness, and part of the way I did it was with just a little humor.

I remember, I think, I became a good friend of Ansel Adams because, as I've always done at board meetings when the members get a bit bored, I wrote limericks and passed them around. [chuckles] That, I think, ingratiated me with Ansel, though he was the ideological opposite of me. I thought I was making some progress there, but I had only four months, and I was a newcomer. That was a very strong impression.

Lage: I would think that would be a hard position to step into.

Sive: Yes, right. I was just a neophyte with these great deans, including Dick Leonard, but I really think, had I been there a year, I could really have accomplished something. But in just the three or four months, the dispute sharpened, and there was no way of mediating, and you had to be for or against Brower.

One aspect of this I remind David about to this day. I pleaded with him not to nominate a whole slate of five, to nominate three and bullet vote, use cumulative voting, such as any stockholders' group does. He and Larry Moss said it was against principle; it was contrary to their ideals. I pleaded with David to nominate three Brower people and nominate Edgar Wayburn, the middle-of-the-roader, and I really had a tremendous admiration for Wayburn. Brower wouldn't do it, and Larry Moss wouldn't do it. They nominated the whole slate of five, including me, and they lost.

I remember one meeting, pleading with Larry Moss and, I think, David to do this. For some reason the meeting was in Washington, D.C. At the meeting was a young lawyer just two years out of law school, then with the Seaboard Railway, who has been for many years now the lawyer in the Denver office of the club [the Sierra Club Legal Defense Fund].

Lage: Tony Ruckel?

Sive: Yes, that's right. Tony Ruckel. He was just out of law school, and he was a member.

Lage: And he was a Brower proponent?

Sive: Yes. Right. I like to think I cultivated his interest in environmental law, and he left the railroad and went to Denver and began working.

Well, that was part of the Brower fight, and those, I suppose, are the impressions. It essentially became polarized; you had to be for or against Brower. Although I didn't agree completely with Brower and I think I'm a fairly good contestant--but I love to mediate and soften controversy--it was just impossible to do it, certainly for a neophyte. I just didn't have the capacity.

Lage: There were too many emotions surrounding it. You stepped into something long after it had begun.

Sive: So that, I suppose, is the summary of these impressions. Brower lost. Immediately I prepared the certificate of incorporation and we formed Friends of the Earth. I became one of the early leaders of that and then began to plow a lot of my energy into Friends of the Earth.

Lage: Did you drop out of Sierra Club leadership?

Sive: Oh, no, no. Absolutely not, no.

Lage: You continued?

Sive: Yes. I think by that time I was no longer the chairman of the chapter; I think Al Forsyth was. I continued my strong associations with the club and may have run again for the board--I think I was defeated by a small margin--and then I represented the club in a number of important suits and kept up my very strong association with the club.

Lage: Did you see any ideological change or stylistic changes after Brower left?

Sive: Well, there were stylistic changes, essentially. I always thought that Mike McCloskey took over more than; he was the technician and basically pro-Brower. Phil Berry then became president. Essentially, ideologically, Brower won because the club became what it is, but it was without the problems of the Brower personality and Brower's tactics. So I don't have any more particular impressions. It would be difficult to recall each involvement with the San Francisco club.

Lage: No, I don't think we need to go into that.

The Growth of Environmental Law Organizations

Sive: By that time, a tremendous part of my time was involved in environmental activism, both political and legal, and a lot of it was with Friends of the Earth. A lot of it, beginning in '69, was with the creation of the Natural Resource Defense Council [NRDC], which was organized out of the original Scenic Hudson group.

Lage: Oh, it was? I wanted to ask you how that was organized.

Sive: Oh, yes. Steven Duggan, primarily, Whiting North Seymour, Jr., and myself, secondarily, and a couple other leaders of Scenic Hudson wanted the group to enlarge its activities and begin to be involved in environmental law outside of Storm King. But the group's rather conservative leadership--led by Carl Carmer, the writer, among others--decided no. Steven, I think, got the idea of creating NRDC, and actually EDF [Environmental Defense Foundation] had been created two or three years before that. So Steven and Mike Seymour and I began to organize NRDC, and then very shortly James Marshall became one of the early leaders of it, and that was organized in 1969, I think.

Lage: So that was well before the Sierra Club Legal Defense Fund?

Sive: Yes. The Sierra Club Legal Defense Fund was a few years later. That's very closely related to Jim Moorman. In '65 and '66, Jim Moorman went from Duke University Law School to the Davis Polk law firm on Wall Street. He was a hiker and came to a couple meetings of the Atlantic Chapter, and I got him interested in environmental law.

By some odd coincidence, he and John Adams were both at Duke University Law School. John's family comes from an area of the Catskills, and his father was one of the people working on the construction of one of the New York City aquaducts bringing water from the Catskills to New York. John spent a good part of his childhood there. He and Jim bought a house in the Catskills, and Jim began hiking in this beautiful area of the Catskills where a few years earlier I and my family had bought an old farm. So Jim was a hiker, and then it was very easy to interest him in becoming an environmental lawyer.

After a year or two, he left this Wall Street law firm and went to the Lands Division of the Justice Department. Then there was created the Center for Law and Social Policy, which was a public-interest law firm, half environmental. He went to that, and then he went out to the Sierra Club Legal Defense Fund and headed it.

Also during this period, in '69, the Environmental Law Institute was organized, and so I began to be deeply involved with that and NRDC and the Sierra Club and Friends of the Earth and just a whole slew of

Sive: others, and it began to be a tremendous part of my time, all tremendously uneconomic. There were terrible pressures to do that work and yet do the work which keeps the secretaries and the rent paid. It was a fascinating time, and that time was the great emotional height of the environmental movement, Earth Day, April 1, '70.

Observations on Al Forsyth and the Atlantic Chapter

Sive: Essentially, since 1969 I have never been active in the inner governance of the Sierra Club, though I have always been working with it.

Lage: You haven't been active in the Atlantic Chapter either?

Sive: I continued as a member of the executive committee of the chapter and was very active in the four years or maybe six that Al [Forsyth] headed it. After that, Ted Hullar headed it, and my activities began to lessen, in part because my main political activism then turned to the Environmental Planning Lobby of New York State, which became the principal coalition of all the state's environmental groups. I chaired and really expanded it and spent a tremendous amount of time on it. Although the Sierra Club was a member of the lobby, my political environmental activism was in large part through the lobby. So that lessened the direct participation in the Atlantic Chapter of the Sierra Club as a formal matter, but, of course, in every controversy the lobby and the club were together.

Lage: Has the chapter changed in any significant ways, do you think?

Sive: Yes. It's much larger. It's a bit more diverse. It has much more of an upstate membership. Somewhere along the line, the New England group became a chapter; the Pennsylvania group became a chapter; the New Jersey group became a chapter, and the Atlantic Chapter became New York State, so it changed a great deal. Now it has a different character. It's still very activist and diverse and very fine, but it's different from the kind of early missionary, I think romantic, days of Nancy and Al and myself. Al, particularly, is the legendary figure.

Lage: Talk a little bit about Al, too. We've interviewed him, but you get different views from other people.

Sive: Well, he's just one of the most selfless people I've ever met. He has a fantastic dedication. All I can tell you is that when people tell me that I do a lot of service, against him I feel as though I'm a miser.

Lage: [chuckles] Well, wasn't he retired, though, when he became involved?

Sive: No, no. He was the senior partner of a law firm over on Sixth Avenue, about the same size as mine, whose main client was the American Tobacco Company. We became very close, and we came very close to merging the two firms.

Lage: Oh, really?

Sive: Oh, yes. He's a distinguished lawyer, but he's not a litigator in the sense of trials. He's a very fine writer. He wrote very fine briefs. After the Expressway controversy, he appeared and represented the club in some important actions, and the personal friendship of Al and myself and the families deepened. Somewhere around that time, his wife moved out to Pecos, New Mexico, to this beautiful large house and estate she and her family had along the Pecos River. I don't know whether you want to turn this tape recorder off at the moment, but it was a very difficult time for Al. Al lived here; he didn't want to retire, and a lot of his friends, including myself, thought he was getting to the age where he should. We thought he should just stop the terribly hard work here, go out there, and work as much as he wanted for the Sierra Club and environmental affairs. And after a few years he decided, and he did it and became very active and took the New Mexico Bar and passed it. Then tragically, he had this stroke just about a year and a half after going out there and beginning to really become involved in it.

But he's a legendary figure, and we had this extremely emotional party for him at the American Alpine Club just before he left. I remember I wrote about forty verses about it. He's just a fabulous romantic figure, mainly because of his dedication, his talent, and his selflessness.

Lage: It's interesting that you've met some fantastic people.

Sive: Yes. Right. They were the most wonderful people. That's the most fascinating thing about this environmental movement; you meet such wonderful people like Al and Stewart and Susan Reed and others whom I can name, and Al is at the top.

II THE HISTORY OF ENVIRONMENTAL LAW

The Genesis of Environmental Law, 1965-1971

Lage: We're going to talk further about environmental law and some of the history of its development.

Sive: Yes. Well, part of the early development of environmental law, a very large portion, is related to the history of the Sierra Club. Among the elements of it were, maybe the genius--at least the ability to prophesy --of David Brower. At the very first--I think first with myself alone --he conceived and had the idea that the law could be an instrument, that litigating could be an instrument for advancing what he wanted.

Lage: Can you be more specific? That sounds like a really interesting thought.

Sive: Yes, I can, because I've told you how he seized upon Storm King and the Sierra Club's involvement in it.

Lage: And that he saw the larger implications of this?

Sive: I think so. Also, he's a great dramatist--that's his greatness--and law and litigation are tremendously dramatic. Courts and litigation and court arguments, pitched battles, are tremendous dramas, and I think David and myself at the very outset saw the relationship of the legal processes to the political processes. That to me is the most fascinating aspect of this environmental law.

In any event, in the early days, Storm King created environmental law. Environmental law for its first five years was simply judge-made law, law in decided cases. The first environmental statute was the National Environmental Policy Act [NEPA], which most people thought was just to be a declaration of policy, kind of nice words. That became effective January 1, 1970, and the first great environmental act which really created law to be administered was the Clean Air Act amendments in 1970.

Sive: Now, environment law grew from '65 to '70 with just a few cases: The beginnings of the Overton Park case, which came to the Supreme Court in '71; the Hudson River Expressway case; Storm King, the beginnings of the Mineral King case. It was just a few lawyers, just two or three.

Lage: Who was in on the Overton Park case?

Sive: Overton Park. I forget the name of the principal lawyer. He comes from Washington. Overton Park was not a Sierra Club case. The Overton Park case was brought by a parks association in Memphis, one of these traditional good-government parks groups. So that began in the late '60s. The Mineral King case was led by the Sierra Club and the club also led the Hudson River Expressway case and the Storm King case.

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Sive: Now, those were the cases. The one case before 1970 which really went through the whole process of litigation--pleadings, motions, a trial, and appeal--was the Hudson River Expressway case. It was the first one that was tried, and it was won, and to this day I think it's the only case where a final judgment permanently enjoined the project. That's a whole other chapter. So in '69, I think it was, when the Hudson River Expressway case was won in the district court, that more than anything else established me widely because there were just two or three environmental lawyers.

Then in the fall of '69, one of the most important events in environmental law was a conference [Law and the Environment] at Airlie House, Virginia, in September which was organized by the Conservation Foundation, for whom there was then working Malcolm Baldwin, whom you may have heard of. It was then headed by Sydney Howe and, I think, chaired by Russell Train. They held a conference, I think funded by the Ford Foundation at which for the first time they assembled some law professors, some citizen activists, and a few lawyers who'd been in these early cases.

Lage: It was primarily lawyers?

Sive: It was primarily lawyers. Of the lawyers, the only ones who had been in any real litigation were a Victor Yannacone, who really created the Environmental Defense Fund, and myself. Yannacone was a negligence lawyer out on Long Island, and he brought the first case to try to enjoin the spraying of DDT. He lost that, but he became very active. He's a tremendously brilliant, dynamic figure.

Joseph Sax was at the conference, and he is, in many respects, the greatest professor and student of environmental law. I went there and lectured because the one case which had been completed and won was the Hudson River Expressway. Out of that conference evolved the name "environmental law." It was where the term first came out.

Lage: You hadn't had a handle for all this.

Sive: That's right, yes. One of the conference resolutions was for the creation of the Environmental Law Institute, funded by Ford. Jim Moor- man and I both went on the board of it. After it was created, we engaged Fred Anderson as its executive director, and others became involved with it--Joseph Sax and others. So, with that established, the Environmental Law Institute began the publication of the Environmental Law Reporter, now in its thirteenth year. The very first case in it, page one of volume one, is the Hudson River Expressway case, so that was important.

Environmental Law: The Great Romance

Sive: At this same time, environmental law began spreading through the law schools, and it was the great romance of the law schools.

Lage: Is it usual for a new field to develop that rapidly?

Sive: No.

Lage: I would think law schools would be conservative, slow-moving.

Sive: That's right. I'm no great student of legal history, but I don't think there was ever a field of law which developed as explosively and dramatically as environmental law; it reflected the explosion of the environmental movement in '69 and '70; it was reflected in Earth Day, April 1, '70.

At that time, one of the big national controversies which I became involved in was one involving Hilton Head Island and a German chemical company, BASF. That is interesting because it shows David Brower again. This German chemical company wanted to build a huge dye plant on the coast of South Carolina, opposite Hilton Head Island. Hilton Head Island had been developed by two groups of developers, including Charles Fraser, who is the subject matter of the Archdruid book of David Brower.

This is interesting. Every one of these early environmental cases has a fascinating origin.

The hotel developers included two brothers by the name of Hack and this Charles Fraser. One of the Hacks was a great flower lover, and he got the idea to fight this chemical company, and, I think, using his money, to invite all environmental leaders to a conference in December of 1969. They invited David Brower and Charles Callison and a bunch of others, such as Barry Commoner, who led the scientists' institute.

Sive: Well, that conference took place, and at the conference, to which Brower went, they tried to figure out how to fight this chemical company. So Hack assembled these people, paid for them to go there, and, of course, David Brower said, "We've got to save these islands." One of the islands was Hilton Head, and that was where this tremendous development was beginning, so you had this odd combination of the real estate developers with fishermen and environmentalists.

The Hacks then told Barry Commoner, "We have to get a lawyer," and Barry Commoner told them, "My lawyer is Harold Green," a law professor at George Washington University Law School, very well known. When Hack or Commoner phoned Green, Green said, "I am a professor. If you want a litigator, get David Sive." They called me. I went down there, and then I began the representation in that Hilton Head Island fight, which got a lot of national publicity and stories in the New York Times.

Lage: So you were fighting the chemical company?

Sive: I was fighting the German chemical company.

Lage: But the real estate developers were moving in behind you. [laughter]

Sive: The real estate developers [chuckles] were on my side, together with black fishermen and the environmental groups.

Lage: It sounds interesting.

Sive: It was funded by the real estate developer. I remember Charles Fraser. We were on the same side.

That's one of the things which established me further nationally and had tremendous drama in the spring of '70. The Hilton Head Island story was a feature story in Life magazine, and I think about that same time the "Today" show heard about environmental law, and they called me to be in the morning on the "Today" show, and they said, "Can you give this some human interest?" I said, "I'll bring Nick Robinson with me," a student, a young fellow at Columbia who worked for me in the summer of '69 on the Hudson River Expressway. So all of these things developed, and it became the tremendous romance in the law schools, and every young law student wanted to be a great environmental lawyer and go out--

Lage: So they could be on the "Today" show. [laughter]

Sive: --and be the gladiator and get into the big lawsuits.

At the same time, the subject began to be taught widely in the law schools. Beginning in September of '69, what lawyers call the continuing legal education groups, which carry on law courses for lawyers, began lectures, and I began to do that. I did a four-day series out in Boulder, where I met Dick Lamb. He was then a legislator.

Sive: So I began the lecturing, and then a few months later the head of the most important of these legal education groups for lawyers, the American Law Institute, read about environmental law and read my name, I think, in the Times story from Hilton Head. He phoned me and said, "Would you lead a conference?"

So I began these very large conferences on environmental law at which you'd get three hundred, four hundred, six hundred lawyers every February, and began to institutionalize that, as well as a lot of other lectures. From those conferences and other lectures, I'd guess 80 to 90 percent of all the people in environmental law in the early years were students at these conferences of mine. That more than anything else really spread my standing and the knowledge of me, and at all of the conferences I would just welcome everybody into it. You see, instead of being the lawyer who wants to keep all the cases and draws a very careful line, teaching others a bit but not too much, I just opened it up because the cases were cases which couldn't support a law office, and I would never go to the other side. So I became, I think, a kind of fatherly figure for a large number of all the people in the environmental law field.

Then also in those early years I developed the most dramatic case, which developed from Jim Marshall. His wife, Leona Marshall, was the founder of SANE, and SANE was antinuclear. SANE decided, by Leona Marshall, to fight the biggest nuclear test and explosion on an island in the Aleutians, on Amchitka Island. Then James Marshall suggested that SANE employ me, and I brought the Amchitka case, and that got tremendous attention.

Finally we resolved it on a Saturday in the Supreme Court hearing on a stay motion, and the whole world's attention was focused on this explosion. The Supreme Court decided against enjoining it, by a four-to-three vote. The explosion went off, and that's when, I suppose, was the height of people's attention on environmental law--my picture was taken on the steps of the Supreme Court for the Sunday New York Times--and all the world just focused on that. Well, that dramatized environmental law, and it just spread.

At the same time, you had the growth of the public-interest law firms, EDF, NRDC, the Sierra Club Legal Defense Fund, some regional groups. There was a very important one in Los Angeles, and the law became the great romance. You had the tremendous explosion of statutes in the seventies--the Clean Air Act, the Clean Water Act in '72, the Toxic Substances Control Act, the Noise Control Act--those great bodies of law. The EPA [Environmental Protection Agency] was established in '69 by an executive order. It quickly became the biggest agency in the federal government. This was a fantastic explosion of law. [tape off briefly during interruption]

Sive: Some of the biggest cases really involved me because there were so few lawyers who had been in them. That now is not the case. It's much different because a large number of lawyers are tops, great ones-- Bruce Terris, Jim Moorman. I could just name dozens of them.

Lage: Do you think the field drew some of the top young people?

Sive: Oh, yes! Right. Yes. It was the great romance. It drew the top editors of the Yale Law Review, including Gus Speth. In '68 he came into my office and said, "I and three others are graduating from Yale. We want to go into the environment." I said, "I don't know how to do it. I can't employ you. The cases don't pay." Well, out of that evolved the combination of people out of Scenic Hudson and that group of Yale students--Gus Speth and a couple of others--which became NRDC.

The Field of Environmental Law Today

Lage: How does this business about the pay work out now? Are environmental lawyers getting paid commensurate with what they would have earned if they'd gone into another field?

Sive: Yes. I can very quickly sketch out the environmental bar now. Environmental law now is a tremendous field of regulatory law.

Lage: It's changed its nature quite a bit.

Sive: Yes. So the biggest number of lawyers working in that are the lawyers guiding, counseling, and representing the companies.

Lage: So there's the big change.

Sive: Yes. That's a tremendous hunk of law practice, and every sizeable law firm has that, just as they have a bunch of lawyers in securities law and FTC [Federal Trade Commission] law, FCC [Federal Communications Commission] law; it's now like other fields of administrative law, and that's a tremendous source of income for those firms.

Now, environmental law also has the lawyers with the public agencies--the state and the federal enforcement agencies. Then environmental law has a very small number--the romantic jobs--with the public-interest law firms. They're the gladiators fighting the good fights. That's the most select group and still the most brilliant. Then environmental law has a large number of lawyers who represent what I'll call "the good guys," in many cases on a pro bono basis or for very little compensation.

Sive: What has happened with myself and this firm [Winer, Neuberger and Sive] is that the environmental law practice has grown to where it's a third or more of the whole firm. We have fifteen lawyers. I and just a couple others are almost unique in the sense that I've always drawn the line against representing the companies, not because I think it's unethical. There's no problem with a lawyer representing unions and management or the physicians and the accident victims--lawyers do that--or an environmental cause in one case and an industrial group in the other. He's a lawyer. But my feeling has always been that where one is a movement person and a political leader and professes to and wants to maintain a position in the political movement, you can't be on both sides.

So we've always wrestled with that problem. I've never represented companies in litigation, and probably we could have grown to have twenty lawyers in doing that and millions in fees if I wanted to grow that way. We have gradually expanded to a fair amount of counseling for public agencies, but I still draw the line sharply against litigating for the companies. There are just two or three firms in the country like that. The Butzel firm, Berle and Butzel--they're in New York; they're about the same.

The public agency groups, the commercial lawyers, the lawyers in the legal staffs of the corporations which are involved with environmental laws, and the lawyers with the public law interest groups--I call them "the good guys"--and the large number of lawyers who carry on an ordinary practice but do some representation of environmental groups for little or no compensation and it's just part of their commitment, that's the environmental bar, and by this time it's a huge number.

Lage: Could you give an estimate of how many?

Sive: No, that's impossible.

Lage: It's gone beyond that?

Sive: Yes. All I can say is it's a very large field of practice.

Lage: We're talking about less than twenty years.

Sive: Yes. Oh, there are certainly thousands, and there are now just tremendous numbers of very top lawyers. So for that reason, among others, people in Seattle or Kentucky or Maine don't need me. I have two important cases in South Carolina for the same law firm which engaged me in the Hilton Head case. They think nobody equals me. They're wrong, but as long as they think that, it's fun; I go there, and I get reasonably paid; I do it.

Sive: There are a few lawyers who travel around the country a good deal. I think the greatest in terms of effectiveness is Bruce Terris, who does the Sierra Club work in Washington. He's effective in terms of the sheer number of cases he handles and his talent. He is highly regarded. But there are others that are just tremendous. I don't know so closely now the Sierra Club office people in San Francisco, but they're tops, and the NRDC guys and EDF.

Lage: How do these different public-interest groups divide up the field? Do they each have their own area? Is there competition?

Sive: A little bit. There's some specialization. EDF specializes in DDT and chemicals and toxics; and NRDC, to some extent, specializes in energy and nuclear matters. That's a very complex thing, but they sort of divide it up and have some specialty. I feel strongly that by far the greatest is NRDC. There's utterly no group of lawyers anywhere in the world with the talent that they have. They are a fantastic group, and I think everybody will confirm this. The Sierra Club Legal Defense Fund is great.

Litigation and Politics

Lage: In these early days when there was so much ideological fervor, were there different opinions that were strongly held among environmental lawyers, any kind of ideological splits in the ranks? The thing that brought this to my mind, I think, was the transcript of that early conference where you had a discussion with Yannacone over the political role of law, the use of it as a political instrument.

Sive: Yes, there have been. There are a lot of discussions about the use of litigation as a political instrument, and I discuss that a great deal in law schools, and there are many problems about the use of litigation for political purposes.

Lage: Describe a little bit how it can be used as a political instrument, and what that means.

Sive: Yes. Many of the principal environmental cases have involved matters which were the subject of great political debate. Now, I've mentioned the comparatively small one, the Central Park thing, and what happened there. The most important, most dramatic example of this was the Alaskan pipeline. That was an important case. The environmentalists won it; Congress reversed itself at the same time that the legal case was going on, the political battle was going on. Mineral King Canyon. The southern dam cases.

Lage: Forestry issues.

Sive: The forestry issues, surely. Oh, the greatest example was the--

Lage: Monongahela?

Sive: Yes, the--what do you call it?-the clearcutting.

Lage: Yes.

Sive: That is a lawsuit decided on the very narrow issue of the construction of one phrase in the Organic National Forest Act. We won it. It was a tremendous political issue. It was resolved later politically.

There's a fascinating article, one of the finest, written by Jim Moorman, in a Sierra Club Bulletin [January 1972, p. 2]; it was an editorial a few years ago. He pointed this out and said the political forum is always the more important and the final one because the legal decision can be reversed politically. So he pointed out that the legal fight feeds the political determination. Now, if that is so, the legal fight becomes an instrument in the political process, in part by the tremendous drama in the legal fight. You can debate issues with congressmen and others, and one says X, and the other says Y, and it just bores everybody. As soon as you get a lawsuit filed, you have this staged combat, this tremendous drama. It gets headlines. So the dramatic appeal of the legal fight dramatizes the political issue.

Also, the capacity in the lawsuit to discover the information, to grill the people, to really make them answer the questions, which they can't avoid, is a tremendous instrument in this political process. Watergate started with a lawsuit. Common Cause brought a lawsuit, and that began the exposure.

Lage: That's interesting.

Sive: I've lectured a great deal on one particular phase of the litigation process: the discovery phase, the discovery of documents, the discovery of the information. I've stressed how tremendously important that is in fields of law which are public law and are political. So the two processes work together, and their relationships are very interesting.

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Lage: I was talking with Brock Evans [former Washington, D.C., representative for the Sierra Club] earlier this week. Because the legal process and the political process are so closely connected, he was critical of the lawyers going ahead, taking on certain cases, and then creating problems for people like him who had to clean up the political trouble. The example he gave was the clearcutting decision where the lawyers took it on without advice from him, who'd been so involved in forestry legislation, and then left him with the bag.

Sive: That may be correct, yes, but you see, there are several aspects of that which are important; it's a real problem. First, if you're going to take a case and you think you'll lose it, the law may be set back. From the standpoint of the progress of the law, you shouldn't try the case. That's the pattern which the public-interest law firms follow --Sierra Club, EDF, and NRDC. They'll very carefully select the cases, in most situations, and that clearcutting was not brought by one of the national organizations. Brock may be right.

However, suppose you have a group of private citizens who want to fight a road through a park, and you think you'll lose the case. They engage you as the lawyer. Your fidelity, your loyalty, is to your client, not to the Sierra Club. It's a breach of ethics for you to have any loyalty other than to your client. Now, of course, you can say, "I won't handle the case." But if people have an interest, they're entitled to a lawyer, and they're entitled to a lawyer even though their interest may not be the same interest as the Sierra Club. So the interest of a particular group or person in an environmental case may conflict with the interest of the national organization.

Lage: That's an interesting point.

Sive: That's a very serious problem often. I point this out all the time in NRDC meetings and tell them, "In this one sense, you guys have a much easier job. You just choose the cases which will advance the law, and you choose them when you have a good chance of winning. I don't have that luxury. People come to me when they want an environmental lawyer, and I tell the people, 'Chances are you'll lose,' and they say, 'We want you. You try it, and you do it honorably, and we'll pay you a reasonable fee,' or whatever fee satisfies me." That's a real problem.

Also, with the Monongahela case, I don't recall exactly who were the movers there. It wasn't the national group. Probably Brock is right. So people there didn't want clearcutting in the Monongahela Forest. Now, they have a right to get a lawyer to try to prevent it, and their interest is not the broad, national, legislative interest of the Sierra Club. Well, Brock may be right, but I don't think he means there to criticize these people. He says it's unfortunate.

Lage: Well, his point in this case was that they won the case, but then it caused a reaction in Congress, and he wasn't ready to fight it.

Sive: Well, now, that's a second point. You can win a lawsuit--

Lage: And then lose the battle.

Sive: --and it goes so far that it provokes an adverse political reaction. Sure. I can name a number of cases in which that's happened. Throughout the twenty-five years I've been involved in the Adirondacks and

- Sive: been a principal legal and political strategist there, almost every year we decide not to bring a lawsuit which we may win, because the reaction may be so adverse the people will repeal that constitutional provision.
- Lage: That's interesting. You're considering the politics in that decision.
- Sive: Absolutely. Sure. Right. So Brock is right. The only point I am making is that that's part of the process; that's the diversity of American life and of its institutions.
- Lage: Yes, the law is based on a particular case.
- Sive: Yes. Neither law nor politics works by a nicely calculated plan of a general in Washington, and I suppose it shouldn't. That's the diversity of the decision making that we have. So he's right, but it's inevitable, and I don't think Brock meant by that to criticize the people. One of the people who led the Monongahela case was Fred Anderson. He did the briefs in that case.
- Lage: And the Sierra Club wasn't involved in that? From the way he told the story, I thought he was--
- Sive: I don't know. It may have been.
- Lage: The club may have been involved, not as the instigator, but--
- Sive: It wasn't the original instigator of it. The Monongahela Protection Association is the first lead plaintiff and the one who organized the suit. It isn't the Sierra Club.

But he's right, of course. You can bring a case and win it and then provoke such an adverse political reaction that you shouldn't take the case, and those decisions are made every day of the week by NRDC and the Sierra Club and EDF. But if you have David Sive, who doesn't want a certain park to have a corner taken out of it, you're entitled to get a lawyer and do it, even though the reaction may be to change the legislation protecting parks.

- Lage: Interesting.

Storm King II: Settlement by Mediation

- Lage: Should we go back to Storm King to bring it up to date and talk about that interesting settlement by mediation?

Sive: Yes. Well, Storm King went to what you call Storm King II. The hearings resumed. That's where I had a very active part leading the litigation of the beauty issue. The commission granted the permit again. That was appealed again, and the appeals court sustained the decision granting the permit, so we lost. We went to the Supreme Court, and our petition was denied.

But then along came the Federal Water Pollution Control Act of '72. The Federal Water Pollution Control Act said that in order to put debris into a river, to fill a waterway, you have to get a permit from the Army Corps of Engineers under section 404 of that act, a 404 permit, lawyers call it. So as soon as that was enacted, Scenic Hudson and the Sierra Club--I had a hand in that--brought another lawsuit saying that the approved plan, under which the mountain would be cut out and the debris would be put into the river and a municipal park would be created on the fill, had to get a permit.

The company argued that the '72 act was somehow subordinate to the 1920 Federal Power Act, and when you had a Federal Power Act permit, this section didn't apply. We won that and enjoined the digging.

Then, also, Scenic Hudson and others discovered there was some gross miscalculation in the fish kills. The pump storage takes water, and with electric power, shoots it up a mountain through a tailrace within the mountain, up to a lake on top. When it shoots the water up, the tremendous power can kill thousands of fish. So they build a screen. It shoots the fish to the screen and the fish are impaled against the screen. Well, these were thousands of pages of testimony, and then it was discovered they made some mathematical errors.

So the Hudson River fishermen, led by Bob Boyle, the Sports Illustrated writer, and Scenic Hudson and the Sierra Club and NRDC by this time, brought another suit. The Federal Power Commission decided, "You've got to restudy the fish."

Lage: That's an amazing case.

Sive: Well, by 1977 and '78 so many things had happened, including controversies over the basic economics of cutting the mountain that, I think, around '79--and I'd lost track of it by then--it was decided to try to mediate this whole problem because there were a number of other controversies about power plants up and down the Hudson River. The parties then started long negotiations in which they engaged Russell Train as the mediator.

Lage: Now, this is a new development, isn't it, this kind of mediation in environmental law?

Sive: Well, beginning in the early seventies, people began to talk about it, and the Ford Foundation and others began to study environmental mediation. Through the years, almost every six months some team would call me, among others, and ask, "What do you think of dispute settlement without litigation?" In the early years, my answer always was, "I don't think it works too well for two reasons." One, where the problem is build it or don't build it, there's nothing to mediate. You have to have an in-between solution. When you have a labor negotiation, one party says, "I want an 8 percent raise," or a 12 percent raise. You have to have something to compromise. You can't compromise Storm King; you build it or don't build it. With Mineral King Canyon, you do it or don't. So I said, "With those cause célèbre, those big cases, you can't mediate."

Also, my view was that in the early stages of any great social and political and legal movement, the big cases became tremendous symbols, and symbols are of tremendous historical and political importance. You know, people talked about Storm King: "How can you fight for twenty years?" and "How stubborn can you be over a little cut in a mountain?" My answer is, "It becomes a symbol." It's like Martin Luther King at the lunch counter--where was it?--Montgomery?

Lage: Yes.

Sive: Or any other symbol like that. Susan Anthony parading for women's rights. I say those are important. They create history. So to try to mediate those cases is to destroy them of their symbolism, and symbolism is political history. So I always advised this.

Environmental mediation has become important in more recent years, when you don't have so many causes célèbre, and where there has to be accommodation, and where environmentalists have to understand you can't just spend \$3 billion for the last 1/10th of a percent of the air purity, and nothing comes free, and you can't just argue in the political arena about the bad guys of General Motors because the public has to pay for it, and you don't have cases of the tremendous symbolism. Environmental mediation has a place.

So that's what has happened. Mediation is important in part because there's a very widespread and important general study of the problems of too many lawsuits and too many lawyers and too much litigation.

Lage: Not just in the environment.

Sive: That's right, in many different fields, and that's correct. You have a lot of study of this at universities.

Sive: So environmental mediation now is important, but you still can't do it when the question is build it or don't build it.

Lage: But in Storm King you were able to bring in other related--

Sive: Well, in the mediation we took the Storm King controversy and several other controversies. So there was give by the environmentalists on the others and take on Storm King. So part of what happened--fortunately, for the tremendous symbolic value of Storm King--was that the Storm King plan was killed. Then on New Year's Day '81, a hundred people climbed up in the bitter cold and ice to the top of Storm King Mountain and celebrated it.

Lage: Were you in on that?

Sive: Yes, sure, and Al Butzel and all the others. Yes, right. That was a fantastic time. So Storm King is the most dramatic lawsuit, I think, and one of the most dramatic events that I've ever been involved in. It was the absolute beginnings of environmental law, and it was won. It's a victory. I just say it as a joke, but I mean it. I pass by Storm King Mountain, and it's a nice thing to see the mountain. Mineral King too, though that wasn't quite as dramatic and didn't quite reach the importance legally of Storm King.

Lage: It didn't make the precedent, did it, that Storm King did?

Sive: Well, no, not as much. Mineral King went to the Supreme Court and did make a precedent, which was a bad precedent--well, half bad, half good--denying the Sierra Club its standing. But it denied it in a way which enabled the Sierra Club to amend its claim, to phrase it a bit differently, and then it got the standing immediately. And the big war was won; the Mineral King ski resort is not being built. But the case doesn't quite have the scope and size and drama and importance, in law, of Storm King.

Elitism and the Environmental Movement

Lage: I wanted to get your response to the various charges made about elitism in the environmental movement.

Sive: Elitism is the most difficult of all environmental issues. There is no doubt environmentalism is, in a sense, elitism. The basic problem is that people must eat and have their clothing and have some minimum economic livelihood before they turn to saving the wilderness. Also, in the history of groups of people, the very finely developed attitudes toward resources and wilderness and scenic beauty are only developed in the groups of people who have achieved some economic stability.

Sive: If you think of it in terms of ethnic groups, the environmentalists for many years were largely Protestant, Anglo-Saxon, northern Europeans. You had virtually no Jewish people, Italians, or Poles, or the more recent immigrants, because they were struggling to go to college, and environmentalism is mainly for college people. All you'd have to do is just go to every college community; there's the Sierra Club. That was a fundamental.

When my daughter, the oldest child, first went out to Carleton College in [Northfield] Minnesota, I wanted her to meet some people. I asked for a copy of the Sierra Club list of people in Minnesota, and sure, when you get the name of the town where the club members are, you see that they live where there are two colleges, Carleton College and Saint Olaf College. There was the Sierra Club; I mean, it was the faculty of the colleges. So it is elitism. It's the education. It's the literate. It's the comfortable, but not necessarily the wealthy.

Also, the protection of wilderness is, in many cases, related to the wilderness of the landowners adjoining the public lands. This is the case in the Adirondacks, in the Smokies, in the Sierras, everywhere, where the owners of the lands are the people who have achieved the wealth two generations ago. The ones who first make money buy the Buicks, then later on they buy their estates, and then they go in the quiet places in the wilderness. So environmentalists must be, in that sense, the wealthy, the comfortable, the educated, the white.

Lage: Is it also at cross-purposes with the interests of those who aren't wealthy or educated or white, you know, the inner city dweller?

Sive: Here, I think, no, it isn't. There's little time here, and I could go on for an hour about this because it's such a problem; I've spent so much time reading and thinking and lecturing about it. The Sierra Club firmly says, and I agree with it, that those who have the greatest necessity for clean air and freedom from lead are the people in Harlem, not the ones in Grosse Point or Scarsdale. The club is absolutely right.

So, to the extent that it's elitist and people argue that it's against poor people's interests--it's utter nonsense. There are tremendous statistics which the Sierra Club has, and the Conservation Foundation has, that indicate that the plants don't close and the pollution control equipment employs more people in manufacturing than ever are displaced by it. All of that nonsense is exposed. Also, every poll shows 80 percent of the people want cleaner air, and that includes the people in urban areas and the blacks and the whites and the poor and the middle class. In fact, it's more important to the poor because the wealthy and more comfortable are out in the suburbs where the air is cleaner. So it's utter nonsense that it's more important for the wealthy or the elite.

Sive: Also, I'm particularly sensitive to the problem of black versus white. I consider myself and I like to be among the very strong, passionate civil libertarians, and I believe in integration and the progress of blacks and Hispanics. I like to think I'm just as passionate at that as the head of the NAACP. So this charge that it's against the interests of poor people, of blacks and Hispanics, is especially serious.

I've made a special point, and you can check this, of looking at the voting records of the congressional black caucus. Virtually every black or Hispanic in Congress--with very few exceptions--have the finest environmental records. And look at the "dirty ten" and those studies that the Environmental Policy Center does. Almost uniformly you'll find the top environmental records are by the blacks in the Congress. The one who had the top one for many years--and I studied it--was Herman Badillo when he was a congressman from New York. So that's the absolute disproof of this crazy argument that environmentalism--clean air, clean water, and other aspects of it--is only for the wealthy, upper-middle-class whites.

Lage: The most well-known writer of this point of view seems to be William Tucker, and you mentioned that he interviewed you.

Sive: Yes. William Tucker.

Lage: What do you think he's trying to prove?

Sive: Well, he's trying to prove a--well, he's a very clever writer. It makes great drama, and it is a lot of fun, and there's a lot of truth to the fact that the Storm King Mountain fight was led by the rich. I gave him the information. Steven Duggan is the absolute top of the establishment. In the Simpson Thatcher law firm he was the senior partner when Cy [Cyrus] Vance just came out of law school to his firm, and he was the chairman of the Board of Trustees of Vassar College, and he was a tremendous figure.

So that's interesting to show and dramatize the fact; the ones who got the money for the Storm King fight were rich, and they were selfish because they had their estates there. So what?

Lage: Well, he carries it further in saying that they were working against the interests of the poor and cheaper energy.

Sive: That's utter nonsense. That's utter nonsense.

Lage: Does he have a certain axe to grind, did you feel, from meeting him, or is he trying to make good drama?

Sive: Well, no. I think he's just trying to make good drama. Now, I am not criticizing him for that. That's fair.

Sive: For some reason also, the fellow who was then, and I think still is, the editor of Harper's has carried on a vendetta against environmentalism. In many respects he is very clever. He's a very good writer. He has editorials, and there have been other articles. Somehow Harper's, wanting a nice cause to build their circulation, decided, "We'll sock it to the environmentalists!" That's legitimate. I don't bemoan it, but it's nonsense. I could just multiply this with so many examples, but you can find that documented in so many different places.

But the most dramatic proof is to look at the voting records on environmental legislation of blacks and Hispanics in Congress or in any state. I've looked at it closely in New York. I haven't in California. You'll see almost without exception the top environmental voting records are the blacks'. I know that's the case with Herman Badillo.

I know it's the case with Shirley Chisholm, and I once discussed this with her because I was curious. I met her, and I asked her. I asked, "Have you got a good environmental voting record just because you want to give a bit to the bad guys or something?" She said, "No. I think that's much more critical for the people in Bed-Sty [Bedford-Stuyvesant], which is the Harlem of Brooklyn, than it is for Sierra Clubbers in Mendocino County." I don't think she said "Mendocino County." I'm using that figuratively.

Well, I have just one very, to me, romantic story about this, but I won't take the time now because my views on this and a very fascinating new romantic aspect of this are the subject of and described in detail in a chapter of a book.* The book is written by a fellow commissioned by the Audubon Society, and has the political history of the Adirondacks and the forest preserve. One chapter of it is about a [New York] state constitutional convention in '67 where I was the leader of the staff of the Natural Resources Committee.

What is dramatic to me about black or poor people's interests as against the rich, essentially is this. I will state it, and if it is melodramatic, I believe it. [pauses] This turns to the wilderness preservation, the scenic beauty features of Sierra Club and other organizations' policy, the classical environmental dogma to protect the wilderness. If you start with the premise that large numbers of people--let's say very undue proportions of blacks and Hispanics and Mexican-Americans and others--are faced with poverty, and they have a tremendously disproportionate share of the affluence which the nation has broadly, and if you believe--and you may be a skeptic; you may be a cynic; you may believe in communism--that that will forever be so, then you have a problem.

*Frank Graham, Jr., The Adirondacks Park: A Political History (Alfred A. Knopf, New York, 1978).

Sive: If you believe that in all of our crazy business, and despite Reagan and other things, somehow those groups of people will secure a fairer measure of this affluence, and when they do, as other groups of people have (I myself did. I wouldn't say I was poor as a child, but very middle-middle, very sparing. My allowance was a bottle to bring back to the grocery store and get 3¢ a day. I didn't have a bicycle, so I earned the \$10 to buy it), then they will have that economic base for them or their children to begin doing what we more fortunate do. They will go out to hike and go to the Grand Canyon and go to the Adirondacks and go to the Olympic Mountains. If there is no wilderness, if it's all gone or most of it is gone--and that's what the Sierra Club protects--that to me is the ultimate tragedy, that they will never see it.

So if you're really worried about those people, and if you have a little confidence that we will advance to get a little more economic justice, then the most important interest they have is the wilderness of Mineral King and the summits of the Adirondacks and the Smoky Mountains and the rest of what the club protects.

Lage: That's a good point, looking further to the future.

Sive: Yes, absolutely. Well, I believe this. It sounds melodramatic. I could say much more. But that's part of the answer to the crazy charge of elitism.

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