

Sierra Club Bulletin

A black and white photograph of a forest floor. The foreground and middle ground are dominated by a dense carpet of ferns, likely fiddleheads or similar species, with their intricate, feathery fronds clearly visible. In the background, several large, dark tree trunks stand vertically, their bark appearing rough and textured. The lighting is dappled, with bright highlights on the ferns and deep shadows in the forest undergrowth, creating a sense of depth and texture.

October 1974

Sierra Club Books
Special Pullout
Holiday Supplement

AN UNPRECEDENTED INVITATION FROM THE GOVERNMENTS OF INDONESIA,

"If you help us save our we will make available one investment opportunities in

Collectors who are familiar with the spectacular rise in values enjoyed by gold and silver proof coins in recent years will not want to miss out on this opportunity to acquire these limited-edition, legal tender proof coins in 92.5% silver and 90% gold struck at the Royal Mint of Great Britain under truly historic circumstances.

Here is an unprecedented opportunity for you to perform a magnificent act of compassion in support of the world's endangered wildlife and, at the same time, make an investment that may dramatically increase in value.

To make this possible, 24 concerned nations have joined to issue three legal tender coins each to uniform specifications. The reverse sides of the coins feature endangered wild animals. Limited quantities of the proof coins are being released for sale throughout the world to help finance critically needed conservation projects.

The investment aspects of this program are especially impressive:

1. *These are legal tender currency.* As such, they are not to be confused with commemorative "medallions" and pseudo coins. In the past, legal tender proof coins have increased in value by as much as 225% in a single year. In fact, since 1950, the coin market has averaged a yearly gain of 25%!

2. *These coins are struck in severely limited editions.* Only 30,000 of each silver coin and 3,000 of each gold coin are being issued in proof condition throughout the world. Once the original issue is sold, future collectors will have no choice but to obtain these coins from the original buyers, such as yourself. After the last proof coin is struck,

dies will be destroyed in the presence of an official of the issuing nation.

3. *These are proof coins,* designed and struck to the highest possible quality. They are stamped from special high-quality polished dies. Their raised relief is frosted on a mirror-like background. They are micro-examined for flaws and are never touched by bare hands. This is the procedure followed by the Royal Mint to make presentation pieces for the coronations.

4. *These coins are issued only in silver and gold,* precious metals with high intrinsic values that have risen steadily in recent years. Although U.S. citizens may not now purchase gold coins of recent mintage, this law will be changed by January 1, 1975, and we are, therefore, accepting applications at this time.

5. *These coins are created under truly history-making circumstances.* Never before have proof coins of this quality, in such limited quantities and to uniform specifications, been issued in an international collection. The pleasure and pride of owning such coins cannot help but to increase the demand for them.

How the coins are issued

Each of the 24 participating nations will issue three denominations of coins—a 42mm

diameter silver coin, a 38.61mm smaller silver coin of different design, and a 34mm gold coin, also with its own design. One side of each coin will depict a species endangered in that country. The other side will be the country's standard design.

Every two months the coins of another nation will be offered to collectors. The complete set of mintings by the 24 nations will be completed in four years. Subscriptions are accepted in advance for a period of one year (six issues). As a subscriber you will be protected against price increases during the year. After that, you may subscribe for the second, third or fourth year as you wish.

Your coins will be shipped to you direct from Spink & Son, Ltd., in London. In addition, yearly subscribers to the silver proof series or either the proof or uncirculated gold series receive, at no additional charge, a handsome display chest as a lifetime repository for your coins.

Apply now to assure your collection

The initial response of collectors to the Conservation Coin Collection in Europe and North America gives every indication that these magnificent coins will quickly be oversubscribed. All applications received after the coins are fully subscribed will be returned with the remittance enclosed. We earnestly recommend that you act promptly. Even if you change your mind later, you are protected by the refund privilege contained in the application form. Please mail it today.



FROM INDONESIA—THE FIRST IN THE CONSERVATION COIN COLLECTION—SHOWN HERE IN ACTUAL SIZE.

42mm diameter silver proof
Weight: 35 grams
Edge Thickness: 2.87mm
Fineness: 92.5% of pure silver
Silver Content: 499.6 grains
Face Value: 5,000 Rupiah
Depicts the Orang-Utan

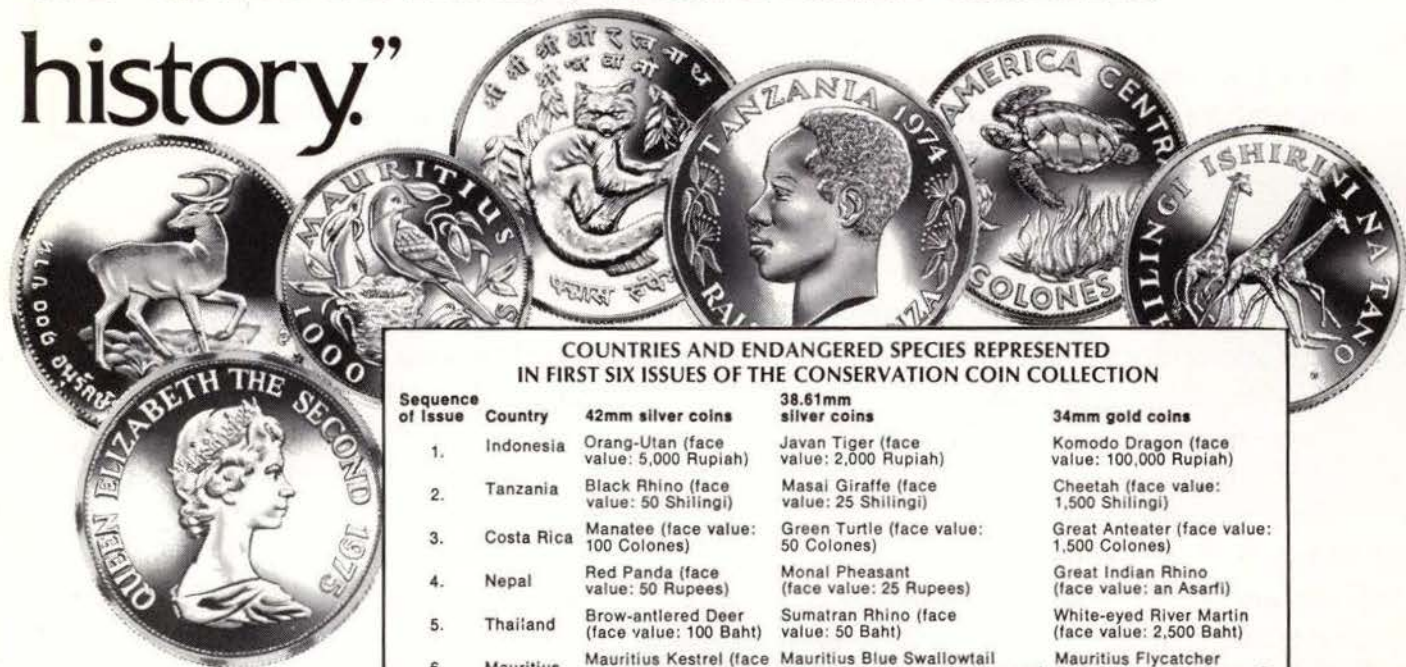
38.61mm diameter silver proof
Weight: 28.28 grams
Edge Thickness: 2.75mm
Fineness: 92.5% of pure silver
Silver Content: 403.6 grains
Face Value: 2,000 Rupiah
Depicts the Javan Tiger

34mm diameter gold proof
Weight: 33.437 grams
Edge Thickness: 2.49mm
Fineness: 90% of pure gold
Gold Content: 464.41 grains
Face Value: 100,000 Rupiah
Depicts the Komodo Dragon

While one side of each coin of a country will have a different reverse design representing an endangered species, the other side of all coins will show the traditional design struck on coins of that country.

TANZANIA, COSTA RICA, NEPAL, THAILAND, MAURITIUS AND 18 OTHERS:

endangered wildlife, of the most remarkable history."



COUNTRIES AND ENDANGERED SPECIES REPRESENTED IN FIRST SIX ISSUES OF THE CONSERVATION COIN COLLECTION

Sequence of Issue	Country	42mm silver coins	38.61mm silver coins	34mm gold coins
1.	Indonesia	Orang-Utan (face value: 5,000 Rupiah)	Javan Tiger (face value: 2,000 Rupiah)	Komodo Dragon (face value: 100,000 Rupiah)
2.	Tanzania	Black Rhino (face value: 50 Shilingi)	Masai Giraffe (face value: 25 Shilingi)	Cheetah (face value: 1,500 Shilingi)
3.	Costa Rica	Manatee (face value: 100 Colones)	Green Turtle (face value: 50 Colones)	Great Anteater (face value: 1,500 Colones)
4.	Nepal	Red Panda (face value: 50 Rupees)	Monal Pheasant (face value: 25 Rupees)	Great Indian Rhino (face value: an Asarfi)
5.	Thailand	Brow-antlered Deer (face value: 100 Baht)	Sumatran Rhino (face value: 50 Baht)	White-eyed River Martin (face value: 2,500 Baht)
6.	Mauritius	Mauritius Kestrel (face value: 50 Rupees)	Mauritius Blue Swallowtail Butterfly (face value: 25 Rupees)	Mauritius Flycatcher (face value: 1,000 Rupees)

A FEW RECENT EXAMPLES OF LIMITED-EDITION PROOF COIN APPRECIATION

COIN	Issue Yr.	Original Selling Price	Current Selling Price	% of increase reflected in current price vs. original selling price
Western Samoa \$1 proof coin	1973	\$16.80	\$ 84.00	400%
Israel 10 Pound proof coin	1971	\$16.80	\$ 72.00	329%
Germany 4-coin Olympic proof set	1972	\$21.60	\$ 52.80	145%
New Zealand 5-coin proof set	1972	\$18.00	\$ 36.00	100%
Mauritius 200 rupee gold proof	1971	\$42.00	\$132.00	214%

NON-PROOF UNCIRCULATED COINS AVAILABLE . . .

All coins will also be available in uncirculated editions struck to the same standard as circulated coins, but with much less mechanical handling. They are the best possible example of a country's coinage and considerably more valuable than circulating coins.

IN SILVER . . . Uncirculated silver coins are composed of 50% of pure silver and are being minted in unlimited quantities. They are offered by one-year subscriptions to both the 42mm and 38.61mm series—sent to you in pairs every two months. **Limit: two yearly subscriptions per customer.**

IN GOLD . . . Uncirculated gold coins, composed of the same gold content (90% or 464.41 grains) as the gold proof coins, are being minted in a limited edition of 10,000. Applications are being accepted for the first six issues of these coins. **Limit: two yearly subscriptions per customer.**

Royal Mint of Great Britain is the official mint of the United Kingdom. All designs for coins to be minted at the Royal Mint, including the designs for the Conservation Coin Collection are reviewed by the Royal Mint Advisory Committee, under the Presidency of His Royal Highness the Duke of Edinburgh.

Spink & Son, Ltd. was founded in 1666 and is managing agent and numismatic advisor to the issuing governments. Spink is the world's oldest and a highly respected dealer in coins and fine arts . . . and, by Royal appointment, medalists to Her Majesty Queen Elizabeth II and His Royal Highness the Duke of Edinburgh.

World Wildlife Fund is an international foundation devoted to conserving nature in all its forms. Since its founding in 1961, the WWF has provided financial aid for over 1000 conservation projects in 84 countries, including the U.S. Its president is H.R.H., the Prince of the Netherlands.

International Union for the Conservation of Nature and Natural Resources—sister group to the WWF—is the world's leading scientific conservation organization. The U.S. government and 56 U.S. conservation agencies are affiliated with the Union.

APPLICATIONS MUST BE POSTMARKED NO LATER THAN NOVEMBER 15, 1974

Conservation Coin Collection

250 Hudson Street, New York, N.Y. 10013

003065

Applications for the first six countries' issues of the Conservation Coin Collection are now being accepted. All six issues will be completed by August, 1975. The first coins—from Indonesia—are ready for immediate delivery and will be followed by Tanzania, Costa Rica, Nepal, Thailand and Mauritius, issued at two-month intervals starting October, 1974.

REFUND PRIVILEGE: If, for any reason, you are not satisfied with any of the coins (proof or uncirculated) purchased in response to this offer, you may return them, in their original condition, within 90 days of receipt to Spink & Son, Ltd. for either exchange or a full refund.

SILVER COINS

Please accept my application for the coins I have indicated below from Indonesia. I understand that you will reserve for me the same coins from Tanzania, Costa Rica, Nepal, Thailand, and Mauritius. I enclose payment for the Indonesian coins and agree to pay for each of the subsequent issues in advance of shipment.

Quantity	Amount Payable with Application
38.61mm and 42mm silver proof set at \$50 per set	\$
Limit 1	E1
38.61mm and 42mm silver uncirculated set(s) at \$32.50 per set \$	
Limit 2	G1
Add \$2.50 to cover processing, registered mail, postage and insurance for the first issue . . .	\$2.50
Total amount payable now for first issue \$	

Make checks or money orders payable to Conservation Coin Collection.

Name _____ (Please Print)
 Address _____
 City _____ State _____ Zip _____

GOLD COINS

Please accept my application for the coins I have indicated below from Indonesia. When legislation allowing U.S. citizens to own freshly minted gold coins becomes effective (January 1, 1975, or sooner), and if my application is accepted, you will reserve for me the same coins from Tanzania, Costa Rica, Nepal, Thailand and Mauritius. You may bill me for the same gold coins of any issue which may have been struck prior to that date. I agree to pay for each of the subsequent issues in advance of shipment. This application is made without obligation to myself or Spink.

Quantity	Amount to be Billed per Issue
34mm gold proof coin at \$720 per coin	\$
Limit 1	A1
34mm gold uncirculated coin(s) at \$300 per coin	\$
Limit 2	B1
Add \$2.50 to cover processing, registered mail, postage and insurance per issue	\$2.50
Total amount to be billed per issue \$	

What to do if your sleeping bag gets wet.

It happens even to the most experienced hikers: The day comes when your sleeping bag ends up wet, maybe sopping.

Now you have a problem—especially if the temperature dips sharply.

You're aware of course that loft is a major factor in determining the insulating value of your bag. If it goes flat or clumps up when wet, insulation could be lost.

It is important, if not critical, to restore loft as fully and uniformly as possible.

Wring it out and shake it

This is where insulation of Dacron* polyester fiberfill II comes into its own.

"Dacron" fibers absorb less than 1% of the moisture that may collect in your bag. So you can get rid of the worst of it by squeezing it out. Then, to fluff loft into your bag, shake it vigorously.

It's bound to feel damp for awhile, but at least it will provide some insulation.

"Dacron" fiberfill II batting will not shift in a properly constructed and interlined bag. You can tumble wash and dry it.

Low cost a big factor

You'll find "Dacron" fiberfill II now being used in most types of bags. From mummy to king-size. From fluffy light-weights to puffy arctic beauties.

Compare prices and you'll discover another advantage—low cost. Now maybe you can afford two—a bag for summer and one for winter. That's the ideal combination.

For more information and a list of bag manufacturers, write Du Pont, Fiberfill

Marketing Division,
308 E. Lancaster Ave.,
Wynnewood, Pa. 19096.

*Du Pont registered trademark.
Du Pont makes fibers, not sleeping bags.



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Cover: In Pepperwood Flat in northern California, photographer Philip Hyde found a metaphor for the mysteries of biological time; In just such a dark, moist landscape, we can imagine, life began its experiments with fish that walked, with dinosaurs and three-toed sloths, with lemurs and salamanders, and with the most unlikely creature of them all—man.

Founded in 1892, the Sierra Club works in the United States and other countries to restore the quality of the natural environment and to maintain the integrity of ecosystems. Educating the public to understand and support these objectives is a basic part of the club's program. All are invited to participate in its activities, which include programs to "...study, explore, and enjoy wildlands."

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BUREAUCRACY



v. THE LAW

TODAY, THE CENTRAL PROBLEM of litigating environmental causes with the United States Government is that of litigating with a *discretionary* government, a government of men, rather than a government of laws. On questions affecting the environment, our executive branch has assumed for itself a discretion not merited by law, indeed has exalted its discretion *over* the law, which it has relegated to the background role of legitimizing presumptive delegations of discretion to itself.

This situation imposes three tasks on a lawyer who would litigate environmental questions with the government. His first and fundamental task is that of establishing the proposition that the government decision he is concerned with is, in fact, governed by law. This task presents itself to the lawyer because the government continually attempts to convert the substantive statutory mandates that govern it into mere discretionary guidelines.

The lawyer's second task is that of establishing that the government decision in question can be reviewed through the judicial process. This task arises because the government uses special ploys, *not available to other litigants*, to avoid the review in court of its environmental decisions.

The lawyer's third task is to force the executive branch to obey any decision he wins against the government in court. And this task arises because the government, even when ordered by a court to obey the law, will sometimes continue on its course of evading the law.

Government of Techniques for Turning Statutory Mandates into Grants of Discretion

How does the executive branch convert statutory mandates that should govern its conduct into loose discretionary licenses? One way is by issuing so-called "administrative interpretations" in the form of general counsels' opinions, secretaries' opinions, attorney generals' opinions, and the like. There is a general rule that when a court is faced with an ambiguous statute, it should give deference to the interpretation of the agency charged with the administration of that statute. The government seems to believe that this rule means that it simply can change the law by issuing an opinion.

The trans-Alaska pipeline case provides a clear example of how the executive branch abuses administrative interpretation. Under the Mineral Leasing Act of 1920, Congress authorized the Secretary of the

When governmental agencies not only select which laws to enforce, but begin to write their own, citizen groups have no recourse but the courts.

James W. Moorman is former executive director of The Sierra Club Legal Defense Fund and continues to serve as a staff member. His article is adapted from an address delivered before the American Law Institute-American Bar Association Conference on Environmental Law, which was held in San Francisco on February 9, 1974.

Interior to grant pipeline rights-of-way across public lands the width of the pipe, plus 25 feet, on both sides. Section 28 of the act read in part, as follows: "Rights-of-way through the public lands . . . may be granted by the Secretary of the Interior for pipeline purposes . . . to the extent of the ground occupied by the said pipeline and twenty five feet on each side of the same. . . ."

Now this is clear enough. However, to make sure that no additional lands were to be available under other authorities, the statute went on to say: "Provided further, that no right-of-way shall hereafter be granted over said lands . . . except under and subject to the provisions, limitations, and conditions of this section. . . ." (*Italics added*)

As it happens, the trans-Alaska pipeline is so big that the 54 feet it could have had under the above statute is insufficient. The oil companies need 100 feet for their pipeline, another 100 feet or so for a road, and miscellaneous other land for river crossings, radio stations, air fields, gravel pits, and so on.

The Interior Department searched its archives and found some old administrative interpretations. One 1931 Attorney General's Opinion in particular encouraged the department. It said that the width limitation could be ignored for a pump station. You can't have pipelines without pump stations, the attorney general had said. Furthermore, he went on to reason, Congress could not have intended to prevent new pipelines. Therefore, the attorney general concluded, you can permit the use of additional land for pump stations. The Department of the Interior decided that the logic and reasoning of the pump-station opinion could be applied to all the extra-land needs of the trans-Alaska pipeline. The secretary thus determined that he could ignore the width limitation set out in the law altogether. The government fought for its discretion on this ground for three years. I am pleased to say that not one judge of the Washington, D.C., Court of Appeals would accept the secretary's logic.

Another technique of the executive branch for avoiding mandates is "ratification," by which it tells some committee of Congress that the executive branch has violated, or that it desires to violate, the law. When Congress does nothing about the violation, the

executive branch then claims that Congress has ratified the violation and that, presto, the law is thus amended. A ratification can best be achieved when some agency submits the information to a friendly appropriation committee. The claim of ratification comes when the Congress appropriates money for the agency. Another way to achieve a "ratification" even without the cooperation of some committee is by obtaining authorization for a project, which is then claimed to be inconsistent with the particular statutory mandate annoying the government. Thus, the executive branch can claim a repeal by implication, even though Congress was not informed of the possibility of repeal and nowhere indicated that it intended a repeal.

A wonderful example of the techniques of ratification can be found in the Rainbow Bridge case. A few years ago, Congress passed the Colorado River Storage Act authorizing several dams on the Colorado River, the best known being that at Glen Canyon. There was a fight in Congress at the time as to whether the dams' waters would be allowed to flood certain national parks, in particular Dinosaur National Monument and Rainbow Bridge National Monument. After a bitter fight, Congress included Section 3 in the act, which states: ". . . It is the intention of Congress that no dam or reservoir constructed under the authorization of this Act shall be within any National Park or Monument." That seems pretty clear, doesn't it?

In order for the Bureau of Reclamation to build Glen Canyon Dam to the height it desired and also to prevent water from backing into Rainbow Bridge National Monument, a small retaining dam would have had to be built below the monument on Bridge Creek. However, officials of the Bureau of Reclamation and the members of the appropriations committees of Congress apparently thought that such a retaining dam was a waste of money, so the funds for it were never appropriated. What about Section 3? you ask. The bureau simply ignored it—on the grounds that (1) they had told the Congressional Appropriations Committees about the problem, (2) Congress had failed to appropriate money for the retaining dam, and (3) Congress had thus silently ratified the flooding of Rainbow Bridge. The bureau shored up this argument with a second, similar argument: That when

Congress passed legislation authorizing other dams on the Colorado River, it must have assumed, for certain technical reasons, that Lake Powell would reach a level that would flood the monument. Thus, the bureau reasoned, Congress must have repealed Section 3 by implication.

A third way the government converts the law to mush is by changing the language of statutes as they are reflected in regulations. In 1897, Congress passed a law governing the national forests known as the Organic Act, one provision of which requires that trees ". . . before being sold, shall be marked *and* designated, . . ." Marking is done with a marking hammer. The forester traditionally went through the woods and marked the trees with a hammer to indicate which trees were to be cut.

The Forest Service, however, wanted broad discretion to decide how timber should be cut. In particular, it wanted discretion to permit wide clear-cuts. The process of marking individual trees, however, is not consistent with clear-cutting, where the ground is simply scalped for acres and acres. In short, marking is a nuisance the Forest Service wishes to dispense with. To get around the marking requirement, the service decided to change an "and" to an "or." Thus, while the national forest Organic Act reads "mark *and* designate," the Forest Service regulation covering the point reads "mark *or* designate." There is a very interesting decision from the Northern District of West Virginia, *West Virginia Division of the Izaak Walton League of America v. Earl L. Butz*, that rejected the regulation and other "liberal" Forest Service interpretations of its Organic Act. I commend it to you as a lesson in how to catch the government up on creative regulation writing.

There are many more devices by which the executive branch guts the law. Let me mention just one more: simply missing deadlines and letting timetables slip, otherwise known as foot dragging. An example of this was revealed to me recently in regard to the new Marine Mammal Protection Act of 1972. Certain provisions of that act exempted tuna fishermen for two years from the act's requirements that they obtain permits before taking porpoises in the act of tuna fishing. Another provision, however, provided that the Department of Commerce was

to issue interim regulations for the two-year period "to reduce to the lowest practicable level the taking of marine mammals incidental to commercial fishing operations." These provisions were intended to combat certain tuna-fishing practices that have caused hundreds of thousands of porpoise fatalities.

After several of the initial 24 months passed without any regulations having been issued, a group of citizens concerned about porpoises sued to obtain regulations. Finally, on January 22, 1974, 13 months late, the Commerce Department issued regulations to go into effect in April. The effect of the delay was to allow two unregulated fishing seasons to pass, totally nullifying the department's lawfully mandated duty. The suit, *Project Jonah v. Frederick B. Dent*, in the U.S. District Court for the District of Columbia, resulted in no ruling or opinion and will probably now be dismissed as moot.

The examples I have discussed of executive disrespect for statutory mandates are from my own experience in environmental litigation. I have had other such experiences, and I have read many case reports where government officials have substituted their discretion for the law for one reason or another. The best known are the cases under the National Environmental Policy Act, which simply involve the gross failure of the government to prepare an environmental impact statement. Many cases involve blatant failures to enforce permit requirements or to protect lands and waters clearly mandated for protection. These failures occur so often and are so often justified as being matters of executive discretion, that I believe it is fair to say that the lawyer's first task in dealing with the government on an environmental decision is to track down and counter its various rationalizations for substituting its discretion for the law.

Procedural Techniques by Which Government Avoids Review

WHEN THE LAWYER has done this, however, he is not through. He has a second task, which is to meet a number of special plights, not available to other litigants, that the government will use for avoiding judicial review.

The first of these plights is the doctrine of sovereign immunity. When I

went to the Land and Natural Resources Division of the Justice Department to practice law several years ago, I was informed early on that the first line of defense in any lawsuit defended by that division was to raise the doctrine of sovereign immunity by motion to dismiss. This doctrine holds that the government can only be sued with its own consent. The memoranda of the lands division once almost invariably asserted that such consent had not been given in whatever the case in question happened to be. Happily, the courts seem now to pay less attention to this ploy than they did in the past. The Congress obviously intended by the Administrative Procedure Act, as well as a number of other statutes, that the actions of government officials be subject to judicial review. The doctrine of sovereign immunity, which derives from the notion that the king can do no wrong, is clearly out of place in a modern democracy based on law.

The government, however, still asserts the doctrine, arguing that courts should not, as they put it, "stop government in its tracks." Occasionally they con a court into accepting the doctrine. A case where the Sierra Club was the victim of the royal majesty of our sovereign is *Sierra Club v. Hickel*, in which a decision to turn a wildlife refuge over to a power company in a land exchange was held to be unreviewable on the ground of sovereign immunity.

The second ploy of the government to avoid review is to challenge plaintiff's standing to sue. If, like myself, you were raised to believe that an active participation in civic matters is a virtue, be prepared for a shock. Your government prefers to tell its citizens that they have insufficient interest in their government's decisions to obtain any test of the legality of those decisions. Apathy and docility are what the executive branch prefers.

I am pleased that the Supreme Court has recently adopted very relaxed rules on standing. Citizens are not required to base standing on economic interests, but may base it on other interests such as recreational or conservational interests. Furthermore, such an interest may be shared by the many, and need not be unique to the plaintiff. Thus, broad interests may be raised in a representative fashion.

The next ploy of the government is to obtain the laxest possible standard

of review. Under the Administrative Procedure Act, the government already has an enormous advantage. Plaintiffs can overturn their decisions generally only if they are arbitrary, capricious, or represent an abuse of discretion. This, however, is not good enough for the government, which often baldly asserts that decisions are based on nonreviewable discretion.

Failing to win complete nonreviewability, the government will then indulge in a series of arguments to win a rubberstamp review. There are many varieties of this ploy and, as I could spend my entire time on them, I will limit myself to just one example. The arbitrary and capricious standard applies to government decisions. The government, however, attempts to have this standard applied to questions of whether it has complied with procedural prerequisites to its decision. One of the most important such prerequisites is the environmental impact statement required by NEPA. Happily, many courts have held that the EIS mechanism should be reviewed strictly as a matter of law.

Another ploy of the government to avoid review is to test plaintiffs on the question of the exhaustion of administrative remedies. No matter how exhaustively your client has debated a subject with a government agency, the executive branch often has additional so-called "remedies" for your client yet to hurdle.

For example, the Forest Service takes the position that before you can sue with regard to one of its decisions you must file an appeal with a forest supervisor, work your way up to the regional forester, then to the chief of the Forest Service and finally to the Secretary of Agriculture. Thus the Forest Service requires four appeals before they will acknowledge that your client is entitled to sue.

Who is kidding whom? This is all unnecessary. Even one review by an agency can be justified *only* if there is a real opportunity for reversal. A four-step appeal cannot be justified under any circumstance. The system is simply used to exhaust plaintiffs, not remedies.

What else do they throw at you? I don't have to tell you about the resistance to discovery under the doctrine of executive privilege. It has been in the press so pervasively that you must all be aware of it. It is just another special privilege asserted by the

government to avoid review. There are others, but you have the picture.

It may sound as though I am complaining because the government fights hard in a lawsuit. Not so. I am only pointing out that the government attempts to avoid review of any kind through special ploys not available to the ordinary litigant, such as executive privilege or sovereign immunity. The purpose is to avoid accountability under the law. Your second task in litigating with the government over an environmental matter is to anticipate and be prepared for these ploys.

Federal Evasions of Court Orders

NOW, ONCE YOU HAVE fended off the various maneuvers of the government to avoid the law and judicial review under the law, and you have won your case, your fight with discretion may not be over.

You may find that the government just won't obey the court order you have won. I don't mean by this merely that the government will appeal, seek stays, or seek a bill from Congress. Of course it will do that. Rather, I am referring to another way they resist a decree. To explain what I mean, I will relate to you the example of the Sierra Club's nondegradation case, *Sierra Club v. Ruckelshaus*.

In this case, Sierra Club won a nondegradation interpretation of the Federal Clean Air Act. Under the Clean Air Act, the Environmental Protection Agency (EPA) is required to promulgate National Ambient Air Quality Standards. Once EPA has promulgated the ambient standards, the states thereafter are required to promulgate enforcement plans to achieve and maintain the standards. The act requires EPA review of all enforcement plans to insure they will, in fact, enforce the standards. EPA is required to disallow a plan or part thereof if found inadequate and can promulgate its own plan or part thereof if a state does not correct an inadequate plan.

As it happens, and depending on where you are, actual air quality is often better than the ambient standards promulgated by EPA. The nondegradation principle is that ambient standards can only be used to clean up air of poorer quality than that defined by the standards and cannot be used as a license to pollute air of a better quality. EPA originally accepted this principle and, in fact, so stated in the very body of the Ambient Air Quality

Standards. However, when EPA issued its instructions to the states for preparation of the enforcement plans, it reversed itself and announced that degradation would be permissible.

The Sierra Club sued and won the point in the district court on a preliminary injunction on May 30, 1972. The parties stipulated that the order should be considered final for purposes of appeal. Then the district court was upheld twice, first by the court of appeals, and finally by the Supreme Court, each time without opinion.

The court ordered EPA to do two things. First, EPA was ordered to disallow state plans that did not embody the nondegradation principle. EPA complied with this part of the order on November 9, 1972. Second, the court ordered EPA to promulgate final regulations setting forth nondegradation principles for state enforcement plans by November 30, 1972. EPA to this day has not complied with this second requirement. EPA's requests for stays were denied three times by the district court and the court of appeals between May 30 and November 30, 1972. Nevertheless, EPA made no effort to issue proposed regulations that would meet the November 30 deadline. EPA avoided noncompliance at the last minute when the solicitor general went to Chief Justice Burger on November 29 and obtained a stay that remained in force until the Supreme Court affirmed the lower courts on June 11, 1973.

What EPA did after the Supreme Court ruled against it was very interesting indeed. A month after the ruling, EPA issued four alternative sets of proposed regulations to implement the court's order. In our judgment none of the proposals even come close to implementing nondegradation. Furthermore, if you take the *Federal Register* at face value, they are not even intended to. The proposed regulations were prefaced, *inter alia*, with this statement. I quote the *Federal Register* of July 16, 1973, Vol. 28, p. 18986: "In EPA's view, there has been no *definitive judicial resolution* of the issue whether the Clean Air Act requires prevention of significant deterioration of air quality. When the issue was presented to the Supreme Court, the court was equally divided. The court's action had the effect of permitting to stand the judgment of the Court of Appeals for the District of Columbia

Circuit, which was entered in the procedural context of the issuance of a preliminary injunction."

I must interrupt to remind you that the government had in fact stipulated that the preliminary injunction would be considered a final decree. The statement goes on to say: "In the absence of a definitive judicial decision on the issue, the Administrator adheres to the view that Section 110 of the Clean Air Act requires EPA to approve state implementation plans that will attain and maintain the national ambient air quality standards, and that the Act does not require EPA or the states to prevent significant deterioration of air quality. The proposed alternative regulations set forth herein would establish a mechanism for preventing significant deterioration pursuant to the preliminary injunction issued by the District Court."

Now this is ambiguous, but what I fear they mean is that they believe they do not have to, and are not going to, enforce nondegradation. All they are doing, in their view, is issuing some regulations in order to comply, technically, with a court order, after which, I believe they are saying, they are not required to take further positive action.

At about the time this statement appeared in the *Federal Register*, the White House was saying, with regard to the legal proceedings of Archibald Cox to obtain the Watergate tapes, that the President would only be bound by a definitive ruling of the Supreme Court. There were many speculations in the press as to what sort of an order of the Supreme Court the President would have considered definitive. We at least know now that a 4-4 affirmation is not, in EPA's view, definitive. In any event, EPA has never made its statement "inoperative," and we conclude that EPA has chosen to use the rule-making proceeding as a vehicle of resistance to, rather than implementation of, the court's order. To this day, 14 months after the court's deadline, we have not yet seen final regulations. We see before us years more of litigation over the regulations, once they are issued. And if we ever obtain good regulations, we believe we will have to sue to enforce them. Thus, EPA simply will not comply in any meaningful way unless kept under litigation pressure for years to come.

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Corps Games in Mid-America

JONATHAN ELA

IT SEEMS that the Corps of Engineers has studied this parable diligently—at least in the Midwest—for on the Upper Mississippi River between Minneapolis and St. Louis it has adroitly employed camel tactics to achieve piecemeal what it dares not attempt all at once. In fact, the Corps and its allies would like to quadruple the navigational capacity of the Upper Mississippi Waterway over the next 50 years, increasing the system's rated capacity from 46 to 190 million tons annually. But it would prefer not to tell the public about this plan, or about the specious assumptions it uses to justify the project, assumptions that inflate all conceivable benefits and either ignore or minimize all public costs. Instead, the Corps asserts that it is merely proposing "improvements" of the present system, each one comparatively small and unobjectionable by itself, but when taken as a whole, inimical to the welfare of both the public and the river. Fortunately, the public has begun, at last, to learn how to keep the tent flap closed.

The history of navigation "improvements" on the Upper Mississippi and its tributary, the Illinois River, spans nearly 150 years, for these waters are the Corps' original public-works playground. So far, the Inland Waterway System consists of 29 locks and dams on the Mississippi and seven locks and dams on the Illinois. These structures, with the assistance of an enormous amount of maintenance dredging each year, provide a channel with a minimum depth of nine feet, which ties together such ports as Minneapolis and Chicago in the north, and

St. Louis and the lower Mississippi and Ohio rivers in the south. The system's annual rated capacity of 46.2 million tons consists largely of bulk cargo such as grain, coal, and chemicals.

This commercial waterway operates in the precarious context of a river system that embodies an immense spectrum of public values extending far beyond navigation. The river is a great public resource of incalculable importance to millions of people in Mid-America. It provides virtually limitless opportunities for all kinds of recreation, such as hunting, fishing, waterskiing, canoeing, bird watching, hiking, and so on. The Upper Mississippi is also the site of two major national wildlife refuges, which provide essential resting grounds for waterfowl using one of the four great migratory flyways in North America. In addition, the undeveloped bottomlands along the Mississippi River are rich in resident birds, mammals, and fish and other aquatic life. Furthermore, environmental groups have identified some 60,000 acres of public lands on the Upper Mississippi National Wildlife and Fish Refuge that qualify for wilderness preservation. Such a wilderness of meandering sloughs and backwaters bounded by the towering river bluffs would be among the most scenic and unusual units in the entire wilderness system.

Already, the Corps' existing navigation facilities have seriously compromised the natural integrity and recreation potential of the river system.

The turbidity caused by dredging—and even the propeller action of com-

Some of you may recall the parable of the camel who managed one night to work his way into his owner's tent one step at a time. First, he poked his nose into the tent, then his head, followed by his neck, and finally his whole body. Each time, the kind-hearted owner moved over just a bit. Eventually, he found himself out in the cold, while his camel spent the night inside, snug and warm.

mercial vessels—has destroyed aquatic life. Wavewash generated by the long, snakelike barge trains that ply these waters contributes to erosion along the shores. The Corps' present dredging practices, including the disposal of spoil, has led to sterilization of significant areas of the river and has resulted in walls of sand that are choking off precious backwater areas by restricting the free flow of fresh water. All in all, the river is dying—slowly but surely—because of the paramount priority the Corps has given to navigation.

The waterway has also led to a substantial amount of industrial development along the river in the form of coal-fired powerplants, shipping facilities, and the like. The siting of much of this development has been extremely unwise and has led to the unplanned and piecemeal destruction of the generally unspoiled and rustic qualities that still prevail along much of the river. Nobody argues that navigation should be terminated—for it is a traditional and necessary use of the river—but increasingly, citizens are demanding that it be placed in the context of all the values inherent in the river. The nonshipping public—most of us, after all—should be given a louder voice in future decisions affecting the river.

Such a suggestion is repugnant to the Corps, however, which has always regarded the Mississippi River as its own private canal, and which has cooperated with shipping interests for generations to assure that mutual plans for the river go unchallenged and unimpeded. It is against this back-

ground—an existing navigation project and rising public concern about the deleterious effects of navigation—that we see the Corps' application of camel's-nose-in-the-tentism in its classic and most spectacular form.

First, the Corps identifies a demonstrable weakness in existing navigation facilities (an easy task in any such system). Then, it asserts publicly that this weak element must be replaced—ostensibly to bring this component up to snuff with the rest of the system, but actually to replace the entire system one step at a time. For the new link in the system, of course, will be more efficient than any of the older links, one or more of which can thereby be identified as new weaknesses. Thus, once the Corps has obtained a commitment to replace one weakness, a host of new ones will appear automatically. Weakness by weakness, the entire system will thereby be replaced and upgraded—without anyone's ever stopping to consider whether a new system was either necessary or desirable. When, at last, hundreds of millions, or perhaps even billions, of dollars have been spent, supposedly merely to maintain the present system, the remaining costs to complete the new system will be small enough that the Corps can then announce that it is economically imperative to proceed with the whole new scheme. At this point, the Corps is in the tent, and the public is out in the cold wondering what happened.

The Corps wishes to quadruple the capacity of the Upper Mississippi River system by deepening the channel from nine to twelve feet, by increasing the size of locks to accommodate larger tows, by permitting more powerful and faster tows, and by extending the navigation season past the traditional freeze-up point. To realize these goals will require a public investment of more than three billion dollars and will change the face of the Upper Mississippi River—in fact, there would no longer be an Upper Mississippi River, merely a Mississippi Canal, with all the scenic charm, recreation potential, and biological interest of a storm drain.

The proclaimed weak link in the Upper Mississippi River waterway, the nose in the tent, is Lock and Dam 26, at Alton, Illinois, just north of St. Louis. The Corps proposes to replace Lock and Dam 26 completely at a site two miles downstream from the

existing structure. The new facility would consist of a massive earthen dike, a concrete dam with nine gates controlling the flow of the river, and, most important, two locks 1,200 feet long and 100 feet wide. Although the Corps bills this facility as a replacement, it represents, in fact, an enormous expansion of the existing system, and is the first major step in reworking the entire river.

Lock and Dam 26 is especially significant because it is the only structural hindrance to expanded navigation between the lower-Mississippi and Ohio River system and the mouth of the Illinois River. Therefore, replacement and expansion of this facility would lend impetus to further expansion on both the Upper Mississippi

The Corps has always regarded the Mississippi River as its own private canal.

and the Illinois. Lock and Dam 26 was skillfully chosen as the place to start the total assault on the Upper Mississippi. Once a commitment to rebuild Lock and Dam 26 is obtained, the Corps can proceed up both rivers, while still protesting that its purpose is only to assure maximum efficiency of the present system.

The Corps has claimed that it has valid reasons to replace Lock and Dam 26, namely that not only is the structure the least-efficient link in the present system, but also that it has deteriorated and must be replaced to avoid failure. But this latter contention is scarcely believable considering that the Corps has admitted the lock could be repaired so it would last another 50 years for only about one-quarter the cost of replacing it. And even the most credulous mind must balk at the Corps' rationale in light of the fact that the proposed replacement of Lock and Dam 26 will consist of two locks, each substantially larger and deeper than the present lock, which together will quadruple the tonnage capacity of the facility.

In fact, there is no conceivable way that the Corps could economically justify the replacement of Lock and Dam 26 without assuming vastly increased traffic throughout the entire system. But for the system to accom-

modate such an increase, an entire new scheme of waterway improvement upstream of Lock and Dam 26 would have to be implemented. Although replacement of Lock and Dam 26 is but one part of the total scheme to quadruple shipping on the river, it is in itself the largest construction project in the history of the Midwest, weighing in at a boggling 380 million dollars.

At the same time that the Corps' ultimate intentions of developing a whole new waterway system were becoming more and more evident, the agency completely disclaimed the need to examine the effects of Lock and Dam 26 beyond the immediate construction site. Thus, the environmental-impact statement only examines problems in the immediate vicinity of the new dam.

In other words, we have here a classic example of another Corps strategy: When computing benefits, the Corps quietly assumes the existence of an entire new system, but when computing costs—including environmental costs—the Corps assumes only those of immediate construction. To cap things off, the Corps took the position, of course, that because reconstruction of Lock and Dam 26 was merely a routine matter of system maintenance, further Congressional authorization was unneeded.

As environmentalists observed this scheme unfolding, it took some time to shake off a feeling of incredulity. But eventually, the Sierra Club and the Izaak Walton League of America determined that Corps behavior was so egregious that a major legal challenge should be mounted, and that, in fact, such litigation could serve not only to save our beloved Mississippi River, but also as a test case to challenge the validity of similar Corps procedures around the nation. It must be understood that environmentalists are not attempting to close the door to increased navigation, but only to assure that any decision to proceed with navigation expansion is made on a basis that examines *all* pertinent benefits and costs for the entire system.

Shortly after the two environmental groups resolved to pursue litigation on this matter, it came to light that a number of railroads were also interested in the issue. Barge traffic directly competes with rail traffic for the movement of bulk commodities along many routes, and the railroads were con-

cerned that the public subsidy being given to the barge lines would make their already perilous economic position even more untenable. It is not widely known that barge navigation routes such as the Mississippi River are 100-percent subsidized by the American taxpayer: *Shippers and barge operators do not pay a penny for either the initial capital investment or for the annual maintenance of a waterway system.* Railroads, on the other hand, must pay a large proportion of their annual revenues for basic maintenance and improvements, along with real-estate taxes and similar costs. The railroads argue that huge additional public subsidies on the Upper Mississippi and Illinois rivers, which may ultimately total over three billion dollars, will permit more and more barge traffic at ever lower rates, which will not only directly affect the quality of rail service, and indeed the viability of the railroads themselves, but also will place shippers who do not have access to the waterway system at a tremendous disadvantage.

The railroads argue that the Corps has computed project benefits on a narrow basis that looks primarily at benefits to shippers and barge operators while ignoring the total economic impact on all parties nationwide; that if a thorough and comprehensive economic analysis were made, as required under a variety of statutes, the results would show that the implementation of the new Upper Mississippi Waterway leads to a net economic inefficiency—or loss—rather than a national economic benefit. Put another way, the railroads argue that many of the supposed benefits of the new waterway do not represent real gains, but simply transfer revenues from one economic sector to another.

When it became clear that two parallel legal efforts were emerging, common sense dictated that the environmentalists and railroads mount a cooperative legal effort to force reexamination of the Corps' plans. Thus was born one of the most logical and fruitful limited alliances the environmental movement has yet seen. Although the Sierra Club has no intention of meddling in the specifics of any competitive dispute between railroads and barges, it is certainly compatible with our history of concern about navigation projects to force valid and legitimate economic justifications of public works projects. The destruction of a

river resource for economic reasons is very difficult for us to accept in almost any circumstance, but when the economic justification is spurious, as there is every reason to believe is the case on the Upper Mississippi, that destruction represents a double insult. Furthermore, environmentalists are very interested in developing a national transportation policy that is both efficient and minimally degrading to the environment. The sorts of analyses that would be forced by the railroads' legal arguments could very well show that alternative modes of transportation, including rail shipping, may eliminate the need for many destructive waterway developments.

Accordingly, the Sierra Club, the Izaak Walton League, and 21 railroads filed separate but parallel suits in Washington, D.C., on August 6. A temporary restraining order halting the opening of bids on initial construction of Lock and Dam 26, planned for the following day, was immediately granted. On September 5, Judge Charles Richey, in an opinion unsurpassed for clear, incisive logic, issued a preliminary injunction continuing the stay on construction activity of Lock and Dam 26.

Judge Richey said the project requires further authorization by Congress; and he sustained, on a preliminary basis, the merit of the plaintiffs'

Barge navigation routes such as the Mississippi River are 100-percent subsidized by the American taxpayer.

overall contention that Lock and Dam 28 represents only the first step in the total development of a new Upper Mississippi Waterway System designed to handle four times the existing traffic. Indeed, at one point, he declared that the Corps' contention that construction of Lock and Dam 26 is merely for maintaining the efficiency of the present system was "unworthy of belief."

Although the judge reserved decision on several of the plaintiffs' contentions until the actual trial, his overall opinion represents a strong vindication of the positions held by both the environmentalists and the railroads. On all contentions on which he

chose to comment, his opinion confirms with eloquence the basic arguments presented by the plaintiffs.

Thus the camel's nose has for now been pushed out of the tent; for the moment, the Mississippi River has been granted a reprieve. But further development of the river is probably the one project in the nation that is closest to the Corps' heart—if it has one—and the agency will hardly give up without a fight. The actual trial on the Upper Mississippi River lawsuit, which will probably be held early next year, will be hotly contested, and we can be sure that the Corps is already beginning to lay the groundwork in Congress for a legislative remedy should the courts continue to proclaim the illegality of the agency's intentions. Furthermore, the issues raised in this lawsuit are of extreme national importance, and the Corps would be seriously hindered by any sweepingly adverse judicial opinion in this case.

Consider the consequences to the Corps: First, it would be forced to seek Congressional approval for its actions, a necessity that is clearly in the nation's lawbooks but that the Corps systematically chooses to ignore when it can. Second, camels-nose-in-the-tentism would be banned, and the Corps would be forced to publicly proclaim and justify its ultimate intentions on massive waterway projects. Such public scrutiny would include all systemwide environmental effects, which the Corps would prefer to keep undisclosed. Third, the economic chicanery so often used by the Corps to justify the unjustifiable would be exposed, a fatal blow to the agency. In terms of value as a legal precedent, and considering the fashion in which common Corps practices are accentuated and laid bare in this instance, the Upper Mississippi litigation is probably the most important water-resource lawsuit in history.

Not only must the Corps desperately fight back, but so must its economic and political clientele. At present writing, St. Louis economic interests such as barge operators, shippers, contractors, and affected labor unions, all of whom stand to gain huge windfalls both by the construction of Lock and Dam 26 and the ultimate completion of the total new navigation system, are organizing to support their friends in the Corps. Through their

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Philip Hyde

A Place Apart

CHARLES JONES

PEOPLE COME HERE in tides like the sea. There are ebbs and floods. Still, so far, there is a difference, for the flood tide of people is twice a week, not twice a day.

Saturdays and Sundays they come: hitchhikers, bicycles, motorcycles, cars, trucks, campers, buses, the lunch-wagon pickup with the same overdone burritos eaten by these visitors during their weekday lunch hours. The wanderers and their vehicles come, carrying giant ice chests, beach balls, dogs, just enough paper of different sizes to pave the beach by closing time, blankets and towels, booze and beer, and more dogs. They lie in the sun and let their bodies burn, never realizing that as the sun sets, they have been moving away from it, not it from them. Both days long, they sing and strum guitars, read and play volleyball, and fling frisbees. They enjoy themselves *en masse* at the beach they never see alone.

Yet there are moments when the crowd ebbs, when this beach hosts nothing but birds, sea, and fog. Gulls, of course; there are always gulls. Like all of their kind, they think the place is theirs, and they have large meetings to hold on to their land. If you go alone on the beach, you will see edges of their convention close to you begin to pop into the air, and then the flight of birds folds up as they rise in a wave out of the farthest edge away from you.

What water does here is true revelation to anyone who, like myself, is a disciple of change. Waves and cross currents, riptides and eddies, plane the rocks over centuries, give and take away the sands over years, and change the expression of the beach, not just daily, but hourly. Close to shore, I have seen a meeting of currents swirl out a huge, shallow bathtub of sand you could loll around in protected from the riptides, but still with a constantly changing supply of new, salty water. But soon, the tub is gone; the thin, silken sheet of homeward-bound

waves runs off the shore over smooth sands.

Up on the beach, the grains may be stacked in one long dune, in a gentle slope up to the back of the shore, in small cliffs close to the water, or completely covered by water or debris. One day when a storm had just cleared and no one was around, I went down to walk and found that the entire beach was covered with a foot or two of water. I decided to walk it anyway, to wade across the 50 yards to where the creek came out and the water deepened. At first, it was an odd and delightful feeling to be so surrounded by the flat and shallow waters. It had never happened to me before, except in swamps, where there are trees and hummocks of land to break up the liquid plain. Here it was clear, flat, all around me.

Before I had gone that 50 yards, I noticed an uneasy feeling. Then, just as I realized I was getting dizzy, I fell. Sitting there in two feet of water, I couldn't get up. The world seemed to be moving back and forth. What I had not noticed before I began to walk was that the entire sheet of water was moving—mostly out, but with small undulations, unrippled. The moving water and the still land around had collided in my eyes and bounced off the ear balancers, so all I could do was fall. I sat there several moments, smiling into the sea, relieved to know why I was soaked. Somehow, at water level, it was possible to put together the seaward movement and the stolid land. And then I could stand. Going back to the base of the cliff where I had started, it was easier to walk if I looked down. The water was still moving, but looking into it blocked out the repose of the earth. Once on solid ground, I looked back, knowing I had had another small experience of the unexpected sea, of the care you must take in the most innocent encounter with it. Whatever your mood, you are never a match for it.

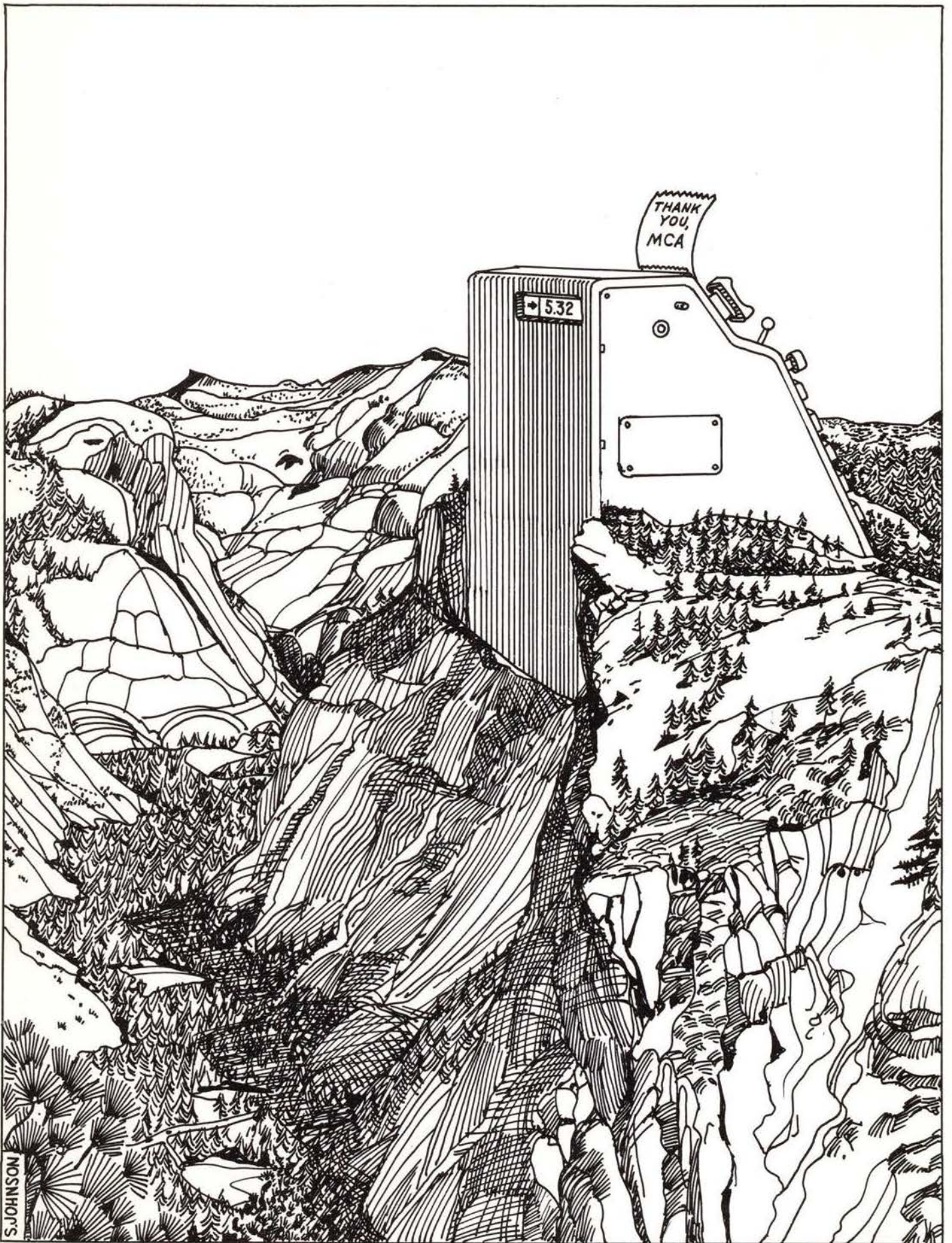
The first time I watched that power before my eyes was during a very heavy rain and wind storm. The beach was deserted of visible life. Even the

birds were hiding out. I did not notice the missing birds at first, not until another shock wore off. There was no beach at all. As far as I could see, driftwood covered the sands, covered every foot. There were piles as high as six feet, sizes from splinters to tree trunks three feet through. Some were stripped and whitened, others tattered, with bark clinging in spots. I understood what "chosen at random" meant. There was no order of size, of resting position, of type. I walked along the shore without touching ground, from one shaky foot trap to the next, my head spinning in the rain, looking for all the treasures piled there. In the end, I took none.

Such solitary moments, with just bird, water, or storm, are rife with images of seen and heard and touched things, but here, untouched, the deepest solitude of all is in the fog, which jumbles over the beach in patterns as random as driftwood in a storm. Masses of fog come ashore and then put to sea in a solid cover. Strings and pieces are cut into what seem to be clouds, both high and low, wash in and out like the tides and the people. Walking on the shore in the night of a fog, you lose yourself to the direction of almost every sense. The breakers echo dully from the cliffs, so the sea seems to surround you, unseen. The sand responds to the press of your foot, but all else is gone. Even when you know your way, you can stumble into the creek, for its meanders change daily at certain seasons; it can be lake or stream, wash or river. The thickest day-fogs are clam chowder, not pea soup, for they are white and moving, fat with briny air.

At times I sit in the cocoon of this turbid fleece and wonder what it would be like, even in the day, for my senses to have no direction. And before it can come to me, the fog is gone. It lifts into a blue sky, and I am where I am again. No longer moving within a moving fog, I sit on the beach like a stone and watch the sea move.

Charles Jones is the author of a recent Sierra Club book, *A Separate Place*.



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<input type="checkbox"/> Contributing	\$5.00	50.00	55.00
<input type="checkbox"/> Supporting	5.00	25.00	30.00
<input type="checkbox"/> Regular	5.00	15.00	20.00
<input type="checkbox"/> with spouse	5.00	23.00	28.00

	<i>Admission fee</i>	<i>Dues</i>	<i>Total</i>
<input type="checkbox"/> Junior (thru 14)	*	\$ 8.00	\$ 8.00
<input type="checkbox"/> Student	*	8.00	8.00
<input type="checkbox"/> with spouse	*	13.00	13.00
<input type="checkbox"/> Senior (60 and over)	\$5.00	8.00	13.00
<input type="checkbox"/> with spouse	5.00	13.00	18.00

If this is for renewal, check here

The Yosemite Story

GALEN ROWELL

IN 1973, Music Corporation of America (MCA) bought controlling interest in Yosemite's concessions. Now, a year later, a bitter controversy rages. A wide array of charges against MCA have been appearing in the media, accusing the corporation of acts and future plans that violate the basic principles of park preservation. Responding in kind, Jay Stein, MCA vice president, claims "We have as great a respect and concern for preserving Yosemite as the most ardent environmentalist." Stein also claims, "The National Park Service has maintained their objectivity throughout." To the contrary, many take the lack of a clear and unambiguous public statement by the Park Service on these conflicts as an indication that the agency condones MCA's actions. The *Bulletin* assigned me to investigate the various charges against MCA by on-the-scene investigations in Yosemite and discussions with key Park Service and MCA officials.

A clever novelist would be hard pressed to conceive a grander locale for an environmental controversy than Yosemite. For Yosemite is a national shrine, a wilderness Westminster Abbey. Now, its sanctity is threatened by the weight of a \$417-million-a-year corporate giant with 61 subsidiary companies. Although park administrators are afraid to lose their objectivity by publicly criticizing MCA, the company seems perfectly willing to criticize the Park Service. Jay Stein stated in a recent conference: "We know how to do many things a hell of a lot better than the park service." Along with the MCA-owned Yosemite Park and Curry Company, two other subsidiary MCA companies now have interests in the park: Minibus supplies Yosemite with tourist tram cars; Uni-

"Integrity, general
education, business
experience and . . . good
taste do not in themselves
qualify men to guard
against the waste of . . .
essential value. There
are thousands of estimable
men who have no more
sense in this regard
than children . . ."

Frederick Law Olmsted

versal Studios has been using Yosemite to film a prime-time TV series about park rangers. Most disturbing of all, MCA officials have been actively influencing future park planning. There is absolutely nothing wrong *per se* with an environmentally aware company making suggestions for planning. The question is: Will the environmental guidelines for preserving parks, and perhaps the planning process itself, cave in from pressure by big business?

Two days into the story I was almost sorry I had taken it on. I came away smiling from pleasant discussions with the National Park Service staff, but soon realized I had gained no commitments and little concrete information. As a Sierra Club writer on the Universal Studios set, I found myself as welcome as a cockroach at an Academy Awards dinner. Valley residents, park rangers, and other media people all voiced a common concern to me: "Be objective and carefully check your facts; there've been a rash of inaccurate stories in the media recently."

With hindsight, even the most overzealous and inaccurate of the news reports had the proper thrust. The right things were being advocated for the wrong reasons, mainly because access to factual data on the right reasons was sealed behind locks and tight lips. Many writers had grasped at straws. They felt that Universal did not belong in Yosemite. Confronted with an official filming permit and park-service smiles, they attacked the filming on the basis of immediate environmental impact. Concerned individuals in Yosemite carried on what could be called environmental guerrilla warfare with letters, Xeroxes, and an informal system of infiltrators. This, in turn, caused more mouths to be sealed and double locks to be placed on park service files containing correspondence with MCA.

Contrary to many published accounts, I concluded that the superficial impact caused by Universal filming was not greater than that caused by an equal sized Sierra Club outing. The analogy stops here. The Sierra Club would not seek to have such a large group stay so long in the same locations. As human pressure on wildlands has been increasing, the size of club outings has been decreasing. I use this rather shocking comparison of a club outing to Universal filming because it makes us aware of a constant paradox in environmental reporting. Impact comes from both good guys and bad guys. In terms of measurable damage, there is little difference between loving the wilderness

Galen Rowell is author of The Vertical World of Yosemite, an anthology of essays on climbing in the valley. His account of his own recent ascent of Half Dome appeared in the June, 1974, issue of National Geographic Magazine.

to death and raping it. Those who have not acquired the awareness to love wildness for its own sake become righteously indignant when they try to follow environmental guidelines and are taken to task for superficial incidents.

On the Universal set the assistant director told me with detectable bitterness, "We've tried not to cause any damage. We've picked up all our litter; we haven't left human waste; we've never been so careful not to harm anything. We really don't understand why all these ecology freaks are picking on us. They trample more meadows than we do and scar more rocks with a single evening campfire than we did by painting and cleaning some rocks to follow a script."

My own investigation confirmed much of what Universal said. While I couldn't agree with painting the rocks in the first place, I had a hard time locating the rocks once in the general area. I couldn't find the filming location in Dana Meadows until I asked help from a ranger. What needed investigation were not isolated, on-the-scene, ecological infractions, but overall concepts allowing the filming in the first place.

Much publicity was given a Curry brochure advertising: "Yosemite—Nature's Eloquent Answer to Convention City. The perfect site for Sales Meetings / Seminars / Conventions." MCA proved to my satisfaction that the wording and cover photo of 72 convention chairs in a Yosemite meadow had been used by Curry long before MCA owned the company. Old wording or new, MCA had actively marketed conventions to the extent that advance winter bookings were over 30 percent higher than the previous year. When anti-convention publicity began, a Curry employee had her job changed from "Convention Director" to "Group Director." This was a hint that MCA might be responsive to the overwhelming public pressure against increased use and development of Yosemite.

I attended a Sierra Club meeting which MCA officials arranged "in an attempt to clear the air and set the record straight." Jay Stein is a young, neatly dressed executive with a fast mind and considerable diplomacy. He recently became an MCA vice president after being director of recreational services. (MCA also operates National Capital Parks in Washing-

ton, D.C., and Mt. Vernon.) Stein's stated objectives were impeccable: "Our philosophy is to provide high-quality service at a reasonable price with low impact on the environment and get a good return on our investment. Those things we would like to see happen we think are environmentally correct." Stein's answers to questions on the Yosemite Master Plan, due to have public hearings this fall, were a clue to the company's motivations. When a club official at the meeting mentioned that many people find the current development in Yosemite offensive, Stein answered, "Far more people feel the level of development is not offensive."

The modern condition of our cities, our oceans and our air was caused by allowing people to proceed by their personal desires. In a national park, this thinking is obviously untenable. In response to complaints about Universal Studios' filming in alpine meadows, painting rocks, using a helicopter that disturbed many visitors for nonemergency work, and preempting more than 4,000 room-nights from visitor use in the peak season, Stein said: "I hope you will judge the series for the good it does, not the difficulties it caused while filming."

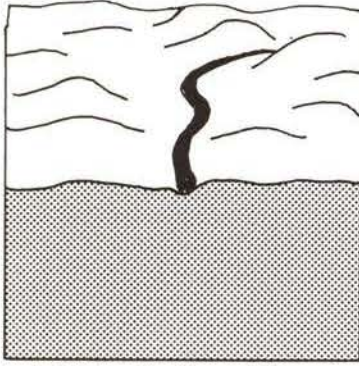
Stein took issue with news stories attributing a Glacier Point tramway and Tuolumne Meadows winter-recreation site as original MCA proposals. Stein was right. James Mason Hutchings, a Yosemite pioneer, thought of the tram before the turn of the century, and the idea has recurred in many forms since then. However, the tram idea has been buried until its resuscitation by MCA. Soon our discussions drifted to the hazy crux of the entire controversy: the extent of MCA involvement in planning processes in Yosemite National Park. Stein explained that then-Superintendent Lynn Thompson had told him when MCA took over concessions, "Fellas, you're coming on board at the right time. We're going to involve the concessioner in the planning process for the first time." A later discussion with Les Arnberger, present Yosemite superintendent, indicated that it is normal policy to involve the concessioner in planning to some degree. Stein indicated that this involvement was on a passive level: "What happens in the park won't be our plans; we don't write them. We aren't dictating what should happen

to park resources." He maintained through several lines of questioning that MCA only comments on proposals originated by the park service, both in master plans and environmental assessments. Throughout the discussion Stein interjected, "I consider myself as much a conservationist as anyone in this room," and "If you ever catch me in a lie, crucify me."

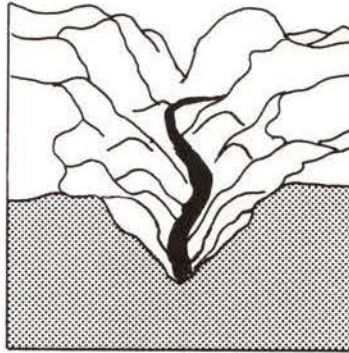
Jay Stein fully underestimated the power of guerrilla infiltration and Xerox machines. A letter from Ed Hardy, chief operating officer of Yosemite Park and Curry Company, to Les Arnberger, Yosemite superintendent, dated February 21, 1974, expresses the company's extreme disappointment with many points in an environmental-assessment statement for building of new lodging units at Camp Curry. The letter ends with the very type of statement that Jay Stein denies and conservationists fear: "We request that the statement be rewritten in a more positive vein or permit us to prepare a statement for your approval." The company was asking to write its own environmental-assessment statement and have the park service rubber-stamp it.

The building of new units at Curry Village without including them in the master plan or environmental impact statement (EIS) is a complex and bitterly contested issue. In August, 1974, a simplistic park service news release said Jay Stein and Ronald Walker, National Park Service director, "announced today that plans to rebuild 150 sleeping units at Yosemite National Park have been postponed pending completion of the Yosemite Master Plan and the related EIS." Earlier, MCA had requested that these units be built *without* including them in the master plan. Yosemite staff rejected the request and park service regional director Howard Chapman decided to hold a public hearing and allow construction if there were no public protest. Chapman denied that he first rejected the request, but says that both he and Les Arnberger were called to Washington to discuss the matter with Walker. Stein says, "When decisions were . . . either arbitrary, uninformed or unfeasible, we requested that the planning teams permit such decisions to be reviewed in Washington." Meanwhile, the Tehi-pite Chapter of the Sierra Club made strong objections to violating park service policy by keeping the Curry

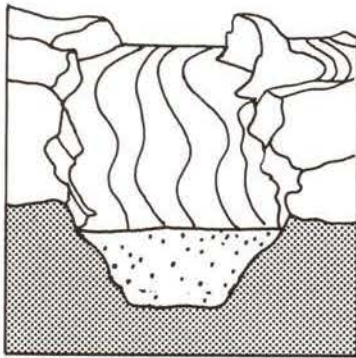
Evolution of Yosemite Valley



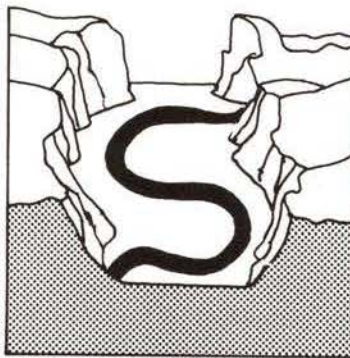
1. Originally, the Merced River flowed gently across rolling hills.



2. Major forces in the earth's crust raised the Sierra Nevada; the Merced River began to erode an intricate canyon.



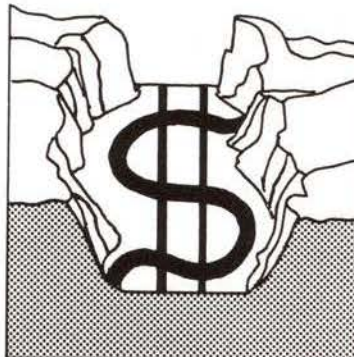
3. The last of several glaciers filled the valley to one-third of its depth, leaving multiple moraine ridges between El Capitan and Bridalveil Fall. When the glacier melted, ancient Lake Yosemite formed.



4. Later, Lake Yosemite dried up, leaving the Merced River to meander in roughly its present course along the valley floor.



5. In the last 100 years, cracks have appeared along the valley floor.



6. In 1973, MCA gained 96 percent ownership of Yosemite Park and Curry Company.

project out of the master plan. Chapman agreed that the objection was valid; Stein consented that MCA would wait for the master plan hearings; and there the matter rests.

Congressman John Burton has requested an opinion from the Justice Department on whether MCA has abused the planning process. His letter mentions, "Wording submitted by MCA on July 29, 1974, was incorporated into the Master Plan dated July 31, 1974." In my discussions with Yosemite staff, I found it difficult to get a clear answer about the amount of pressure exerted on the park service by MCA. Superintendent Les Arnbarger describes MCA dealings as "aggressive." Others on his staff have described a feeling of "extreme pressure on the walls and the ceilings" when large MCA entourage comes to discuss park planning. Stein denies undue pressure on the park service to change opinions on park developments. He says, "For the first time in the history of the park, the NPS has a concessioner with the capital resources to sponsor imaginative and extensive planning. . . . We regard our association with the NPS as a partnership under the stewardship of good taste and supreme sensitivity to the natural resources that are Yosemite."

Frederick Law Olmsted, Yosemite's first commissioner in 1864, and the father of park planning in America, wrote a letter in 1890 explaining what sort of man should have control of Yosemite. "Integrity, general education, business experience and what is comprehensively called good taste do not in themselves qualify men to guard against the waste of such essential value, much less do they fit them to devise, with artistic refinement, means for reconciling with its development and its exhibition . . . there are thousands of such estimable men who have no more sense in this respect than children, and it must be said that those most wanting in it are those least conscious of the want."

Jay Stein and MCA are apparently not conscious of the want. They fail to realize that environmental issues mean far more than yes or no, guilty or not guilty. Stein attempts to restore MCA's image of environmental concern by stating, quite rightfully, that the Glacier Point tram was not originally their idea and "the true irony here is that the subject is academic. When we learned . . . the NPS would not con-

sider it as a viable alternative, we abandoned the idea." What is important is that MCA *did* at one time favor the Glacier Point tram . . . *did* at one time favor the opening of Tioga Road all year to provide for winter sports development . . . *did* at one time re-issue a convention brochure with wording that should have been considered unfortunate in 1968 . . . *did* at one time request far more than 150 new units at Curry Village . . . *did* at one time testify against wilderness designation for much of the park. It is these early statements, as yet untempered by other suggestions, that best give a clue to MCA's true environmental awareness. They should not be judged merely by what the park service will *let* them do, but by their original intentions. Jay Stein expresses bewilderment that environmentalists are so upset at MCA in Yosemite. He says they haven't done anything and they "had no inkling we were buying Disney-type publicity." Neither did Disney. The Mineral King resort has not been built. But conservationists learned much about Disney's environmental attitudes there. Disney had no inkling of the battle they were starting when they began planning for Mineral King. Neither did MCA in Yosemite. This is the quintessence of Olmsted's statement.

Stein told me the "Sierra" TV series originated during a drive through Yosemite with another MCA executive and Lynn Thompson, who was then superintendent. The MCA executive said, "Lynn, what do you think of a series about park rangers." Thompson replied, "I think it is a good idea, let me check with Washington."

In reply to a complaint about the filming, Thompson later wrote: "We hope that this series will convey the spirit of the NPS, some of the beauty of national parks and, we hope, will eventually instill an awareness and appreciation of national parks and their values in a great number of American citizens. . . . Frankly, we want Americans to see our national parks, to appreciate them, and to recognize a park ranger for what he is and what he stands for. We hope that young people, especially, will be turned on to the park ranger, will be anxious to talk to him, and be more receptive to our programs and policies."

I discussed the filming with Jack Morehead, a former Yosemite chief

ranger who is now assistant director of the National Park Service in charge of media relations, currently assigned to the "Sierra" filming. Morehead said that the single positive aspect for the film was its beneficial effect on viewers. He said that if he did not personally feel this outweighed the negative points, he would immediately prohibit further filming in Yosemite, which he had the power to do. He explained how carefully he had researched the effect of filming through various agencies that have been the subject of previous TV series, finding great positive enthusiasm. Firemen, FBI agents and policemen—all claimed that TV had greatly helped in interpreting their jobs to the public.

But these other series did not deal with wildlands in the public trust. "Sierra" is set in a fictitious "Sierra National Park," but even the slowest viewer, failing to read "Yosemite" in most of the news-media previews, would recognize the park from views of Yosemite Falls, El Capitan, Half Dome, and other landmarks. If the series is successful, it could become the heaviest media exposure of a national park to date. Already subject to overuse, Yosemite cannot accommodate even more visitors, a prospect which, by the way, is contrary to park service press releases in recent years that have emphasized lessening man's impact on Yosemite—the rationale behind a decrease of campsites in 1970. There is no valid reason why this series about a fictitious park needed to use Yosemite itself for filming. It could have been filmed in many other places.

What will some 40 million viewers see? A wilderness experience? Hardly. My ten-year-old daughter watched the first program. Half way through she said, "Daddy, this is just like 'Emergency.'" She was close. Both series are Jack Webb productions. Both series deal with people in trouble.

The national park experience should be one of freedom. Wilderness is freedom of time, freedom of space, freedom of property, freedom of self. In a few parks, creeping urbanism has destroyed this experience in localized areas. Yosemite has the dubious distinction of having more than half of the crime in the entire national parks system. This is obviously associated with increased development and visitor pressure. Were hotels, housing, bars, and automobiles removed from

the valley, the urban problems would practically disappear. There is an essential inconsistency in the park service's allowing filming that will show the American public an overdeveloped park scene through the eyes of law-enforcement rangers, while during a recent visit the Russian Minister of Preserves was shown Rocky Mountain Park, where all concessions were recently moved outside park boundaries.

The conflicts of interest caused by filming in Yosemite go much deeper than the case of a woman whose wilderness trip was ruined by "that blasted helicopter going back and forth," or of the few guests with confirmed reservations who had them cancelled to make room for the Universal crew's long stay. The conflict is a true Orwellian nightmare. A market will be created for the experiences depicted on TV. A market will be made for MCA's services in Yosemite at the very time that an Interior Department official has stated: "The policy is clear. Overnight facilities are to be moved out of the parks and concessioners are to be discouraged from developing overnight accommodations within the parks."

Why isn't this policy being followed? If it were, there would be no need for this article. The Yosemite Master Plan would list only environmentally sound alternatives that fit the guidelines of preservation. Construction of new facilities would be ordered outside the park.

Yosemite planning currently calls for building many new lodgings in the valley. Old ones will be torn down. Admittedly, the number of units will not be increased, although early MCA plans called for higher visitor capacity. The question, however, is one of consistent policy. Concessions in Rocky Mountain National Park have been moved outside the boundaries. A similar phase-out has been ordered in Zion, Bryce Canyon, and Grand Canyon's North Rim, although the concessionaire, TWA, is not exactly cooperating. Why isn't this reasoning being applied in Yosemite?

Much inconsistency can be explained by political and economic pressures. Phasing concessions out of Rocky Mountain Park did not invite the degree of pressure that would occur if the park service tried to follow the same course in Yosemite. Edward

Continued on page 38

Danger—Extra High Voltage! Lighting Up in America

READERS OF THE SIERRA CLUB BULLETIN may remember an article entitled "Forests of the Future" that appeared in the September 1973 issue, in which I described some of the environmental problems caused by the new extra-high-voltage transmission lines that carry up to 765,000 volts. These problems included visual and noise pollution, air pollution created by electrochemical reactions, and the ever-present hazard of electric shock near the rights-of-way. Since the publication of that article, a body of evidence from recent scientific experiments indicates that the greatest danger caused by these lines may be the very intense electric field that they radiate. This electric field can be made visible in a rather dramatic way by carrying an ordinary fluorescent bulb in your hand as you walk in the vicinity of the line. The bulb lights up without benefit of batteries, cords, or metallic connections to ground. On holding the bulbs up in the air, you can feel the vibrations of the alternating current passing through them, making them quiver almost like living things.

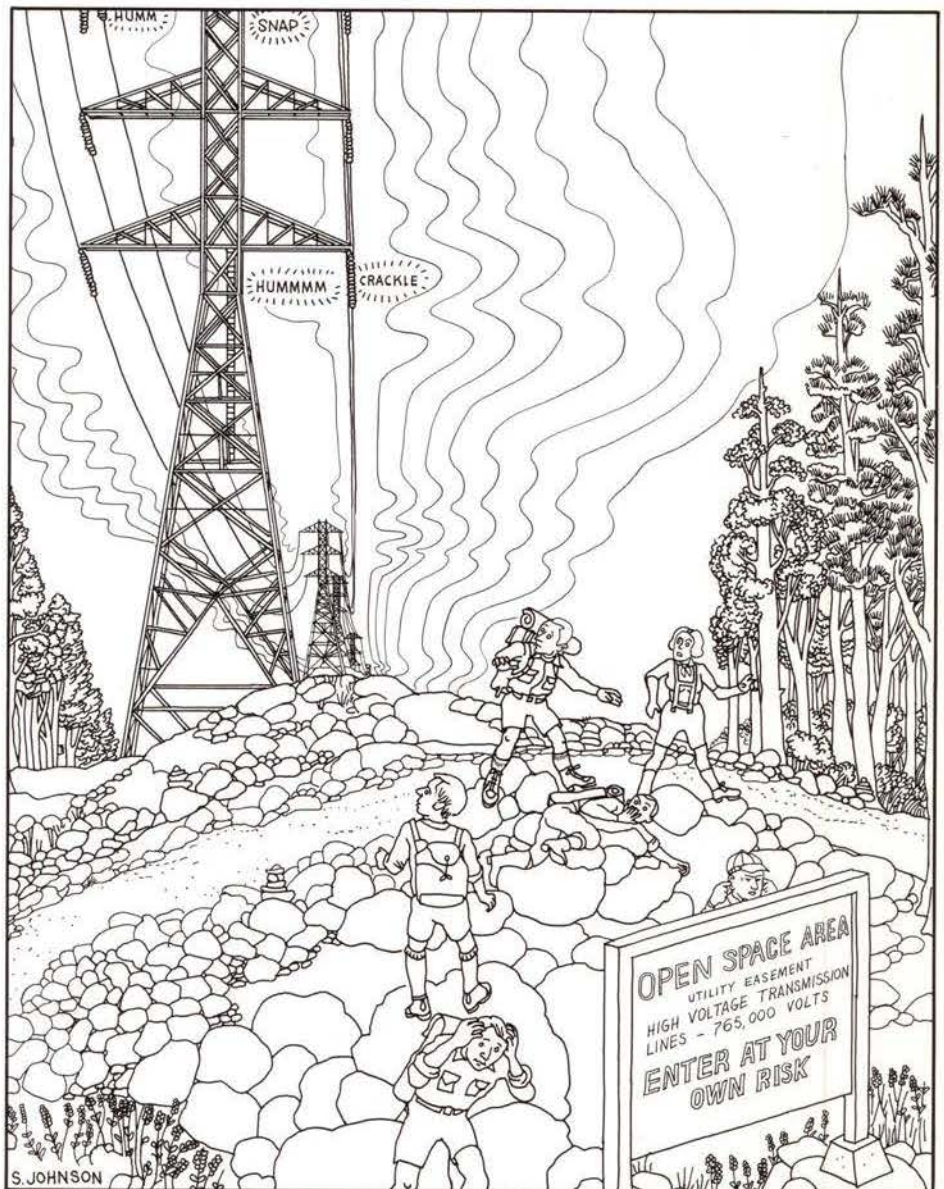
In a sense, everything in the vicinity of these high-tension alternating-current transmission lines is "plugged into" electricity. There are small but continuous currents running all the time in the ground, the plants, the rocks, the farmer on his tractor. There is a very great voltage difference between one point in space and another point, say a yard away. The potential difference between these two points may be as much as 20,000 volts under a 765,000-volt line, and strong electric fields extend far beyond the right-of-way. Many people's homes, their back yards, the fields where they work for many hours a day, are situated in regions where light bulbs will light up in your bare hand.

What does it do to living things to spend a great deal of time in such intense electric fields? Considering the importance of this question, one might assume that it had been quite thoroughly investigated by the power companies before building such lines; but a search of the scientific literature revealed that this subject has not been adequately studied. The few research projects that have been done show that there probably are profound effects caused by these fields.

About eight or ten years ago, when American utilities were starting to use extra-high-voltage transmission, two tests were conducted by the companies. In one experiment they exposed 22 mice to strong electric fields. The average size of the progeny produced by these mice was found to be significantly smaller than normal. The other study

involved ten linemen who did repair work on 345,000-volt lines. The company studied these men for nine years, doing seven complete medical examinations on them. At the end of that time three of the ten linemen had reduced sperm count. However, since sperm count had been quite variable throughout the various medical examinations, the report concluded that it would be hazardous to draw any conclusion on this effect from such a small sample. Studies of this type, of course, should examine a much larger number of people over a longer period of time.

A much more thorough examination of this problem has been conducted in Russia. In 1962, after the first Russian 500,000-volt lines had been operating for several months, men working at the substations began to complain of headaches and a general feeling of malaise. They associated these symptoms with exposure to the electric fields, whereupon the Russians made a long-term study of 250 men working at extra-high-voltage substations. These results were compared with medical examinations of men working at lower-voltage substations. The studies concluded that long-time exposure to in-



tense electric fields without protective measures resulted in "shattering the dynamic state of the central nervous system, heart and blood-vessel system, and in changing blood structure. Young men complained of reduced sexual poten[cy]." As a result of these tests the Russians have set up safety standards for maximum exposure to strong electric fields. The fields they begin to consider dangerous are approximately those that will light up a fluorescent bulb in your hand. A farmer on a tractor under a 765,000-volt line is exposed to fields so strong that the Russians would not allow it for even one minute. In this country we believe that we have more respect for human rights and human life than the Russians have, yet we have not made as much effort as the Russians to protect people from this type of biological damage.

Recent laboratory studies in the United States have also turned up positive evidence of biological effects from similar electromagnetic fields—effects ranging from chromosome damage to high blood pressure and alterations in levels of blood protein, fats, and cholesterol. Neurological tissue appears to be particularly sensitive, confirming the

fear that long-term exposure may damage the nervous system, as well as cause changes in cellular chemistry and the genetic structure in human beings. Some of these experiments were conducted in connection with Project Sanguine (the enormous low-frequency antenna the Navy would like to build in order to communicate with its submarines around the world). Others have been independent research projects conducted in universities.

In spite of the considerable and growing body of evidence that ill effects may result from spending regular periods of time near these lines, power companies are pressing ahead with plans to build many more 765,000-volt lines. Lines that will carry 1,000,000, and even up to 1,500,000, volts are planned for the near future. At the present time there is no federal or state agency that is taking any responsibility for protecting the American citizen against danger from these installations. In the absence of regulatory authority, more public pressure is needed to demand that really adequate research be conducted before any more people are exposed to health hazards from these big overhead transmission lines.

Louise B. Young

Making Room in a Crowded World

THE UNITED NATIONS World Population Conference concluded on August 31 in Bucharest, Romania, after two weeks of debate that occasionally equaled the sweltering 100-degree weather in intensity. The conference, which was attended by representatives from almost every country of the world, including 600 nongovernmental observers and 661 journalists, culminated two years of preparation. In the past year, four regional symposia were held in Cairo, Honolulu, Stockholm, and Amsterdam to provide delegates with a summary of scientific knowledge and opinion on such issues as population, resources, and the environment; population and family; population and development; and population and human rights. In April, the 27-member Population Commission completed its third and final draft of the basic conference working document, the World Population Plan of Action. A series of regional consultations of government representatives followed to allow for a preliminary exchange of views on the draft plan and discussion of the population issues of special importance to each region.

As the conference began, Bucharest was all but overwhelmed by the crush of arrivals that included citizen organizations of all ranges of opinion—environmental, right to life, women's liberation, a non-Malthusian coalition from the Third World, family planners, pro-abortion, and youth groups. The Sierra Club was represented by its Ge-

neva representative, Dumon Stansby, who along with other environmentalists urged that more attention be given to the environmental consequences of increasing population. Since there was no provision for citizen groups to make statements directly to the conference working groups, Stansby discussed the Sierra Club population policy with delegations.

The World Population Action Plan, the principal policy document of the conference, emphasized economic and social development, particularly in the Third World, rather than efforts to reduce birth rates. According to Stansby, a majority of the delegates considered fears about the world's population growth exaggerated, and demographic projections of less concern than socioeconomic factors. Reduction of birth rates was viewed more as an adjunct of an increased standard of living. The plan did recommend, however, that governments provide birth-control information and means to all citizens who desired it. There was intense debate on the inclusion in the plan of a 1985 "target" date for reduction of birth rates. The United States led the struggle for the target date against developing countries who viewed it as an interference with their national sovereignty. The reference to 1985 as an "objective" for reduced birth rates was finally replaced with a recommendation that countries "which consider their birth rates detrimental to

their national purposes are invited to consider setting quantitative goals and implementing policies that may lead to the attainment of such goals by 1985." Detrimental birth rates, it was pointed out, could refer to low as well as high rates. Reference to the target date was excluded altogether from a recommendation that governments make available "the means to practice family planning effectively."

Another main thrust of the plan was the recognition of the obligation of developed nations to assist less-developed countries to raise their living standards, cooperate in the just distribution of resources, and reduce their own excessive consumption of resources. All countries were urged to give attention to the "minimization of wasteful aspects of the use of resources." Further, the plan urged systematic and periodic assessment of population problems and needs, and recommended that each country take a population census between 1975 and 1985.

Dumon Stansby found that in the Committee on Population, Resources and Environment, as elsewhere in the conference, it soon became evident that there was sharp disagreement between those who felt that the estimated increase in the world's population posed a serious threat that called for energetic measures and those who did not believe the projected population figures and considered that, in any case, technology could solve any problems that might arise. Norway, Sweden and Canada were among those that adhered to the former view, while Brazil, China, and Chile expressed the latter. Canada proposed that a strong clause be included in the Action Plan connected with the profligate consumption of natural resources by developed countries.

The committee's recommendations were adopted by consensus. One recommendation expressed concern regarding the growing problem of pollution of land, sea, and air that respects no frontiers, and recommended the promotion of regional cooperation in improving the environment. It was recommended that high priority be given to wide-ranging research activities in population and related fields, especially resources

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and environment. The committee also expressed the desire that the forthcoming Conference on Human Settlements, scheduled for Vancouver in 1976, take into consideration the conclusions of the World Population Conference, "especially with regard to the possible effects of increasing population on housing and sanitary facilities, the environment and ecosystems."

Conference delegates expressed concern over the world food crisis and recommended high-priority efforts to improve food production and develop new food sources as well as international cooperation to ensure provision of fertilizers and energy. All

governments were urged to participate fully in the UN World Food Conference (Rome, November 1974).

Although the World Population Conference resulted in no real solutions to the problems of global population, many delegates and observers left Bucharest with the feeling that it was an important first step. Certainly, many nations have come to realize that there *is* a population problem. During the conference, the UN Fund for Population Activities signed two new agreements with Cuba and Romania, and a new Demographic Training and Research Institute was formally opened in Bucharest.

Joan Byalin

WASHINGTON REPORT

Brock Evans

Old Paths or New Directions?

THE FIRST WEEK of August in Washington was an incredible time in America's history; we will probably not experience its like again. As the daily business of government ground to a halt, an atmosphere of tense expectancy hung over the capital, clinging everywhere like the season's ever-present blanket of steamy air. Rumors flew, the press swarmed everywhere, and officials' sleek cars came and went in the night.

Then the President resigned. Like all Americans, environmentalists breathed a sigh of relief, glad that the ordeal was over and hopeful that the new administration would prove to be more sympathetic to their programs than the old one had been. With due credit for some bright spots, the environmental record of the Nixon Administration had been a dull affair. For every outstanding appointment to an environmental post, such as Russell Train at EPA, there seemed to be dozens of mediocre ones—or worse. For every commendable conservation effort, such as in Florida's Big Cypress Swamp there seemed to be dozens of efforts to exploit and destroy: supporting increased logging in the national forests, supporting the SST, opposing environmental-control bills. For the past two years, most environmental efforts here have been simply to hold the line, to preserve the gains we had already made. Since the Nixon Administration generally opposed most strong environmental legislation, there was not much prospect of moving ahead very fast.

But what will the new President and his administration be like? Will he continue the unfortunate pattern of the past, or will he strike out in newer and better directions? The answer is not clear yet, but judging from President Ford's record as a congressman, he could move either way.

For the most part, Gerald Ford's voting record in Congress is not encouraging. Of 53 environmental votes during the years

1961 to 1973, Ford voted against the environmental position on 43. He voted against water pollution control, mass transit, and against most park and wilderness proposals. He voted for the National Timber Supply Act and the SST. He was one of the leaders on behalf of the oil industry during the debate on the Alaska pipeline. On the other hand, he voted for environmental education, for the U.N. environmental fund, and against several ill-advised dam projects.

On August 15, the new administration made its first environmental pronouncement, when Interior Secretary Morton—a holdover from Nixon days—delivered a speech in Spokane, Washington, that was reported to express Ford's views. Morton gave highest priorities to energy and mineral development in his department, and said that Ford believed that the nation must expand its economy, while making "reasonable compromises" with environmental concerns. He rejected "zero growth" arguments. On the very next day, an EPA official announced that the agency was proposing, in effect, to scrap the court ruling forbidding degradation of air quality in regions where the air is already cleaner than the standards of the Clean Air Act. The administration proposal was to let the various states pollute existing clean air if they decided they would rather have industry and economic growth—a clear violation of the court order obtained by the Sierra Club last year. It didn't take long for Morton's words to be translated into action.

As we all know, President Ford's major priority now is to curb inflation. Environmentalists have been invited to the country-wide meetings being held in preparation for the "Summit Meeting" on inflation scheduled in October, but these affairs generally have been heavily stacked with industry representatives. We are hoping that the Ford Administration will not merely fall back on

the old Nixon formula of reducing expenditures for environmental controls on the grounds that decreased government spending on programs that do not "produce" anything are inflationary.

On the more encouraging side, President Ford's past votes against some Corps of Engineers projects reflect his philosophy as a fiscal conservative. Since many projects are extremely wasteful—and inflationary—we can hope for a new look at some of the worst ones. The President has also said that he wants environmental counsel at the highest level. In response to this desire, major environmental groups have requested a meeting with the President and hope to have it soon. Richard Nixon only met once with environmentalists—in 1970—and he never responded to requests for another meeting.

EPA administrator Russell Train speaks well of the new President's environmental concern. We hope he is right. We hope that Train will continue to have direct access to the President on a regular basis and will continue to give his personal attention to important environmental issues—something missing too often in the past.

Although the President's past record is not encouraging, perhaps most of his previous votes reflected the necessity of representing a conservative constituency when he was in the House. Now that he has a national constituency and has expressed a desire to be "President of all the people," environmentalists hope that they are considered

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under this rubric. They hope the new President will realize that the cure to inflation is not to destroy the environment by re-

moving incentives to protect it. The goals of a beautiful world and a productive one are not incompatible.

NEWS VIEW

Japan thinks again about whales

BOYCOTTS OF JAPANESE products by conservationists prompted Japan to take a second look at its whaling industry.

"The best information now is that both the Russians and the Japanese will accept new quotas set by the International Whaling Commission, and this gives us some reasonable confidence that there won't be a problem" one knowledgeable observer told the Sierra Club.

Three days before the International Whaling Commission (IWC) met in London in June, the Sierra Club Executive Committee resolved that the club "supports a boycott of Japanese products until that nation ends its whaling; the club urges the U.S.S.R. to terminate all whaling and supports appropriate measures to effectuate that end; and the club will undertake measures to end whaling."

IWC delegate and National Oceanic and Atmospheric Administrator Robert M. White saw gratifying though limited progress in member countries' recognition of the need for greater conservation measures. White said the key was "the advocacy of strong whale-conservation measures by non-governmental environmental organizations both in the U.S. and in other countries."

"I have not the shadow of a doubt that the activities of the private side were of very great importance, and we who are interested in saving whales are quite gratified," said another member of the U.S. delegation.

Another observer, who has travelled in Japan since the boycott was announced, reports that those Japanese whaling companies that are part of large conglomerates are feeling some pressure from their corporate parents, who are beginning to ask

just how important is whaling to the conglomerate's profit, and are beginning to feel somewhat threatened by the boycott of their goods in the U.S. and elsewhere.

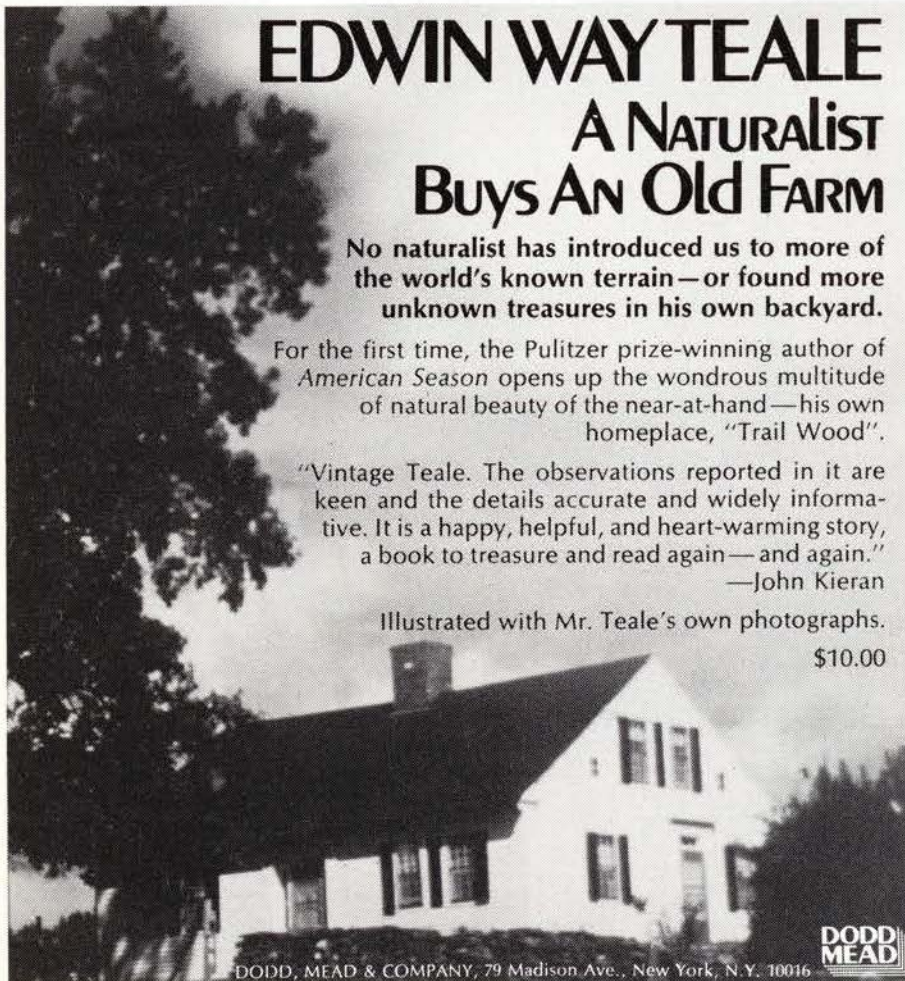
Though the IWC meetings in June did not accept the U.S. position calling for a total moratorium on all commercial whaling, they did agree to separate management of whaling in 1975 by three categories of whale populations:

- (1) For so-far-unexploited or only recently exploited populations of nearly optimal (unhunted) population size, hunting could go on at levels which would maintain these populations at "above maximum sustained yield or optimal populations."
- (2) For populations which had been hunted, but not seriously depleted in any area, hunting could continue as long as their populations remain above "optimum level."
- (3) For populations which had been overfished in any area, whaling must cease immediately. Hunting of the fin whale in the Northern Pacific and the southern oceans would have to stop. All species previously classified as endangered, such as the blue, humpback, and bowhead whales, would remain protected. Other stocks would be categorized at a special scientific meeting called for December.

This year's IWC quotas, though not pleasing to conservationists who favor a total whaling moratorium, did establish geographically restrictive quotas that would give greater protection to whales in particular areas. Before this year, whalers could enter a single area, take their quota of a certain kind of whale, and for practical purposes eliminate that kind of whale from that area. Beginning this year, the catch must be spread out over three geographical areas, so it becomes less likely that any geographical population would be totally eliminated.

For example, this year's total *Antarctic* quota follows (with last year's quota in parentheses): fin whales 1,000 (1,450); Bryde whales 4,000 (4,500); minke whales 7,000 (Japan and Russia last year between them took 7,700); female sperm whales 5,000 (5,000), males 8,000 (8,000). This year's total *North Pacific* quota is: fin whales 300 (550); sei Bryde whales 2,000 (3,000); female sperm whales 4,000 (4,000), males 6,000 (6,000).

Conservationists consider this progress a limited first step toward the goal of eventually eliminating all whaling.



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Sierrans testify at FEA hearings on Project Independence

Sierra Club spokesmen played major roles in the Federal Energy Administration's "Project Independence" energy hearings around the nation.

"We have reached a critical point," Sierra Club President *Kent Gill* testified at the *Houston* hearings, which were largely dominated by the testimony of energy-company executives. "The oil embargo, Venezuela's export limitations, and last year's shortages are but early warnings of inexorable, irreversible changes which will bring man's energy use into balance with the limits of a finite planet. We anticipate that the tempo of such changes will accelerate. Unless we chart a stable, responsible course, we will invite disaster." Gill suggested FEA retitling its program "Project *Inter-dependence*" to "emphasize the importance of considering energy policy in the broader framework of environmental, social, and economic concerns."

Also, at the *Houston* hearings, *Andrew Dalton* presented a statement on rate structures on behalf of the Sierra Club's Oklahoma Chapter. "No improvements will occur so long as the electric industry is allowed to obtain a pricing structure which is solely profit-oriented." Dalton called for rate increases for large users, full marginal cost pricing, and allowance for basic needs. *Ned Fritz* of the Dallas Group and *Hank Robison* of the Houston Group also made presentations.

In the *Kansas City* hearings, Sierra Club Metropolitan Kansas City Group Executive Committeeman *Lee Schultz* made a statement on behalf of the Sierra Club and his two-year-old daughter Pamela, who sat with him at the witness table playing with her doll. Schultz said Pamela's future should be taken into account; today's requirements should be balanced against those of the year 2025. Press accounts of the hearings featured mention of Pamela. Kansas Group Chairperson *Nancy Jack* said alternate energy sources and better energy-storage technology should be developed. North Star Chapter Lobbyist *John Herman* stressed the role of states in energy planning and in implementing energy conservation.

In *Chicago* hearings, Sierra Club National Energy Committeeman *Dr. James J. MacKenzie* testified that the virtual renewal of major provisions of the Price-Anderson nuclear-accident-liability-limitation act this past summer "is the clearest indication that the nuclear power program cannot withstand the test of the marketplace. By placing a limit on the liability of nuclear power plant owners," he said, "the Atomic Energy Commission and Congress are providing a subsidy without which the nuclear program would not continue."

Also at the *Chicago* hearings, *Dr. Richard Tybout* of the Ohio Chapter discussed subsidies and tax policy, and *Tom Jenkins*, of the same chapter, discussed power-plant siting.

In *Anchorage, Alaska*, hearings, Sierra Club Alaska Representative *Jack Hession* questioned the effects of President Ford's energy policies on the state of Alaska, and he criticized plans for oil drilling on the outer continental shelf and in the Gulf of Alaska. Reported Hession after the hearing: "The sentiment was overwhelmingly pro-development, with many speakers advocating that we turn Alaska into an energy supply house for the U.S. It was a nightmare."

At hearings in *Seattle*, Sierra Club Research Program Vice President *Richard A. Cellarius* testified that energy-conservation research should stress improving the efficiency of energy technology, examining such social problems as how much energy we really need, and how to convince people to live with a lower-energy economy. Cellarius said research should also cover the development of renewable energy sources such as solar energy, and the environmental impacts of new energy sources—with full public disclosure of that impact.

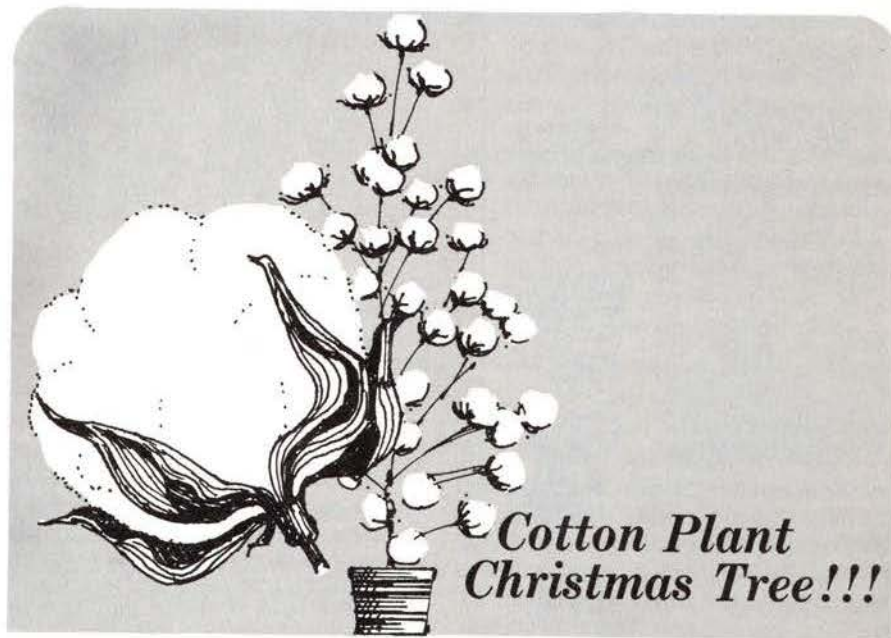
At hearings in *Boston*, Sierra Club Treas-

urer *Paul Swatek* told FEA officials: "We worry about Project Independence because we don't see the same sort of detail in program definition emerging on the demand energy-conservation side that we see on the supply 'let's-go-drill-it, strip-it, and build-it side.'" Swatek said that today's energy picture is made flexible enough by continuing technological development, so that the U.S. should not overcommit itself to any single program. Club Energy Committeemen *Jim MacKenzie* and Club Representatives *Ernest Loewenstein*, *Greg De Baryshe* and *George Matz* also testified at the hearings.

Futrell warns against making the environment inflation's scapegoat

Relaxing environmental standards won't increase productivity and thus fight inflation, Sierra Club Board Secretary William Futrell said in Atlanta, Georgia, at the first of the Ford Administration's pre-summit conferences seeking public input on controlling inflation.

"If a company relaxes its environmental standards," Futrell said, "it may be able to lower the price of its product, but this is not



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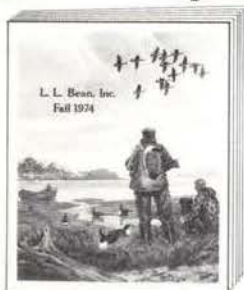
an increase in productivity since the costs of environmental controls have now been shifted onto the public with a resulting increase in pollution, unpleasant living conditions, and increased medical bills.

"More goods and services aren't being produced. Their cost has simply been externalized again. While one industry's profits might rise because its costs are cut by relaxing pollution controls, this no more represents a gain in productivity than does a rise in income among bank robbers. It merely denotes that costs have been shifted to other parties."

Delegates to the pre-summit meeting came mostly from the banking, construction and housing industries. But they did not respond to the Administration's invitation to make the environment a scapegoat for inflation, Futrell reports.

"There are considerations which go beyond economic factors," Futrell said. The environmental laws of the past few years are just beginning to take effect. There is considerable doubt among scientists and public health officials as to whether we are doing enough in the pollution-control field to ensure our own well-being, if not survival. A rollback of environmental controls would not only be bad medicine for the economy, but for the body politic as well."

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Curry blasts AEC on hazardous spills

"The single most hazardous spill threat that faces this country today with respect to groundwater quality" comes from the Atomic Energy Commission, said Sierra Club Research Director Dr. Robert R. Curry in the keynote speech of the 1974 National Conference on Control of Hazardous Materials Spills.

The AEC "has so little understanding of this spill hazard," Curry told the conference sponsored in San Francisco by the Association of Industrial Chemical Engineers and the Environmental Protection Agency, "that in my opinion they must be named and charged publicly as one of the nation's number-one hazardous spill sources."

Present nuclear-waste storage practices too frequently contaminate groundwater, Curry said. "Direct spills of radionuclides into the Columbia River drainage system from Hanford, Washington, have permitted us to monitor the rapid dispersal of such materials around the North Pacific Ocean by biologic transfer and concentration through organisms such as albacore," Curry said.

"We thus know that such discharges are not necessarily fixed in nearshore submarine muds, but can be maintained in solution and in the food chain clear to Japan, despite contrary surface oceanic circulation. Thus, discharges that may potentially enter the groundwater systems of the Columbia Plateau, almost all of which feed into the whole Columbia River system, pose a serious threat to food chains of the whole Pacific."

Caracas Conference postpones decision on Law of the Sea

John R. Stevenson, chief U.S. delegate to the Law of the Sea (LOS) meeting in Caracas, in reporting to the Senate Foreign Relations Committee last week, indicated that most countries expect to keep the timetable agreed on for signing a final treaty in Caracas in 1975. A major drafting session is to begin again in March, in Geneva. Ambassador Stevenson urged that between now and that session, hard negotiations get under way "at the highest political levels, involving heads of state."

The Caracas Conference served to organize and clarify alternative proposals. But the session lacked the "political will" to make decisions because delegates knew there would be another session. The critical issues of territorial sea, economic zone, straits, fisheries, and the continental margin have been organized into a set of working papers with texts reflecting main trends.

Proposals regarding the preservation of the marine environment moved slowly, awaiting the major decisions on the preceding items. A 12-mile territorial sea and 200-mile economic zone are close to being accepted, but must await resolution of such issues as transit through straits. Coastal states will have expanded jurisdiction over living and non-living resources. Still unresolved is the system of exploitation of resources in the international seabed area. The issue revolves around the degree of discretion an international authority should have over access to resources and regulation. The U.S. and other developed countries continue to argue for an international regime which only grants licenses with limited sharing of revenues with developing countries. The developing countries seek an international regime that is an operating body with all revenues accruing to it divided on an equitable basis.

There has been a movement away from the usual regional blocs and political groups; instead, states are aligning according to similar interests. This is especially true for the landlocked states and those interested in developing compulsory dispute-settlement machinery—the U.S. being among this group. Stevenson stressed the complexity of the LOS treaty in explaining why it takes so long to conclude discussions. The treaty, he said, was "vital to our economic and strategic interests" and is within our reach. He urged that the U.S. should not take any unilateral action that could undermine sensitive negotiations.

Supersonic Edsel invited to Los Angeles

The Concorde, the British-French supersonic transport, has been invited to Los Angeles, October 16, by Mayor Tom Bradley, the Sierra Club has learned. *Agence France-Press* reports the invitation coincided with Bradley's visit to Toulouse where the Concorde are built. The Concorde's visit is one of the 36 promotional tours scheduled to the United States; in spite of environmentalists' court challenges in Boston this summer, the plane has already visited there.

Vexed with misfortunes, the "supersonic Edsel," as the plane has been dubbed by critics, is faced with mounting construction costs, diminishing airline enthusiasm and the promise of exorbitant operating costs, particularly in fuel consumption rates, which are estimated to be two or three times per passenger-mile those of "jumbo" jets. Moreover, adverse environmental hazards from operation of the Concorde have yet to be solved—such as evidence showing that increased ultraviolet radiation from ozone depletion in the earth's stratosphere could lead to greater incidence of skin cancer, as well as substantial crop losses.

Club participates in World Population Day

Activities for World Population Day, Thursday October 24, are being organized by Judith Kunofsky, club population coordinator. Projects include release of public-service announcements, distribution of population education materials, organization of school assemblies, and media coverage of population issues. Club members interested in participating, or receiving a Population Newsletter and copies of new club population literature, should contact Ms. Kunofsky at Mills Tower.

People over Power: high-voltage-line permit denied by commission

After hearing evidence that biological damage results from exposure to high electric fields under very-high-voltage transmission lines, three commissioners appointed by the judge of the Livingston County, Michigan, Probate Court denied a request by Detroit Edison Company for authority to erect a 765-kilovolt line across the county.

Sierra Club Midwest Representative Jonathan Ela called it a landmark decision.

Eleven landowners had taken the case to court, resisting appropriation of their property for the right-of-way. The commissioners required consideration of the environmental impact.

The commission heard evidence that U.S. laboratory studies as well as field tests recently conducted in Russia showed the biological damage. The evidence was presented by Louise B. Young, author of *Power Over People* (Oxford University Press), and by Alwyn Scott, professor of electrical engineering, University of Wisconsin at Madison.

Ela said the case was the first instance in which the right of eminent domain to appropriate land for a line of this type has been denied.

Sierra Club wins Boundary Waters injunction

The U.S. District Court for Minnesota granted the Sierra Club permission to intervene as a coplaintiff and then granted conservationists a temporary injunction in a lawsuit to protect virgin timber from being sold and cut in the southern part of the Boundary Waters Canoe Area (BWCA).

The 1,060,000-acre BWCA is the largest wilderness area in the eastern United States. Together with the neighboring Canadian Quetico-Superior Forest, it forms the only canoe-wilderness in the world.

Joining the Minnesota Public Interest Research Group, the Sierra Club argued (1) that timber harvesting on BWCA is not allowable under specific BWCA provisions in the Wilderness Act—unless consistent with maintenance of BWCA's primitive character; (2) that the Forest Service's environmental impact statement is inadequate in its consideration of reforestation alternatives and impacts; and (3) that the impact statement does not cover the existing timber sales contracts.

Oklahomans win suit against river developer

Oklahoma conservationists won a landmark case in federal district court that could significantly expand the coverage of the National Environmental Policy Act, reports Sierra Club Southern Plains Regional Conservation Committee Chairman Marvin Baker.

The decision in the Oklahoma City court brings the Interstate Land Sales Registration Office of the U.S. Department of Housing and Urban Development (HUD) under the provisions of NEPA and requires that HUD prepare an environmental impact statement on a major second-home development proposed for the banks of Oklahoma's scenic Illinois River before HUD approves lot sales to the public.

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— *Mountain Gazette*

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Calling the Illinois River "the apple of Oklahoma's eye," Judge Luther Bohannon ordered the Office of Interstate Land Sales Registration to suspend sales in the 7,000-acre Flint Ridge development. The lawsuit was brought by the Scenic Rivers Association of Oklahoma and the Illinois River Conservation Council, with which the Oklahoma Chapter of the Sierra Club is formally affiliated.

The judge's final ruling held that the project might substantially affect the environmental quality of the river and its basin, and that HUD's decision to approve the developer's Statement of Record and Property Report is a major federal action and thus subject to NEPA provisions.

The suspension will remain in effect until HUD prepares an acceptable environmental impact statement that provides answers to questions raised by the plaintiffs.



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UN REPORT

Patricia Rambach

Sierra Club and Venezuela join to study tropical forests

THE SIERRA CLUB and the Rural Welfare Council of Venezuela have launched a joint project to study tropical rainforest conservation in Venezuela. The director of the study, Lawrence S. Hamilton, Professor of Natural Resources at Cornell University and a member of the Finger Lakes group, will work with Edgardo Mondolfi, Executive Director of the Rural Welfare Council of Venezuela, a nonprofit educational research organization established by the Venezuelan government. Mr. Mondolfi was instrumental in bringing together a talented group of his countrymen to work in this joint venture. The project is unusual because it involves a private environmental group from one country (the Sierra Club) and a governmental agency from another (the Rural Welfare Council), along with a host of international officials, scientists, ecologists, and professional foresters from both countries. Corporacion de los Andes, the regional planning agency located in the Andean region of the country, will also assist in the field work expected to begin in January. A final report on the team's findings will be presented to UNEP and a publication in English and Spanish will be distributed by the Club. The United Nations Environment Programme will also cooperate with the project and join in the fieldwork.

The world's tropical forests are in trouble: The United Nations Food and Agriculture Organization has reported that in Latin America alone, "between five and ten million hectares of forests are being felled each year and much of this land is being destroyed" because of improper management. Man's knowledge of the value of the wood and chemical extracts that could be derived from tropical forests is fragmentary; knowledge of how to manage these forests to maintain their long-term productivity is even more limited. Yet the forests of the Amazon Basin, Central America, the Congo Basin, the Malay Peninsula, New Guinea, and other areas are now being exploited with little restraint, not only for wood, but also for cleared land. Vast areas have already been modified, and the pace is quickening. Slash-and-burn agriculture and indiscriminate logging already have permanently destroyed large areas of rainforest. The rapidly expanding populations and drive toward development in the tropical countries, combined with the industrial nations' accelerated search for new resources, are continuing to press hard on the remaining areas of tropical forest.

The tropical rainforest is unusually sensitive to disturbance. Although the hot, moist climate promotes rapid decay of leaf litter and thus a rapid recycling of nutrients, most of them are bound up in the vegetation rather than the soil. Slash and burn returns some of the nutrients to the soil, but in many cases, after one or two years, fertility virtually disappears and further farming becomes impossible. This loss occurs because rainforest soils, which have developed over millenia in a dim, moist microclimate, are, when cleared, subject to extreme leaching because of the large amount of rainfall. Furthermore, on steep slopes severe erosion and increased water discharge present additional problems. Thus a chain of degradation occurs that makes it extremely difficult for tropical forest to re-establish itself on cleared sites. Even selective harvesting of timber drastically disturbs the tropical rainforest ecosystem because we have not learned how to remove primary forest species without thereby allowing secondary species to take over. Thus, we stand a chance of losing the primary forest.

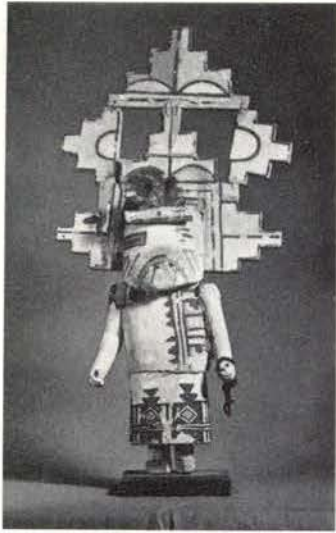
Dr. Hamilton outlined the Sierra Club project objectives as follows: "We want to work with the Venezuelans in pulling together information about what is happening to the tropical rainforests. We will identify the major forces contributing to the destruction of this very important resource and preventing its rational use, with due regard to a full range of environmental values, such as wildlife, watershed, soil protection, esthetics, and recreation.

"We will pay special attention to national parks and preserves because of their value as gene pools and for scientific, educational, and recreational use."

An additional and extremely important objective of this study, of course, is to educate the American public to the value of the tropical rainforest and the need for its conservation.

By looking at these factors in Venezuela, we hope to establish guidelines that other countries can use in managing their tropical rainforests. The concern for environmental values expressed by the Venezuelan government and the personal interest of President Carlos Andres Perez have made this study possible. Since Venezuela has assumed a position of leadership in such matters, it can play an important role, not only in Latin America, but also in other tropical countries, by calling attention to the need for a balanced forest-conservation policy.

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Clair Tappaan Lodge

CHILLY NIGHT AIR, the brilliant stars of Orion rising in the evening sky, and the fall coloring are all reminders that winter is coming. These hints have been spurs to the work parties getting Clair Tappaan Lodge, Hutchinson Lodge, and the four memorial touring huts ready for another snow season. We want Club members to know about Clair Tappaan Lodge as a pleasant place to stay for excellent Nordic or Alpine skiing, snowshoeing, or for a restful winter vacation. The lodge is located on old Highway 40, two miles after leaving Interstate 80 at the Soda Springs-Norden turnoff, and is a few minutes walk or drive from the many ski resorts in the North Tahoe area.

The lodge accommodates 150 people in dormitories, dormettes and family rooms of five to eight bunks each, or cubicles of two bunks each. All are equipped with mattresses, but members must bring their own sleeping bags and toilet articles. Everyone has to assist in housekeeping chores, for the lodge is operated on a non-profit cooperative basis. Duties are assigned by choice from a work sheet, and take only a few minutes each day. Hot meals served family-style are provided mornings and evenings; food for bag lunches is available at breakfast time.

Advance reservations for meals and lodging will be needed for any stay beginning December 2, 1974, through Easter, March 30, 1975. These can be

made by writing Clair Tappaan Lodge Reservations, Sierra Club, 1050 Mills Tower, 220 Bush Street, San Francisco, California 94104. Requests will be handled at the club office from November 18, through March 28, and can be made in person, by mail, or by telephone, if money has already been deposited. Full payment must be made before a reservation can be issued. To stay at the lodge before December 2, or after Easter, write or telephone the lodge manager (P.O. Box 36, Norden, CA 95724; 916-426-3632). Tell him the time you plan to arrive, the length of your stay, and the size and composition of your party.

Application envelopes containing information on lodge rates and procedures should be used when requesting winter-season reservations. These can be obtained from the club office in San Francisco or from the lodge. Reservations are made only for weekends of two full days (starting with Friday night's lodging and including three meals for each day), and for any number of weekdays. Anything less than one full weekend or one full weekday must be arranged with the lodge manager on a space-available basis. Members are encouraged to send money in advance as a deposit to draw upon during the season. Records are kept and any balance will be refunded upon request.

Deadline for making lodge reservations at the office for a weekend is 11 a.m. on the previous Thursday. For



Photos by Charles W. Daly

those who have worked to maintain the lodge, ten beds are held in reserve until the preceding Monday noon. Until Wednesday of each week, a maximum of ten nonmember guest reservations will be accepted at the rate of no more than one guest per member. After Wednesday, additional guest reservations will be accepted if space is available. Sponsors must accompany their nonmember guests for their entire stay.

As in past seasons, a charter bus will leave San Francisco and Berkeley each Friday night, beginning January 3, and will return each Sunday night throughout the ski season as long as there is sufficient demand. (After the three-day Washington's Birthday weekend, the bus will return on Monday night, February 24. There will be no bus service Easter weekend.) The bus will leave San Francisco each Friday at 6:15 p.m. from the United States Mint, Market and Duboce streets, and will stop for passengers in Berkeley at 7 p.m. at the Southern Pacific Station, Third Street and University Avenue. Arrival at the lodge is planned for about 11 p.m. Departure from Norden will be at 6 p.m., after Sunday dinner, with arrival in Berkeley about 10 p.m. and San Francisco about 10:30 p.m. There is ample space for skis, snowshoes, or luggage. When arrangements have been made at the



office, passengers with hand luggage (no skis) may be picked up near the freeway at Vallejo, Davis or Sacramento. Aside from private car, this chartered bus is now the only direct transportation to Norden; the trains and Greyhound bus no longer stop there.

Applications for the Christmas and Easter holiday weeks will be accepted after November 1, but will be held until November 29, and February 28 before being confirmed. If demand exceeds available space, the lodge will be filled by lot, and remaining applications kept on a waiting list or the money refunded or credited.

If a reservation has to be canceled, telephone the office as soon as possible; there are graduated cancellation charges. Ask the name of the person receiving the call and follow up at once with a letter of confirmation enclosing the reservation slips. If cancellation of a weekend reservation is made after 11 a.m. on the preceding Thursday, it is necessary to telephone the lodge manager. Even on Fridays, however, charter bus cancellations must be cleared through the Club office. Any member may be required by the lodge manager to produce his membership card.

Hutchinson Lodge, with a capacity of 20 persons, is available during the winter to groups only. They must supply their own food. Rates are \$2.50 per day per person, with a minimum



nonrefundable payment of \$20 per day due at the time the reservation is confirmed. (For weekends, minimum reservation at "Hutch" is for two days, i.e., \$40.) Preference will be given to Sierra Club groups that make reservations a month or more in advance. All Hutchinson Lodge arrangements and reservations are made by the Clair Tappaan Lodge manager and *not* through the Club office. Chapters, committees, sections, and other divisions of the Sierra Club may have reservations confirmed six months in advance in order to meet publication deadlines. For other parties, reservations will not be confirmed longer than 30 days in advance.

Memorial ski huts are primarily for the benefit of Sierra Club groups, but

if space is available, they can also be used by other conservation groups. Food and supplies must be carried in to all four huts, although food may be supplied by the lodge if arrangements are made in advance. Always clear your plans through the Clair Tappaan Lodge manager. The suggested voluntary rate per person is \$1 per day, which can be paid at Clair Tappaan Lodge when checking out for the hut. The lodge manager is instructed to deny use of a hut and assistance to any group that, in his judgment, is inexperienced or lacks necessary equipment, or if the weather conditions or other factors would, in his judgment, make the trip to a hut too great a risk.

Although we love animals, please do not bring pets.

Clair Tappaan Lodge Committee

1974-1975 Winter Rates at Clair Tappaan Lodge

American plan by reservation

Weekends—Friday lodging through Sunday dinner....	\$18.00
7 consecutive days (not to start with Saturday lodging)...	54.00
5 weekdays—Sunday lodging through Friday dinner....	40.00
5 weekdays—children under 12 except Christmas weeks	27.50
Single days—weekdays may be reserved at the Club office	9.00
Single days—children—weekdays only except at Christmas	6.00

Charter bus transportation

*(WEEKENDS ONLY) January 3 through March
except Easter weekend*

Round trip	15.00
One way	8.00
<i>(Bus \$18 on 3-day weekends.)</i>	

Partial reservations made only at the lodge

Lodging—available only at the lodge.....	4.00
Breakfast—available only at the lodge.....	2.50
Breakfast and lunch—available only at the lodge.....	3.50
Lunch alone or as first unit of stay.....	not available
Dinner—available only at the lodge.....	3.00

For members, applicants, and guests

Cancellation charges

Minimum charge for cancellation of meals and lodging.....	\$2.00, Bus \$4.00
Cancellation with more than six days' notice.....	10 percent
One to six days' notice.....	25% meals and lodging \$5.00 bus (\$4.00 one way)
Less than 24 hours' notice—meals and lodging....	\$3.00 per day
—chartered bus....	\$6.00 (\$4.00 one way)
Failure to arrive or give notice of cancellation....	100 percent

Reservation slips must be returned for cancellations and refunds. Make CTL reservations at the Sierra Club office, 1050 Mills Tower, San Francisco 94104. Send full payment, and give age and sex of each person wishing reservations, to facilitate assignment of bunks.

Hutchinson Lodge—Reservations are made directly with the Manager, Clair Tappaan Lodge, Norden, California 95724. Rates are \$2.50 per person per night with a minimum charge of \$40 per weekend. Bring your own food. Scheduled groups of the Sierra Club have priority.

Memorial Ski Huts—Scheduled trips have priority. Reservations are made with the manager at CTL, and keys are obtained from him. The suggested voluntary donation of \$1 per day can be paid at the Lodge when checking out for the hut.

insider... news of the members and their club

THE SIERRA WATCH

"Get Back in Your Kitchen, Lady, And Let Me Build My Road!"

THAT EXASPERATED OUTBURST from a harassed county engineer was the shot that opened the now-famous Battle of the Alameda. It all began in Menlo Park, California, on a January morning back in 1966. Six housewives were meeting with the unhappy engineer and San Mateo County's five equally unhappy supervisors beside the Alameda, a 35-foot-narrow county road. The women were protesting a plan to push a four-lane, divided thoroughfare through their quiet neighborhood—across yards, gardens, and anything else that lay in the path of the proposed 104-foot right of way. Finally, as tempers began to fray, one of the ladies blurted out: "But what about my garden?" That was when the engineer, much to his later regret, blew his stack and shouted his back-to-the-kitchen order.

"Well, that did it!" said one of the ladies some months later. Until that day "there really wasn't any opposition. . . . He created it," she added. That lady happened to be CLAIRE DEDRICK—who in a mere five years was to become a director of the Sierra Club. She also had just happened to be at that 1966 confrontation and sort of stumbled into battle, having agreed to take the place of a friend and report back to her. A Sierra Club member since 1961 but an avowed political abstainer who had always shied from becoming too involved, Claire soon found herself not only completely embroiled in the fray, but enjoying it too.

Twelve months of "working like crazy" lay ahead. There were dozens of meetings and strategy sessions, plus block-by-block organizing, fund-raising, traffic counts, never-ending legal work and such publicity capers as the anti-road "Burma-Shave" signs and the 100-foot long white rag stretched across lawns to mark the edge of the proposed right of way. By early 1967, the county gave up in compromise. The Battle of the Alameda was over. Looking back at that battle, Claire concedes that "we never really minded all that hard work. Somehow, in spite of it all, we managed to have a hell of a good time. And it turned us into a neighborhood, besides!"

Right here and now I must plead guilty of plagiarism. The account of the environmental battle was shamelessly extracted from a forthcoming Sierra Club book, tentatively titled *Earth Workers, a Primer for Environmental Activists*. It will come out in the fall of 1975. Why was the crime committed? First of all, because the story fits exactly into the mold for pieces in this column: How action at the grass-roots level

works and why individuals and their involvement matter. The most important reason, however, is to let you as a club member know about the book itself because you could become one of its authors.

"Get Back in Your Kitchen etc." is one of the planned 40 or so Reports from the *Grass Roots*, a 128-page section of the book. (The rest of the 8 1/2 x 11 softcover book is to be a 64-page how-to manual of environmentalist techniques and tools.) JON BECKMANN, editor in chief of Sierra Club Books, is looking for more grass-roots reports. He says they should be "a distillation of actual battles, how they began, how they were fought, and what was learned. Send your proposal or ideas to him at Mills Tower, San Francisco 94104. They need not be in finished form. Chapters will vary in length. (The one on the Alameda Battle is 5,000 words with about equal space, or four pages, for pictures and diagrams.) Selection will be based both on the merit of the idea and how well it fits into the book's aim of covering a wide range of environmental problems and geographic areas. If your account has possibilities, close editorial assistance and guidance will be available.

This appeal for input into Jon's book has put this column at a distinct 10-10-1 disadvantage: space for 5,000 words versus only 500 or so words here. I can only hope that Jon will share some of his input. At any rate, fellow members, please continue to send in your comments and your reports on any unusual projects or activities that might interest—or perhaps inspire similar action by—other individual members, chapters, or groups. Also welcome are your ideas or suggestions for taking the kinks out of procedures and operations in any nook or cranny of the club.

CHAPTER NOTES

CHAPTERS, alas, are not exempt from the grim laws of economics. THE ANGELES CHAPTER reviewed its budget at mid-year and found that the recession was eroding its income as inflation was increasing its expenses. The facts and figures were presented in detail to the chapter's 20,000 members in the July *Southern Sierran*, along with an appeal for emergency contributions to help close the income-outgo gap. Within a month, \$1,000 had come in, MURRAY ROSENTHAL, the fund-raising chairman, reports. In another budget-balancing move, the chapter is eliminating its usual first-class mailing of ballots, printing them instead in its October newsletter—a clear saving of more than \$2,000.

After four years of intensive effort by a talented corps of volunteer members, the SOUTH TEXAS GROUP of the LONE STAR CHAPTER has published an impressive 100-page, large-format *Environmental Guide to the San Antonio Area*. The book goes into detail on each of the major environmental problems—local, state, and federal—that affect the area. On each, it gives the background, states the problem, tells what the alternatives for solution are, and then outlines the Sierra Club position. The *Guide*, aided by a Sierra Club Foundation grant, is being used to orient new members and also to educate the community on threats to its environment. It is going to every elected official and into every library in the area. For more information on this publishing project, write to ANTHONY A. ATHENS, JR., SIERRA CLUB SOUTH TEXAS GROUP, P.O. Box 6466, San Antonio, Texas 78209.

The Sierra Club lost three veteran super-activists last summer. Two were scientists; all explored and enjoyed the Arctic wilderness. The first, physicist EDWARD M. LITTLE, died June 22 in San Diego at the age of 76. A member of the SAN DIEGO CHAPTER for more than 20 years, Ed Little was one of its most tireless outings leaders. He is going to be missed. The ROCKY MOUNTAIN CHAPTER, too, is going to miss an old friend and member, wildlife biologist ADOLPH MURIE, who died August 15 of a heart attack in his cabin at Moose, Wyoming, at the age of 75. SCOTT PARRISH, a prominent club member and Alaskan environmentalist, died in a plane crash on August 26, near Kuane Lake in the Yukon Territory. Parrish was regional conservation chairman of the ALASKA CHAPTER, on the executive committee of the KINIK GROUP and a former member of the club's national energy committee. He was 29.

BULLETIN BOARD

Throwaways are out

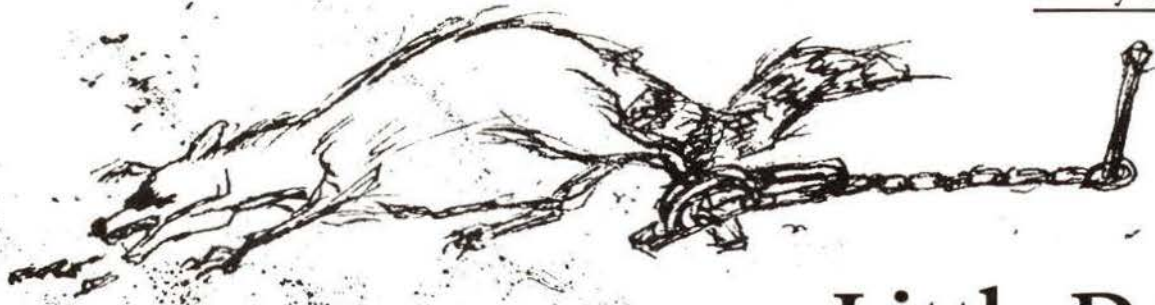
Sierra Club cups (and other reusable containers) are in at all national-level meetings of the club. A board of directors resolution (8/31/74) also urged such practice by all individual members and units of the Club.

Need population data?

Contact JUDITH KUNOFSKY, the club's population consultant and coordinator, if you want to be put on her mailing list for population newsletters or if you need help on population projects or educational aids. Her office is in Mills Tower.

Ads for the *Bulletin*

Newsletter ad managers and other advertising people: Your aid in steering advertisers to the rather special national readership of the *Sierra Club Bulletin* is needed. More ads will help to build economic muscle for the clubs as well as for the *Bulletin*. Advertisers whose markets extend far beyond the boundaries of a chapter are the most likely prospects. For details on how you might help, write to JIM BELSEY, Advertising Coordinator, Sierra Club, Mills Tower, 220 Bush Street, San Francisco, CA 94104.



Illustrations by Glen Rounds

Little Deaths

T. H. WATKINS

IT HAS BEEN MORE than ten years since the day my cousin let me walk his traplines with him. We never see each other now. Our worlds, never very close, have grown even farther apart. He left California several years ago to become a trapping supervisor somewhere in Nevada, while I have joined the ranks of those who would cheerfully eliminate his way of life. He would, rightly enough, consider me one of his natural enemies, and it is not likely that we would have much to say if we did meet. Still, I am grateful to him for giving me a glimpse into the reality of a world normally hidden from us, a dark little world where death is the only commonplace.

At the time, my cousin was a lowly field trapper at the beck and call of any rancher or farmer who made an official complaint to the trapping service about varmint troubles—coyotes or wildcats getting after newborn lambs, foxes sneaking into chicken coops, that sort of thing. His current assignment was to trap out the varmint population of some ranchland high in the Diablo Hills southeast of Oakland, a country of rolling grassland, scrub oak, and chaparral dominated by the 3,000-foot upthrust of Mount Diablo. His base was a house trailer planted on the edge of one of the ranches he was servicing near Livermore, although he got into Oakland quite a lot for weekend visits to a lady of his acquaintance. I lived in Oakland at the time, and he usually made a point of stopping by to see my children, of whom he was particularly fond.

I was then a practicing student of western history and thoroughly intrigued by the glittering adventure that pervaded my reading—especially

in the stories of the mountain men, those grizzled, anarchic beings with a lust for far places and far things, stubborn individualists who had lived freer than any Indian and had followed their quest for beaver pelts into nearly all the mysterious blanks of the American West, from Taos, New Mexico, to Puget Sound, from the Marys River of the northern Rockies to the Colorado River of the Southwest; hopelessly romantic creatures with a predilection for Indian women, a talent for profanity, and a thirst for liquor profound enough to melt rivets. And here was my cousin, the literary—if not lineal—descendant of the mountain man. True, he was neither grizzled nor given much to profanity, nor had he, so far as I knew, ever offered his blanket to an Indian woman. Still, he was a *trapper*, beGod, and when on one of his visits he invited me to accompany him on his rounds, I was entranced with the notion.

Late one spring afternoon I bundled wife and children into the car and drove down to Livermore and out to the ranch where he was staying. After a dinner cooked in the trailer's tiny kitchen, my wife and the children bedded down in the trailer's two little bunks. "When we get back tomorrow afternoon," my cousin told the children, "I'll take you out and show you some spring lambs. You'd like that, right?" he added, giving them a pinch and tickle that set them to giggling in delight. He and I bundled up in sleeping bags on the ground outside.

It was pitch black when he woke me the next morning at five o'clock. After shocking ourselves out of sleep by bathing our faces in water from the outside faucet, we got into his pickup

and drove off for breakfast at an all-night diner on the road. Dawn was insinuating itself over the dark hills by the time we finished breakfast, and had laid a neon streak across the sky when we finally turned off the highway and began climbing a rutted dirt road that led to the first trapline (we would be walking two traplines, my cousin explained, one on the western side of the hills, one on the eastern; these were two of the six he had scattered over the whole range, each of them containing between 15 and 20 traps and each checked out and reset or moved to a new location every ten days or so). As we bumped and rattled up the road, daylight slowly illuminated the hills. For two or three months in the spring, before the summer sun turns them warm and brown, these hills look as if they had been transplanted whole from Ireland or Wales. They are a celebration of green, all shades of green, from the black-green of manzanita leaves to the bright, pool-table green of the grasses. Isolated bunches of cows and sheep stood almost motionless, like ornaments added for the effect of contrast, and morning mist crept around the base of trees and shrouded dark hollows with the ghost of its presence. Through all this, the exposed earth of the road cut like a red scar, and the sounds of the pickup's engine and the country-western music yammering out of its radio intruded themselves on the earth's silence gracelessly.

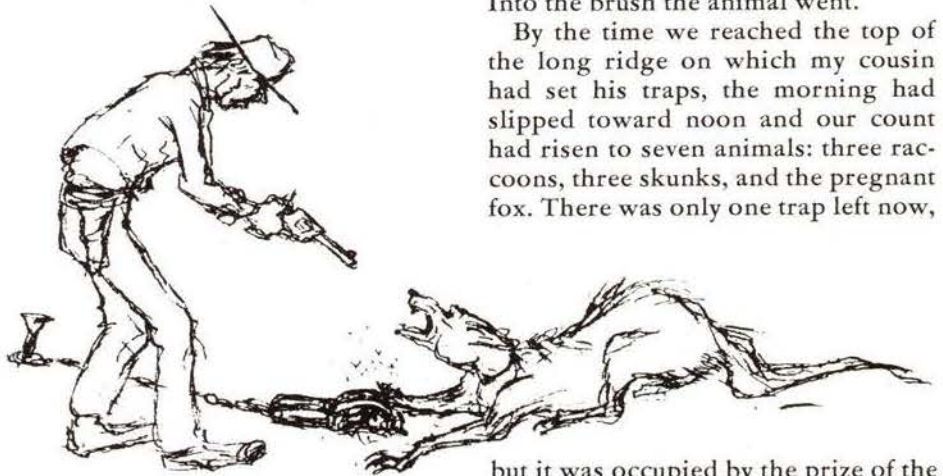
We talked of my cousin's father, whom he worshipped and emulated. My cousin was, in fact, almost literally following in his father's footsteps, for "the old man" had been a state trapper himself and was now a trapping super-

visor. Before that, back in the deep of the Depression, he had been a lion hunter for the state, when a mountain lion's ears were as good as money, and before that he had "cowboyed some," as he put it; at one time, according to family tradition, his grandfather's ranch had encompassed much of what became the town of San Bernardino in Southern California. At one point in his life, he had led jaguar-hunting trips to the jungles of northwestern Mexico, and he was still a noteworthy hunter, though now he confined himself principally to an occasional deer, antelope, or bear. My cousin had grown up in a house where skins of various types served as rugs and couch-throws, where stuffed heads glared unblinkingly from the walls, where sleek hounds were always in-and-out, where hunting magazines dominated the tables, hunting talk dominated the conversations, and everywhere was the peculiarly masculine smell of newly oiled guns, all kinds of guns—pistols (including an old Colt once used by my cousin's great-grandfather, legend had it, to kill a man), rifles, shotguns. It was a family that had been killing things for a long time, sometimes for meat, sometimes for a living, sometimes for what was called the sport of it, and one of my cousin's consuming ambitions was to bag a big-horn sheep, something his father had never managed to do.

I had never killed anything in my life except fish, and since fish neither scream, grunt, squeal, nor moan when done in, it had never seemed like killing at all. In any case, I was by no means prepared for the first sight of what it was my cousin did to earn his bread. I don't know what I had expected with my romantic notions of the trapper's life, but surely it was something other than what I learned when we crawled up the road through increasingly heavy underbrush and stopped to check out the first of my cousin's traps.

We got out of the truck and beat our way through the brush to a spot perhaps 30 feet from the road. I did not see the animal until we were nearly on top of it. It was a raccoon, the first raccoon I had ever seen in person, and

at that moment I wished that I never had seen one. It was dead, had been dead for several days, my cousin informed me. "Hunger, thirst, and shock is what kills them, mostly," he said in response to my question. "That, and exhaustion, I reckon." The animal seemed ridiculously tiny in death. It lay on its side, its small mouth, crawling with ants, open in a bared-tooth grin, and its right rear leg in the clutch of the steel trap. It was easy to see how the animal had exhausted itself; it had been at its leg. A strip of flesh perhaps three inches in width had been gnawed away, leaving the white of bone and a length of tendon exposed. Tiny flies sang about the ragged



wound and over the pool of dried blood beneath the leg. There was a stink in the air, and it suddenly seemed very, very warm to me there in the morning shadows of the brush.

"Once in a while," my cousin said, prying open the curved jaws of the trap, "one of them will chew his way loose, and if he doesn't lose too much blood he can live. I caught a three-legged coyote once. Too stupid to learn, I guess."

"Do you ever find one of them still alive?" I asked.

"Sometimes."

"What do you do with them?"

He looked up at me. "Do with them? I shoot them," he said, patting the holstered pistol at his waist. He lifted the freed raccoon by the hind legs and swung it off into the brush. "Buzzard meat," he said. He then grabbed the steel stake to which the trap was attached by a chain and worked it out of the ground. "I've had this line going for over a month, now. The area's just about trapped out." He carried the trap back to the road,

threw it in the back of the pickup, and we drove up the increasingly rough road to the next trap. It was empty, as was the one after it. I was beginning to hope they would all be empty, but the fourth one contained a small skunk, a black-and-white pussycat of a creature that had managed to get three of its feet in the trap at once and lay huddled in death like a child's stuffed toy. It, too, was disengaged and tossed into the brush. A little further up the ridge, and we found a fox, to my cousin's visible relief. "Great," he said. "That has to be the mate to the one I got a couple of weeks ago. Pregnant, too. There won't be any little foxes running around this year." Into the brush the animal went.

By the time we reached the top of the long ridge on which my cousin had set his traps, the morning had slipped toward noon and our count had risen to seven animals: three raccoons, three skunks, and the pregnant fox. There was only one trap left now,

but it was occupied by the prize of the morning, a bobcat. "I'll be damned," my cousin said, "I've been after that bugger all month. Just about give up hope." The bobcat had not died well, but in anger. The marks of its rage and anguish were laid out in a torn circle of earth described by the length of the chain that had linked the animal to its death. Even the brush had been ripped and clawed at, leaves and twigs stripped from branches, leaving sweeping scars. Yellow tufts of the animal's fur lay scattered on the ground, as if the bobcat had torn at its own body for betraying it, and its death-mask was a silent howl of outrage. My cousin took it out of the trap and heaved it down the side of the hill. Buzzard meat.

WE HAD to go back down the hills and around the range in order to come up the eastern slopes and check out the second trapline, and on the way we stopped at a small roadhouse in Clayton for a hamburger and a beer. I found I could eat, which surprised me a little, and I certainly had a thirst for the beer. We sat side-by-side

Author and historian T. H. Watkins is a frequent contributor to the Sierra Club Bulletin. He is now working on a history of the American public domain, which will be published by Sierra Club Books.

at the bar, not saying much. Something Wallace Stegner had once written kept flashing through my mind. "Like most of my contemporaries," he had said, "I grew up careless. I grew up killing things." I wondered if my cousin would know what Stegner had been talking about, and decided it would be best not to bring it up. I could have cancelled out right there, I suppose, asking him to take me back to his camp, explaining that I had seen enough, too much, of the trapper's life. I could always plead exhaustion. After all, the day's hiking had been more real exercise than I had had in months, and I was, in fact, tired. A stubborn kernel of pride would not let me do it. I would see the day through to the end.

So the ritual continued. We climbed back up into the hills on the east side of the range in the oven-heat of a strong spring sun. The day's count rose even more as the pickup bounced its way up the ragged weedgrown road: two more skunks, another fox, two more raccoons. The work went more slowly than the morning's run, for this was a new line, and each trap had to be reset. My cousin performed this task with an efficient swiftness and the kind of quiet pride any craftsman takes in his skill, snapping and locking the jaws of the traps, covering them with a thin scattering of earth and twigs, sprinkling the ground about with dog urine from a plastic squeeze bottle to cover up the man-smell. By the time we were ready to approach the last three traps of the line, it was well after three o'clock. We were very high by then, well up on the slopes of Mount Diablo itself, and we had to abandon the pickup to hike the rest of the way on foot. We broke out of the brush and walked along a spur of the hills. About 1,500 feet below us and some miles to the east, we could see the towns of Pittsburg and Martinez sending an urban haze into the air. Ahead of me, my cousin suddenly stopped.

"Wait a minute. Listen," he said.

A distant thrashing and rattling sound came from the slope below us. "That's where the trap is," he said. "Might be a bobcat, but I didn't expect to get him so soon. Come on."

The slope was very steep, and we slid much of the way down to the trap on our bottoms, slapped at and tangled by brush. The animal was not a bobcat. It was a dog, a large, dirty-white mongrel whose foreleg was gripped

in the trap. The dog snarled at us as we approached it. Saliva had gathered at its lips and there was wildness in its eyes.

"*Dammit*," my cousin said. He had owned dogs all his life. "A wild dog. Probably abandoned by somebody. They do it all the time. Dogs turn wild and start running in packs. Some people ought to be shot."

I didn't know what he wanted to do. He hadn't pulled out his gun. "Can we turn him loose? Maybe he isn't wild. Maybe he just wandered up here on his own."

My cousin looked at me. "Maybe. There's a noose-pole in the back of the truck—a kind of long stick with a loop of rope at the end. Why don't you get it?"

I scrambled back up the slope and made my way back to the pickup, where I found the noose-pole. As thick as a broomhandle and about five feet in length, it looked like a primitive fishing-pole. When I got back down to the trap, the dog was still snarling viciously. My cousin took the pole from me, opened the loop at the end, and extended it toward the dog. "If I can hook him," he said, "I'll hold his head down while you open the trap. You've seen how I do it."

It was useless. The dog fought at the loop frantically in a madness of pain and fear. After perhaps 15 minutes, my cousin laid the pole down. "He just isn't going to take it."

"What'll we do?" I asked, though I'm sure I knew.

He shrugged. "Can't just leave him here to die." He unsnapped his holster and pulled out the gun. He duck-walked to within a couple of feet of the

animal, which watched him suspiciously. "I'll try to do it with one shot," he said. The gun's discharge slammed into the silence of the mountain. The dog howled once, a long, penetrating song of despair that rang in echoes down the hill. My cousin nudged the animal with his boot. It was dead. He opened the trap, freed the leg, and heaved the body down the slope. The crashing of its fall seemed to go on for a long time. My cousin reset the trap. "Come on," he said. "It's getting late."

The last trap of the day held a dead raccoon.

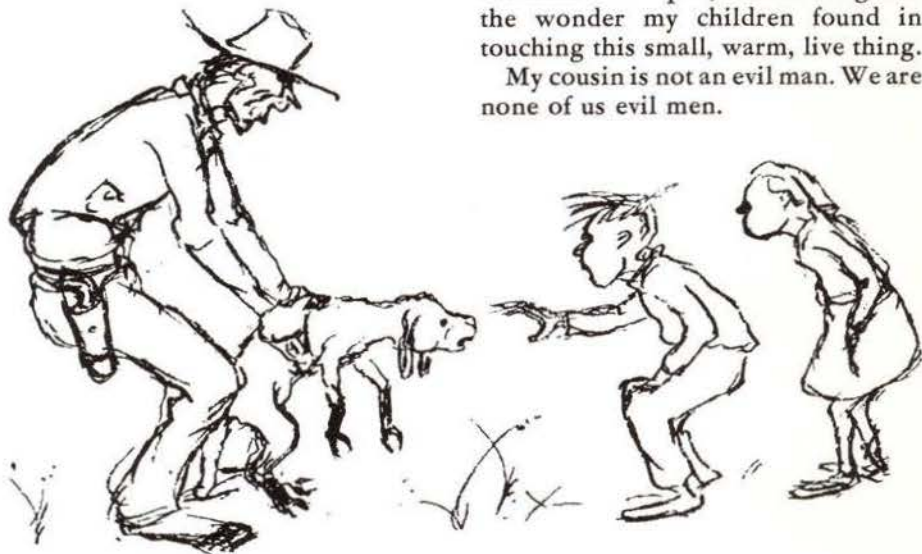
My cousin was pleased with the day's work. "If it keeps up like this," he said as we rattled down the highway toward his trailer, "I could be out of here in a month."

"What's the hurry?"

He indicated a small housing development by the side of the road. "Too much civilization around here for me. Too many people. I need to get back up into the mountains."

There was plenty of light left when we got back, and true to his promise, my cousin took the children out into the fields to see a newborn lamb. While its mother bleated in protest, he ran one down and brought it to my children so they could pet it. I watched his face as he held the little creature. There was no hint in it of all the death we had harvested that day, no hint of the half-eaten legs we had seen, no hint of the fearful thrashing agony the animals had endured before dying. No hint, even, of the death-howl of the dirty white dog that may or may not have been wild. There was neither irony nor cynicism in him. He held the lamb with open, honest delight at the wonder my children found in touching this small, warm, live thing.

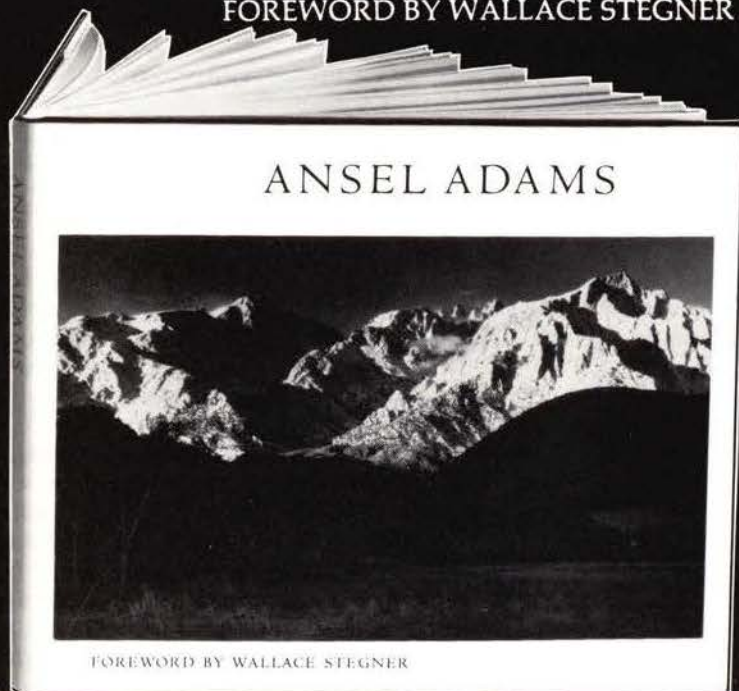
My cousin is not an evil man. We are none of us evil men.



Ansel Adams

IMAGES 1923-1974

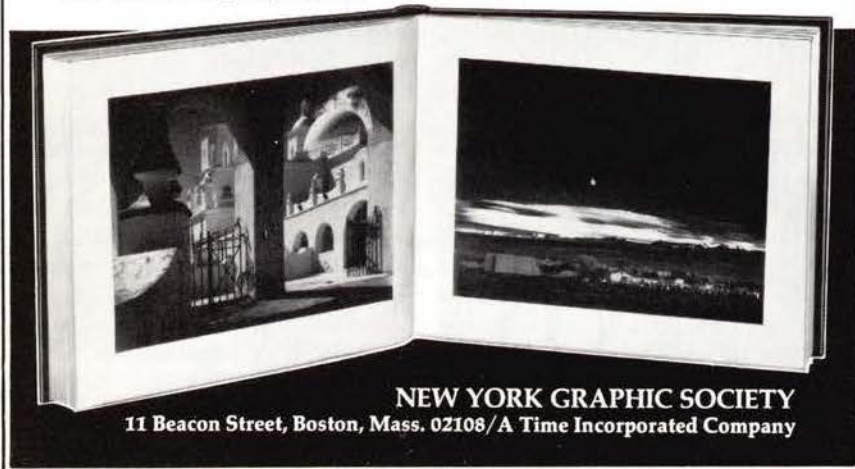
FOREWORD BY WALLACE STEGNER



A monument in the field of creative photography and the graphic arts

ANSEL ADAMS is one of the great artists of the 20th century—a photographer whose genius and skill create images that intensify the emotional effect of visual experience. Now, in his 72nd year, he has reviewed the output of a lifetime, carefully selecting his finest work. He has personally supervised every step of the production of this magnificent volume to achieve the finest reproductions humanly possible. Pulitzer Prize-winner Wallace Stegner has provided the foreword, giving striking insights into Adams' development as a photographer, his ideas, and his working methods.

Because of the time and care required to manufacture ANSEL ADAMS, and because of the scarcity of the special paper used, the supply this fall is limited. To be sure of getting your copy, order as soon as possible. 120 duotone reproductions. 128 pp. 16 $\frac{5}{8}$ x 13 $\frac{3}{4}$ ins. Slipcase. \$65.00 until 12/31/74; \$75.00 thereafter. A signed and numbered limited edition, in a boxed portfolio with a signed and numbered original print, \$275



NEW YORK GRAPHIC SOCIETY

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YOSEMITE STORY (Continued)

Abbey, an ex-park ranger, explained the process in *Desert Solitaire*:

"Through Congress the tourism industry can bring enormous pressure to bear upon such a slender reed in the executive branch as the poor old park service, a pressure which is also exerted on every other possible level—local, state, regional—and through advertising and the well-established habits of a wasteful nation. . . . Accustomed to this sort of relentless pressure since its founding, it is little wonder that the park service, through a process of natural selection, has tended to evolve a type of administration which, far from resisting such pressure, has usually been more than willing to accommodate it, even to encourage it."

One example of this constant pressure is the Western Region Superintendents' Conference, held in March, 1974. Two of the five days were spent touring Universal Studios and Disneyland, with transportation and lunch compliments of the corporation. Especially disturbing was the "Behind-the-scenes Tour Day" at Disneyland. Park administrators were shown "how 10,000,000 guests per year and upward of 55,000 visitors per day are hosted on the 70-acre developed show area. The master plan is a continually evolving tool rather than a set document."

Ronald Walker, who recently resigned as director of the National Park Service, has been called one of MCA's key friends. He reversed local decisions to ban helicopter use in Yosemite by Universal and has publicly advocated upgrading concession facilities. But he has acknowledged the primal conflict that may destroy essential values in Yosemite: "We have an untenable situation. With very few exceptions, none [of the concessioners] has a genuine relationship with the Park Service. It is a tug of war."

National Park Service administrators choose the service because they love the outdoors. Well-intentioned, those who become leaders learn early in the game to cover for the service's Achilles' heel: the conflict in its purpose between conserving scenery, leaving it unimpaired for the future, and providing for the enjoyment of visitors. To their credit, they have usually tried to err on the side of preservation. This is not enough. Like a



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radioactive substance, wildlands have a computable half-life when parts of them are constantly compromised. Already the flood of people in Yosemite Valley has damaged the wilderness character of far more terrain than has the quiet reservoir in Hetch-Hetchy Valley—a reality that should shock us out of our traditional acceptance of heavy concession activity in Yosemite. Can the National Park Service honestly say that the development existing today in parks is consistent with their duty to preserve them?

BUREAUCRACY (Continued)

We have been discussing how a lawyer must prepare to respond to the government's drive to act in a discretionary fashion, to avoid review, and to avoid compliance with court orders. Is there any way, you may ask, to solve this problem on an institutional basis, rather than in *ad hoc* litigation?

There is only one way. That is for government officials to create a climate in which political pressures are not allowed to overwhelm all other elements of federal decision-making. To base decisions on discretion, while ignoring the written law, weakens the rule of law. Obviously, only a few people can put the decision-makers in their pocket. In a nation as large and diverse as ours, the consequences of lawless government are resentment, disillusion, bitterness, suspicion, and division. It is all before us today. The only way out of this swamp is for the government itself to scrupulously abide by the rule of law. Only if we can be sure that the government respects the rule of law can we have respect for and confidence in the government.

CORPS GAMES (Continued)

spokesman, a retired Corps colonel who was formerly District Engineer in St. Louis, and who is now employed by a large contractor, these groups are making veiled threats of filing a countersuit against the Sierra Club and the Izaak Walton League, a clear attempt at intimidation that certainly misjudges the conviction of environmentalists and the climate of public opinion that makes our work possible.

And so the matter stands. The preliminary battles have all been won by the environmentalists, but the war has

just begun—not a war to stop the Corps or to stop navigation, but one to establish for the first time that navigation must be made compatible with other values on the Mississippi River, and to assure that any huge increase in barge activities, such as the four-fold increase planned by the Corps, will only proceed if the superb environmental qualities of the river are maintained.

Success in this effort could lead, at least, to a balance between commercial uses of the river, including navigation, and other, equally important values, such as wildlife protection, wilderness preservation, and recreation. Failure here would mean that the camel is in the tent, the public in the cold, and the Mississippi River up the creek. A sizable portion of our largest river would become a sterile ditch, and the Corps would have new impetus for continuing similar boondoggery across the nation, turning our rivers into ditches until Doomsday.

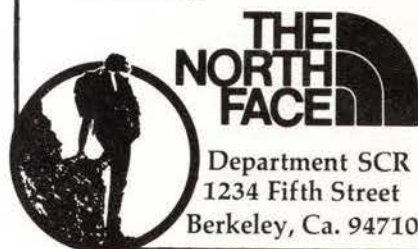
Jonathan Ela is the Sierra Club's Midwest representative.



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