



Natural Resources Journal

25 Nat Resources J. 6 (*Enclosing the Environment: NEPA's Transformation of Conservation into Environmentalism (25th Anniversary Anthology)*)

Fall 1985

Front Matter & Introduction

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Recommended Citation

Channing Kury, *Front Matter & Introduction*, 25 NAT. RESOURCES J. i (1985).
Available at: <http://digitalrepository.unm.edu/nrj/vol25/iss6/1>

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ENCLOSING THE ENVIRONMENT:
NEPA'S TRANSFORMATION
OF CONSERVATION
INTO ENVIRONMENTALISM

Edited by
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Natural Resources Journal
25th Anniversary Anthology
University of New Mexico School of Law
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INTRODUCTION

The *Natural Resources Journal's* first issue appeared in 1961, a year that marked in national politics a transition from the laissez-faire of the fifties to active intervention of the sixties not only in regard to natural resources but also in regard to the national economy, civil rights, education, poverty, and Vietnam. Historically, natural resource policy has paralleled other national policies. Theodore Roosevelt's conservation was part and parcel of a transformation of all of national politics from the "rugged individualism" of the Gilded Age to the practical recognition of the Social Contract that responsibilities must necessarily be honored when rights are exercised. Notwithstanding the Pinchot-Ballinger controversy in the Taft administration, the federal government maintained the gains of the Roosevelt philosophy until the twenties. The Teapot Dome scandal in the Harding administration marked the return of government to a nineteenth century philosophy that the national wealth be controlled by private decisionmakers with little federal regulation.

As Dickens said of another land in another age, the twenties were the best of times and the worst of times. That decade was the best of times because there was prosperity but it was the worst of times because national policy failed to meet the long-run needs of American society. With the collapse of the economy, Americans were forced by the circumstances in which they lived to reevaluate the role of the federal government. The administration of Franklin Roosevelt intervened into all areas of political and economic life, including the management of natural resources. Some of the resource programs were primarily welfare (*e.g.*, the Civilian Conservation Corps) or economic (*e.g.*, the Tennessee Valley Authority). Conservation was a policy of not just preserving a resource base for future generations but was also at the same time a handmaiden in the salvation of the generation that came of age in the thirties. World War II solidified the federal government's role as the primary source of political, economic, and social policy until the retrenchment of the Eisenhower administration during the fifties.

In 1961, the *Natural Resources Journal* appeared on the eve of a new era in resource management. The first article in the first issue was "Nuclear Explosions for Peaceful Purposes" by William H. Berman and Lee M. Hydeman. The article was of the modern age but nonetheless in the old school of conservation in that it was mission-oriented in the cause of alleviating resource scarcity. "Mission-orientation" would, at the end of the decade, be repudiated by the National Environmental Policy Act (NEPA).

The *Journal* published in the sixties (as well as in later years) a diverse assortment of articles on natural resources management. It was then and still is unique in being a scholarly journal that would publish papers on all sorts of resource topics including articles that did not fit neatly into the traditional journals mandated to serve individual disciplines. Thus, the *Journal* came to publish two articles, which appear in this anthology, by foresters Ronald Beazley and S. Blair Hutchison that addressed the question of the role of conservation in our society. These articles were originally published as the Forest Service was working out its responsibilities under the legislation of the sixties, in particular the Multiple-Use Sustained-Yield Act of 1960 and the Wilderness Act of 1964.

Congress passed in 1969 the National Environmental Policy Act which was sponsored by Senator Henry Jackson. NEPA was derived in part from Professor Lynton Caldwell's idea of broadening the information base on which agencies would premise their decisions and actions. What may be too little appreciated now is that NEPA was enacted during the Nixon administration which, regardless of its opposition to NEPA, was an administration which repudiated minimalist politics.

The seventies became a decade of implementation and the *Journal* published a series of articles on NEPA (not all of which appear in this anthology). The first article, "Environmental Policy and the Congress," was by Senator Jackson and provided a political overview that "Our national ability to develop a comprehensive, balanced and effective environmental policy in the months and years ahead will be a vital factor in the future achievement of other important national goals." Daniel A. Dreyfus and Helen M. Ingram then provided a legislative history in "The National Environmental Policy Act: a view of intent and practice."

Norman Wengert, Helen Ingram, and Thomas A. Heberlein discussed in separate articles democratic decisionmaking. Wengert's "Citizen Participation" provided philosophical concepts and Ingram's "Information Channels" outlined practical, bureaucratic elements of environmental decisionmaking. Heberlein's "Alternative Mechanisms" discussed several techniques for generating information upon which agencies could act.

Richard N. L. Andrews' "Agency Responses to NEPA" analyzed how the Corps of Engineers and the Soil Conservation Service responded to NEPA. H. Paul Friesema and Paul J. Culhane in their "Social Impacts" provided an impact statement of the NEPA mandated "environmental impact statement." Friesema and Culhane concluded that "NEPA may not force agencies to become optimizing decisionmakers with fully internalized environmental values, but it does provide the means to enforce environmental accountability on the agencies." Which leads to 1981 and Richard A. Liroff looking over the seventies to evaluate the "NEPA Litigation." His analysis provided a perspective from which the separation

and balance of powers in the federal government could be examined. He observed that “Litigation is often a product of administrative failure to recognize the legitimacy of environmental and other relevant values in decisionmaking.” He concluded that responsiveness to relevant values and development of carefully reasoned policies would be the best ways to minimize litigation.

In celebration of the *Natural Resources Journal*'s 25th year, this anthology has been compiled as an aid to students and professionals in understanding NEPA. This anthology is designed to provide a historical and policy perspective on a major piece of federal legislation that continues and will continue to have a premier role in federal decisionmaking. Conservation was transformed by NEPA into environmentalism through the broadening of the federal decisionmaking process. Traditionally, the agencies were mission-oriented and used a calculus that was narrowly scripted for their respective missions. Their missions were frequently at cross-purposes. As Walt Kelly's Pogo the 'Possum observed, “We have met the enemy and he is us.” Now it should be added that, with the aid of NEPA, “And we got him surrounded.”

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