THE NIXON ENVIRONMENTAL AGENDA: AN INSIDER'S VIEW
OF REPUBLICAN DECISION-MAKING,
1968-1973

by

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ABSTRACT


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Richard Nixon, the president, has been given little historical credit for the environmental accomplishments of his administration. Indeed, in his post-presidency memoirs Nixon himself shows no interest in the environment and when he does speak to the issue, it is disparagingly.

But ironically, my thesis shows that no administration, before or since, has brought such progress to the multiple issues of environmental quality. The thesis explores the political, social, and historical factors that contributed to the "environmental revolution" of the late 60s and early 70s. The quality of the leaders chosen within the administration helps explain the dichotomy between a negative president and the environmental reform accomplished by his government agencies. It was my privilege to serve with or under these men: Walter Hickel, Russell Train, William Ruckelshaus, John Whitaker, and John Ehrlichman. Dedicated civil servants and other bright, young political appointees joined with me on the environmental agenda.

(130 pages)
DEDICATION

To the hundreds of dedicated and honest civil servants with whom I was privileged to serve during these extraordinary five and three-quarter years.

And a further dedication, with a note of sadness, to John Ehrlichman, who died the day I wrote this page. He was tough to the end, but loyal to the astonishing array of programs that were his responsibility as Chief of Domestic Council.
ACKNOWLEDGMENTS

This thesis culminates three years of work, all of which was assisted directly by the fine professors and the courses they taught. Without exception, the coursework contributed directly to the thesis. Starting with Professor Anne M. Butler and her "bootcamp" on Historical Methods and Research, and ending with Peter Mentzel on World History, each person contributed to my perspective and abilities. The additional professors were David Lewis, Clyde Milner, Carol O'Connor, Michael Nicholls, and Chris Conte. Those assisting in production of this document have been Paula Dimler, Carolyn Doyle, and Natalie Lowe.

To my academic committee I owe the world in seeing this through to completion. My special thanks to Carolyn Rhodes of the Political Science Department and chairman of our committee. Ross Peterson has been an enthusiastic supporter of this thesis since it was but a glimmer in the eye. Where necessary, his humor has carried the day.

Three special friends from very different walks of life have made large personal commitments to this project, and to them I am much indebted: Halsey Stickel, K.T. Roes, and James Norton—all of them friends.

Particular credit is due all of the men interviewed here. Each gave freely and candidly of their time and thoughts to this thesis. It must also be said that much of my personal experience in Washington recorded here was gained in the company of them. Men like Russell Train, William Ruckelshaus, John Whitaker, and John Ehrlichmen stood up for the remarkable environmental agenda sponsored in the first five short years of the Nixon Administration. Each worked with great skill at the highest levels of government. Each had a sense of humor and the powers of leadership. I found them all to be people of integrity in their dealings on the environment. To each of them, my thanks.

David D. Dominick
This thesis is both a product and a record of my career in federal government service early in my life. At the age of 32, in 1969, I was sworn in as commissioner of the Federal Water Pollution Control Administration. The newly appointed secretary of the interior, Walter J. Hickel, selected me for the position with the approval of the White House. I was the youngest political appointee in charge of a large and growing federal agency as Richard Nixon began his first term in office in January of 1969. Five thousand career and tenured civil servants were under my supervision (with no other political appointees to share the load).

The agency's organization was not atypical and included assistant commissioners for administration, operations, research and development, and enforcement. Nine regional directors reported to me and the agency had numerous laboratories—all it seemed in some powerful congressman's backyard. The agency's budget when I walked in the door was about $214 million, mostly money earmarked for the construction of municipal sewage treatment plants. The budget upon my departure was $11.5 billion spread over four years.

In December of 1970 the president, by executive order, transferred my agency to the newly formed and wholly independent Environmental Protection Agency. After I had run the national water pollution program, the new EPA administrator, William D. Ruckelshaus, assigned me responsibility for the remaining myriad of environmental (except for air pollution) programs that had been transferred into EPA: pesticides, radiation, solid waste, noise and toxic substances. Air and water pollution were not included in my grab-bag of new jurisdictions. The organizational rationale was that all
the programs outside of air and water were not readily susceptible to being broken apart into their functional components. Each required reorganization, including the merger of elements in each from the several cabinet departments from whence they had come. Their management needed a jump start. I became the president’s appointee confirmed by the Senate, and the new assistant administrator for Hazardous Materials Control.

The primary source material for this thesis comes principally from the "David D. Dominick Collection" housed at the University of Wyoming American Heritage Center, in Laramie, Wyoming. I donated the collection upon leaving government service. It was catalogued by Gene M. Gressley, director of the center, and is stored in 48 file boxes consuming some 18.5 cubic feet of space. The other principal sources for the thesis are numerous taped telephone interviews with those whom I consider the key officials for the Nixon environmental agenda and included William Ruckelshaus, Russell Train, and John Ehrlichman. I have also had additional interviews in person (that have not been taped) with the former secretary of the Interior, Stewart Udall (who served under Kennedy and Johnson from 1961 to 1969), and Raymond Price, one of President Nixon’s principal speech writers throughout his tenure as president. Price also assisted Nixon with the writing of his first two books after the president resigned from office and he traveled abroad extensively with Nixon during the years following his presidency.

After considerable experimentation with the style of the text, it was concluded that avoiding the use of the personal pronoun was unnecessarily awkward. My actions, decisions, and personal relationships with the principal figures from this era are central to the narrative. Thus the frank use of the personal pronoun is adopted throughout.

Until joining the Nixon Administration, my career followed an interesting but far from unusual track. I was raised in Wyoming, was Ivy League educated, and enlisted in the Marine Corps in 1960 where I became the honor graduate of its rigorous eight-month Infantry Basic School. I saw overseas noncombatant duty as an infantry platoon
commander in the Far East and aboard ship (missing by a year the decision to put 
Marines ashore at Da Nang and the buildup of our tragic committment there).

Following law school, I married and with three children began a tour in Washington as 
legislative assistant to Wyoming's colorful (and conservative) U. S. Senator, Milward L. 
Simpson. In the 1966 elections Simpson retired for health reasons and was succeeded by 
a Wyoming rancher and popular former Republican Governor, Clifford P. Hansen. 
Hansen hired me on as his legislative assistant where I served two years.¹

After Richard Nixon was elected in the chaotic 1968 presidential race, a call went 
out from his "transition office" down on Pennsylvania Avenue in the New Executive 
Office Building, to the minority side of the Senate Committee on Interior and Insular 
Affairs: "Send us someone down here who knows something about trees and agriculture." 
A trusted Senate staffer was required to comb through the "Plum Books" for the 
Departments of Interior and Agriculture. Senator Hansen was the most junior member of 
the interior committee, and as luck would have it, offered my services. My job was to root 
out all of the vulnerable "confidential," "special assistant," or political appointment posts 
within the bureaucracies. These were employees not protected by civil service tenure and 
they held their positions in the prior democratic administrations on the basis

¹ It can only be described as an interesting anecdote that I designed an office filing 
system for Senator Hansen once I saw the chaos in his office's attempt to respond to the 
volume of constituent requests. While in the Marines I had served two years as a "gung-
ho" infantry platoon commander and then was elevated by the battalion commander to 
Adjutant or S-1 officer responsible for the whereabouts of 1100 officers and enlisted men 
and thousands of pieces of gear that we required to go abroad ship in a battle-ready status. 
Marine training might have helped me to set up the senator's files. The Senator was 
everlastingly grateful. On the other hand, I was totally unsuccessful in changing the 
Senator's views on our continued presence in Vietnam. As one who had seen the 
conditions of jungle warfare, albeit as a noncombatant, I had early become convinced of 
the folly of our war there. Senator Hansen, who is now in his 80s and remains the perfect 
diplomat and self-effacing gentleman that his Wyoming ranch family taught him to be, 
remembers our agreements and not our differences of our times together in Washington.
of political patronage. We were to ensure that no member of the Democratic party was left to raise hell with Nixon politics or policy. We were to clean house. Then with piles of resumes we would make initial recommendations for Republican "replacement."

In the suite of bare offices to which I was assigned, I met from adjacent cubicles many, if not all, of the Nixon people who had just come through the rigors of the '68 campaign and who would figure so strongly in my decision to leave government in the first week of October, 1973, two weeks before the "Saturday Night Massacre." There I met John Dean, Jeb Magruder, Robert Mardian, Charles Colson, John Mitchell, Maurice Stans, and any others working in the transition. The only "insider" whom I never laid eyes on was the infamous H.R. (Bob) Haldeman. Most of these men had their own aspirations for high level appointments in the Nixon cabinet or White House. I had no such illusions and many fewer ambitions. This crew had the unnerving manner, to a person, of staring straight through you and fixing their concentration (whether it was for good or for ill, one could not possibly know) on some distant point. It was here that I learned that one of the rules of this group (one could never call them a team) was to work in isolation from one another. The rule was not to share information, or even small talk. 2

The exception in this den of vipers was one John Warner. Older than I was by

2 Theodore White described it this way: "Few trusted each other; the campaign ran in compartments; to break out of the compartment meant danger. Haldeman's managerial sense had changed the pattern of a Nixon campaign from the radial model of 1960 with all men reporting to the President, to the concentric model. Each man had his own orbit, each must stay there unless permitted an open discussion in the presence of the candidate. All the feuds that were later revealed in the White House began to sputter in the campaign of 1968--Mitchell against Finch; Mitchell against Colson; Kleindienst against Ehrlichman. Younger men like John Sears or Rich Whalen or Kevin Phillips, who tried to break through their compartments to the candidate found themselves frustrated, and quit, either during the campaign or shortly thereafter." Theodore H. White, Breach of Faith: The Fall of Richard Nixon (New York: Atheneum Publishers, Reader's Digest Press, (1975) 101.
perhaps ten years, he was a comfortable man, and could walk into that nest of cubicles without giving the impression that there was a pistol in his back. He would later go on to be an assistant secretary of the Navy in the Nixon entourage, to marry Elizabeth Taylor, to be elected to the U.S. Senate from fox-hunting country in Virginia (with considerable help from his wife), and to live out a peaceful, prosperous life.

It was in the New Executive Office Building where I first met Walter J. Hickel, governor of Alaska, and secretary of the interior-designate. About this encounter and how it fits this thesis topic we will hear more of later. It is also the political appointments made by Hickel and then the president with which I was honored, that provide the perspective, and hopefully the interest to the reader, for this thesis.
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On October 18, 1968, Richard Nixon gave a campaign speech over CBS Radio titled "America's Natural Resources." It was the last of a series of issue statements for the candidate before his election as president in November of that year. It set in motion a host of actions and reactions unprecedented for any presidency before or since. The content dealt with his personal origins and growing up in the West (a side of Nixon that he rarely used politically) and spoke of natural beauty (he had been preceded on this issue by "Lady Bird" Johnson in her husband's administration). But more significantly it dealt with quality of life, the cities, and pollution. He asked rhetorically, "Can we have the highest standard of living in the world and still have a land worth living in?" He then laid out a twelve point program of goals for a government he hoped to lead in less than a month.

At the time of Nixon's speech and his election and inauguration in January 1969, a separate genre' of "environmental history" simply did not exist. To be sure, it was from such recognized early scholars within this time frame that a handful of historians became known as "revisionists" in their treatment of the history of the American West. These "new" western historians often got their mentoring in the field from scholars such as Howard Lamar at Yale and included within their ranks such younger writers as Patricia Limerick, Richard White, Donald Worster, William Cronon, and Elliott West, to name a

1"America's Natural Resources," An Address by Richard M. Nixon, CBS Radio Network, Friday, October 18, 1968, from "David D. Dominick Collection," American Heritage Center, University of Wyoming. (Hereafter referred to as the "David D. Dominick Collection.")
few. As they studied and wrote of the American West and rethought the "Frontier Thesis" of Frederick Jackson Turner, historical revision seemed in order. Turner propounded dire social effects for man from the closing of the American Frontier. But it became more apparent to "revisionists" that the natural environment unaffected by Anglo-European influences, often marked the boundaries of that "frontier" and that the environment of the frontier not only shaped man and his culture but that the physical frontier was in turn severely shaped by the White man's exploitative activities, particularly in the raw lands of the West.

It was not until 1985 when Richard White wrote the first definitive historiography on the development of this new genre -- "environmental history." Worster, Cronon, Limerick, and Roderick Nash joined White in the forefront of this new movement.

White's Ph. D. dissertation served as one of the first and finest models of environmental history writing as he studied the microcosm of an island county in the Pacific Northwest and the reciprocal changes wrought there between man (both Native American and Anglo-European) and nature.

Donald Worster at the University of Kansas traces the origins of "ecology," a word and concept that must figure into the Nixon Administration story of environmental initiatives. Worster reminds us that it took two centuries before the word "ecology" burst onto the international scene in the 1960s. It was 1840 before the word "scientist" was first coined by the English philosopher and mathematician William Whell. Also from

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3For a representative sampling of the works of the "environmental historians," see the Bibliography.
England came the work of Gilbert White studying the geologic history of Selbourne. Charles Darwin left for South America on his sole voyage of discovery in 1831.

Wilderness or wildness was certainly recognized by the White-European settlers of the New World. From the perspective of Whites, wilderness defined the boundary of any "frontier." It was seen by the new settlers as both good and bad; mostly bad. At the turn of this century, however, wilderness became part of an ideology that had its first roots in the thinking of the nineteenth century transcendentalists, particularly Thoreau. John Muir found in the high Sierra of California and in the sanctuary of Yosemite an environment that was not to be used so much as it was to be merely seen; or in the even purer sense of Thoreau's School of Transcendentalism, simply to be sensed. Trees were not there to be cut; nor rivers to be dammed. Wilderness that could be made inviolate from the intrusions of man, wilderness that was not protected by its own wildness, but rather by man's forbearance was to be appreciated for its own sake. Just to know it was there gave it value to the human psyche and soul. Muir and the Sierra Club that he founded and then led for decades in the early 1900s became the first true "preservationists."

In contrast was a one-time friend of Muir's, Gifford Pinchot. Here an ideological war was begun that persists to this day. Pinchot was fresh out of the Yale School of Forestry and imbued with the conviction that only professional resource managers were to be entrusted with the country's resources, be they renewable like trees or depletable like oil and gas. Teaming with the youngest president in the country's history, Theodore Roosevelt, Pinchot accomplished much in the name of "conservation." Pinchot persuaded Roosevelt to move forestry functions from the Department of the Interior where they had

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their beginnings alongside the National Park Service and to create a new bureau of forestry in the Department of Agriculture where it resides to this day (despite many forays by the Department of the Interior and its allies to retrieve it).

It was during this period when Pinchot and Muir made their celebrated break with one another. The term "conservationist" stuck to Pinchot who was to manage the utilization of the forests in a way to assure sustained yield of the timber resource. This became, and remains so today, the credo of the new service. Muir objected violently to the utilization for commercial purposes of those lands which because of their uniqueness, beauty, and places of solitude he believed should remain inviolate for all time. Thus, Muir became known as a "preservationist" and the bitter differences between these one-time friends remained through their lives. So does a philosophical antagonism linger between the U. S. National Park Service in the Department of the Interior and the U. S. National Forest Service in Agriculture. These antagonisms carry over to even their agents and officers in the field today and were readily apparent during the great Yellowstone fires of 1988.7

The human population was ever present as a part of the Forest Service equation. There was not room for "wilderness for wilderness sake." The mantra of Thoreau to the early day preservationists ("in wildness is the preservation of the world") was an abstraction to be avoided by the conservationists who thought of themselves as the professionals of utilization.

Even the terminology used in the legislation which directs the course of the Forest Service brings out the fierce antagonisms among the stricter preservationists, ecologists, and deep ecologists. The Forest Service has been driven for most of this century by the so-called Multiple Use Act. The simplest equation to be applied to the Multiple Use Act

7David D. Dominick, Field Journal: Chronicle of the Great Yellowstone Fire of '88, unpublished manuscript in the author's possession.
is "the greatest good for the greatest number." This contemplates management of mixed resources on any given landscape for a variety of purposes. It is the competition of these purposes that causes the fierceness of ideological battles with environmentalists who remain suspicious of everything the Forest Service attempts to accomplish. The environmentalists are opposed by special interest pressure groups from every side. One of the agenda items the incoming president hoped to use was these key resource management services, the Forest Service and the Park Service, to place in a new "super" cabinet agency: one Department of Natural Resources. For reasons to be explained later, that hope was never realized.

Under Franklin Roosevelt, conservation measures of significance were proposed as part of the "New Deal" and much good was accomplished by way of heavy construction for flood control, recreation, and other purposes under the Public Works Administration and Works Progress Administration. Back country trail building, fire fighting, and forest renovation occurred under the CCC, the Civilian Conservation Corps. During the New Deal, reorganization was not considered a priority. The simple and direct start up of new agencies with alphabet soup names was simply to get the country running again and the projects accomplished were never examined with a fine lens to determine their long-term effects on the environment. Some of this country's most foolish feats of engineering were to be accomplished under FDR. Today controversy over the seeming arrogance of man's treatment of nature is coming into the historical literature. Donald Worster is a contemporary severe critic of big dam and water projects, all of which had their beginnings in this century under the sponsorship of the Tennessee Valley Authority, The U. S. Army Corps of Engineers, or the Bureau of Reclamation.8

Immediately preceding the Nixon years and during the administrations of Kennedy and Johnson there was plenty of activity on the environmental front, but it had not reached the stage of public attention, and in some cases frenzy, that characterized the first five years of the Nixon terms. Stewart Udall, as secretary of the interior under both Democratic presidents, was certainly a central figure for defining the environmental agenda and speaking for it from any park bench or wilderness stump he could find.\(^9\)

When President Kennedy came into office in 1961 the report of the Outdoor Recreational Resources Review Commission was released, patterned after the highly successful Public Land Law Review Commission initiated by the congressional delegations of the western states most affected by public land issues. The Recreation Report gave impetus to save seashores, and other fine recreational lands that might not be of national park stature, and urban and suburban park and recreation lands close to where people lived. The Cape Cod National Seashore bill passed in Kennedy's first year, the first major addition to the national park system in fourteen years.

In the next year, March 1962, the president sent a special message on conservation to the Congress. Kennedy pledged to establish a Bureau of Outdoor Recreation within the Department of the Interior to be a focal point for the many federal agencies that had responsibilities bearing on outdoor recreation or lands that could be so used. He also proposed a "Land Conservation Fund" for federal land acquisition and new matching funds for states with outdoor recreation planning, and called for passage of the Wilderness Act. Of the package, the Wilderness Bill was to be the single most important

conservation accomplishment of the second half of the century. Around its legislative
development clustered most of the support of the entrenched conservation organizations
and its 1964 passage after years of political give and take among western congressional
chairmen and eastern moderates and liberals was the unquestioned major triumph of the
decade. This marked a modern resurgence of a preservationist philosophy and was the
result of years of lobbying in Washington by the old line conservation groups led by the
Wilderness Society.

The Kennedy message also called for the establishment of a host of new parks,
recreation areas and seashores: Point Reyes, Great Basin, Canyonlands, Sleeping Bear
Dunes, Padre Island, Ozark Rivers, and others. Water resources were addressed in his
call for a comprehensive Water Resources Planning Act, and timber resource
management included a call for the construction of national forest roads and trails.

President Johnson kept Stewart Udall on as his Interior secretary and established a
President's Task Force on the Preservation of Natural Beauty. This group was under the
chairmanship of Laurance Rockefeller, and included a host of notable public and
conservation-minded leaders. The Task Force members were big thinkers and talked of
significant investments in urban parks and open space, reining in unbridled highway
construction, and spending $60 billion over the next twenty-five years to make rivers safe
for swimming and fishing. The beginnings of federal agency reorganizations were being
talked about by these various task groups. Here one can trace the roots of the Council on
Environmental Quality, which finally became a reality in 1970s, from the work of
Laurance Rockefeller and the various task groups to which he was named.

President Johnson sent a message to Congress on Natural Beauty in 1965. Some
of his list was similar to Kennedy's and included a number of seashores and recreation
areas, but his agenda was broader, and the Land and Water Conservation Fund was a
huge stride forward when Johnson and his aides (including to a major degree the thinking
of Stewart Udall) wrote into the legislation that the funding for public land preservation for parks and outdoor recreation should come from a Land and Water Fund [emphasis supplied]. This meant earmarking the revenues from the sale of federal off-shore oil and gas leases which were becoming increasingly important as the oil and gas industry began its explorations off-shore and in most cases beyond the coastal limits claimed by the states. Johnson called for a new Redwoods National Park, a Wild and Scenic Rivers System, federal assistance for historic preservation, landscaping of highways and billboard controls, doubling of investments in air and water pollution abatement, and a start in addressing the problems of solid waste and pesticides. But of this list, it was Johnson's addition of off-shore oil leasing revenues to the Land and Water Conservation Fund that was to be of most durable importance. These revenues were to be spent on open space acquisition at federal, state, and local levels.

The early months of 1965 also marked the start of Lady Bird Johnson's Committee for a More Beautiful Capital whose diverse activities were enclosed in a Report to the President. As the president became more and more incapacitated by a tar baby war that would not release him, Lady Bird assumed the leadership of conservation issues requiring White House resolution between competing interests and agencies. Lady Bird and her staff were careful to see that language requiring "the studying of alternatives" was included in the two NEPA (National Environmental Policy Act) bills that were moving through Congress, one sponsored by Democratic Senator Henry "Scoop" Jackson and the other by Senator Ed Muskie of Maine.

Finally, on July 25, 1968, and after Johnson's stunning announcement that he would not run for a second term as president, the White House released to the press a "Memorandum" which listed the fifty most significant beautification and conservation measures signed into law by President Lyndon B. Johnson through July 22, 1968. In sum, the Kennedy-Johnson-Udall-and Lady Bird Johnson agenda focused on open and
public land, on the preservation of places of national significance, and the establishment of federal-state-local partnerships to save other important open spaces. It legitimatized aesthetic standards in public works, new development, and everyday places. The realization that the environment was more than food for the soul, that our very health was at stake in its mistreatment, and that unbridled energy consumption came with a high price tag, were issues for the future.

Nor had the new field of environmental history been recognized, as such. With the approach of the 1970s came a combination of social and political forces that can only be described as an "environmental revolution." This phenomenon found its roots in the politics of protest--protest against a war that was tearing the country apart, protest against the inequities of civil rights, and new sexual and behavioral mores for the young. In order to fully understand the place of environmental history and science in the years that would immediately follow (and the coincident years of Richard Nixon's doomed presidency), one must look at the intersecting influences of public opinion, public perceptions, public participation, and politics.

This paper proposes several theses. First, and most striking, it is my opinion that the Nixon Administration effected more good for environmental quality than any presidential administration before or since. While it is true that the administration of Theodore Roosevelt achieved great strides under the leadership of Gifford Pinchot, these achievements were largely for the protection of vast tracts of western lands. Pinchot and Roosevelt used presidential authority, which may or may not have had adequate basis in law. But they succeeded in setting aside huge tracks of public land to be managed for the public good. These were known as the "federal timber reserves" and formed the basis for many of the national forest lands of today.

The distinction between the Nixon accomplishments on behalf of environmental quality and the setting aside of federal land lies in the fact that by 1969 whole ecosystems
and the complexities of the environment needed a federally supported cleanup across the whole of a drastically degraded nation.

Secondly, commentators like Theodore White\(^\text{10}\) and Russell Train\(^\text{11}\) are unanimous in their opinions that the environmental initiatives, legislation, budgets, regulations, and international treaties—all on behalf of the environment, both locally and globally—constituted the greatest domestic achievement of the Nixon Administration.

As a general proposition, it is also my view that the environmental revolution was fueled in part by growing evidence, starting with the groundbreaking work of Rachel Carson that culminated in EPA's decision to ban DDT, to warn both decision makers and the general public that the results of man's pollution of the planet endangered not only "the balance of nature," but the very health and longevity of the human race. Public perceptions led to a consensus that vigorous federal action was warranted for cleanup in all areas of the country's life and economy. The Congress took advantage of this condition in the passage of the Clean Air Act in 1970, which was the first legislation of its kind to mandate the development of technology by affected industry to meet stipulated ambient standards. The auto industry pled its case directly to the newly appointed administrator of EPA, Bill Ruckelshaus, who in turn rejected its appeal for a delay in compliance on the grounds that the U. S. automakers had not proven their case of impossibility and that quite the contrary, Japanese automakers were demonstrating that compliance could be achieved. This became the first significant decision of the newly formed EPA and marked the beginning of leadership by the United States to the world of the tremendously complex and costly task of achieving an environmental balance.


Three substantive chapters follow to examine the phenomenon of the environmental revolution from different agency viewpoints and at three stages of the development of the administration's environmental agenda. Chapter II, entitled "Election and Transition," will tell briefly of the environmental policy thinking done prior to the 1968 election by a young set of Capitol Hill assistants, and the more formal suggestions made to the president-elect by a formal task force headed by Russell Train. The thinking and actions described here were all taking place at a time of new beginnings, for no one knew how the president-elect would receive the ideas.

Chapter III, entitled "The Federal Water Pollution Control Administration," will be in the nature of a personal narrative of my experiences in an unexpected role, that of "Commissioner" of this major operating agency. Here emphasis will be on the "processes" of government, all of which were taking place at a very rapid pace. Its principal objective is to give the reader a first hand look at what worked and what did not during this dramatic and dynamic time.

Chapter IV, "The Reorganization of Federal Power Under CEQ and EPA," needs to be read in conjunction with Appendices B and C. (Appendix B is a "Chronology of Events"). (Appendix C is a "Comparative Examination" of the printed version of the Haldeman Diary\textsuperscript{12} with the unexpurgated version made available on CD-ROM.\textsuperscript{13}). In this context the posthumous publication of the daily diaries of Bob Haldeman and their further availability on CD-ROM becomes a remarkable research tool, for it is only here (short of listening to four and a half years of taped recordings from the Oval Office) that


one is treated to a reliable, on the scene, and contemporary look at the President's innate antipathy to the environmental movement. The chapter's purpose is to show that while great change had been set in motion by the legislation and mandates given to EPA, and while much was being accomplished under fine leadership, the president himself was a reluctant partner in the reform and the great legislative and regulatory enterprises of the day. In sum, Chapter IV will show that the accomplishments of the Nixon environmental agenda were being made, not because of the leadership of the president, but in spite of him.

It is the author's thesis that the most important contributions to environmental reform and early progress started in the first term of the Nixon Administration. Here the author will prove why Theodore White's observation about the singularity of accomplishment in Nixon's first term earned that administration credit for remarkable results despite the open hostility of the president himself. The key leaders in this process were Bill Ruckelshaus, first administrator of the Environmental Protection Agency; Russell Train, first under-secretary of the Department of the Interior under Walter Hickel, then first chairman of the newly formed Council on Environmental Quality, and finally second administrator of the EPA under Nixon and Ford; and finally John Ehrlichman, counsel to the president. Nixon delegated nearly wide open powers to Ehrlichman to conduct the domestic agenda of the administration provided that Nixon was not troubled by complaints directly from key congressmen on the Hill, captains of industry, or his few friends, such as Bebe Rebozo.

Explored in these chapters will be such issues as the origins and results of the "environmental revolution," the politics of protest and the role of the Vietnam War,

14White, *Breach of Faith*, 131, "Of the two major achievements of his administration--environmental policy and the successful invasion of Cambodia--the former had been ignored, the latter denounced."
science as an instrument of change, choice of regulatory schemes, the "new" federalism in pollution control, and the remaining roles for the states.
CHAPTER II
THE ELECTION AND TRANSITION

"In my country we don't need more conservation for conservation sake."

The election of Richard Nixon in 1968 turned on the slimmest of margins. Presidential election years always provide drama and Theodore White followed these elections, until his death, in an unbroken series of books stretching from the elections of 1960 to 1972. That period of time immediately following a presidential election, usually called "the Transition," has always been a period of watchful waiting by the citizenry while one president, now a thoroughly known quantity, is replaced by an untested one, often of the opposition party. The transition is also a time when the president-to-be organizes his government and pushes to accomplish much internal policy-making and personnel choices before his inauguration on or about January 20 of his first year in office.

As H. R. Haldeman comments at the beginning of his published diary:

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15Ray Price, one of the principal speech writers in the White House, and one who went on with Nixon after his resignation to accompany him on his world travels and to help him with the publication of his two books, refreshed my memory of the 1968 election in a recent untaped interview. President Johnson had called for a bombing halt in Vietnam one week before the election. The Nixon people were powerless to stop him. The polls showed massive movement toward Humphrey in the last week of the campaign. Price said that the Nixon pollsters felt that had the election been held on the first Monday in November, Humphrey would have won. Had the vote been on the Wednesday immediately following Election Tuesday, Nixon would have won with a more comfortable margin. (Raymond Price, interview with the author from the Economic Club of New York, New York, NY 10 Aug. 1998).

16The first of White's series was on John F. Kennedy titled The Making of the President (New York: Atheneum Publishers, 1961). Ironically, considering the timing of the Watergate break-in and then nearly immediate cover up by Nixon himself, Nixon's winning electoral margin in 1972 was one of the largest in U.S. history.
We had seventy-five days in which to conceive and construct, and implement the entire initial plan for staffing and operating the Executive Office of the President of the United States, which had to take over full operation at noon on January 21, 1969. This task was completed, to the best of our abilities, by January 18. It was time to move to Washington D.C. and get ready to take on the job ahead. 17

It was against this background that the country waited to see the directions of Mr. Nixon's policies, starting immediately after the 1968 election and right up to his inauguration. It was then that office seekers gathered around the former candidate or his known insiders in droves, and political positions are sought from the lowest levels of government to the highest. This is also an entertaining period for the Washington press corps as they watch the tea leaves, and track every rumored appointment to senior positions both in the White House and the Cabinet. Speculation about policies is equally rife and any White House correspondent with a White House Press Pass and a clean shirt is simply inviting an early journalistic demise if he or she does not put his shoulder behind the wheel of speculation. President-elect Nixon was spared most of the direct contact with the media that usually accompanies a presidential transition through the talents of H. R. ("Bob") Haldeman. His task was to be the avowedly White House "son-of-a-bitch" and to be the gate-keeper at Nixon's door. With two exceptions little had been said about conservation, much less the environment, during the campaign. As Stewart Udall would later say in self-deprecation, he was thought of among the cabinet in the previous Kennedy and Johnson years as "only the gardener." 18

Ironically, the exceptions

17Haldeman, Diaries, 17. Haldeman was the unshakeable chief of staff until he was jettisoned along with John Ehrlichman on Monday, April 30, 1973. His diaries begin on January 18, 1969 and end on April 30, 1973. For a chronology of events during the Nixon Administation, see Appendix B.

18The author had the pleasure of being in the former secretary's company within the last several weeks of preparing this manuscript. Udall asked what Hickel was like. I could answer that he was abrupt, rude, hated to read, wanted to be briefed quickly,
came from the conservative party, not the Democrats. They stemmed from the radio address personally given by Nixon on October 18, 1968 on CBS entitled "America's Natural Resources." This was preceded by a press release from the Nixon/Agnew Campaign headquarters in Washington and released again by the Republican National Committee entitled "To Stop Polluting our Cities."\(^{19}\)

It is this author's thesis that the environmental programs initiated in Nixon's first term constituted the single greatest domestic accomplishment of his entire time in office. It is the author's further thesis that the programs initiated during this period--November, 1968, to October, 1973--while of a different nature\(^{20}\) than those initiated by another Republican, Theodore Roosevelt, have not been surpassed by any presidential administration since.

considered his decisions quickly, but was never lacking for courage. Hickel identified himself as a Populist in his personal biography written shortly after being fired by Nixon in 1970. He has proved that since. When he failed to win a Republican primary for governor in Alaska, he simply went over to the Alaska Independent Party and according to some, "hijacked" it from its long time leader, an oldtime miner named Joe Vogler. With six to eight weeks left before the November election, Hickel used his own money to espouse Alaska as an "owner state," a state that owns its natural resources and should get paid for their development. He won the 1990 election for governor. Since he left office, native Alaskans say he has disappeared from public view.

\(^{19}\)From the "David D. Dominick Collection."

\(^{20}\)See Tom Wicker, *One of Us: Richard Nixon and the American Dream* (New York: Random House, 1991) "[The country was experiencing] not a resurgence of old Teddy Roosevelt-style concern for conservation of natural resources, but a growing demand for quality of the environment to be improved and protected everywhere--"that streams should be clean, forests and species protected, natural beauty preserved, and the air over American cities less polluted.... This need stretched back into industrial America....early Post-World War II, when 'smog' had become a new word in American life." In my interview with John Ehrlichman he asked pointedly if I had seen Wicker's book. I had not. It is obvious in combining Ehrlichman's responses that Wicker had done intensive interviewing of Ehrlichman for his book, and that Ehrlichman approved. John Ehrlichman, interview by author, 15 May 1998, Marietta, GA, tape recording, copy in author's files.
For the "old line" conservation organizations that had been in existence and operating in Washington for many years (in some cases for over a century) there was apprehension about the newly elected president, who in many other respects had shown himself to be a conventional and often confrontational, even cruel, conservative. The younger generation, of which I was certainly one, was very reluctant to expect out of Nixon signs of moderation or innovation. Herblock, who drew cartoons for the *Washington Post* that were then syndicated to countless papers around the country, still refused to give Nixon a shave after his election and portrayed him with that five-o'clock shadow that was to haunt him from the time of his decisive television debates with John Kennedy in 1960.

Anticipating the coming election, a group of us who were legislative assistants or from committee staffs in the U. S. Senate got together weekly beginning in early summer, 1968, for a brown bag lunch in a Senate conference room. Most of us worked for moderate Republicans. In our personal lives we may have been frankly apolitical, but we were attracted to the prospects of a Rockefeller ticket. In this brown bag group we also had a few young and ambitious advocates for the environment from NGOs (non-governmental organizations) in Washington and at least one Democratic lawyer, Tom Jorling, whose contributions will be footnoted below. Jorling was our age and had worked in the Solicitor's Office of the Department of the Interior. He would go on to run New York State's environmental program and become a professor of environmental law at a major law school. From these meetings we drew up a Draft Party Platform Plank on Environmental Quality.21

Examination of this draft, dated 7/29/68, from my files, reveals an early appreciation by our group of some fundamental principles that have remained with the

21From the "David D. Dominick Collection."
quest for environmental quality until today, more than thirty years later. The draft was sprinkled with phraseology such as "...requires a new public concern for the quality of our environment"..."environmental quality must show its concern for social justice"..."world respect for this country depends upon our dedication to the quality of our environment and the quality of life it offers its citizens"..."stimulate multi-disciplinary research"... "authorize federal agencies to undertake comprehensive ecological research in support of their programs"..."Participate in the International Biological Program (IBP) already underway"..."to stabilize our population consistent with freedom of choice..." and at least fifteen more specific recommendations for action at the federal, international, local or state levels.

No one from our group of self-defined (if not self-righteous) idealists attended either the Republican or Democratic conventions so we did not follow the course of our platform plank but we did try to lodge it as high up in the Rockefeller organization as possible. Following Rockefeller's disappointing drop from the race we, in turn, made every effort to get it to Nixon supporters. What the document shows is that there existed at that time people of our relative youth, who saw the politics of the country working for the first time, and who had formed specific, albeit idealistic, views about this country's problems with pollution as it affected the health and quality of life of our fellow citizens. We all had come from the privilege of good liberal arts educations and most of us were lawyers. Many of us had the equal privilege of growing up in parts of the country (in my case, Wyoming) where open space and a healthy environment were taken for granted. We could see the handwriting on the wall and knew that the environmental quality that we might have enjoyed growing up in the less densely populated parts of the country was something that we would have to fight for to assure its availability in the future. The luxury of "open space" could not be taken for granted for future generations. Our views were reinforced by the fact that most of us had served active tours in the military, and as
luck would have it, had chosen not to reenlist or to take a regular commission at the beginning of the Vietnam buildup. But we had seen something of the world beyond America. Well before 1968, and the dramatic withdrawal of Lyndon Johnson from politics, we shared the anti-war sentiment sweeping the country. Most of us could cite friends and fellow officers who had been killed or returned to the Naval Hospital maimed for life and we understood the motivations of the "sit-ins" occurring at our colleges and universities.

It was also in 1968 that much of the work of Laurance Rockefeller was coming into the public eye in concert with support from Stewart Udall and Lady Bird Johnson. Laurance Rockefeller, a younger brother of Nelson and a Republican, had for years devoted much of his personal fortune and prestige to issues of environmental quality. At the time of the 1968 election Laurance was the director of the Rockefeller Brothers' Fund and chairman of the Citizens' Advisory Committee on Recreation and Natural Beauty set up by Lady Bird Johnson with her husband's support. Fred Smith was a principal staffer to Laurance Rockefeller and upon seeing the two policy statements coming in October from the Nixon election organization, speculated on what might reasonably be expected by conservationists from Nixon's election. In a fourteen-page memorandum Smith made such an appraisal.22

Those of us active in the conservation field and deeply concerned with the environment have worried from time to time, and quite justifiably, about the lack of information from the Nixon camp on the subject of the environment, which is of such great interest not only to us, but to the American people. The urgency of this matter is clearly demonstrated by (among other evidences) the voters' consistent approval in several states of substantial bond issues for parks, recreation areas, pure waters, and to achieve similar objectives. In New York, for example, such bond issues

22 From the "David D. Dominick Collection."
normally pass with a minimum vote of two-to-one in favor, while bond issue referenda for other purposes have failed miserably.\textsuperscript{23}

Each incoming president hopes to capture the attention of the press and the nation with signs of early progress on new directions and new initiatives in the very early days of his administration. Kennedy had his "First 100 Days." For Nixon it was to have his entire cabinet selected and confirmed by the Senate before his inauguration. The governor of Alaska, Walter Hickel, had acted as a surrogate candidate for Nixon in the West when Nixon himself could not be present. Nixon did not know him personally, but the post of secretary of the Interior had traditionally gone to a westerner.\textsuperscript{24} Hickel became Nixon's choice and it was Hickel who provided the exception to Nixon's pledge to have his entire cabinet in place by the time of his Inauguration.

Because I was working with personnel changes in the New Executive Office Building, it fell to me to brief Hickel early one morning on December 8, 1968, before he met for the first time with the Washington press corps at the New Executive Office Building. I met him as he came rushing from the airport and out of an elevator onto an upper floor at about 8:30 a.m. I introduced myself as one who might be helpful in

\textsuperscript{23}Passage of bond issues remains to this day the leading indicator of voter support for funds devoted to the environment and especially to the preservation of open space. I led an effort in my role as chairman of the Colorado Land Use Commission to place on the Colorado ballot in 1992 a voter's initiative revising the Colorado Constitution to require a recalcitrant (and perennially Republican) Legislature to mandate the use of lottery revenues, totalling about thirty million dollars a year, to conservation and open space acquisition. The initiative passed by a healthy margin while in the same year the voters passed another measure similar to California's infamous Proposition 13 that severely restricted tax increases at all levels of government.

\textsuperscript{24}Former secretary of the Interior Stewart Udall told me in personal conversation recently that after the Nixon election he had urged Rogers C.B. Morton (a Republican congressman from Maryland who had served with Udall in the House) to tell the Nixon Transition that Interior should no longer be considered a "Western Seat" in the Cabinet. The Department's responsibilities for resource protection was a nationwide responsibility and should no longer be off-limits to all but a western constituency. Stewart Udall, interview by author, 14 July 1998, Logan, UT.
outlining the issues he was apt to face with both the press and the Democrats on Capitol Hill that would be voting on his confirmation. I had barely spoken the word "Governor...," when he wheeled on me and said, "God Damnit, can't you see I need a shave?" He had been up all night on the "red-eye special" from Alaska. Whereupon he disappeared into the men's room and emerged just in time to catch the elevator down to the waiting press.

His meeting with the press was a disaster. His most famous pronouncement was to be, "In my country we don't need any more conservation for conservation's sake." Other damaging statements came from him on such things as the Alaskan Pipeline, the depletion of fish stocks in Alaska waters, his own connections to the oil and gas industry, his rebuilding of his Alaskan shopping malls after the disastrous Anchorage earthquake several years before, his building of the Captain Cook Hotel (truly a remarkable edifice and the tallest building in Anchorage) on the very fault line of the quake in defiance of the geologic forces at work all along the Pacific Rim Thrust Plate, and his connections with other extractive industries in Alaska, including gold dredging and seal harvests.

The press, particularly the New York Times and the Washington Post, and the Democrats in the Senate had just been handed their first issue of note against Nixon before he had even been sworn in. A field-day was in the making.

James Watt and I were assigned the duty of getting Wally Hickel civilized, under control in his relations with the press, and acquainted with the power of the environmental lobby in Washington, especially in the attention they could garner from liberal and moderate members of the Congress and the press most in sympathy with liberal environmental views. We were to prepare Hickel for his confirmation hearings, which had been delayed now before the Senate Committee on Interior and Insular Affairs

25 Hickel referred to Alaska as "his country," which inspired no confidence in those looking for a Secretary of the Interior to look after the national interest.
until mid-January. It was bound to be a donnybrook but Hickel had come to Washington with the reputation of having won the welter-weight Golden Glove Championship in his home state of Kansas before he set out to find his way and earn his fortune as a shopping mall developer in Alaska.

The Hickel confirmation hearings were, as predicted, grueling. Four days of long sessions, both morning and afternoon, were scheduled by the Democratic leadership. The Interior Committee found it could not complete some its background and financial checks on the candidate, so they extended over the weekend and his nomination was not sent to the floor of the Senate until the day of Nixon's inauguration, January 20, 1969. Thus, they provided the Democrats with a major diversion from the early initiatives of Nixon's activities leading up to his inaugural. Herblock, syndicated cartoonist for the Washington Post, was ready with his sharpest pen showing all of Nixon's cabinet officers, all men, and all decidedly Republicans, dressed formally in cutaways and standing at attention. Hickel is seen bringing up the rear, trying to shuffle into his pants.

Hickel insisted upon sitting at the witness table alone, without notes, facing the TV lights, which would leave to him dripping with sweat after each morning or afternoon session. Given the notoriety of the hearings, they had been moved out of the usual Senate Interior Committee room and into one of the largest committee rooms in the Senate Office Building. Other than the usual introductory speech to the members of the Senate Interior Committee, Hickel was very much on his own. The Interior Committee was chaired by Senator Henry ("Scoop") Jackson from Washington and had many senior and respected members, mostly from the West, in its ranks. Senator Edmund Muskie from Maine was invited as a special participant because of his acknowledged leadership role

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26 Senator Cliff Hansen, for whom I worked, was a junior member of the minority. This gave me the best of both worlds as I was allowed into the hearing room during executive sessions.
among the Democrats in the area of pollution control and environmental quality. Muskie was in the process of drafting changes to the Federal Water Pollution Control Act from his vantage point as the chairman of a subcommittee of the Senate Committee on Public Works.

Hickel had brought with him a handful of aides who had served him in the past. A suite of rooms had been rented at the old Sheraton-Park Hotel on Connecticut Avenue. It was never clear to me which aides had come on this rescue mission because of their connections with Hickel in his commercial real estate and shopping mall projects in Anchorage and which had been with him during his term as governor. In any event, after each session before the Interior Committee we would all retire by cabs to the Hickel suite at the Sheraton-Park. Hickel, dripping with sweat, would shower and put on fresh clothes for the next round.

He and many of his aides wore sleeveless undershirts. A full bar was lined up on a large repainted white bureau with a mirror back outlining the rack of bottles. One had to blink to keep from thinking that this was a Chicago gangster movie and indeed that everyone was wearing shoulder holsters and snub-nosed revolvers in their armpits. The largest of the bodyguards was one Mitch Aboud with an ugly look in his eye. He was later to serve in the Alaska state legislature until about 1988. A key aide was Carl McMurray, who carried the title "Doctor" and had gained a degree somewhere. (This was important to Hickel, who had schooled only through the eighth grade.) McMurray was to become one of my most important boosters and means of access to Hickel.

After his experience with the Washington press corps, Hickel was avid to be briefed on matters relating to the Interior Committee's interests. Chairman "Scoop" Jackson had many dealings with Hickel in the past, particularly over Alaskan statehood. Jackson warned Hickel that the hearings would be very "thorough."
Our first order of business was to write Hickel's opening statement to the committee. Jim Watt and I did this, careful to explain Hickel's understanding of his responsibilities for the natural resources on behalf of the entire nation and to offer the necessary words of cooperation in the future with the committee examining him, while at the same time making as few promises on specific issues as possible.

The Senate Interior Committee was largely concerned with Hickel's involvement, if any, in oil business transactions, and allegations of one misdeed or another during his career as a colorful and action-oriented governor of Alaska. As to the former, Hickel made available to the Committee all of his personal financial records and had already taken steps to put into a blind trust any properties which he could not dispose of, while divesting himself of any holdings in which the Department of the Interior might have a regulatory interest. By the afternoon of the third day of testimony, Senator Frank Church, Democrat from Idaho, asked the chair for the floor and, leaning into the microphone and over the raised dais for the Senators of the committee, said in his characteristically soft and understated way, "Governor, I don't think anybody has laid a glove on you yet." This brought great relief to Hickel, not to mention all of his handlers.

When Hickel spoke of "my country," in all candor he was no more provincial than the many Alaskans who felt that those who had never been to the state could have no appreciation of its immensity, the difficulties of carving out a living in its vastness, and the spirit of pioneering that still drove many Alaskans to do battle with the wilderness. Hickel was proud of the fact that as governor he had ordered his Alaskan Highway Patrol to arrest a Russian fishing vessel that had been fishing in Alaskan waters and to bring the ship to port, putting all on board under arrest. He had also brought a $200 thousand suit via an imaginative route by grand jury against the tanker *Rebecca* for dumping oil-laden ballast water into the waters of Cook Inlet. Likewise, Hickel felt proud of fishing negotiations that he claimed gave better rights to Alaskan natives. These and many other
stories had become a part of the Hickel *persona*. And it was just such events which began to be reported on by the formidable Washington columnist Drew Pearson, who was not above muck-raking.27

Our briefing team caught on to the Pearson technique of picking a story up in Alaska from his then young associate, Jack Anderson. Pearson would file the story with the *Washington Post* and the first editions would hit the newsstands in Washington about 2:30 a.m. Either Jim Watt or I would pick up the paper, scan it for the Drew Pearson story, and then the Alaskans in Washington would call back to Alaska to get the facts and the most reliable refutations of Pearson's allegations of the day. By the time Hickel was up and ready for the morning's 10:00 a.m. hearing date before the Interior Committee, he would be well prepared with a rebuttal. On the morning of January 20th, the inaugural, Hickel and those he considered by this time to be his key aides were sitting outside the door to the inner chamber of the Senate Interior Committee, which was meeting in Executive Session. Hickel waited to be called for further information on financial matters. Instead, the Committee voted to send the nomination to the Senate floor for confirmation with only three dissents: Moss of Utah, Nelson of Wisconsin, and McGovern of South Dakota.

With the inauguration of the president complete and the traditional post-inaugural parties about to begin that evening, Bob Haldeman's summary of the task of the transition team was complete. But where the environmental aspects of that transition were concerned, Haldeman had so carefully followed Nixon's requirements for secrecy and

27 As Hickel proudly wrote in his post-firing book *Who Owns America?* (Englewood Cliffs, NJ: Prentice-Hall, 1971), many who had opposed him during his initiation to Washington later come to his defense and became active supporters. One was Drew Pearson, who had breakfast with Hickel and told him of his admiration. They met again several months later and Pearson asked if there was anything he could do to help him. By this time Hickel was clearly beleaguered in the White House. Hickel wrote plaintively that he never saw Pearson again for he died shortly thereafter.
compartmentalization of roles that little was ever known of the fate of efforts to advise the president-elect on issues outside the Nixon camp.

With nothing further to guide them, prominent environmentalists used the appraisal of Fred Smith created in October for Laurence Rockefeller, to create a "Task Force on Resources and Environment." The leading conservation NGO (or non-government organization) in Washington at the time was the Conservation Foundation, which served as the focal point for the task force. The Conservation Foundation had as its president Russell Train, a highly respected Republican conservationist. His foundation was well known for the impartiality of its research and education activities in the 1960s. A large and impressive list of cosigners joined the task force report. The report was overtly modest in its recommendations, falling far short of the optimism expressed by Smith in his "appraisal." It suggested that instead of government reorganization (which should wait for another study and action plan as ambitious as the Hoover Commission of thirty years ago) the government should simply do its work better, with greater cognizance of the environmental impact of federal agency decisions and that a "Council" be elevated to the office of the presidency to overlook environmental issues. Those who worked on the report, including Russell Train, had no idea what reception the report got when it was hand-delivered to the Nixon Transition Headquarters in the Pierre Hotel of New York.

In fact, Nixon had just such major reorganization plans in mind. During his eight years as Eisenhower's vice president, Nixon had been relegated to a small hideaway office in the Senate on Capitol Hill where he had carried out his titular responsibilities as President of the Senate but was given little else by way of recognition from President

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28 The "David D. Dominick Collection."

Eisenhower. All vice presidents who followed him had at least the appearance of involvement in the greater affairs of state because their offices were in the Old Executive Office Building, a magisterial Victorian colossus located immediately next to the White House. As the *Times* reporter and then columnist Tom Wicker pointed out, this isolating experience gave Nixon much time to brood on what made government work or, more to the point, not work. During the transition Nixon appointed the President's Advisory Council on Executive Re-Organization. It began its operations before the President even took office and was known as the "Ash Commission" or "Ash Council" after its chairman, Roy Ash, president of Litton Industries. As Nixon described it, the Ash Council was essentially his version of the Hoover Commission. He told its members and staff, "Your job is to basically find a better way to run the railroads, and let me worry about the politics of the thing." One who Nixon relied on most heavily for "the politics" was John Connally, recently converted to the Republican Party from his former position as a Democratic governor of Texas. It was the Ash Commission that would later recommend the creation of the Environmental Protection Agency (EPA).

According to Doug Costle, who served as one of its senior staffers, the Commission also recommended that any Environmental Advisory Council, which might be created by legislation or otherwise, be removed from the direct office of the Presidency. Indeed, much of the talk in the administration's early days was centered on finding ways to keep the operating agencies "south of the White House."  

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32 Meaning I assume outside of the White House both physically and functionally.
The interview with Costle, a man who would become the third administrator of EPA in the Carter Administration, is instructive on the whole question of political clearance for incoming Republicans to fill outgoing jobs held by Democrats. Costle had worked on a project in Oakland, California, tracking federal funds flowing into the Oakland area when he came to the attention of Roy Ash. He was asked to return to Washington to work for Ash on a consulting basis. A life-long Democrat, he still got the job because for this task the White House wanted the best talent available and waived all scrutiny of Council positions for political affiliation and the possibility of disloyalty to the president. As Costle describes it, "This predates the creation in the Nixon White House of those strong partisan fire-walls, if you will." 33

The first job of the Commission was to examine the office of the president itself. The first recommendation was to reorganize the office of the president. That was when OMB (Office of Management and Budget) was created from what had formerly been simply BOB (the Bureau of the Budget) and the Domestic Policy Council was created.

Costle's interview gives rich material about the hard work that went into the recommendation to form EPA. According to him, he interviewed me twice in my key role as commissioner of the Federal Water Pollution Control Administration. Costle sought me out before the EPA idea had really jelled and at a time when some on the Council were pushing the attempts to form a "Department of Natural Resources."

Finally, Costle returned after the EPA concept had been approved by both the Ash Commission and then the President, to acquaint me with the impending decision and its implications for my agency of five thousand employees.

After the "go-ahead" came from the president, Costle, working with another young employee of OMB, Charles Elkins,34 did the nuts and bolts work of setting up the

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33 Costle, interview 13 May 1997.
34 Charles Elkins, interview by author, 12 May 1997, Arlington, VA, tape
reorganized agency with its fifteen constituent parts. Costle's interview with me was to
determine just how my agency would remove itself from its position in the Department of
the Interior and regroup in the new EPA. In his recent telephone and personal interviews,
Costle gave me classic insight into reactions of all thirteen cabinet members to the
creation of an independent EPA. All could find reasons why such a consolidating agency
should be formed, but all found equally compelling reasons why such an entity should be
transferred to their own departments. Wally Hickel was one of the most outspoken since
my agency, the Federal Water Pollution Control Administration, was already in his
department. The agency's work force and its budget for its enforcement, standard setting,
construction grants, and research and development functions constituted a larger
pollution control effort than all other federal pollution control efforts combined. And
Hickel had come to think of me, at times, as the Department's ambassador to the youth of
the country. He naturally felt all other environmentally related programs should come to
him, too. But the truth was that Nixon had early in the beginning days of the
Administration come to the conclusion that Hickel was a poor manager35 and lacked the
gravitas that he found in a man like George Schultz. Like Hickel, Nixon had not known
Schultz personally before appointing him to the cabinet, but, unlike Hickel, Schultz
would occupy many key posts and exhibit great loyalty during Nixon's tenure. As will be
described in the chapter that follows, Hickel is the only high official of the Nixon cabinet
who has been publicly criticized in writing by prior White House Staff, or criticized
directly to me in the interviews of John Whitaker and John Ehrlichman.

recording, copy in author's files.

35John C. Whitaker, Striking a Balance: Environment and Natural Resources
Policy in the Nixon-Ford Years (Washington, DC and Stanford, CA: American Institute
for Public Policy Research, Hoover Institution on War, Revolution and Peace, Stanford
University, 1976).
It is my opinion that Hickel can certainly be described as committing a variety of sins of administration including shooting from the hip, showing great reluctance to read and do necessary homework on complex policy issues, or even to write in his own name. But the principal clash between Hickel, the independent Alaskan, and Nixon, the life-long politician, was Hickel's challenge to the president expressed in the famous letter (see Appendix A.) sent to the president just after the Kent State shootings. Hickel did not directly challenge the president's decision to invade Cambodia, but he did urge a more "inclusive" administration and government. It is my opinion that Hickel's greatest strength was his ability to grasp the mood of our people, and particularly the importance of the youth in expressing that mood which in turn had so destabilized the country.

People have often asked me, "What was Hickel like? Who was he?" My answers usually, if the questioner is persistent enough, have led to the conclusion that Hickel was certainly a "rough-diamond," one who could be a bully, but also one who was keenly sensitive to his own lack of education. Hickel wore all these personal traits on his sleeve. In a battle he fought to stand in there with the best of them and to express his views with great determination once he had formed them. He was a man who loved combat. But above all I have thought of Hickel as a Populist. I never thought of him as a Republican or a Democrat, a liberal or a conservative. I had the opportunity to meet recently for two days in a workshop with Hickel's predecessor, Stewart Udall, who is now in his seventies. Udall asked me these same kinds of questions and I could not refrain from telling Udall that I had just read Hickel's book *Who Owns America?* to be sure that this thesis project was as thorough as possible. The book had been on my bookshelves at home for over twenty years and I had never bothered with it other than to glance through it to see what references were made of me, if any. The book was published in 1971.

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shortly after Nixon fired Hickel. I had not read it for I suspected that it would be self-serving, that it would be a pot-boiler and ghost written besides. To my surprise, after reading the book in the past several weeks, I find a large section where Hickel tries to define himself and comes to the conclusion that he was indeed a Populist. It is satisfying to see one's political instincts confirmed. I also believe that most of the book was Hickel's work. He received help from others in expressing himself, and he acknowledges that help, but the book is remarkably straightforward and clear-headed. It should be added that another huge difference between Hickel and Nixon was that the former bore few grudges and had no lasting hates. Nixon, as one reads the Haldeman Diaries, was a man consumed by hate and fear from every quarter.

Russell Train confirms in his interview much the same view of Hickel. Ehrlichman would only say in his interview, "Yea, we had a lot of trouble with Hickel because he was a developer from Alaska."

Costle describes one of the first recommendations of the Ash Council. John Connally was the only politician on the Council. When the proposed creation of OMB and the Domestic Policy Council were being presented to Nixon and the entire cabinet, all kinds of objections were raised by members of the cabinet. Even the hapless Spiro Agnew objected, arguing with the others who saw usurpations of their power and jurisdiction. Costle's recollection: "And then John Connally arrived and sort of took charge of the meeting and basically pulled the president's chestnuts out of the fire that day. And I am

38 John Ehrlichman, interview by author, 15 May 1998, Marietta, GA, tape recording, copy in author's files. Ray Price in our personal interview of August 10, 1998, told of accompanying the Nixons on one of their world tours. When the former president and his entourage landed in Anchorage, Hickel immediately invited the Nixons and Price to a dinner party at the top of the Captain Cook Hotel and could not have been more cordial to the man who fired him.
told that he subsequently went over and met with the president and the president just
hammered that one through."

One final observation about the processes of government and the workings of
environmental issues within Nixon's administration is exemplified by the career of
Charles Elkins, who worked with me as my deputy assistant administrator in EPA. Elkins
came to the Johnson Administration as an intern while attending the Yale Law School
and served one summer in what was then called BOB or the Bureau of the Budget (later
to become the Office of Management and Budget following the Ash Council
recommendations during the first few months of Nixon's term). Following graduation
from Yale Law School, Elkins was hired by BOB as the first lawyer ever to be used as a
budget examiner. The Elkins case is illustrative of the unique role played by budget
examiners in OMB. These positions are filled by tenured civil servants without regard to
political party affiliation (with the exception of the director and deputy director) and are
immune, except in egregious cases of disloyalty, to being fired or transferred by an
incoming administration. Further, these examiners are some of the most skillful people in
the entire government for often their job is to mediate between dramatically different
policy views from different agencies in the president's cabinet. Finally, they must write
up the budget to be sent to Capitol Hill every year and must often support highly
controversial and politically charged issues.

As Elkins describes in his interview, he was hired as the examiner for
"Environmental and Consumer Affairs," which meant handling all the accounts of the
Department of Health, Education, and Welfare (HEW). This constituted almost the entire
scope of the Johnson Administration's environmental programs with the exception of
radiation (which resided with the Atomic Energy Commission), and the "registration" of
pesticides administered by the Department of Agriculture. The responsibility for the
evaluation of the toxicity of registered pesticides for human or animal consumption
resided in HEW, and so was also in Elkins' budget review. Finally, only one other major environmental program, water pollution control, which secretary of the Interior Stewart Udall had "stolen" from HEW several years before, lay outside of Elkins' review power.

Elkins describes it as very "lonely" conducting budget reviews for nearly all of the Administration's environmental programs, but having no interaction with the reviewer for the Department of the Interior who handled the water pollution control program.

A president can, through skillful use of OMB, directly affect the workings of the massive government supposedly under his "control." Nixon hated some of the departments and agencies that surrounded him with a sometime startling passion. He believed that 96% of the civil service was out to get him, could not be trusted, and as a consequence Nixon and Haldeman worked out a system with Fred Malek, the chief of the White House personnel office, for placing within each agency a deputy who was hand-picked and owed his total loyalty to the president. Bob Fri describes the process, for out of it he was named as deputy administrator in EPA. The president even had an "Enemies List" from time to time and placed on it whole departments he thought were out of control, were populated by a bunch of liberals, or simply because they were "them."

HUD (Housing and Urban Development) and HEW were on his list. The former was included because he had picked George Romney as its secretary and Romney was outspoken and continually went further than White House policy on both budget and policy matters, particularly on inner city, low-income housing issues.

To a president such as Nixon (but to all presidents to a degree) OMB becomes a critical piece of the governmental process. John Whitaker recognized this in his interview as he described his first days after having been assigned the task of assembling the first Environmental Message to the Congress.39 He asked to be briefed, went in on a Saturday

39John C. Whitaker, interview by author, 14 May 1977, Wasington, DC, tape recording, copy in author's files.
early and did not get out until after 6:00 p.m., having been briefed by one OMB person of "incredible grasp and scope of the government's environmental programs." Also it is to OMB that all departmental submissions for both budget and substantive or "authorizing" legislation are sent up for review. Also reviewed there are all departmental official responses to the requests of congressional committees on legislation under consideration. Here again the opportunity for major policy issues within the cabinet arose and had to be aired before they become policies of the administration and the president and are sent publicly to Congress. This occurs especially when the White House and the Congress are controlled by opposing parties, as was the case during the Nixon Administration. An ambitious senator or congressman could push legislation through the committee process of hearings and passage in one house of Congress or the other and could call for comments from the administration. It was OMB's job to assemble the administration's comments before they were submitted by the agency head to the responsible committee in Congress.

The OMB therefore became the clearing house within the administration for substantive or authorizing legislation proposed by the President to the Congress, for all budget requests from the administration to the Congress, and for all responses to requests from the Congress for legislative comments.

In this process of clearance by OMB there was immense latitude within an administration for difference of views between cabinet officers or their departments, which had to be thrashed out in endless meetings with OMB examiners sitting in as referees. If the issue could not be settled at the examiner's level, nor at the senior examiner's level, it found its way to the White House along with complex briefing memos. In the environmental and conservation arena John Whitaker, by then a full-time assistant to John Ehrlichman, was the first stop. If the matter did not settle there it went to Ehrlichman for a meeting among the principals, who most often included the
department secretary and his affected agency head because of the perceived importance of the issues.

John Ehrlichman had been given enormous latitude to decide domestic matters in the name of the president. Nixon made it very clear to the insiders that he held little interest for the domestic side of his presidential responsibilities and as Bob Haldeman reports repeatedly in his diary, Ehrlichman "had an open field if he wanted to run with it." It is for this reason that Ehrlichman came to play such a critical role in the Nixon agenda for the environment.

Most of my knock-down, drag-out fights on budget, legislative, and regulatory initiatives on behalf of the environment came from the opposition of Maurice Stans, the secretary of commerce, and the infamous treasurer for CREP, the Committee to Reelect the President. When we went up against Commerce to meet with Ehrlichman or Whitaker, we won many more fights than we lost.

A second area of "control" used by the White House to influence the actions of its departments and agencies is again at the OMB level when regulations are issued pursuant to legislation. Here the same process can be followed, but often embellished, according to the President in office, and given a name. In the Nixon White House we became saddled with what came to be called the "Quality of Life Reviews," which often were merely an opportunity for a rival department, such as the Department of Commerce, to attack regulations being proposed by the agency with the legislative authority to do so. The agency that marshals the best substantive economic impact analysis and budget implications usually wins these battles. It could also be an opportunity for the president to intervene directly in the regulatory process. Chapter IV and Appendix C of this thesis

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40 See Appendix C.
will describe just how that critical possibility of direct presidential intervention was circumvented by the first administrator of EPA, Bill Ruckelshaus.

It was at this point that the costs of any given regulatory activity were to be measured against benefits. Cost/benefit analysis was very much in its infancy during the Nixon years, just as was the art of risk/benefit analysis. As Bill Ruckelshaus said, EPA was not doing great analysis but it was as good or better than anybody else’s at the time. To the best of my knowledge Nixon was the first President to attempt an overt intervention in the regulatory process in the environmental field.

Depending upon the strength of the president, and the strength of respective department or agency heads, this process could be used to stifle essential regulatory activities of an agency and leave that agency in a dangerous limbo of noncompliance with legislative requirements laid down by the Congress and caught in an independent, recalcitrant, and oftentimes constitutionally impermissible executive branch position. Bill Ruckelshaus was quickly faced with just such a stand-off with the Nixon White House acting through the "Quality of Life Review" at a time very early in EPA’s life span when it came time to issue clean air standards. How Ruckelshaus circumvented this issue is presented in important portions of Bob Fri’s interview.

The final method used by a President to exercise political control over his departments and agencies is in the personnel selection process. We have already seen how a new administration purged political holdovers. As new people are selected, particularly in the field in a regional, state, or area-wide administrator’s position, the incoming White House can set up screening mechanisms that span the gamut from the

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most tortuous to the most reasonable. Competition for the state or regional political patronage positions is often the most intense as less powerful congressmen seek to get their licks in and prove to their constituents that they have real access and clout with the president and the White House. It is interesting to note in the general reading on Nixon that he "loathed" Republicans.\textsuperscript{43} In the 1972 campaign he told his schedulers and Bob Haldeman that he was not to be scheduled in conjunction with any local Republican races. Furthermore, according to my father's second cousin, Peter Dominick, the conservative junior senator from Colorado and chairman of the Senate Republican Reelection Committee in 1972, Nixon refused to use any of the massive amount of funds accumulated by his CREP campaign to assist in local races, despite Senator Dominick's repeated requests based on the recognition that while the polls showed Nixon ahead of McGovern by as much as 20\%, other Republicans running in state or gubernatorial races were running far behind. The Republicans lost both houses of the Congress in the '72 election. Nixon, in Dominick's opinion, refused to offer any coattails to anyone else in the Republican party and the results of the '72 election showed defeated Republicans in spades. This in turn may explain why Nixon would say to Haldeman just after the election of '72, "We've got to get to them, before they get to us," referring to congressional Republicans and perhaps reflecting the fact that he knew more than anyone in the White House, with the possible exception of John Dean, about the Watergate break-in.\textsuperscript{44}

The final element of control that a president can bring to his administration is in selecting and firing his cabinet and senior White House staff. \textit{The Haldeman Diaries} show how much time was spent on personnel issues by the president himself and what a burden that was for H. R. Haldeman, as chief of staff. In Chapter IV the issue of

\textsuperscript{43}Haldeman, \textit{Diaries}, Introduction by Stephan E. Ambrose.

\textsuperscript{44}I\textit{bid}.
personnel clearance will be discussed and some of my personal experiences will be used for demonstration.
CHAPTER III
THE FEDERAL WATER POLLUTION CONTROL
ADMINISTRATION
"The Commissioner"

After his brusing battle with the Interior Committee and his final confirmation by the Senate, Hickel was anxious to reward James Watt and me with a place in his department. Loyalty in the political world of Washington was a qualification to be rewarded above all others. Hickel appointed me as commissioner of the Federal Water Pollution Control Administration (FWPCA) which earned a nasty editorial in the *New York Times* entitled: "The Education of Mr. Hickel". 46

Secretary of the Interior Walter J. Hickel has proved to be a fast learner. In his first two months in office, he has encouraged his early critics by showing unexpected sensitivity to conservation values. The rigorous four-day cross-examination by the Senate Interior Committee before his confirmation and the intense public protest against the oil-slick disaster off Santa Barbara during his first week in office apparently served effectively to educate Secretary Hickel. He heard how seriously the American people feel about protecting the environment ....Despite his own open-

45 The White House had foolishly picked James Watt (or perhaps Watt had put himself forward) to escort Walter Hickel as he made the rounds of introductions to key senators before his confirmation hearings. Watt accompanied Hickel to the offices of Senator Edmund Muskie, who upon seeing them together hit the roof. (Watt was a lawyer, like me, from Wyoming and had preceded me as legislative assistant to Senator Milward L. Simpson.) Following his service with Senator Simpson, Watt went to work for the U. S. Chamber of Commerce which was especially vocal in opposing the water pollution control bill that Muskie had introduced in the Senate in repeated sessions and which he still fought to pass. As noted below Hickel then asked (probably with White House guidance) that Watt and I continue to shepherd him through his confirmation hearings. Having succeeded in that effort, Hickel was anxious to find a place for Watt in Interior but Muskie threatened, with ample ammunition, to block the confirmation of Watt to any position requiring Senate approval.

mindedness, he will find it difficult to rise much above the level of his top appointments. Thus far, his choice of special assistants and Assistant Secretaries has been political rather than professional. As a group they are undistinguished and not more than two or three have any visible commitment to conservation....

...Particularly disturbing is the choice of David D. Dominick as Commissioner of the Federal Water Pollution Control Administration. This job is too important to be filled by a politically well-connected young man with no administrative experience or expertise....

This editorial caused me great anxiety on top of the challenge of taking command of such a large and established agency with no other assistants that I could immediately rely upon. I had been taught that the "Great Gray Times" was always to be respected for its reportage and to run against it was a nearly hopeless task, at least in the Washington milieu. Even if this editorial, in retrospect, was highly condescending it troubled me greatly. Another agency head in the department to whom I looked for guidance, a "holdover" and venerable bureaucrat, George Hartzog, director of the National Park Service, said, "Don't worry about it, David, just look to see if they spelled your name right."

Most of Hickel's "Mafia" returned to Alaska after the confirmation fight had been won. Remaining behind were Carl McMurray and Pat Ryan, mentioned frequently in Hickel's book written after his firing.47 McMurray was a tough guy who kept his own counsel and stayed out of the limelight and away from the press. Nevertheless, I developed a relationship of trust with McMurray, which in hindsight was probably my most important contact within the department during my time as commissioner.

No sooner had Hickel been sworn in, on January 24, 1969, when on January 27th one of the drilling wells on a platform of Union Oil Company of California blew out, spreading a deadly oil slick shoreward to the beaches of Santa Barbara. Hickel tapped me to fly with him immediately to the scene along with Dr. William (Bill) Pecora, director of

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47Hickel was fired by Nixon two days before Thanksgiving, 1970.
the U. S. Geological Survey, and Ed Weinberg, one of the senior hold-over lawyers, from
the Solicitor General's Office. Arriving the day after the blowout, which was continuing
out of control, we got an immediate briefing on the efforts being mounted by Union to
drill a directional well intersecting the blowout bore, thus relieving the pressure on the
blowout and permitting capping of the runaway well. Also of immediate concern were
the measures being used to protect the beaches and the aquatic wildlife, both fish and
fowl. Neither the FWCPA nor the Interior Department had developed adequate
technology for oil spill cleanup and containment, and up to this point the industry itself
had turned a blind eye to oil spills of any magnitude.

Hickel took immediate command of the situation on the beach and met straight off
with Union's CEO and majority shareholder, Fred Hartley. Without much ado Hickel
turned to Ed Weinberg and asked what legally could be done by the department to require
Union to stop drilling operations at not only the blowout platform but at their remaining
three or four rigs in the Santa Barbara Channel. Weinberg answered, "Nothing."

"What do you mean, nothing?" the enraged secretary said. "Give me some
authority to at least suspend operations." Weinberg said that too was impossible, that it
had never been done before in the history of the department. A federal drilling lease was a
contract, enforceable by its terms, and besides, the people at the Bureau of the Budget
would be highly critical of any steps which cut down on the oil revenues coming from
federal off-shore leases.

Hickel took Hartley aside with Weinberg and said simply, "Quit all exploration
and production in this lease tract. Stop your drilling on every platform. Period." Hartley

48 It must be observed that the industry has done little to better prepare itself for
oil spill cleanups such as the Santa Barbara blowout even to this day. That was
demonstrated with chilling effect by Exxon Valdez. Controversy still exists among
aquatic biologists over the use of solvents or surfactants to dissolve the oil, permitting it
to disperse, or the use of entirely physical means for cleanup.
looked amazed and Weinberg repeated, "Mr. Secretary, you can't do that." Hickel said, "I just did," and marched towards the waiting helicopter. Hartley immediately went into action and suspended operation with his superintendents. Hartley and Hickel understood each other for they were the same kind of rough diamonds that had come up the hard way and were becoming rarer and rarer in the world of that day.  

The Interior Department that Hickel inherited from Secretary Stewart Udall was a series of separated fiefdoms created under the various assistant secretaries. The assistant secretary for Fish, Wildlife and Parks, for instance, had strong Bureaus under him, including the National Park Service, the U. S. Fish and Wildlife Service, and the relatively new Bureau of Outdoor Recreation. The Assistant Secretary for Mines and Minerals had the important (at the time) Bureau of Mines and the U. S. Geological

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50 The "David D. Dominick Collection," at the American Heritage Center contains a memorandum to the author from Thomas Jorling who would later go on to be the Director of Natural Resources and the Environment for the State of New York. The memo, entitled "Thoughts on Improving the Performance of the United States Department of the Interior," came from Jorling's perspective of working in the Office of the Solicitor under Stewart Udall. Jorling wrote: "Although the present incumbent Secretary has done a great deal to establish a public image for the Department and articulate a philosophy of conservation, he has done little to exercise real leadership throughout the Department. As a result, many of the Assistant Secretaries and their bureaus are somewhat autonomous from the control of the Secretary. The Department's activities must have their foundation in a solid base of knowledge. However, as the National Academy of Sciences' report (and the bill sponsored in the 90th Congress, S.1684, by Senator Clifford Hansen) recognized with respect to the Park Service, the research base is very weak. The NAS report's conclusions apply to all of the major bureaus of the Department."

Note that I wrote the Hansen bill mentioned here with respect to the National Park Service. Unfortunately, the attention paid to research by top management of the NPS has not improved over time and if anything that agency has become more politicized and less scientifically oriented in its decision making.
Survey. The assistant secretary for water and power directed responsibility for the all-powerful Bureau of Reclamation and various power agencies such as the Bonneville Power Administration. One of the last assistant secretaryships to have been set up by Udall was for "Water Quality and Research." All these assistant secretary posts were Executive Level IV and therefore subject to Senate confirmation, whereas the bureau heads operating the actual "line" agencies were not. This left the directors of these agencies in doubt as to whether they were subject to clearance by the incoming administration. As a practical matter, serving in these agencies without the political blessings of the president and the department secretary could become an untenable situation and such bureau chiefs were unseated in due course. For some bureaucrats such as George Hartzog, director of the National Park Service, and Floyd Dominy, director of the Bureau of Reclamation, the struggle to unseat them was not easy as they were such quintessential products of the Washington "Iron Triangle" as John Whitaker describes generally in his book of the Nixon years. This "triangle" consists of powerful congressional chairmen, a constituency of all groups in the private sector that are affected by legislation or appropriations coming from that congressional committee, and finally the federal bureaucracy that testifies before the congressional committee. Therefore direct personal contacts persisted between the agency heads, the key congressmen, and the interest groups involved.

Removal of the Federal Water Pollution Control Administration from the Department of HEW was a major bureaucratic turf coup accomplishment by Stewart

51 I visited the Booneville Dam within the past month. It is a phenomenon as breathtaking as some great natural wonder. The electric power stanchions that span the river as it squeezes through the narrowing Cascades of the Columbia (traversed without mishap by Lewis and Clark, miraculously) carry cable as thick as the trunk of an aspen tree. The spume and roar overpowers one. This was one of the first "great" achievements of the Army Corps of Engineers.

52 John C. Whitaker, Striking a Balance.
Udall only two years before I was appointed commissioner. The man I replaced, Joe G. Moore, was a professional water management bureaucrat from Texas who saw the handwriting on the wall and graciously stepped down, allowing my appointment. I visited with Moore at length before I took office to get as much advice as I could before he left. He had little to say about the agency’s structure, its key personnel, or the coherence of its mission. His advice was simply get out into the field and meet with the state agency directors, who at that point were feeling abused by recent amendments to the water pollution control act and felt that their positions were being ignored and usurped by Washington and the new federal agency in Udall’s Interior Department. I also met with Stewart Udall, the outgoing secretary of the interior. To my lasting pride, Udall remembers me as the only incoming Republican to meet with him as he was leaving the office he had occupied for eight long years.

Hickel actually had little choice in the selection of his assistant secretaries as he was behind the game from his late start in Senate confirmation and knew little of the essentials in dealing with the White House on personnel issues when he finally was confirmed. As a consequence, one Carl L. Klein, a Republican from a Chicago Ward background, was presented to him by the White House as his assistant secretary for water quality and research. Klein had the inimitable Everett Dirksen as his committed White House sponsor and though Dirksen was retiring as the Republican minority leader of the Senate and was to die shortly after leaving the Senate, Klein was named and confirmed, placing him directly over me in the Interior chain of command. Klein had served two terms in the Illinois legislature where he had picked up the moniker, "Clean Water Klein."

My relationship with Klein was nearly impossible. The only other agency under his control was the Office of Saline Water, which had a tiny budget of several millions of dollars and a small staff working on developing commercially viable techniques for making fresh water out of salty water. This was not a mission without purpose as the
United States had treaties with Mexico many years before (and in combination with the Colorado River Compacts involving both upper basin and lower basin states) to deliver a certain amount to Mexico of clean, that is, non-saline, water. The U. S. had never lived up to its treaty obligations with Mexico and as the Colorado River flowed south it became increasingly saline, making it undrinkable and unusable for most irrigation purposes. In addition, the state of Israel was being constrained in its population and economic development by its lack of fresh water and was relying almost wholly on water pumped at great cost from the Sea Of Galilee.

But saline water research was not enough to occupy the likes of Klein. As a consequence he quickly made an appearance at my agency and with absolute abandon disregarded the chain of command, addressing assignments and directions to my people willy-nilly. Perhaps because of my Marine Corps training I knew that I was about to lose control of the agency and its mission if I did not stand up to him. Thus began a battle which would not end for 20 months when the White House told Klein in the fall of 1970 that he would not be needed in the new EPA where my agency was destined to be transferred. He then abruptly resigned and in so doing deprived the excellent reporters covering the environmental beat of a constant source of good copy. For Klein had a penchant for talking off the top of his head in public and in announcing incomprehensible shifts in enforcement policies—an area that he especially liked to intrude upon and an area that the public could understand and translate as an indicator of the seriousness and good faith of this administration's commitment to the environment.

Ralph Nader chose the FWPCA as his first target of expose' and consumer advocacy in the new Nixon Administration. I had always been attracted to Nader and the story of his David attacking the Goliath, GM, over the Corvair and subsequent book *Unsafe At Any Speed*. When Nader and his chief of the investigative project, David
Zwick, showed up at my office, I welcomed them and promised them full access to all staff and all documents that were not classified.

By this time things had become intolerable with Klein. He ordered that I fire my deputy commissioner, a gentle man with over thirty years of impeccable career service, and replace him with a hand-picked reject from the Senate Republican Policy Committee. This nearly caused my resignation on the spot, but I took my car and driver across the Potomac for an immediate talk in the Interior Building with McMurray, who assured me that Hickel knew the score with Klein and very much wanted me to stay. I saw the Nader investigation as a good way to get at the truth of the activities within the agency. I had also solidified good relations with John Whitaker and John Ehrlichman in the White House. Finally, I decided as my third defense against Klein that I should make myself always accessible to the press and to the full spectrum of conservation organizations as a matter of first priority in the management of the agency.

53 Whitaker originally had the title of secretary to the cabinet, but as the internal organization of the White House staff began to take shape the Domestic Policy Council was formed and John Ehrlichman became its director. Whitaker was tapped to coordinate the President's First Environmental Message to the Congress in February 1970 and from that role became Ehrlichman's virtual assistant in charge of coordinating all environmental and natural resource issues. Of all the people who worked closely with the president, Whitaker was the one person to emerge from the cancer of Watergate unscarred. Additionally, he has been of invaluable assistance to me on this thesis project.

54 The "David D. Dominick Collection" contains a cover letter and memo from Sydney Howe, the then-president of the Conservation Foundation, inviting me to a luncheon meeting with a group informally called the "Natural Resources Council of America." Attending this session where the top Washington representatives of the following organizations: Hunting and Conservation, National Rifle Ass'n, Trout Unlimited, National Audubon Society, Izaak Walton League, Ass'n of Interpretive Naturalists, Soil Conservation Society of America, Sport Fishing Institute, National Wildlife Federation, League of Women Voters, Conservation Foundation, National Association of Conservation Districts, American Fisheries Society, and American Forestry Association. I met with this group periodically on both a formal and informal basis. In retrospect, my conscious contact with the organized conservation groups was a great boost to the cause of clean water and accounted for support in the White House and
The Zwick report describes the Klein relationship best:

Klein is a large, gruff, undiplomatic man who made it as a Republican in Mayor Daley's Chicago; he towered over Dominick, who is restrained and discreet and blends well with the Nixon Administration. Thirty two years old at the time of his appointment in 1969, Dominick is young enough to be Klein's son. But he proved more adroit than Klein in the kid glove maneuverings of bureaucratic politics.55

Upon hearing that the Nader people had been in the agency for a few days, Klein exploded and ordered an immediate embargo on all material being made available to them and forbade my staff from meeting with their team. "He put FWCPA staffers in an untenable position...Dominick meanwhile, waged a persistent if diplomatic battle to salvage a measure of control."56 Finally, it took Nader's personal intercession with the White House Director of Communications Herb Klein and Walter Hickel to remove Carl on Capitol Hill at crucial times in the life of the agency.

In addition, I organized a Congressional Liaison Office that in January of 1970 identified the most important "hard core" conservationists based in, or operating in, Washington at the time. They were: Dick Stroud, executive vice president of Sport Fishing Institute; William Towell, executive vice president of the American Forestry Association; Dr. Elvis J. Stahr, president of the National Audubon Society, and Charles Callison, executive vice president of Audubon; Lloyd Tupling, Washington conservation representative for the Sierra Club; Dr. Spencer Smith, secretary of Citizens Committee on Natural Resources; Sidney Howe, president of the Conservation Foundation; Gordon Zimmerman, executive secretary National Association of Soil and Water Conservation Districts; Frank Daniel, secretary of the National Rifle Association; Daniel Poole, president, Wildlife Management Institute; Ted Pankowski, working with Joe Penfold (a classmate of my father's from Yale, but suffering from cancer) of the Izaak Walton League; Thomas Kimball, executive director, National Wildlife Federation; Louis Clapper, director of Conservation for the National Wildlife Federation; George Alderson, Washington representative for the California-based Friends of the Earth; and Lois Sharpe, conservation director of the League of Women Voters. I came to know all of these citizens on a first name basis and submitted this list as my recommendation for appointments to the Federal Water Pollution Control Advisory Board.

56Ibid.
Klein's roadblocks. Even at that Klein required a staff man from his office of Assistant Secretary to sit in silently on all Nader interviews with my agency people. David Zwick writes in the introduction: "Agency staffers proved always willing to assist where they could and often were genuinely enthusiastic about this effort to inform the public....The Task Force believes the exemplary attitude they showed in this regard was due in no small part to the tone of cooperation which Water Quality Office Commissioner David Dominick established early in the study."\(^{57}\)

I believe the Nader Report published in 1971 accurately evaluated the federal efforts toward water pollution control to that time.

The effectiveness to date can be concisely assessed by the virtual absence of any evidence that the seven laws passed and more than $3 billion spent by the Federal government has reduced the level of pollution in any of the country's major bodies of water, so that they are once again suitable for human use as fish habitat, recreation spot \([sic]\) or drinking water supply.\(^{57}\)

In introductory remarks, Nader cut loose with more of his most electric and colorful rhetoric:

"Toilet-training polluters will require the replacement of shortsighted, cowardly, or venal men and institutional abuses with a legal system which sees prevention as the cardinal ethic. That system must be enforced with sanctions that reach beyond the institution to the personal irresponsibility of those presently in charge."\(^{58}\)

Nader continues with vintage language:

A humane technology is economic as well. The longer we ignore its application, the more horrendous the costs to human health and well-being. And sooner rather than later, the costs will descend with crushing reality on those insensitive perpetrators of

\(^{57}\)Ibid., Preface, xvi.

\(^{58}\)Ibid., xiii.
this pollution who no longer will be able to escape the consequences of their own exudations.

...May this Report help to herald a new awareness that moves beyond perception of the problem to develop the realignment of forces that will make contamination of water a crime against humanity and a depredation that is more costly for its generators to continue than to stop. Someday water pollution will be seen in retrospect as a colossal waste of resources, as more efficient industrial processes and recycling come in to use. Those officials and citizens who for years researched and pleaded their lonely case while incurring opprobrium, ostracism, demotion, or eviction at the hands of entrenched powers, will be relieved that common candor need no longer be considered uncommon courage. 59

The Nader report, finished and published in 1971, reinforced my experiences of the intervening years. By the time of its publication I had taken on new responsibilities as the assistant administer for Hazardous Materials Control in the newly formed EPA. But looking at the fine print of editor David Zwick's report, in retrospect, confirmed the advice given to me the first day on the job by my predecessor, Joe Moore. Restoring morale, getting the five assistant commissioners at the Washington headquarters to even talk to each other, giving greater authority and flexibility to the regional directors, and recognizing and supporting the role of state programs and their directors had been my task.

It was my experience in dealing with the assistant commissioner for research and development, Dr. David Stephen, that he and his staff were some of the most recalcitrant parts of the organization. I continually pressed him for solutions to long term problems facing water cleanup technology and was met with evasion, and the need for further, costlier, and more extended research, or worse, more costly construction of elaborate mechanical and chemical treatment systems.

59 Ibid., xiv.
The Nader "Task Force" confirms the frustration that I experienced with the results of the agency's research and development program.

In ten years (and $240 million) of FWQA municipal waste treatment research, no real progress toward the scientific solution of water pollution had occurred. Very little new information, no breakthroughs, no application of knowledge. When pressed by the Task Force, Dr. Stephen could only reply, "I guess that there have been no widespread applications of technology we have developed. I will have to check with Middleton [director of FWQA's Taft Research Center in Cincinnati] to confirm this, however."^60

In four instances I went over Stephen's head and proposed solutions that he and his research and development team refused to endorse. The first involved the issue of phosphates in detergents. It was well known in the science of water quality that phosphate (along with other major nutrients, such as nitrogen coming principally from agricultural runoff) is the chief cause of biological oxygen demand (BOD). Bodies of water that had excessive levels of nutrients required large amounts of oxygen for the survival of algae and other forms of low level growth. They then became sterile of higher levels of plant growth or fish life. Lake Erie, for example, had been declared a "dead lake" by *Time* magazine and others because of eutrophication just as I came into office. The major source of phosphates introduced into the nation's waterways came from the phosphorous content in household detergents. Under the prodding of Rep. Henry Reuss, an unusually cerebral Democratic congressman from Wisconsin, I thought that (though we had no direct legislative authority to do so) the least we could do was to publish a list simply showing the phosphate levels in common brands of household detergents, ranking those detergents from highest to lowest levels. It would then be up to the consuming housewife to decide what brands she favored and the levels of phosphates which seemed to get the laundry done satisfactorily. I asked Dr. Stephen to merely send his people to

^60Ibid., 375.
the supermarkets and get representative samples and list phosphate levels from their findings. Stephen resisted. He had made official, on the record, statements before the detergent industry association and may have made the same statements to requests from Reuss. "There was no known replacement in detergents as effective as phosphates.... we believe that the reduction or elimination of phosphates from detergents is desirable but inappropriate for implementation at this time."\footnote{Ibid., 79.} I finally ordered Stephen to get the samples and simply get me the numbers.

The first list was drawn up and published by press release from my office over my name. Howls of indignation came from the soap manufacturers. It turned out that some of Stephen's first calculations were simply mismeasured and wrong. In the meantime I was summoned to the White House to meet with Charles Colson. He demanded a retraction of the list. I told him that was impossible as the list was already out and being used by housewives across the land. It had met with much praise by consumers seeking guidance on what they could do personally to help with the problems of pollution. He asked me if I knew who Bryce Harlow was. Of course I did. He was the former chief lobbyist for Proctor and Gamble, the largest detergent manufacturer in the country, and was now senior counselor to the president and in charge of the administration's most difficult relations with the Congress.\footnote{Additionally, I had hired Peggy Harlow, Bryce Harlow's daughter as my principal congressional liaison, despite the fact that this brought much protest in the press and from the Nader people and some conservationists. Peggy was a thoroughgoing pro and knew the rules for dealing with the Congress better than anyone I could have found and there was never a doubt that she always put the interests of the agency and clean water first. It was also significant that Tide, one of P and G's biggest sellers, had one of the highest levels of phosphates of all brands available.} I further told Colson that some of the figures and therefore rankings on the first list were wrong and I would have to publish a second list. He was furious and dismissed me, threatening me that I would be summoned to return.
when he had "checked a few things out." It is of more than passing interest that the CD-ROM version of the *Haldeman Diaries* shows in one of the expurgated passages that Nixon wanted Harlow to take over the Republican National Committee. Haldeman reports to the president that he talked to McElroy (the CEO) of Proctor and Gamble who turned him down because of fear of offending Muskie and the Democratic majority about the environment and phosphates. Haldeman reports that the "President is thoroughly disgusted and told me to have Whitaker screw P and G." \(^{63}\)

The second area of contention between me and the research and development staff led by Dr. Stephen dealt with the innovative Muskegon, Michigan, project. Here a maverick geographer, Jack Sheaffer, was pushing hard for a combined municipal and industrial treatment system for Muskegon County, which would eventually spray-irrigate treated waste water directly onto large plots of agricultural lands growing, among other things, corn as feed crops. Stephen had consistently resisted the use of treated water on farm crops or for other uses because of the worry (whether psychological or biological was never clear) of contamination by heavy metals or unremoved toxic substances.

I simply had my assistant administrator for administration retrieve the papers from Stephen's office and write a sole source contract (that is, not a contract for competitive bidding). Thus, we awarded a large research and development grant to Muskegon County. The plant with all its processes functioning properly opened nearly ten years later and has proven to be a success.

The third decision was also to award a sole source contract to the Roy F. Weston Consulting Engineering firm from Pennsylvania to design a first stage feasibility study for on-land disposal of the tailings wastes from the Reserve Mining taconite plant that had been operating for decades by dumping its daily tailings directly into a pristine Lake

\(^{63}\)November 17, 1970, found on the unexpurgated tape only.
Superior above Duluth. The Reserve Mining case took on a life of its own, required more than twenty years to litigate, and finally ended with the plant and its parent company, Republic Steel, being required by a federal district judge in Minnesota to dispose of their tailings on land as recommended some twenty years earlier by Roy Weston and his engineers.  

Finally, the Kuskoquim Project deserves mention. I had been to Alaska twice during my tour of duty as commissioner, once to examine the plans and progress of the proposed Trans Alaskan Pipeline, and later to convene a hearing to assign responsibility for a massive oil spill swept ashore in the Gulf of Alaska. I worked with Senator Ted Stephens of Alaska to place a special development project grant in the Interior Department's budget to build an experimental "gray-water" system to serve the Eskimo village at the mouth of the Kuskoquim River as it empties into the Bering Sea south of the village of Point Barrow. The object of the project was not only to treat the domestic and human wastewater of the village but also to derive from that treated water a so-called "gray water" sufficiently safe for bathing and laundering. I saw to it that a qualified anthropologist was named to the field research team and that he worked closely with the Eskimo leaders of the village. The result exceeded all expectations. The gray-water facility became the central focus of the town. In the arctic winter it was steamy warm and served as a place for all village socializing.

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65 The accepted practice for disposal of all human waste in the tundra was typified at Point Barrow. While on one of our flying inspections of the North Slope and the Prudhoe Bay oilfield development, we made a stopover at Point Barrow. It was springtime and the offshore ice was breaking up. Strewn across the landscape inland from the village were hundreds of fifty-five gallon oil drums, all filled with waste of one sort or another. These had been carted in the dead of the winter darkness on the back of one of the many near derelict snowmobiles until the drum had apparently become disattached from the snowmobile and left where it landed.
Very early in my days as commissioner I came to learn what people are indispensable to the senior manager of an organization such as the FWPCA. The deputy administrator that Carl Klein had dumped on me was a political hack from the Senate Policy Committee. Fortunately he was not smart nor diligent enough to do any real damage. I assumed that he reported all my activities to Klein and let it go at that. Coming into the government filled with naïveté, I did not believe in conspiracy theories. I thought the government too huge, too lumbering, and populated by too many people who were not smart enough to carry off a good conspiracy. My views were to be both confirmed and refuted, in a way, by the "plumbers" of the Nixon White House.

On reflection I can see that my success as a federal agency administrator, to the extent it was successful, was premised on several things that it become my good fortune to understand at the outset. First, from the moment of my swearing in, I assumed that what I was doing was the public's business (for no other reason than that the public was paying for it) and that whatever I put in writing or issued by way of a directive to my staff should be able to withstand public scrutiny. I assumed that I, among all others in the agency, was truly operating in a fish-bowl and that if my deliberations with the White House, or with those whom we were charged with regulating, were to be made public, the best defense against criticism was to be that they were made in good faith and with the best evidence available at the time. Next, as a matter of sheer survival, I came to

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66 This was both literally and figuratively true. The Agency's offices were in a new set of high rises adjacent to National Airport on the Virginia side of the Potomac River. We were surrounded with glass. Every meeting with Wally Hickel and Carl Klein at the Department of Interior Building, not to mention meetings with OMB or in the White House with John Whitaker or John Ehrlichman, or hearings before the Congress required a car ride across the Potomac River. My position came with a car and a driver, a reading lamp and an early version of a cell phone. The car was not black like the extended limos of the Cabinet Secretaries, but it was sufficiently grand to turn a young man's head.
appreciate those key career people within the agency from whom I had to simply assume complete loyalty. The first, of course, was my personal secretary. The next was the public information officer. Here I was fortunate to find within the agency one Charles Rogers, a careerist but from a union background who could tell me with a real Irish smile on his face that he came from a background that was perhaps a bit more left of center than my own. But Rogers put the interests of clean water and the welfare of the agency ahead of any personal beliefs or reservations about me or the president we were working for and won for me excellent access to the very best reporters of the media: radio, trade press, television, and news. Rogers convinced me to use agency funds to produce a thirty minute documentary on the horrors of water pollution and what we as a public must do to reverse our profligate ways. He secured Lorne Greene as the narrator and produced an excellent product which we used to good effect in public service spots in all parts of the country. The agency had never stepped so boldly before. The Nader investigators said that this thirty minute documentary entitled *The Gifts* was probably the best film on environmental destruction ever made by anyone inside or outside of government."67

Next, I soon learned that one could not sit on top of the hill and effectively administer an agency without the unqualified loyalty and efficient skills of the assistant commissioner for administration. Here resided the real power of administration. Under this assistant commissioner was the office of personnel. If one wanted to make personnel changes, which were inevitably necessary when I took over from Joe Moore, one simply could not move the paperwork through the bureaucratic thicket that had grown up around the civil service system largely as a means of protecting the tenure and security of the entire civil service. Here again I was most fortunate. Ed Grant, an obviously life-long Democrat, occupied that post and we were able to quickly come to like and trust each

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other. If something truly needed fixing in the personnel structure which we both agreed upon, then the job got done. Had it been otherwise, I could have spent my two and one-half years with the water program simply pushing a rock uphill.

In addition to the egregious misuse of the civil service protections typified by Klein's arbitrary sacking of my career deputy, there were some regional administrators in our nine field regions that I could identify as having hunkered down in their regional foxholes for too long and who had dismal to nonexistent records. One could judge the record in a number of ways, but enforcement activity was my number one priority, followed by water quality improvement through active use of transferable technology or collaboration with their respective state programs. I reassigned at least four regional administrators through Grant and his director of personnel, Maxine Millard. The political flak we took was heavy as these careerists had quick access to their own constituencies and local press. Eugene Odum, a well respected ecologist at the University of Georgia (whose name and work is still well represented in the environmental historiography today) was especially disturbed to see what he thought was a "politicization" of the federal water pollution control program. But in most of the cases I persevered and ordered the transfer of regional directors who then often chose to retire.

A second area that made the assistant commissioner for administration critically important was the budget process. Here the budget was prepared and the background memoranda coordinated for presentation; first to the Department of the Interior, and then OMB. Finally, testimony was prepared for the congressional appropriations committees in both the House and Senate. Huge back up material was assembled in black three-ring binders which we would lug to Capitol Hill. The budget analysts--all working by this time under the "PP and B" (or Program, Planning and Budgeting) process--had to work closely with the line program offices. Nowhere was this more critical than in the Construction Grants program area. Construction grants to municipalities made up the
bulk of the $214 million budget that I inherited from the outgoing Johnson
Administration. The "grants program" was administered out of the Office of Operations
and was coordinated by a man named Ralph Palyani. As noted elsewhere, the Congress
during my tenure increased the federal share to billions of dollars. For the 1970
Environmental Message, the President requested $4 billion. This amount was then
increased after the formation of EPA to an expanded program beginning in FY 72 and
spread over four years totaling $13.3 billion (anticipated expenditures of both federal and
state), making this the largest single federal public works program in history, bigger at
any given time than the federal highway program started under Eisenhower. It is to
Palyani's credit, and to the credit of those working with these federal funds, that no
scandal ever emerged from this massive infusion of federal dollars during my tenure.

I must confess in passing that my single greatest worry in my dealings with Klein
was that he would cut some "deal" with municipal officials for sewage treatment dollars
in return for compliance with enforcement schedules. He often called me from across the
Potomac River to join him in late night meetings in his office in the Interior building. I
was intuitively undone when in the midst of some rambling discussion about cleanup of
the "Quad Cities" on the Mississippi and Missouri Rivers, for instance, he would unlock a
large file cabinet and pull files from it as we talked, never showing me their content. Such
secrecy began to inspire a paranoia in me and I would even think in moments of weakness

68 The cost estimates for the municipal waste treatment program remained volatile
as states would often revise their needs lists as increased federal funding seemed to be
politically in the offing. Arbitrary additions by state programs for interceptor sewers and
stormwater runoff waste treatment could add astronomically to the cost.
69 The federal share of this amount had increased from earlier estimates given to
Senator Muskie and his committee from $4.0 billion to $6.52 billion.
70 Letter from William D. Ruckelshaus, administrator of the Environmental
Protection Agency, to George P. Schultz, Director, Office of Management and Budget,
dated 12/29/70. From the "David D. Dominick Collection."
that Klein had wiretapped my phone. As the opportunity arose, which is to say whenever he stopped talking long enough for me to get a word in edgewise, I did come to terms with him on specifics and committed these to written memos, which I sent back to him as reminders. One such memo I found in my "Commissioner's Collection" some of the points which are set out below. 71

As I have reviewed a representative sampling of the files produced during my two and one-half years with the water pollution effort, I was first struck with an overwhelming depression. This feeling went beyond mere déjá vu. The sheer quantity of our effort, the abundance of our speeches, appearances, conferences with state officials, enforcement negotiations and then actual enforcement proceedings or "conferences," the numbers of times I appeared before congressional committees, the summonses to the White House, the press briefings, the budget submissions to OMB, the negotiations at OMB over regulations to be issued--all seem overwhelming in the light of today. A cursory look at the "Commissioner's files" showed over two hundred speeches given by me; travel into every state of the Union except Hawaii and Arkansas; thirty-four appearances in congressional hearings before many separate committees, both Senate and House; over fifteen volumes of press clippings for the first year and one-half of service (when I stopped the practice); countless staff meetings; daily schedules and travel arrangements; visits to every regional office and every laboratory belonging to the agency; and the list goes on.

71 Dtd. 25 Mar. 69. "1.) told Klein that we should analyze data prior to making final political decision on Lake Superior (The Reserve Mining Case,) and that I would not participate in a decision that was political. 2.) Asked that no personnel files be sent over in the future, Klein will come directly to me. 3.) Discussed Santa Barbara and will write Klein memo on Union cleanup efforts. 4.) Strongly advised C. K. that FWPCA shld be included in the drafting of any future regs. with pollution implications. C.K. agreed. 5.) Told Klein that NIC (National Industrial Council) meetings shld be chaired by me in the future." From the "David D. Dominick Collection."
The most important undertakings of my administration can be summarized:
restoring morale in the agency and saving it from the unpredictable depredations of Carl
Klein; meeting with state water pollution control directors in all the states and preaching
the gospel "partnership"; meeting with the old line conservation groups in Washington
and never rejecting an opportunity to listen to them or speak before them; developing
satisfactory relationships with the committees of Congress and their chairmen and senior
minority members as well as committee staff, both majority and minority; gaining the
confidence of the White House so that when called upon I could go before the press or
editorial boards of all the major news organizations of the country and deliver the good
news of the president's program as it had been developed and presented to Congress; and
finally to develop, with the assistance of the MITRE Corporation\(^7\)\(^2\) and their chief
analysts, a systematic "National Plan and Strategy for Clean Water for the Seventies."\(^7\)\(^3\)

As I came to know the workings of the agency and its prior history, it became
pressingly obvious to me (as it would also become to Nader's Raiders) that the federal
water pollution control program lacked a coherent strategy that would lead to identifiable

\(^7\)\(^2\)This again was a sole source contract taken at my initiative. "Sole source"
contracting was subject to abuse then as I am sure it is now. If a government
administrator finds himself in trouble on accomplishing a task assigned from higher up or
from the Congress assigned by legislation, there are always helping hands by way of
"contractors" inside the "Beltway" that are more than happy to help for a healthy fee plus
overhead. I felt the MITRE contract to have been more than justified by the results
obtained and the timeliness of the effort. This is all the more confirmed by reacquainting
myself with the Nader Report. That Report was published after the "functionalization" of
the air and water programs in the newly established EPA, and the report was given little
notice by EPA when it was finally published in 1971. The Nader Water Task Force
worked for twenty-one months and had an initial group of ten grad-students in law,
medicine, public policy, economics, and engineering. Most of what they wrote was on
target, perceptive, constructive, and fair. Had things worked otherwise than the creation
of EPA and the break up of the water pollution agency, I would have made the report
required reading for every employee of FWPCA.

\(^7\)\(^3\)A copy of this Plan may be obtained from the "David D. Dominick Collection."
objectives, namely cleaner water for all the purposes for which it was intended, for the benefit of both man and nature. In addition no federal efforts to date had been well coordinated with any state regulatory or planning activity, either underway or promised for the future.

Thus, Ralph Nader had a lot of running room when his lieutenants prepared their report (not released until 1971, shortly after I left the Water Program to take on new responsibilities). We were both speaking the same language when Nader made special introductory remarks to the water pollution investigation titled *Water Wasteland*. This report, read in hindsight, was a remarkable bit of intense investigative work by a group of totally committed young people who in addition to their idealism were able to penetrate to the very essence of the agency and its programmatic strengths and weaknesses. David R. Zwick, the task force co-leader, summarized their work in April 1971 thus: "Our report is uncompromising, and often harsh, in the judgments it makes. But we believe it is fair. It is our hope that it will help clean up the water and add generally to sound public policies."

In speaking with Dominick, the Task Force was impressed with his newly acquired but extensive grasp of water pollution, and with many of his ideas for setting the pollution control program on its feet. We came away convinced that he clearly perceives that energies which thus far have been wasted in internal disputes and uncoordinated efforts need to be redirected into a focused attack on the nation's water pollution problems....

Buoyed by the interest the public is finally taking in water pollution, but at the same time more knowledgeable than the public about the obdurate resistance that cleanup measures will continue to face, Water Quality Office staffers (hundreds of dedicated and competent workers) are waiting for their marching orders.74

The federal program that I inherited had certain glaring discontinuities. For

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example, in-stream allowable constituent standards through the whole spectrum of contaminants were set by the assistant commissioner for operations, Alan Hirsch. Yet the assistant commissioner for enforcement (an unforgettable character named Murray Stein) was responsible for holding what the Federal Water Pollution Control Act of 1956 called "Enforcement Conferences." These "conferences were informal hearings where Stein took testimony for the purpose of upgrading, to acceptable levels and schedules, the water effluent discharges from the point-sources of both municipalities and industries. Stein, from enforcement, dealt in effluent standards. The operations office dealt with in-stream standards. The two assistant commissioners from these offices refused to recognize the role of the other. To add to the administrative discontinuity was the fact that federal intrastate conferences could only be brought with the consent of the governor of the state in which the pollution occurred. Exceptions were provided for federal intervention when an interstate effect could be proved. The Reserve Mining case cited was a case in point. The agency spent years and untold dollars trying to trace the migration of Reserve Mining's taconite tailings dumped at a rate of 66,000 tons a day into Lake Superior to the waters of an adjacent state, Wisconsin. That was time and dollars clearly diverted from the principal task of defining and enforcing a remediation program. Another exception for non-state participation in the enforcement conference was to find proof that discharges in question were presenting an immediate and irreparable effect upon commercial shellfish in the waters of the adjoining state. Finally, federal jurisdiction was allowed if pollution could be proved intrastate. Here an excellent example occurred during my tenure with the Houston Ship Channel case and its principal effort to clean up the discharges of Armco Steel. In each of these cases of exception to the intrastate rule, elaborate causal proof was required of those officials bringing the action. In all cases up to that time this meant Murray Stein and his "traveling enforcement one man band" would single handedly assemble proof from whatever course presented itself. Certain
regional administrators proved to be good partners for Stein as enforcement conferences were prepared. Other regions neglected the difficult task of enforcement and were uncooperative to the point of criminality.

FWPCA had a dozen or more laboratories scattered across the country, and the chief justification for their locations could be traced directly to Democratic committee chairmen or subcommittee chairmen who needed this piece of pork for their state or district. Thus, a water quality lab established on Lake Superior in Rep. John Blatnick's district was tied directly to his seniority on the House Committee on Public Works. That lab, originally given the mission of doing sophisticated research on the effects to various kinds of pollutants on cold-water fish populations had its mission and its staff wrenchingly diverted when the highly publicized and complex case was brought against Reserve Mining Company cited above.

Tangible results were even harder to find since the assistant commissioner for enforcement would not speak to the assistant commissioner for operations. Nor had the two spoken in anyone's memory before I arrived as the rookie young "second lieutenant" ready to lead this warring group of careerists into a new day of cooperation and accountable direction. As a final stroke the assistant commissioner for enforcement refused to come to staff meetings, sending his deputy when I howled loudly enough. (I resorted to going to HIS office in an attempt to make progress, but his wily bureaucratic ways far outfoxed my inexperience.) I did take the immediate step of transferring the standard-setting function out of Operations and into Enforcement, thereby forcing Stein to face the programmatic imperatives of making some rational connection between the effluent restrictions that he sought to obtain through his ad-hoc enforcement conferences and the ambient health or ill-health of the streams receiving effluents in the aggregate.

Murray Stein was one of the most remarkable federal workers one could hope to meet. He ran his office of enforcement with only three people, himself, his secretary, and
his deputy, Tad Rjada. From that single office he could process more reports and
responses on enforcement inquiries than all other sections of the agency put together.

His "enforcement conferences" were statutorily limited as pointed out above and
he had not taken the highly original step suggested to the agency by Rep. Henry Reuss of
utilizing the long neglected provisions of the 1899 Rivers and Harbors Act.\textsuperscript{75} Absent that
technique (which EPA later resorted to under pressure from Congressman Reuss), Stein
would simply travel the country looking for any opportunity to commence a "conference."
Here with only the assistance of his secretary, and despite a severe health problem, he
would gavel the conferees to order and begin taking testimony from all interested parties.
He would then recess the conference for reconvening in the morning. Then Stein
announced his findings, which set forth effluent reductions and time schedules for all
point source polluters contributing to the waterway under question. There was no
rationale for the pollution levels allowed. Stein would simply get as much compliance in
the shortest period of time that he thought physically and economically possible. Stein
gave no recognition to national or state-adopted ambient standards. His method was to
simply get as much as you could get. Having announced his "findings," Stein would
adjourn the conference, light one of his ubiquitous twisted, foul-smelling black cigars,
pack his bags, and return to Washington where the results of the conference would be
written up. He would then prepare himself for the next foray. I asked Stein, whose
methods remained impenetrable to me, how he chose areas to be taken to task in an
enforcement conference. His ready answer was that any town big enough to have a major
league baseball team was big enough to have severe water pollution problems and
obviously needed his attention.

\textsuperscript{75}That Act had a deceptively simple clause requiring any one discharging any
"refuse" (which was then broadly defined) into any waterway of the United States to
obtain from the Corps of Engineers a discharge permit.
My solution for these numerous roadblocks was to closet myself with the MITRE team and call in from time to time assistant commissioners or program chiefs in order to come up with the outline of the National Plan. The Plan in its barest outline recognized the need to tailor enforcement of point sources to stream standards of particular stream segments, thus mandating and achieving desired levels of water quality. Second, the Plan estimated a construction need of $12.5 billion. And it recognized the need to direct the massive amounts of federal investments projected for the next five years on a regional basis, to insure that watershed systems achieved identifiable cleanup. In order to effect regional planning we created so-called "Section 208 grants," allowing states and localities to work jointly upon acceptance of planning grant money to design the most cost effective area-wide treatment systems possible. Often this resulted in the combining of industrial wastes with municipal, assuring that the industrial portion paid its fair share of capital and operating costs.

The national plan recognized such highly contested issues as the disposal of dredged spoil in cooperation with the Corps of Engineers. Also Section 404 of the Act, which was to grow out of the plan covered the issuance of permits for any activity affecting all the waters of the United States with specific reference to dredge and fill permits. This required cooperation between the Corps and the FWPCA, two agencies that had never gotten along well in the past and which still have difficulty in administering the highly controversial, and often punitive, section 404 program.

Similarly, recognition was given to the increasing incidents of hazardous spills into the waters of the U. S., whether fresh or salt. Here again, a mechanism was recommended for inclusion in the legislation of joint responses from the FWPCA and the U. S. Coast Guard, and, depending on location and nature of the spill, "on-scene" commanders were automatically designated. The importance of federal activities and the unabated pollution coming from the myriad of federal facilities and projects was
addressed as well. The legislation also envisioned the creation of a special enforcement branch and laboratory within FWPCA to oversee Federal compliance with water quality goals and standards. The lab was to utilize increasingly precise measuring devices to define toxicity of especially hazardous wastes.

Special Research and Development program monies were specified for those areas outside the realm of point-source discharges such as agricultural run-off, acid mine drainage, and storm water run-off. In the country's older cities, stormwater runoff often combined with established sewers, causing massive overloads and dumping of raw sewage at the city-operated sewage treatment plants. It is interesting to note that today, thirty years later, these sources of water pollution remain as intractable as they did in 1969. What is most likely called for now are institutional changes as much as technological changes.

The net effect of the "National Plan and Strategy for Clean Water for the Seventies" was to prepare a programmatic document outlining a total rewrite of the Federal Water Pollution Control Act.

The early 1970s were the years when the notions of "Program, Planning, and Budgeting" came into vogue. Thus, as one submitted one's budget for review, it was done in a PPB format. The MITRE consultants were old hands at talking this language and so it was not difficult to translate our program plans into legislative plans and our legislative plans into budget submittals.

The net result of this effort on the National Plan and Strategy was a presentation to the Department of the Interior to gain the attention of Secretary Hickel. I had made the invaluable acquaintance of one of Interior's reclusive budget examiners. His small office was on the seventh floor is the massive Interior Department Building, a floor which few people knew existed as one had to find a single stairway for access. The examiner further indoctrinated me into the world of PP and B. Simultaneously my contacts in the White
House became trustworthy to the point that John Whitaker (an Assistant Counselor to the President and direct assistant to Ehrlichman) and I could develop the new Clean Water bill without interference from Carl Klein. Hickel then became a staunch advocate of the Plan and its legislation.

The sticking point with the White House was its cost and the impact on the upcoming budget decisions. Inflation was still running unacceptably high and Nixon did not know whether his various proposed economic plans that were being considered (some in secret consultations with John Connally) would have the desired effect. In one of our final strategy sessions attended by Whitaker, Ehrlichman, and Hickel, the former two were resisting the huge budget outlays recommended by me and Hickel. Hickel came up with a scheme whereby municipalities would float bond issues for their share of new treatment plant costs and if there were no buyers on the open market, the federal government, having pledged a large reserve for the purpose, would buy the bonds. This was resisted as debt financing by Treasury Secretary David Kennedy. After Nixon showed initial enthusiasm for the Hickel proposal, it was eventually rejected by Kennedy, OMB, and the president's staff. Disregarding the way the decision making seemed to be trending, Hickel nevertheless spoke openly with the press about "his" plans. In our final meeting with Whitaker and Ehrlichman, Hickel belittled the $4 billion program spread over five years supported by the president and said while he had Shirley Temple to take to the dance, the rest of the White House crew only had "a short little fat girl who couldn't sing or dance." His humor was acknowledged but his previous comments to the press simply put another nail in his coffin as far as Ehrlichman was concerned.

The net effect was that the White House, acting through Ehrlichman and Whitaker, accepted my agency's version of a newly drafted Clean Water Act of 1970 with a $4 billion authorization for federal matching funds to the states. Indeed, though the
1970 Presidential Message on the Environment had more than a dozen elements to it, its principal ingredient of note was the new Federal Water Pollution Control Act.

Before the new Water Pollution Control Act was ready for release publicly, I took the opportunity to meet privately with Senator Muskie and his key public works subcommittee staff, to brief them on the general outline and rationale for my agency's war plan or strategy. The comprehensiveness of the MITRE report was central to our proposal and the subcommittee was impressed. This "back channel" relationship was developed in strictest mutual confidence and it continued as long as I was in charge of water pollution. It was of immense value in bringing the White House and the Muskie camp closer together during the introduction of legislation and the conduct of hearings and mark-up.

John Whitaker was responsible for assembling the President's Environmental Message for release in February of 1970. As Whitaker and his staff prepared for announcing the message, briefing papers and press releases with embargo dates were needed and prepared by Ray Price, one of Nixon's principal speech writers. A dry run for a major press conference in the East Room took place under Whitaker's and Ehrlichman's watchful eyes. One part of John Whitaker's interview is pertinent here. Whitaker reinforces the record as follows: "He [speaking of another White House lawyer who had been on the team preparing the message] wanted the briefing on water and I found out that you know more about it than he did. So you did the briefing and did a very good job.... You went on tour with Russ (Train) [carrying the President's message]. And I was listening to you answer those questions at that first press conference and I was thinking, 'God Whitaker, you made the right decision."

76 John Whitaker, interview by author, 14 May 1997, Washington, D. C., tape recording, copy in author's files. In addition to being complimentary, Whitaker, as noted above had already written his own book on this period as seen from inside the White House. In addition, he has been of greatest help to the author in suggesting materials and insights for this thesis project.
After the press conference I was sent on the road by the White House with Russell Train (who by this time had been installed as chairman of the Council on Environmental Quality) or with Bob Cahn (a respected journalist for the *Christian Science Monitor* and one of the first persons appointed with Train to the three-man CEQ). We were to brief all the major news organizations in the country. We had luncheons with Katherine Graham and Ben Bradlee of the *Washington Post*, with the *Times* editorial board, with Otis Chandler of the *L. A. Times*, with Walter Cronkite at CBS, and more. It was indeed heady stuff to be whisked around these big cities in limousines.

April 22, 1970 marked the first Earth Day and Walter Hickel made it very plain that he expected all employees of the Department of the Interior to participate. Hickel had written a letter to the president suggesting celebration of the environment with a nationwide holiday as an alternative to the sit-ins that were inflaming campuses across the country. The president was appalled by such a notion and saw Earth Day as some kind of subversive activity. No doubt this solidified Nixon's growing dissatisfaction with Hickel as the cabinet officer in charge of the country's natural resources and environment.

Carl Klein had proposed to Hickel an idea called SCOPE, standing for "Student Council on Pollution and Environment." I was designated as ex-officio prime ambassador to this organization. (Ruckelshaus said when he heard of it much later, "It sounds like mouth wash.") Gatherings of students were arranged in advance and handled much like the sit-ins that were occurring at campuses around the country. At every opportunity I was set up to give speeches touting our environmental program and particularly the commitments the president and Secretary Hickel had made to water pollution clean-up. My audiences were varied, from a full campus gathering at Sweet Briar College for women, to the Garden Club of America meeting at Lake Placid. One speech was especially tailored for the midwest at Iowa State University on the presumption that its students had not been infected with the radicalism of Stanford or
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At which point a young man with a flaming red beard and long hair stood at the top of the bleachers in the back row of the auditorium and screamed, "On scene, on scene, shit. Why don't you dumb bastards get out there before it happens and stop this
shit. This whole country is going down to pollution, man. You make me sick." I was able to tell him that Hickel, who was my boss, had done just that in the Union Oil situation off Santa Barbara. I reminded the young man that Hickel had ordered the whole operation shut down until proper safety measures could be installed, the existing pollution cleaned up, and the blow-out well contained.

I am sure that to the student I looked like some preppy co-opted into the Nixon organization, perhaps another manifestation of John Dean. My taste for these engagements waned as I thought it far safer to testify before a hostile committee of Congress. But Hickel was serious about healing the wounds of the country and trying for an inclusion of all groups within a torn country and a torn administration.

It was not long after my Iowa State adventure that four students were killed by armed National Guardsmen at Kent State. The *Haldeman Diaries* contain the best, if not the only account from inside the White House, of Nixon's mind and motives during his decision to first illegally bomb and then send U. S. troops across the border into Cambodia.

Two authors, Shawcross and Chandler, trace the decision making of Kissinger and Nixon and the near maniacal behavior of Nixon as he announced to Haldeman and Ehrlichman that he would be taking complete personal command of the Cambodian operation. They document Nixon's orders to the Air Force Command to carpet bomb the country and to bring in an additional one hundred B-52s, which as a physical matter was an impossibility given landing and fueling facilities. Shawcross and Chandler believe that the slide toward lawlessness, secrecy, deceit and onto the slippery slope leading to Watergate indeed started with the Cambodian decision and Nixon's reaction to the public protest it aroused.77

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77 See also William Shawcross, *Sideshow: Kissinger, Nixon, and the Destruction of Cambodia* (New York: Simon and Schuster, 1979); and *The Quality of Mercy:*
Nixon required of his cabinet and subordinates constant reassurance following any major decision or television appearance. Indeed one of Haldeman's most demeaning chores was to give Nixon repeated updates all through the night following a major television address. It was at just such a critical juncture that Wally Hickel wrote his famous letter to Nixon. The letter, obviously written in the style of some ambitious staffer, but nevertheless carrying the message as truly as Hickel intended, arrived in the White House only after a copy had been leaked to the Washington Star, probably to Roberta Hornig, who covered the environmental and Department of Interior beat. It was drafted and sent following the Kent State shootings (See Appendix A).

On a Thursday or a Friday of that week, Hickel sent his letter to the White House. Dr. Bill Pecora, director of the U. S. Geological Survey, and I were standing alone with Hickel around his desk at the far end of the cavernous office of the secretary when a call from the White House was put through. I believe John Ehrlichman was on the other end of the line, talking from the Oval Office. Ehrlichman told Hickel that while the president had not received his letter yet, he had read it on the front page of the Star. Hickel turned literally as white as a sheet. I had often heard the cliche but never had seen it occur. He


78 John Ehrlichman, Witness to Power: The Nixon Years (New York: Simon and Schuster, 1982). Ehrlichman watched with some amused detachment when it is discovered that the person who had done the actual writing of the Hickel letter was a "White House fellow detached to the Department of Interior. Haldeman made a note to himself as he walked by." In my recent discussions with Stewart Udall he asked, "Did he really do that on his own. Didn't he consult with someone about it?" My answer: "No, I'm pretty sure it was pure Hickel." Udall said he had asked Rog Morton (who eventually would replace Hickel at Interior but then die in office) if Hickel thought that would gain him a spot on the Presidential Ticket? "Morton said, 'No, it wasn't to have a spot, it was to have the spot. To be at the head of the ticket.'" Udall's final comment was that it was still a pretty "gutsy" thing to do.
groped backward for his chair and sank down. He then turned to the two of us and said that we would have to be his representatives before the tens of thousands who were expected in Washington to protest the Kent State shootings, that weekend. He said that he had been all but put under house arrest by the White House. He was to use his private elevator to the parking garage below and remain home. He was not to meet with the press. In his book on the affair, Hickel also spoke of the indignity of being excluded from the White House church service that had been a normal occurrence for cabinet officers and senior officials.

Hickel’s efforts to accommodate the views of the youth within the administration, or at the very least, to give them a forum to speak as we had done, were in sharp contrast with the advice Nixon gave to Anne Armstrong and Bob Dole in the Oval Office on April 22, 1971 (which coincidentally was the first anniversary of Earth Day 1, an event that Hickel had urged be proclaimed as a national holiday.)

Asked by Anne Armstrong how Nixon dealt with the youth, he answered, "...we've got to give them a challenge, we can't let them escape responsibility for themselves and blame their problems on external factors. We can't let them think solely of self, any more than a nation can think solely of itself....we should be understanding of upper- and middle-class parents because they really do have great problems with their kids because they've been given so much....He said we must not destroy the character of children by permissiveness--permissiveness that denies the child the opportunity to look in the mirror and finally realize that the problem is me--not my teachers, not the war, not the environment, but me..."79

From his slumped position Hickel told Pecora and me that we each knew his views on the Cambodian invasion and on youth protest. As to the first we certainly need not volunteer comment. But we were to be as reassuring to the protesters as we could be.

79Haldeman, Diaries, CD-ROM. April 22, 1971 entry.
and assure them of his support. Pecora and I had our orders and we left to meet again early Saturday morning on the mall next to the Washington Monument. For that "May Day Demonstration," 100,000 were expected.

Pecora and I spent all of Saturday and most of Sunday on the Mall with the protesters. Things got off to a bad start on Saturday morning when the students tried to lower the flags surrounding the Washington Monument to half mast in honor of the dead at Kent State. The situation quickly escalated when the mounted police of the National Park Service rode into the middle of the mass of students, directing that the flags go to full mast, for they had no orders from the White House to the contrary. Finally clubs started swinging from the Park Service Police until the students backed off. The irony was that these police were under the jurisdiction of Walter Hickel of the Department of Interior and its prominent bureau, the National Park Service.

Pecora and I talked to all the injured students we could find and then directed them to the first aid station that had been set up by Robert Finch on his own initiative. He was secretary of the Department of Health, Education and Welfare and an infinitely decent man. Unfortunately, the HEW Building was far from the Washington Monument, but still many students walked the distance. The temperatures were in the 100s for the entire weekend and the humidity nearly as high. It was not long before the steam began to go out of the protest and most students wilted in the sun listening to platform speakers or rock groups. Here Pecora and I continued to circulate and tell all who would talk to us of Walter Hickel's commitment to them and to their cause.

Another of my assignments came directly from Herb Klein, the White House director of communications. Denis Hayes, a Stanford student war protestor and organizer, had somehow hooked up with Senator Gaylord Nelson to give the idea of Earth Day some respectability. I was to debate Denis Hayes on live television during two hour-long segments of Clifton Daniel's Sunday morning broadcast from CBS in New
York. Also appearing on the panel was Gladywn Hill, the courtly reporter for the environmental beat of the *New York Times*. The debate was scheduled shortly after the huge (and unexpected) success of the first Earth Day. Denis Hayes was unrestrained in his scorn of the Nixon administration and practiced demagoguery before the cameras at every opportunity. Despite the fact that the administration had sent the first environmental message ever to the Congress, despite the fact that the administration had committed a huge new sum of federal dollars to water clean up and had prepared a comprehensive new Clean Water Act that I had been advocating within the administration, Hayes went out of his way to insult me personally.

Later the white-haired Gladywn Hill was to teach me the ABC's of dealing with the press. We rode in adjacent steel bucket seats as a Texas National Guard DC-3 flew over the Houston Ship Channel to give us a view of the magnitude of its pollution and then on out to Galveston Bay, which received all the channel's pollution with consequent contamination of its rich oyster beds. Mr. Hill saw me reading the briefing book that summarized all of the evidence that the agency had been able to develop on the shellfish contamination, which was crucial to our federal jurisdiction in the enforcement conference case. As we landed, Hill asked if he might look at our report. I saw no reason to deny him the report. He said he would have it back to me that evening after dinner. True to his word he knocked on my hotel door and returned the report after I had an extended dinner with Texas officials.

Not until the next day did I understand Hill's diligence, for the *New York Times* had a front page story on the federal effort to initiate enforcement on the multitude of petroleum, steel, and chemical plants that lined the channel. And picking up on that, the local Houston papers had banner headlines screaming about the federal intrusion.

At a dinner given that next night hosted by the Texas water officials, I was seated at the head table with my wife. The chairman of the Texas Railroad Commission, which
seemed to regulate *everything* in Texas from haircuts to water pollution to railroads and oil activities in between, stood up and offered a gracious toast to me and my wife. He then paused and said, "Commissioner Dominick, we are glad that we can show you our lovely state. But don't you ever, ever, again come down here and try to tell the State of Texas what to do."

During the period following the Cambodian raids and the student demonstrations, many in Washington recognized that Hickel's days as secretary of the Interior were numbered. Yet, Whitaker informed me that the Hickel letter actually gave him many more months in the administration, for up until that time it was the president's intention to sack him as quickly as possible. Nixon did not dare fire him following the letter for the backlash of sympathy and support for Hickel's point of view. Finally, however, on the day before Thanksgiving, Hickel was led successively by Whitaker and then Ehrlichman to the Oval Office where he was told by the president that there were mutual incompatibilities on the part of them both. Hickel asked if he was to stay in office until at least Christmas. The president said, "No, you are relieved as of this moment."

As a follow-up, Nixon ordered Haldeman to send Fred Malek to the Interior building the next working day, the Monday after Thanksgiving, to fire all the "Hickel people" he found. Klein had already left, much to my relief, but that meant that all the assistant secretaries (with the exception of the assistant secretary for administration, who had been planted in the Department at the orders of the president and under the guidance of the "White House Personnel Office," a secretive shop run by Fred Malek) and the solicitor were sacked and had only a few hours to clear their desks before their files were handed over and their offices striped clean. This was the "Monday Morning Massacre" remembered forever more at Interior.

On June 10, 1971 Robert Fri and I presented ourselves to the Senate Committee on Public Works to be confirmed in our new posts of deputy administrator and assistant
administrator, respectively, of EPA. Senator Muskie chaired with all of his staff in attendance. Also attending were Senators Boggs (R-Del.), Jordan (R-Idaho), Montoya (D-NM.), Baker (R-Tenn.), and James Buckley (R-NY).

By this time I had been responsible for the country's water pollution control effort for two and a half years and I had appeared before the Muskie Committee innumerable times. As noted earlier, we had put together the outlines of a defensible and comprehensive water pollution control package that took into account the proper combination of effluent standards, schedules for compliance, and anticipated upgrading of the ambient waters into which polluters were discharging. This in turn had become the basis for the president's 1970 Message on the Environment, including legislation introduced by the Republican members of the Committee on Public Works on behalf of the Administration. Muskie had his own water pollution control bill, which he had introduced without success in many previous Congresses, and the Administration, from the president on down, had no illusions that they could trump Muskie with a stronger or more expensive bill. This did not prevent me, however, from personally briefing Muskie and all minority members on the new features of the Administration's bill in 1971 and working with his staff members on the very tricky issue of project costs. FWPCA had solicited from the states a survey of anticipated project costs to bring all municipal facilities above a certain minimum size into compliance with a secondary treatment standard. Initial results for the first survey came in with an estimate of $10 billion. This survey was later superseded by several more which escalated project costs depending upon whether higher levels of treatment were to be required and expected, whether combined sewer overflow costs of treatment were to be included, whether so-called interceptor sewers were to be included in the project costs, and for inflation, which at the time was running at more than twelve percent. Each of these surveys and resulting cost
estimates required justification, not only within the administration, but to the Muskie committee as well.

With this by way of background, Senator Muskie was prompted to ask in the confirmation hearings:

Since I have been chairman of the subcommittee in the water pollution program, of which you are now a party, it has been in three agencies—HEW, Interior and now EPA—under supervision of numerous Assistant Secretaries, no less than four Commissioners, and no one knows how many internal reorganizations. During our recent hearings in my judgment you have indicated a real understanding of the many issues and problems which confront our water quality effort, but now you are being removed from this responsibility at a time when it seems to me your position could make a maximum input to that program.80

I was slated by Ruckelshaus to take charge of all programs except air and water. The air and water programs were being "functionalized," which meant simply that all R&D went to an assistant administrator for R&D, and all enforcement went to another assistant administrator for enforcement. It was the rationale that many of our pollution problems needed to be looked at in a way that cut across media lines. I answered as diplomatically as possible and as positively about my new role of management of solid waste, radiation, and pesticides, and alluded to the fact that we anticipated the Administration would be coming forward with programs for the control of toxic substances, and noise as well.

I had also built a personal relationship with the other senators on the committee and had spent much time briefing them on the Administration's water quality bill, and its

plans for the construction of the new and independent agency, EPA. This was reflected in their remarks before the committee that day.

In a nutshell, the water pollution control agency and I personally had come a long way since the *New York Times* had rendered its judgment in early 1969.

On the other hand, it was not without regret that I left the water pollution program after two and a half years in the chair. Much had been accomplished and the ground work for much more had been laid. But I had never been able to gain full knowledge and control of enforcement. Murray Stein won his battle against supervision from the top. Research and development needed a much higher level of scrutiny and I failed to follow through with the assembly of an outside advisory board, that given time and attention, could have focused the federal effort and dollars and made more use of technology transfer. I disappointed the then minority leader, Gerald Ford, and his constituents, the Amway Corporation. Amway's corporate headquarters was in Ford's district and its CEO appealed directly to the minority leader about the phosphate listings attributed to their products. Gerald Ford came to me to question the values given on what was now our second "voluntary" list. Indeed, the FWPCA research and development group had mismeasured for a second time. But by then I had been check-mated by Charles Colson in the White House. Here clearly government had been unfair to its citizens. The remarkable thing was that Gerald Ford and the CEO of Amway remained gentlemen throughout.

To have permitted Carl Klein the latitude he took, especially the forced retirement of my deputy commissioner, Mr. Barnhill, showed my lack of experience and plain physical courage. Finally, the early retirement of my personal secretary, due to an egregious misunderstanding on my part, remains on my conscience until this day.
CHAPTER IV
THE REORGANIZATION OF FEDERAL POWER
UNDER CEQ AND EPA

"...he (Nixon) feels the environment is not an issue that's worth a damn to us."

Haldeman, Diaries, Feb. 9, 1971

Nixon signed the National Environmental Policy Act of 1969 on New Year's day, 1970 (between watching televised football games with his friend Bebe Rebozo). At the time of signing he used much of the language that he would use later in the month in his State of the Union address to the Congress: "The great question of the seventies is, shall we surrender to our surroundings, or shall we make our peace with nature and begin to make reparations for the damage we have done to our air, or land, and our water?...Clean air, clean water, open spaces--these should once again be the birthright of every American. If we act now--they can be." 81

I believe that three men, none of them the president, are most responsible for the astonishingly positive record of Nixon's Administration on the environment. They are William Ruckelshaus, Russell Train, and John Ehrlichman. Without the courage and integrity of these three men there would have been much, much less lasting progress on a federal commitment to the environment. The contributions of each will be examined in order.

81 Price, interview 10 Aug. 1998. Price, now president of the Economic Club of New York, said that as the speech writing work got broken down he became responsible for all speeches relating to the environment. He was not, however, able to identify the Nixon Radio Address of October 18, 1968, that I sent to him. He could identify others working on the campaign who might have done it, but nothing concrete.
Though he made a campaign speech on the topic on October 18, 1968, Richard Nixon was never forced during the campaign to come to grips with the environment as either a political issue or issue of irreplaceable and necessary benefit to the health and welfare of the nation. But, having been sworn in as president and having set in motion the Ash Commission, Nixon did have the commission's recommendations in the area of natural resources and the environment squarely put before him.

The president endorsed those portions of the plans recommending a separate and independent new agency called The Environmental Protection Agency (EPA). Additionally, the Ash Commission recommended moving other marine and atmospheric related functions from the Department of the Interior and the Department of HEW to a new unit called The National Oceanic and Atmospheric Agency (NOAA) and placing that unit in the Department of Commerce. Internal politics and the president's perceptions of his various cabinet officers came to play in those decisions. The president announced the reorganizations to the Congress in a special Environmental Message in late spring of 1970. Congress was given a specific period of time in which to consider the plans under the Presidential Reorganization Act and if the proposed plans were not disapproved by the Congress, they went into effect automatically. In this way the Environmental Protection Agency became an accomplished fact.

But careful examination of evidence provided in the personal diaries of Nixon's chief of staff, H. R.(Bob) Haldeman, reveals a deep and increasing schism between the public statements of the president and his real views toward the environment as a political issue. The years 1970, '71, and '72 became the crucial years highlighting Nixon's deep and worsening antipathy toward environmental quality. His personal conflict over this issue showed as almost daily fare for those who had to deal with him most closely. And this cynicism was in stark contrast to the public policies and sincerely held beliefs of
the directors and officers of his administration charged with carrying out the monumental and precedent-setting tasks of environmental repair that remain in place to this day.

Bob Haldeman was the most powerful figure in the White House, save for Nixon himself. He was also the person closest to Nixon. No member of Nixon's family, not even Henry Kissinger, stood any closer to the president. The most remarkable and useful document that this author has found in trying to unwrap the mysteries of Nixon's thoughts and policies is Haldeman's diary\(^2\) published with the support and consent of his wife after his death. Ray Price has warned me that one must use the diary with great care since Haldeman did not have an opportunity make a final edit of it himself. I agree with Stephen Ambrose, who was chosen, apparently by Haldeman before his unexpected death, to write both an introduction and afterword to the book. Ambrose says that historically *The Diaries* are a priceless resource for gaining an understanding of Nixon and the formulation of his policies. Mrs. Haldeman in her prefatory note says that her husband was pleased that Ambrose had agreed to contribute to the book. Now, however, with her husband dead, Mrs. Haldeman has some reservations about the conclusions that Ambrose came to and feels that her husband would have had those same points of disagreement with Ambrose. What these are she does not say.

What makes *The Diaries* so accessible and therefore useful historically is the fact that Haldeman, before his death, had made arrangements with the Sony Corporation to produce a CD-ROM indexing in detail all topics necessary for an inquirer's research.\(^3\) The CD-ROM contains the three volumes of diary in their entirety, fully indexed and cross referenced. As one compares the unexpurgated CD-ROM version with the written text, there is a distinct absence of much discussion of the environment between the president and Haldeman. Ehrlichman was sometimes present in joint meetings between

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\(^3\)Haldeman, *Diaries*, CD-ROM.
Nixon and Haldeman. And in all entries of substance where decisions were made or where Nixon expressed his personal displeasure with some piece of the environmental agenda, Ehrlichman was the dominant conversant. This stemmed from his role of unlimited power as director of the Internal White House Domestic Council. Were it not for the CD-ROM version, about seventy percent of Nixon's utterances about the environment would be lost. To demonstrate this striking degree of editing on the single subject of the environment, the reader should consult Appendix C, which graphically shows the expurgations accomplished from the complete diaries as originally written by Haldeman to the book in its printed form.

In addition, The Diaries are priceless because they were written or dictated contemporaneously with the events of many days in the life of the president, and therefore in the life of Bob Haldeman. Haldeman neither tried to predict outcomes, nor did he seek to exculpate himself or any other person from the scandals of Watergate. Because Haldeman wrote the diaries from the point of view of his role solely as chief of staff and because they were hand written or dictated in the evening following the day's business of the president and the White House, they have not the slightest hint of "revisionist" history.

The first entry is on the day Haldeman moved to Washington with the president-elect, preparing for the Inaugural on January 20, 1969. His wife, Jo (who would lose her husband on November 12, 1993), points out that the first entries of the first term reflect the buoyant optimism of youth. The prize had been claimed at last and Haldeman's tone reflected the joy and relief of the '68 victory. The early entries were "fresh and naive, with a feeling of expectation and excitement of the first term."84 In contrast, Jo Haldeman remarked that the beginning of the second term brought with it a sense of

84Haldeman, Diaries, Prefatory note by Jo Haldeman, xii.
foreboding despite the tremendous electoral victory of 1972. The latter entries reveal a "tired and negative attitude, compounded by an uncooperative Congress and press, the President's absorption with the reorganization of the Executive Branch, and the growing effect of Watergate." The last entry is for April 30, 1973, the day that Ehrlichman and Haldeman flew together to Camp David to tender their forced resignations to the president.

Haldeman had been earlier portrayed by the president to his cabinet in 1971 as "the lord high executioner. Don't come whining to me when he tells you to do something. He will do it because I asked him to and you're to carry it out." Ambrose makes it clear that Haldeman's value to Nixon was his absolute trustworthiness. He did not discuss their private conversations with any other person in the White House, including Ehrlichman, least of all Kissinger, and certainly not with the press. He did not leak to anyone though Ambrose notes with tongue in cheek that while Nixon ranted and raved about leaks within his administration, Nixon was the master "leaker of them all."

Haldeman was completely devoted to the office of the presidency and often was required to take complete control of the president's calendar with last minute changes made by the president. It was Haldeman who designed the White House organizational structure, and, according to his wife, he was constantly seeking to improve it. As architect of the staffing and policy development system, he strictly controlled all access to the president. In all of his duties as Nixon's immutable chief of staff, Haldeman acted in the name of the office of the presidency. He was always available to the president he served, and became the chief hand-holder for both Richard Nixon and Henry Kissinger. Kissinger, serving in his first term as national security advisor, was constantly flying into petulant rages and threatening repeated resignations over some perceived impropriety of protocol or policy.

that he thought was coming from William Rogers, the secretary of state. Of the 1,561 days that Haldeman served as chief of staff for Nixon, he was with the president on all but twenty of those days, and during that remaining twenty he spoke on the telephone to the President countless times during the day and night.

Yet, as both Haldeman intimates and Ambrose remarks, there was not the slightest hint of friendship between the two men. Haldeman reports in his diary that on the day of his dismissal that the president shook his hand, something the president had never done before in all the intervening years since Haldeman's personal commitment to Nixon's political fortunes and his abortive effort to win the governorship of California. The Diaries are also of unique value because they reveal that Haldeman was not an alter-ego to the president. Haldeman did not permit himself the alternative of agreeing or disagreeing with the president's policies and decisions, which is not to say that he was at times highly influential when the president asked for his opinion. But the principal feature of The Diaries is that Haldeman took down meticulously all conversations and musings of the president and reported them the day they took place. We are hearing Nixon's voice and feeling Nixon's abiding hatreds in all these conversations with Haldeman and, at times, with Ehrlichman joining in. It is ironic to me personally that of all the officials, big and small, mentioned in this thesis from the cabinet, the White House, OMB, and the Congress, H. R. (Bob) Haldeman was the one man that I never laid eyes on.

It has been necessary for the purposes of this thesis to lay the foregoing groundwork on the role of Haldeman, his relationship to the president, and the unique value of The Diaries in opening a window on Nixon's spontaneous and daily thoughts and feelings on our main issue at hand, The Environment. From the unexpurgated diaries it is clear throughout that the president wanted to deal as little as possible with domestic issues. To be more explicit, the environment was not a "Nixon Issue."
This state of affairs shows up most graphically in the interview of Bill Ruckelshaus:

My meetings with him, at that stage (after his appointment as Administrator of EPA), it changed during Watergate, but at that stage were all more or less ritualistic in the sense that there was a specific reason for the meeting, it might be ceremonial or it might be some issue he was interested in and I would meet with him every three or four months. Occasionally, I would go to a cabinet meeting. I had gone to a couple of cabinet meetings for Mitchell but occasionally I would attend one if there was some briefing that I was involved in....

And my impression was that he was really not interested in the issue. He had been forced to deal with it because of public demand. He had no choice really and the Ash Commission recommendation (to create EPA) and the CEQ creation with the NEPA bill that he signed...were really what he felt it was necessary to do in order to be responsive to public opinion. The environment had never been something he cared very much about or that he had paid much attention to politically. I don't really fault him for that. I don't think is was very high on the political screen when he was active throughout the '50s and '60s. It just surfaced as a national issue towards the end of the Vietnam War. I think he what he was doing was responding to a lot of public pressure like any politician does ..... in fact [he] was suspicious of it because he saw it as part of a mix of issues that represented liberalism and things that he didn't hold in very high regard....

He never asked me the whole time I was at EPA whether I thought there was any substance to the problem. Is there really an issue regarding clean air, clean water? I personally found it quite discouraging to meet with him because I thought his knowledge of the issue was very superficial and he saw the whole thing in a political light. And there were politics in it certainly with Muskie involved, so it isn't to say that his view was entirely distorted, but he had no interest in the substance of it....87

Bill Ruckelshaus was to return to Washington and the administration of EPA in the early 80's. He felt compelled to do so against the "better" advice of all his friends. The

EPA administrator chosen by Reagan, Anne McGill Gorsuch Burford, was on her way out from congressional pressure and at least one assistant administrator (occupying the same office I had started) was facing criminal prosecution over her handling of superfund monies. Ruckelshaus agreed to Reagan's call to step into the breach. (Bob Fri, in my recent interview with him, says he told Ruckelshaus that he should get an "A" for citizenship and an "F" for common sense.)

Ruckelshaus went on to say:

Now I would contrast that with Reagan who several times asked me about the issue. He was genuinely interested in it. I mean he had a point of view about it, but he was genuinely interested in the issue and asked me about it, and listened when I talked about it...He underestimated the reaction of the public to people like Watt and Burford. This was a little puzzling to him, because I think that he thought of himself as kind of an environmentalist. He loved the outdoors. He loved chopping brush up there in his ranch and I think that is sort of the way he viewed the environment. The way he would talk to me about it was more from the standpoint of what is this issue all about? How did we get into trouble on this issue? Why is the public reacting so negatively? Then he would ask about the Clean Water Act and the Clean Air Act and how they worked and did we really have a problem with water... I remember having a conversation with him going across the country when we flew over the Elmira River and he indicated that he used to swim in that river before there was any sewage treatment. He didn't remember having health problems. I sort of went through the construction of sewage treatment plants that had been going on, as you well know, for several decades. A lot of water born diseases had been eradicated as a result and this was something new to him. He didn't realize that was the kind of problem we were addressing and that it actually had some beneficial health effects. In any event it was a much different tone and much different kind of conversation than I ever had with Nixon.88

Actually predating the creation of EPA, Nixon appointed Russell Train Chairman

88Ibid.
of the Council on Environmental Quality, shortly after it came into being with Nixon's signature on January 1, 1970.

Russell Train had started his career with the Nixon Administration as under-secretary of the interior. It is certain that some of the wise old hands serving on the Nixon Transition Task Force saw trouble coming when Wally Hickel ran into his confirmation problems. At the time of Nixon's election Train was president of the highly respected Washington-based Conservation Foundation. He had also served as an Eisenhower appointee to the Federal Tax Court. Thus, he was both a certifiable Republican and conservationist by anybody's standards. With Hickel's rough introduction to Washington, he needed all the back-up and political balance at Interior that he could get. Early in their time together Hickel delegated significant segments of Interior's business to Train. He was given charge of the budget, of all new legislation going to Congress, and management of certain key environmental issues such as the Dade County (Florida) Jetport, and the TransAlaskan Pipeline. But within a year the relationship soured over an article appearing right-column, front-page in the Wall Street Journal depicting Train as the man behind the real policies and on whom Hickel required heavy reliance. As Train describes it, Hickel called him on a Monday to ask him about the article, which Train had no clue was in the works. Then in "reasonably colorful language Hickel stripped me of all future responsibilities."89

Train says that the incident was presaged by a skirmish over James Watt. Hickel had Carl McMurray ask Train to accept Watt as his deputy under-secretary. Train explained that to do so would severely debilitate his reputation with the conservation organizations because of Watt's connection as a paid lobbyist for the National Chamber of Commerce. McMurray called back to say that the secretary "orders you to appoint

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89Russell Train, interview by the author, 20 May 1997, tape recording, copy in author's files.
him."

Train, saying he had thought through the matter pretty carefully, answered, "It is perfectly appropriate for the secretary to appoint Watt wherever he wishes since the secretary has literally a hundred or more positions that he can fill with political appointments. But if it came to bringing Watt into the office of the under-secretary, I [Train] would have no choice but to immediately notify the president of my resignation."

McMurray called back about "five minutes later, and said the secretary said to 'forget all about it'."

An important discrepancy in the record of those early days in the life of the administration arises between the interview with Train and John Whitaker's book. Whitaker claims that on the first Earth Day, in 1970, Hickel was in Fairbanks announcing on behalf of the president the granting of the permit for the TransAlaskan Pipeline. Train is quite firm on the notion that the White House had assigned to him all negotiations and permit reviews for the pipeline to relieve Hickel of so much as the appearance of a conflict of interest. My personal recollection is that Dr. Bill Pecora, director of the U.S. Geological Survey, and I made the first inspection trip to the North Slope and Prudhoe Bay just shortly after the discovery well had come in. We stopped at the University of Alaska in Fairbanks to look up any colleagues of Pecora's who could contribute to the engineering and geologic problems of building a hot-oil pipeline in the permafrost. Pecora was disappointed at finding no one to talk to but also at finding very little research material available at the university. He subsequently sought the assistance of Soviet experts on the Arctic who were indeed helpful. Train recalls that the pipeline officials came to his office in April shortly after the discovery well showed the vast potential on the North Slope and said that the permit had to be granted by mid-June. Both Train and I remarked on the impossibility of that occurring. Indeed, I can

\[\text{90} \text{ibid}\]
remember Pecora's opinion that if the forty-inch line were constructed using the industry's original engineering, it would have simply sunk out of sight into the tundra.

As noted above, CEQ was the birth child of NEPA, the National Environmental Policy Act of 1969, and was, in my view, one of the keystone legislative advances during the Nixon era. Initially, there were two versions of the so-called NEPA, both sponsored by Democrats. The first was sponsored by Senator Muskie from his vantage point as chairman of a pollution subcommittee of the Public Works Committee, and the second introduced by Henry Jackson, chairman of the Senate Interior Committee. The Nixon White House chose to throw its weight behind the Jackson proposal as Nixon thought highly of Jackson and had tried to recruit him into the cabinet as secretary of defense, a position that Jackson declined.

Russell Train's relationship with the president can be described in two ways. First is the "official" point of view. As the chairman of the Council on Environmental Quality, Train was expected to be the president's chief independent advisor on matters affecting the human environment. But as a matter of fact, Train's interactions with the president were even less frequent and certainly less significant than those of Ruckelshaus. I asked Train if he had any significant meetings with the president that (he) could speak about either on or off the record?

Calling them significant, I think probably, no. I think basically he was not very interested in the subject. He went through the motions on occasion with me because I guess he felt a couple of times a year Russ Train had to be in the Oval Office and have his time with the President. I remember talking to him about land use once and I thought it might be a subject that would be easier for him to deal with philosophically than pollution regulation. But I think that was an error on my part. He had no real interest in the matter.91

91Ibid.
While at CEQ Train was responsible (with the two other appointees to the Council, Bob Cahn of the *Christian Science Monitor* and Dr. Gordon MacDonald, a nuclear physicist) for establishing by regulation or by guidelines the parameters that all federal agencies were to follow in order to be in compliance with the new act. This required the issuance of "Environmental Impact Statements" on any "proposed federal action significantly affecting the human environment." The potential methods for exacting such environmental impact statements or "EISs," as they quickly became known throughout the government and then just as quickly throughout the country, were endless. Train in his interview explains the process and the good fortune he and his staff encountered when they decided that the agencies themselves had the responsibilities for the statements and not CEQ.

But the point to be made is that no one, not even the author of the NEPA legislation, Senator Jackson, had an inkling what effect this process would have upon federal decision-making. It was nothing short of revolutionary and the federal government in its dealings with the environment has never been the same once NEPA began to take hold and substantive impact statements began to accompany agency actions.

NEPA also became a tool for environmentalists and the so-called public interest law firms to enter the arena and to block or slow federal actions if inadequate (as defined by the courts) impact statements had been filed or if the procedures for notice and draft statements and a statements of alternatives available to the acting agency were not satisfactorily followed. Thus NEPA could be and was used as a tool for both delay and adequate analysis in significant cases.

The second point of view describes the informal and actual relationship that Train had with the White House. Train, as an experienced Washington hand, knew the value of access and how quickly access can be denied if it is overused or abused. Train
knew the fine lines that must be drawn to support a president wherever possible even though there may be temporary disagreements of policy. In keeping with this, Train did not chafe at the failure of the president to show any real interest in those matters that Train believed in so deeply. He simply waited for an issue on a day that counted, and he was sure to exhaust all other remedies on a policy matter before conceding it as a lost cause or a cause that required a showdown with the president.

The third man of great significance to the environmental cause within the Nixon Administration was John Ehrlichman. Bob Haldeman, as chief of staff, was responsible to the president for setting up the working machinery for decision making and political response within the White House. As the president progressed through his first year in office it became clear that he wanted less and less to do with domestic affairs, leaving him free to tend to foreign affairs that so interested him. He saw in the National Security Council (NSC) an example that he wanted emulated on the domestic side of his organizational structure. He told Haldeman to set up a Domestic Council which also had been recommended by the Ash Commission. And Ehrlichman, over time, became the man who ran it.

At the time of the presidential decision to bomb the so-called "sanctuaries" of the Viet Cong in Cambodia and then to later commit U.S. troops to the effort, Nixon said to Ehrlichman, "I will be running this offensive myself. You cannot see me for at least ten days. If you have any domestic matters that require my attention, we will deal with them right now." From that point forward, "Ehrlichman had an awful lot of running room, if he wants to use it," wrote Haldeman in his diary.

And in the area of environmental quality, Ehrlichman did use it. When I asked Train how often did he call or use Ehrlichman, his answer was, "not often at all. The chief strength that Ehrlichman gave to us (including Ruckelshaus) was simply that he was there. We knew that he was interested in the environment, and we knew that he
understood the issues, so most of the time it was not necessary to bother him directly." Train mentioned, as did Ruckelshaus, that he may have been in touch with John Whitaker on almost a daily basis on environmental matters requiring definition or decision.

But the importance of Ehrlichman in furthering an environmental agenda cannot be overstated. In my interview with him, Ehrlichman emphasized that it was necessary to frame decisions for the president in the right way with the right language in order to get the "right" response. He also said that there was a lot of "Wizard of Oz" talk that went on in the Oval Office, and that if he was hearing things that the president did not really mean, or would not really mean a day later, he simply ignored them.

Russell Train also provides us with the most comprehensive and condensed presentation of the administration's accomplishments up through 1973:

By 1973, the president could point to the passage into law of major legislative proposals of his administration, including: air quality legislation, strengthened water quality and pesticide control legislation, new authorities to control noise and ocean dumping, and legislation establishing major recreation areas at New York City and San Francisco as well as regulations to prevent oil and other spills in ports and waterways. At the same time, his 1973 environmental message noted nineteen key natural resources and environment proposals which Congress had not yet acted upon. Later that year, the new Endangered Species Act of 1973, proposed by Nixon the previous year became law. The president advanced one new major legislative initiative, the Safe Drinking Water Act of 1973, which became law at the end of the following year. The new act set national drinking water standards. By 1973, federal funding for environmental programs had increased four-fold and continued to grow. In water quality alone, funding had grown fifteen-fold.92

During this period of time my responsibilities within EPA spread me over a wide range of activities, any one of which could have consumed one full time. During my

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confirmation hearings before the Senate Committee on Public Works and after hearing me describe my most immediate responsibilities for Solid Waste, Radiation, Pesticides, Toxic Substances and Noise, Senator Muskie said that he "had never thought of me as a mother hen."

Waiting for the new EPA as it opened its doors on December 2, 1970 was a lawsuit lodged against the secretary of agriculture by the relatively new public interest law firm, the Environmental Defense Fund. EDF had come into existence only a year before EPA was born and premised its work on the combination of good environmental lawyers working with good scientists. Their cases were chosen against the government for actions done or, more often, left undone. On Long Island, where EDF started, its scientists could see before their eyes the effects of pesticides. Rachel Carson had been dead only a few years yet here was proof positive that chemicals released into the environment traveled up the food chain with devastating effects on birds and other species at the top of the predator chain. The osprey population on and around Long Island was almost wiped out. Bald Eagles, Peregrine Falcons, and Brown Pelicans were all showing the effects of egg-shell thinning and increasing hatching mortalities to entire breeding populations. No one had definitive evidence on the effects of DDT on humans. EDF had sued the secretary of Agriculture, demanding a ban on DDT, the most suspected culprit because of the predictable effects of its principal chemical constituents, chlorinated hydrocarbons. The suit was transferred to EPA immediately after it acquired Agriculture's responsibility for testing of pesticides for effectiveness and resulting effects upon the environment. Bill Ruckelshaus decided that he must personally chair and personally decide the DDT question. As both Haldeman and Ehrlichman point out, the
president was informed of the coming decision of the administrator of EPA, and was "very upset." Ehrlichman did not show the same degree of alarm in his interview.

Once it became apparent that the decision was going to go against the manufacturers of DDT, I assisted Ruckelshaus in carrying the message to Rep. Jamie Whitten of Mississippi. The DDT decision would immediately impact his cotton-growing constituents. I had dealt previously and extensively with Whitten. His Committee on Appropriations which he chaired had jurisdiction over water pollution control funding, and I had always found him fair and even courtly. He certainly did not care for the decision but asked us only that we give every consideration to finding an appropriate substitute against the boll weevil for all the cotton farmers of the South. As a matter of fact, we did this in every way possible, working with secretary of Agriculture Earl Butz to demonstrate the effectiveness of integrated pest management, or IDP, which utilized natural predators against the boll weevils or other insects that attack cotton. IDP is still in the process of development and refinement, but one thing is abundantly clear: continued use of DDT results in immune strains of the pests the farmer wishes to eradicate and the farmer unwittingly applies more and more dosage, achieving less and less effect.

From this point on Ruckelshaus left to me the organization and decision making on the host of other pesticides that were lined up waiting for us to review. Once an awareness of the potential for large scale environmental damage had been aroused in the general population, we were faced with emergencies on almost a constant basis. We set up a process for handling what we came to call "the chemical of the week." This called for a triage system and then a more orderly scientific peer review. The willingness to address the difficulty of risks versus benefits in a more systematic and quantitative

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fashion was a major challenge that was far from perfected. Cost benefit analysis had been used by government agencies such as the Bureau of Reclamation to justify federal projects for years. But the analysis of risks to human and wildlife health and safety measured against the economic benefits of an activity was in its infancy. Additionally, it soon became apparent that we had entered a new era of environmental management because of the rapidly increasing ability to detect contamination at lower and lower levels of concentrations. This ability, coupled with our rapidly growing list of toxic chemicals, accentuated the alarms of the public, the press, and the scientific community. Man's activities in the environment had never been so scrutinized before.

The issue of risk versus benefit became especially acute in the radiation area. Here we could only assume that radiation exposure to public health presented a zero tolerance as no evidence had been given by the proponents of nuclear uses that a threshold could be established below which the human population was safe. In the area of radiation, Douglas Costle, who was to go on to be the third administrator of EPA (following Russell Train) during the Carter Administration and who was interviewed for this thesis, admitted that the distinctions between EPA authority and the remaining authority of the old Atomic Energy Commission (AEC) were left purposefully vague as the reorganization plan for EPA was drawn up. This was done by the manager of the reorganization plans (including Costle) in order not to aggravate the jurisdictional instincts of Rep. Chet Holifield, the chair of both the Joint Committee on Atomic Energy and the House Committee on Government Operations that would hold hearings on the Reorganization Plan itself. Attempting to clarify jurisdictional responsibilities between

94 Douglas Costle, interview by author, 13 May 1997, tape recording, copy in author's files. Costle and I also have served together as directors of the National Audubon Society.
the new Radiation Office in EPA and the aging Atomic Energy Commission consumed a
fair amount of my time as assistant administrator for Hazardous Materials Control.

A final note is in order. I have not given detailed treatment to the variety of
environmental control issues and decisions during my tenure as assistant administrator.
It did fall to me to shepherd the new pesticides legislation through the respective
agricultural committees of the Senate and House, just as I had responsibility for the noise
legislation and the toxic substances control bill.

By October of 1973 I found myself weary after the repeated cycles of legislative
and budgetary rounds. And while it is hard to express without immodesty, I felt an innate
certainty that much of what John Dean was testifying to the Ervin Committee was
reasonably based in reality, even after making allowances for Dean's understandable
tendency to be self-serving. As Bill Ruckelshaus was drafted by the president to leave
the EPA and take over at FBI in late April (coincident with the departure of Haldeman
and Ehrlichman), I mentioned my unease and my concern for his welfare as he
transferred back into the Department of Justice. I volunteered to Bill Ruckelshaus to
leave my post at EPA and to follow him to the FBI to serve in a lower ranked position
and to guard his "flanks." Ruckelshaus politely turned down my offer and urged me to
stay on at EPA. Despite his assurances, I felt that I could no longer continue the
unending round of speeches on behalf of the president and the administration. I tendered
my resignation in October, two weeks before the infamous Saturday Night Massacre.
CHAPTER V
CONCLUSION

A. The "Environmental Revolution" of the early 1970s was real, was tangible, and was expressed by peoples' attitudes, fears, commitments, and willingness to change certain of their lifestyles for the greater benefit of the world around them.

B. The revolution involved principally, but not exclusively, the young of the country. Earth Day, April 22, 1970, did not occur in a quiet way nor did its enthusiasts disappear when it was over. Earth Days have been celebrated, with differing degrees of fanfare, in this country on every April 22nd since.

C. The style of expressions on Earth Day was taken from student "sit-ins" that had their origins in the late 1960s when it appeared that there was no end in sight for the Vietnam War and this country's dead exceeded fifty thousand. A feeling existed, though inchoate, that this country needed to leave behind a war it had clearly lost and a decade of assassinations and heartbreak, and return to a more caring and sustained regard for our own natural blessings and beauty.

D. To that extent those who celebrated Earth Days were attracted to greater experimentation in their personal lifestyles and in their economic priorities in favor of sustaining a healthy environment. Many in the older anti-liberal generation, including Richard Nixon, thought these changes represented a threat to the established economic order of the United States.

E. What was accomplished during the Nixon Administration in both name and substance of improved government attention and response to environmental quality came from the following ingredients:

1. Popular demand for pollution control and a higher quality environment.
2. Congressional response to that demand by both Democrats and Republicans. This response was accompanied by a civility of debate between the two parties and a minimum of ideological demagoguery and partisanship.

3. A significant block of moderate Republicans in both houses of Congress that could be counted on for key votes on spending and substantive environmental legislation.

4. A small group of remarkably able men of integrity in key positions of leadership within the administration, including:

   Walter Hickel at Interior
   Russell Train at the Council on Environmental Quality
   William Ruckelshaus at a newly created EPA
   John Ehrlichman at the Domestic Council of the White House.
   John Whitaker, deputy assistant to the president, for Environment and Natural Resources.

5. A significant block of young administrators and staff, all of whom were idealistic, energized, and fundamentally apolitical, and who worked ceaselessly with all the tools of regulatory power available to them to bring about a healthier environment.

6. A president who placed the power achieved through politics as his first priority, but who was pragmatic in his pursuit of the popular vote to overcome his visceral hostility to environmentalism.

7. A cast of supporting elements from all walks of society such as consumers, the press, academia, the scientific community, and a revitalized environmental/conservationist lobby that worked overtime to achieve the environmental agenda that has been set forth here.
In my interview with Russell Train, I asked about the explosion of interest and support for a better environment at a time when a conservative Republican administration was coming into power. He responded:

Well, you would have thought that I would have thought of that...I have been asked this before in the past, I remember when I was at CEQ either a radio or television interviewer took me out to a park bench in Lafayette Square and talked rather philosophically and one of the questions I was asked was why the environmental revolution. These were problems (the Santa Barbara oil spill, the mercury scare in swordfish, toxic chemicals, the Cuyahoga River catching fire in Cleveland, all these things that had happened in the short time we had been in office) but problems like them had been going on for some time, so why the revolution. Off the top of my head I came up with a thought that a revolution happens when two things come together: one is when people have a deep sense of grievance about the state of affairs and how that state of affairs affects them, and secondly, and perhaps most important, is a sense that they can change that state of affairs. When you bring those two together you tend to get a possibility of dramatic movement in the public arena; whether a political revolution or something that we call an environmental revolution....And that is about as good a philosophical thought as I can put forward on that because I think that politicians respond to this atmosphere.... Muskie picked it up and became sort of the leader, certainly of the Democratic Congress on these issues and that fact alone had a significant impact on the administration's thinking...and I think Nixon saw Muskie as a potential Democratic presidential nominee that he might have to face at some time and those circumstances sort of lit a fire under the White House politically and they decided to, now I'm not speaking of anything I know, this is all surmise on my part, they decided to checkmate Muskie, in fact they did. They really took the issue away from him. In the '72 campaign the Republican National Committee had more television ads on the environment---air pollution, water pollution and what had been done to fix these problems, than on anything else, which is really quite telling.95

95Train interview, 20 May 1997.
The continuing commitment to the environment of those early leaders from the 1970s is impressive.

William Ruckelshaus has just published (as project chairman) a "Final Report of the Enterprise for the Environment." The project is titled "Environmental Protection in Transition: Toward a More Desirable Future." It combines participation from both government and industry. It is meant to move the country to a more common ground and to reinvigorate environmental objectives through "constructive change in a time of deep partisan divisions." Ruckelshaus was also concerned enough about the future of the EPA that he had started that he returned at the appeal of President Reagan to head the agency after the forced departure of Anne McGill Gorsuch Burford, an EPA administrator who risked the destruction of the agency by scandal. Now, as former president and CEO (he remains chairman of the board) of the Browning Ferris Corporation, Ruckelshaus warns of the possible inability of our country to operate as a free society if we continue along this path toward a gridlock between the regulators and the regulated. Within the past several months Ruckelshaus has been named to head the newly formed Wyoming Environmental Council.

Russell Train, upon finishing his term as the first chairman of CEQ and the second administrator of EPA at the end of the Ford Administration returned to the private sector to run the World Wildlife Fund. There he oversaw its merger with the Conservation Foundation. He remains chairman emeritus of WFF and serves as a continuing mentor to many who are making career commitments to environmentalism.

Walter Hickel returned to Alaska to serve again as governor.
John Whitaker wrote a detailed chronological book about his career with the Nixon and Ford Administrations. He was first appointed as secretary to the cabinet, then deputy assistant to the president for natural resources and environmental affairs. In this capacity, he served principally as loyal deputy to Ehrlichman in that sector of Ehrlichman's responsibilities as director of the Domestic Council.

Robert Fri left government before my retirement and then returned to work in the energy field. He later served as long-time president of Resources for the Future, a Washington NGO and "deep" think tank.

Douglas Costle served as administrator of the EPA during the Carter Administration and then, several posts later, he headed Connecticut's environmental agency. He has just finished his terms as a director of the National Audubon Society.

Charles Elkins, who served as my EPA deputy overseeing the five organizational units under our jurisdiction, remained with EPA as a career civil servant through several reorganizations and administrations. He is now in a private environmental consulting business.

And as is noted at the outset of this work, John Ehrlichman died while this manuscript was in progress.

I am an actively committed national board member of the National Audubon Society. During my years in the private practice of law, I served on numerous boards and appointed positions devoted to the environmental and population cause.
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APPENDICES
Appendix A

Hickel Letter to President Following Kent State Shooting

Dear Mr. President:

I believe this Administration finds itself, today, embracing a philosophy which appears to lack appropriate concern for the attitude of a great mass of Americans--our young people.

Addressed either politically or philosophically, I believe they have no opportunity to communicate with Government regardless of Administration, other than through violent confrontation. But I am convinced we--and they--have the capacity, if we will but have the willingness, to learn from history.

During the great depression, our youth lost their ability to communicate with the Republican Party. And we saw the young people of the 1930's become the predominant leaders of the 1940's and 1950's--associated not with our party, but rather with those with whom they felt they could communicate. What is happening today is not unrelated to what happened in the 1930's. Now being unable to communicate with either party, they are apparently heading down the road to anarchy. And regardless of how I, or any American might feel individually, we have an obligation as leaders to communicate with our youth and listen to their ideas and problems.

About 200 years ago there was emerging a great nation in the British Empire, and it found itself with a colony in violent protest by its youth--men such as Patrick Henry, Thomas Jefferson, Madison and Monroe, to name a few. Their protests fell on deaf ears, and finally led to war. The outcome is history. My point is, if we read history, it clearly shows that youth and its protest must be heard.

Let us give America an optimistic outlook and optimistic leadership. Let us show them we can solve our problems in an enlightened and positive manner.
As example, last December 16, I wrote to you suggesting that April 22, Earth Day, be declared a national holiday. Believing this would have been a good decision, we were active on university campuses over the Christmas holidays with a program called SCOPE (Student Councils on Pollution and the Environment). It was moderately successful, and it showed that it was possible to communicate with youth. I am gratified that on April 22, I, and approximately 1,000 Interior employees, participated in Earth Day commemorative activities all over the United States.

I felt, after these meetings, that we had crossed a bridge, that communication was possible and acceptable. Likewise, I suggest in the same vein that you meet with college presidents, to talk about the very situation that is erupting, because, before we can face and conquer our enemies, we must identify them, whether those enemies take physical or philosophical form. And we must win over our philosophical enemies by convincing them of the wisdom of the path we have chosen, rather than ignoring the path they propose.

In this regard, I believe the Vice President initially has answered a deep-seated mood of America in his public statements. However, a continued attack on the young—not on the attitudes so much as the motives, can serve little purpose other than to further cement those attitudes to a solidity impossible to penetrate with reason.

Finally, Mr. President, permit me to suggest that you consider meeting, on an individual and conversational basis, with members of your Cabinet. Perhaps through such conversations, we can gain greater insight into the problems confronting us all, and most important, into the solutions of these problems.

Faithfully yours,

/s/ Wally

Walter J. Hickel
Secretary of the Interior
Appendix B

Chronology of Events

1962--Rachel Carson publishes *Silent Spring*

1963--Stewart Udall publishes *Quiet Crisis*

Oct. 18, 1968--Nixon gives Radio Address, "America's Natural Resources"

Nov. 1968--Nixon elected President

Dec. 11, 1968--Nixon introduces his entire proposed Cabinet on television


   New York Times Editorializes simultaneously:

   "President-elect Nixon's choice for Secretary of the Interior ... confirmed
   the worst fears of those who regard the restoration and conservation of a
   ravished continent and purification of its polluted air and water as priority
   business for this generation of Americans."

Jan. 9, 1969--Hickel invited to lunch in the Oval Office by President Johnson who
   pledges his support.

Jan. 15, 16, 17, 18, 1969--Hickel Confirmation Hearings

Jan. 18, 1969--Haldeman starts The Diaries.

Jan. 20--Senate Interior Committee meets in Executive Session; sends Hickel nomination
   to the floor with 3 dissents. Nixon inaugurated.

Jan. 27, 1969--Union Oil well blows out in Santa Barbara Channel.

March, 1969--I am appointed as Commissioner of Federal Water Pollution Control
   Administration. (Later to have a legislative name change to Federal Water Quality
   Administration)


May 29, 1969--White House forms cabinet committee "The Environmental Quality
   Council" by Executive order 11472, which also established Citizens' Advisory
   Committee on Environmental Quality, chaired by Laurance S. Rockefeller.
John Whitaker takes over Task Force on the Environment from Science Advisor, Dr. Lee DuBridge (Nixon wants to eliminate the Science Advisor's function because of DuBridge's "soft" position on the ABM).


Nov. 1969--Feb. 1970--I bring Clean Water proposed legislation to Hickel; Hickel and I negotiating with OMB and the White House on funding mechanisms and levels of perceived need of $10 billion in 4 years per FWPCA survey of states.

Jan. 1, 1970--President signs NEPA with the words, "The seventies must absolutely be the decade when we make our peace with nature..."

Council on Environmental Quality (CEQ) created: Russell Train becomes first Chairman.


Hickel says after his local bond buyout provision is rejected, "All you've got is a short little fat girl who can't sing or dance."

$4 billion of federal funds allocated for first 4 years.

Jan. 1970--FWPCA takes Florida Power and Light to court over thermal discharges into Biscayne Bay.


Apr. 20, 1970--President tells Haldeman and Ehrlichman that he will personally take command of the bombing and invasion of Cambodia.

Apr. 22, 1970--Earth Day; Number One.

Apr. 1970-- I debate Denis Hayes and Gladwyne Hill of the NY Times on Clifton Daniel live one hour each (two weeks on Sunday in New York).
Apr. 30, 1970--President announces Cambodian bombing decision on TV.

May 4, '70--Kent State shootings.

May 7, '70--Hickel sends "Faithfully yours, Wally" letter to the President. Leaked to the press.

Ehrlichman calls Hickel to say they have read the letter in the Washington Star. Hickel is told not to go on the Mall with the demonstrators.

May 9-10, 1970--May Day Demonstration--estimated 100,000 demonstrators.
Hickel orders Dr. Bill Pecora and me to meet with demonstrators and to represent him during the demonstration.

May 9, 1970--Hickel told not to come to church service at the White House.

July 9, 1970--EPA Reorganization Plan No. 3 sent to Congress.

Sept. 1970--End of 60 day period for Congress to reject the Plan.


Nov., 1970--Fred Malek from the White House personnel office fires all the "Hickel" people at Interior (Six Assistant Secretaries, and the Solicitor) the Monday following Thanksgiving.


Dec. 4, 1970--Bill Ruckelshaus sworn in as first Administrator of EPA.

Jan. 22, 1971--State of the Union Message--Proposed new Department of Natural Resources.

Feb. 8, 1971--Second Environmental Message to the Congress
Train and I again brief the editorial boards of the country.
I held private briefings on Administration's Clean Water Act with key congressional committee chairmen and staff.

June 10, 1971--Confirmation Hearings for Robert Fri and me before the Senate Committee on Public Works, chaired by Senator Edmund Muskie.
June, 1971--Robert Fri sworn in as Deputy Administrator. I am sworn in as Assistant Administrator.

June 14, 1972--Ruckelshaus announces ban on manufacture of DDT. Countersuit to the Environmental Defense Fund suit immediately filed by chemical manufacturers in New Orleans Federal Appeals Court.

Oct., 1972--Nixon vetoes Water Pollution Control Bill that comes from Congress (with Senate amendments of Senator Muskie.) Veto premised on prohibitive costs authorized by bill.


Dec. 31, 1972--EPA completes phaseout ban of DDT.


May 2, 1973--Nixon announces Ruckelshaus as Acting Director of FBI.


August, 1974--Nixon resigns.
Appendix C

A Comparative Analysis Showing Expurgated Sections from the Haldeman Diaries Edited Text

*(Note: "CD" for comparison purposes: identifies material only on unexpurgated CD-ROM.
No notation following the entry indicates text appearing in both versions. "Amb" indicates entries by Ambrose in either Introduction or Afterword.*

Jan. 18, '69--Diary opens.

Apr. 15,’69--crack that no real significance left to discuss of pollution as the press is allowed in (after the Cabinet meeting) during DuBridge's environmental discussion. CD

Dec. 31, '69--We have so little time. While we've got the power you have to move quickly, especially now when we're up, build a mythology. (Haldeman flies NEPA legislation out to the western White House on a special plane for the President to sign on New Year's Day) Comment; Totally addicted to football. Rebozo there. CD

Jan. 16,’70--Alone at Camp David. "intellectuals grinding their teeth and saying 'Why doesn't he talk about pollution in the rivers." CD

Jan. 17, ’70--Prepare for State of the Union. "Real issue is Crime....real Q. of value in envir. and welfare, etc."CD
Needs to put enough real stroke into one thing to make some real headway, instead of just talk. CD.

Feb. 6, ’70--Sewer Plant stop in Chicago. Street Speech--mostly to kids. Leaked a few good chunks from next week's (Environmental Message)

Feb. 9, ’70--Eliminate Sc. Advisor. Get Dubridge straightened out on ABM. K (Kissinger) gave him a book, chapter and verse on his ABM transgressions--failed to make much of an impression. He's basically left and soft. Wants to please his cohorts rather than holding the P's (President's) position. No real hope except elimination. CD

June 9, ’70--Sure has no interest in Domestic Programs, per se, which gives E (Ehrlichman) wide-open field, if he wants it. CD

July 13, ’70--Scheduling and other decisions on political grounds. Especially emphasize Italians, Poles, Elks, and Rotarians...Eliminate Jews, blacks and youth.
Sept. 24, '70--Dems. launch attack on Admin handling of pollution. CD

Oct. 15, '70--P pushed Whitaker to take EPA. CD

Nov. 7, '70--New roles for the VP. Positive and constructive. Envir and health, Cong. relations, labor union relations, South, take on all Presid candidates. We take a very conservative civil rights line.

Nov. 13, '70--Don and Eddie--P's brothers. Eddie employ prob. Get him a job in a Nixon Foundation or environ type prog. CD

Nov. 17, '70--State of the Union--New Cities. 10 year anti-pollution plan. Stab at Harlow for RNC (Republican National Committee) (Talked to McElroy [who was Sec. Def. when Nix. was V.P.]) last nite who turned him down because Proctor and Gamble afraid to offend Muskie and Democratic Majority. P thoroughly disgusted and told me to have Whitaker screw P. and G. CD [Note Phosphates in Detergents discussion with Colson in Chapter II, of this thesis.]

Jan. 14, '71--he's still concerned that we haven't done an adequate job on crime or the envir in getting our accomplishments across. CD

Jan. 19, '71--Covered State of the Union: E and his crew did a terrific job. CD

Feb. 9, '71--He feels the envir is not an issue that's worth a damn to us. He has an uneasy feeling about it because he thinks it works the wrong way for us, that we're catering to the left in all of this and that we shouldn't be. They're trying to use the envir issue as a means of destroying the system, and we're playing right into their hands. He has a really uneasy feeling that we're doing way too much on this....CD

Feb. 15, '71--Florida Barge Canal. Handled very badly and we've ended up getting the worst of both worlds in the whole situation. Loused up. We've made business friends mad, but not gotten any real credit with the environmental people. (I brought this up in my interview with John Ehrlichman who defended both the decision and the way it was explained to Nixon after he got back from Fla. where he had gotten an earful from Bebe Rebozo. Ehrlichman said that we did get credit for the decision from the environmental community, that Nixon couldn't help but agree that stopping the canal was the only sensible thing to do. He just got caught unprepared. Which is the key to keeping him briefed on the environmental decisions that have to be made. They have to be put forward in the "right way.")

He (P) makes the point that we have to watch the whole envir. issue very carefully, or we'll get pushed into the wrong things and end up kicking all our friends in the teeth. The ecology people are all left wingers and against us, and that we must not go hog wild for them and lose our own supporters. At least, we've got to be sure to get credit for what we've done on things like the canal. CD
Mar. 6, '71-Image in Press and Radio inundating people with things they don't understand. Revenue sharing and Envir. and reorganization plans and so forth. CD

Apr. 22, '71--Meet with Anne Armstrong and Bob Dole and gives his view on the permissiveness of youth. "we can't let them think solely of self, any more than a nation can think solely of itself...we should be understanding of upper and middle-class parents because they really do have problems with their kids because they've been given so much. It's a mistake to think that the way to greatness is to make it easy to get there. For instance, the two greatest nations in the world today (other than the United States) are Japan and Germany, and they became so because they were defeated nations that had to rise up by their own bootstraps. He said we must not destroy the character of children by permissiveness--permissiveness that denies the child the opportunity to look in the mirror and finally realize that the problem is me--not my teachers, not the war, not the environment, but me. It was a fascinating insight; he got quite absorbed in it and made these points very strongly. CD/B/Amb.

Apr. 22,'71--Continuing discussions--Harry Dent, P conclusion--our problem is that the Democrats always personalize while the Reps. deal with process, and the Dems. don't govern well, but they're much better politicians. Pretty good points. CD

May 10, '71--P makes pt. we're going to quit meeting with people that are against us and playing to the issues such as consumers, envir, youth, press, business elite, intellectuals, volunteers, etc. and that we won't meet with these persons except when it is solely a delaying action. He feels the battle lines are drawn now, and we should play to our friends all out and get only our ppl. in. The key now is Vietnam, the main battle, and not be diverted to the fringes.

Problems in transferring Geo. Schultz now at OMB to start playing the political process. "His basic concern is that the personnel and strct of his office is not suited to political activity and that its perfectly clear that there is a real question of assignment and responsibility between OMB and the Domestic Council and that is something we're going to have to continue to pursue with George and John (E).

June 8, '71--All decisions in the envir and consumer areas shld lean toward things that will create jobs. Take some risks in the envir. area.

June 9, '71--He q's the importance of the envir. as an issue. E pushed hard on the basis of their poll, that it is and, that on the basis of the demographics this is the way to reach out to new ppl. that now are not for us. We need to look at whether the interest is there. P says that polls don't ask the right Q's.

June 10, '71--P doesn't believe E figures on the envir. or that its worth $5 billion to clean up the Potomac. CD
June 27,'71--Connally made the point that we should keep in mind that the P can make issues himself such as fiscal responsibility. He can take some hard line symbolic positions, just as we made the issue of supporting the police vs. the radicals in Washington. He also thinks that we should take on the envir., that it is not a sacred cow. Our whole line is responsibility which is hard to sell. Ultimately that means freedom from big government. CD

July 5, '71--Whitaker's polls Envir. vs. jobs. He does want to go ahead with a poll in the fall on the envir. because he thinks that we have a mixed bag there, because Whitaker's polls didn't put the right q.; it has got to be put in terms of the envir. vs. jobs. We have to list things as to which you think are number one, or poll about comparisons. that is, is the envir. more impt. than something else. CD

July 21, '71--Labor --get back the rank and file. on the issue of jobs.--American position in the world economy--labor is our strongest ally.

Also in the field of ecology, because they are sick and tired of it; they're not interested in losing jobs to clean up the envir.

(Here is the long philosophical tirade about stronger in the head--Weaker in the spine. From Ambrose on intellectuals and professionals. ..."they have absolutely no character or guts."

"Also, the ministers, except Billy Graham.--Country is in a great moral crisis of character.

And JOBS is the way to stay in touch." CD/Amb.

July 23, '71--Long Entry

Roper poll. P asks why the envir. wasn't on the list of all that's wrong with the country. 64% ppl. think country on the wrong track. 23% going in the right direction. He wants to be sure that Ruckelshaus is made to understand that jobs come first.

On Water Pollution. Prepare the veto msg. if its over 6$ billion. He's not going to go for the Muskie Bill. He wants to see the effect of the Muskie Bill on '73 spending and jobs.

The P said," It repels me to demagogue things except in major areas," which practically broke Connally up, altho. the P didn't notice.

On the envir. the key is to Balance between the Envir and Economy.

Response to the Roper Poll and crisis of confidence: "Connally--you shld say that to the people Mr. President." We should have the courage of confidence.

The establishment in terms of the intellectual elite is decadent and its wrong. The P is hated so by them, because they're afraid he might beat them. CD

July 25,'71--Budget: P moves envir, revenue sharing, and family assistance out of uncontrollables. (In interview with Ehrlichman he said that this was a big blow to him and he fought to get envir. back in.)
Haldeman adds note that, "Cap Weinberger (Director of the Budget) said to me, 'This is the pleasantest morning I've had in years.'" [Note that Weinberger was Budget Chief when I was making my first appeals for budget items for Solid Waste among the other four programs under my control. For FY '72 (Fiscal Year 1972) discussed here the program with least merit for a full scale federal involvement was Solid Waste. The exception was that there was a strong argument to be made for Research and Development (R&D) funds to assist in the development of cost effective technology for recycling in all its many possible configurations. I sat through a budget meeting for Assistant Administrators or Secretaries like myself who had programatic responsibilities for line agency activity. Weinberger made an eloquent speech (if such is possible on budget matters) outlining the percent of Gross National Product that was being devoted to government services at all levels. The conclusion was that once a country exceeded 32% of its GNP they had reached a point of no return. Sweden was cited as the example with the prediction that its economy would suffer severe dislocations in the near future. And it did. The irony was that when Weinberger was called back into government service under President Reagan as the Secretary of Defense, he was responsible for the largest deficit budgets in the history of the U. S. But in 1971, as I listened, he did make a lot of sense and I made no great effort to federalize garbage collection across our native land.]

July 30, '71--On Domestic Policy P is deeply troubled that we are being sucked in too much on welfare, envir., and consumerism.

Aug. 7, '71--Marty Anderson should be brought in to beef up the P's speeches with a harder line: representing Stans' views. (In the Ehrlichman interview he explained that this was merely a way of getting Arthur Burns off his back, because Anderson was a protoge' of Burns who complained to the P that his views were not being properly considered.)

Aug. 16, '71--Gave Colson hell because P. wants attacks, vicious attacks, on ppl who put the Party above the Country, the Democratic Contenders. Then on the others we just show compassion and interest like on the envir. The "Enemy Agencies" are named: HEW and HUD., etc. CD

Feb. 2, '72--Muskie slated to give a big speech on the Envir. before a women's group but ended up blasting us on Vietnam.

June 1, '72--Stockholm Conference [The First World Conference On the Environment sponsored by the U. N. and chaired by Maurice Strong of Canada.] WDR (William D. Ruckelshaus) represented U. S. E (Ehrlichman) also apparently went. CD/B

P returning from Soviet Trip. E should make any decisons on the domestic side. P can't do anything. Too tired and his judgment wouldn't be any good. CD

June 9, '72--Ruckelshaus get set to veto Water Bill. Will leave WDR in to keep environmentalists happy. No for Jim Lynn. CD
June 15, '72--WDR (Ruckelshaus) ban on DDT. P very upset. [In interviewing Ehrlichman, I asked if the P had been informed before announcing the decision. Yes.] P thinks we should get the whole environmental thing out of E and Whitaker's hands, because they believe in it. You can't have an advocate dismantle something they believe in.

He also wants Malek to check who on WDR staff in terms of left-wing liberals.

CD

[Note should be made here of the extraordinary actions taken by the P immediately following his reelection in November of 1972. He met briefly with all his Cabinet and senior White House staff and thanked them for their support during the four years just past. He knew that they all would be anxious to return to their homes and families. Whereupon he left the Cabinet Room. Haldeman then spoke up and said that he wanted the resignations of all Cabinet Officers and their sub-cabinet appointees on his desk on Thursday morning. Then he left the room. Ruckelshaus told us of this on returning from the White House and wanted our resignations plus a statement from each of us on the status of the programs under our command and recommendations for the future. We later learned that Ruckelshaus locked our letters in his desk drawer and never delivered them to Haldeman.]

[Furthermore, I am reminded by Bob Fri who was serving as Deputy Administrator at the time, that Ruckelshaus took advantage of the fact that Haldeman had called him sometime following the Cabinet meeting with the desire of the P that Ruckelshaus stay in his present position in recognition of the high standing he had with the environmentalists. Ruckelshaus used the opportunity to hammer out an agreement with the White House and OMB that recognized the sole jurisdiction of the Administrator for decision making under most of the Acts governing EPA. Of particular concern had been the automobile or "mobile source" decision, mentioned above, that was the Administrator's to make. The new Clean Air Act said, "...the Administrator shall..." with no reference to the President. The White House agreed, and Ruckelshaus stayed on at EPA for the beginning months of the President's second term.96]

P will do no Republican events for campaign. Three week campaign only.CD

June 20, '72--Ambrose has analyzed the Watergate and its coverup in his two books on Nixon. In his Introduction to the Diaries he says that the coverup began in the June 20, 1972 conversation between Haldeman, Ehrlichman, Mitchell, Attorney General Kleindiest, and John Dean. [In my interview with the Ehrlichman I asked Ehrlichman to confirm what he had said in a recent public television documentary on various

presidencies. "He sucked it right in. Within six days of the breakin Nixon had sucked it right in to the Oval Office...."

Ehrlichman said, "That is perfectly possible. There have been so many of these (interviews) recently that I'm losing track."

Jan. 11, '73--For the second term the environment is mentioned on the domestic agenda. CD

Jan. 11, '73--Will try to defeat Mathias [a Republican] in primary next year. [This did not happen.] Thinks Rog Morton will go for the seat. P agreed that Saxbe shld be defeated if possible. [Note that Senator and Mrs. Mathias were personal friends of my wife and me. He had been very supportive on the Clean Water legislation and other environmental initiatives.] [Senator Saxbe was an Ohio Republican Senator also considered too liberal for Nixon.]

Apr. 26, '73--Rebels [Pol Pot?] close to Phnom Penh, Cambodia.

Apr. 30, '73--Resignation Day, Last Memo. Nixon calls to ask Haldeman if he thought he could call around to get a sense of how the speech went. Haldeman said, he didn't think he really could.