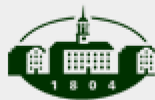
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The Unlikely Environmentalists

Congress scores new credit for making environmental progress in historian's new book.

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Thursday Oct 19, 2006
by JIM PHILLIPS

There's an OIL BARGE winding
Down the CUYAHOGA RIVER
Rolling into CLEVELAND to the lake...
Burn on, BIG RIVER, burn on

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The year was 1972; the song was called "Burn On." In his nasal, deadpan drawl, singer Randy Newman paid mocking tribute to a rail car accident that, three years earlier, had set the oily Cuyahoga blazing. The same year Newman's song came out, Congress passed the Federal Water Pollution Control Act Amendments, known to posterity as the Clean Water Act.

More than one observer has drawn a connection between the burning river and the federal law. In a Sierra Club account, for example, "the flaming river became a powerful symbol for the abysmal condition of our nation's lakes and rivers," and "growing public concern that uncontrolled pollution was making our waters unsafe led to the passage of the Clean Water Act." In this version of events, vox populi speaks, and Congress obeys.

An Ohio University historian argues in a new book, however, that the real story is far more complex — and features a starring, not just supporting, role for Congress.

"To tell the story just as a kind of call-and-response story is incomplete," contends Assistant Professor of History Paul Milazzo. "You can't really understand environmental policies without seeing how Congress as an institution evolved after World War II."

Indeed, in his forthcoming book *The Unlikely Environmentalists: Congress and Clean Water, 1945-1972*, Milazzo is less interested in pollution control per se, than in how legislators used the issue to stake out new turf for themselves. He also looks at how, though marching forward into the brave new world of eco-thinking and environmental impact statements, members of Congress never fully abandoned their older, time-tested ways of framing and responding to issues. To some extent, he suggests, the new wine of environmental law was decanted into bottles already on hand.

Milazzo shines a light on how and why Congress flexed its muscles in the postwar era, striking out into new fi elds of legislation and expanding the federal government's role in American life. While volumes have been written on the growth of the "imperial presidency," historians have paid much less attention to parallel "state-building" efforts in the House and Senate, he maintains. To portray that development, Milazzo needed a groundbreaking bill to focus on — and the Clean Water Act fit his requirements nicely.

"I was looking for a policy area that Congress had taken the lead on," he explains. "Environment was one of them." And for reasons his book makes clear, the issue of water pollution was especially well suited for the story Milazzo wanted to tell.

Boston University historian Julian Zelizer, who edited the acclaimed 2004 collection *The American Congress: The Building of Democracy*, calls *Unlikely Environmentalists* a welcome, closeup look at the inner workings of a body that has been strangely neglected by scholars.

"He has a very fresh book," Zelizer says. "Paul is at the cutting edge of Congressional history. He's one of a new group that's taking that institution seriously."

One point Milazzo makes clear, he says, is that Congress didn't pull the Clean Water Act out of a hat in 1972, but had been working away quietly on water issues for years before then. This has often been the case with seeming legislative breakthroughs, he adds.

"It's like with social welfare in the 1960s," Zelizer suggests. "Most people who write about the Great Society write about Lyndon Johnson coming into office, and becoming aware of the problem of rural poverty in America. In fact, the whole Great Society boom is the culmination of at least 10 years when Congress was dealing with this issue on an ongoing basis."

Milazzo doesn't minimize the impact of the grassroots ecomovement that sprang up in the late 1960s and early 1970s. "The environmental movement created a political climate that didn't exist before," he acknowledges, and helped make new laws like the Clean Water Act politically feasible.

What he finds, however, is that long before the first Earth Day in 1970, Congress was already grappling with pollution — though in ways that owed more to traditional "pork barrel" politics than to any notion of stewarding the planet.

SEEDS OF CHANGE

As early as the 1950s, Congress was dabbling in water pollution control, but its approach was rooted in its traditional role as promoter of growth and dispenser of pork. Communities need clean water for economic development; therefore, the reasoning went, if industrial and household wastes are fouling the nation's water supply — as they clearly were by mid-century — the government needs to protect this valuable resource.

"This wasn't an ecological argument, it was an economic argument," Milazzo explains — and one that offered plenty of chances for legislators to funnel public works money to their home districts for dams and sewage plants.

"That's distributive politics," the professor points out. "That's what Congress does best." And for years, it seemed to satisfy the public.

By the late 1960s the green movement was sending up early shoots, fed by writings like Rachel Carson's 1962 classic "Silent Spring." But even earlier, Milazzo relates, an obscure U.S. senator from Maine had chosen air and water pollution as the tool he would use to carve his legacy.

When Edmund Muskie came to the Senate in 1958, Milazzo says, Senate Democratic leader Lyndon Johnson denied him the plum committee seats he wanted, consigning him instead to the Public Works, Government Operations, and Housing committees. The resourceful Muskie, however, landed the chair of the humble Air and Water Pollution Subcommittee of Public Works, and transformed it into a vehicle for what Milazzo calls "legislative entrepreneurship" — taking the initiative to open up a new
area of lawmaking.

Air and Water Pollution "was a nothing subcommittee," Milazzo says. "But Muskie decided, 'I might as well make the best of it.' That's what a political entrepreneur is. He used his committee as a springboard."

In this effort, Milazzo notes, Muskie was helped greatly by changes in the structure of Congress that had begun after World War I. By the time Muskie came to the Senate, Congress had a system of powerful standing committees, which Milazzo says were "largely free from party influence," and whose chairmen used them to build up expertise in selected areas. "They were kind of like kings of these fiefdoms," he said.

Specialized knowledge, bolstered by teams of advisers, translated into real power in the House and Senate, and opened opportunities for a master consensus-builder like Muskie to shepherd important new laws through Congress.

That's just what Muskie did with the pollution issue, earning in the process the title of the Senate's "Mr. Clean."

Ironically, in Milazzo's portrayal, Muskie was never really driven by an environmental passion. While not insincere about environmental issues, he took up the matter more because other

institutional avenues were closed to him.

"He initially had no real interest in environmental issues," he insists. "He wanted to do sexy stuff, and smog and sewage are not sexy stuff."

A man who worked closely with Muskie for some 20 years said he agrees with Milazzo that the senator took lemon committee assignments, and made legislative lemonade. Former Muskie Chief of Staff Leon G. Billings insists, however, that his boss felt a genuine concern for the environment, stemming from his conservationist background and his belief in a progressive, activist government.

"You need to understand, one, that Muskie was himself a conservationist, as a young man and as governor of Maine. He was an outdoorsman and a hunter," Billings said. "And he saw the environment (problem) as basically an abuse by uncontrolled corporate America, of the free goods that belonged to the American public. So it was a philosophical thing with him. It was very deeply felt.... I spent a lot of time with him, and I can tell you this was not a passing issue, or just a political issue with him."

In the early stages, according to Milazzo's book, Muskie attacked water pollution from a tried-and-true congressional mindset. Without major grassroots support or a strong green lobby, he recounts, Muskie used what he knew — expert advisers and deference to states' authority — to handle water pollution problems case by case, with no attempt at an overarching federal policy.

One major point Milazzo makes is the crucial role played in the legislature by this sort of institutional memory. Old outlooks never completely die in a place like Congress, he contends — they get refi tted to meet new needs. And this force of continuity, he says, may have played as big a role to shape the Clean Water Act as did pressure from the environmental movement.

"Were environmentalists important? Sure," he admits. "But so were the older discourses that have never really disappeared."

Over time, a new, "ecological" way of talking about pollution came to the fore, which emphasized the holistic inter-connectedness of natural systems. Ironically, according to Milazzo, even this conceptual framework owed much to an older — and unlikely—
set of ideas.

"Where does this language come from? It comes from World War II, from the military-industrial complex," Milazzo says. In both its military and civilian applications, he explains, the promise of a technique to manage complex systems rationally was very appealing to legislators.

Though Muskie had pioneered in drafting green legislation, and had practically written the book on legislative entrepreneurism, the rise of the new "systems" paradigm threatened to leave him behind the curve on the pollution issue. "This provides a challenge to guys like Muskie, who doesn't talk 'environment' at all," Milazzo says.

A CLEAN IMPACT

Rising to this challenge, however, and adapting somewhat to the new conceptual landscape, Muskie ended up helping to create what Milazzo calls in his book "one of the postwar era's most complex and influential pieces of environmental legislation," the Clean Water Act. This law and the 1970 Clean Air Act "marked a sea change in environmental law," he writes, concentrating regulatory power at the federal level, setting strict enforcement standards and timetables, and putting the burden of proof on polluters.

From 1972 to 1989, the federal government spent more money — $56 billion — on municipal sewage treatment, one major outcome of the Clean Water Act, according to one report. Total federal, state, and local expenditures were more than $128 billion. From 1970 to 1985, the percentage of the U.S. population served by wastewater treatment plants rose from 42 to 74.

In a 2000 assessment of the benefi ts of water pollution control programs since 1972, the Environmental Protection Agency reported that such programs, with the Clean Water Act foremost among them, can be largely credited with reversing the centurieslong trend in the degradation of the nation's waters. Comparing current U.S. water quality to what it would have been without the act and related laws, the report estimated that the law has had annual financial benefi ts of at least $11 billion — and stressed that this was a very conservative estimate.

The best way to view this groundbreaking legislation, Milazzo argues in his book, is as "both the culmination of a policy process that began in the '50s and a synthesis of the various discourses policymakers engaged during that time." Once again, change bounded by continuity. When asked about more recent examples of this Congressional process, the historian points to policy on consumer and workplace safety, as well as certain civil rights issues such as Affi rmative Action and women's rights matters.

Besides Muskie, another major figure in Milazzo's narrative is the Army Corps of Engineers. Like the senator, the Corps reflects the way discourse on the environment evolved from the mid-'50s to the early '70s. Milazzo follows the route by which the agency, which starts with a focus on public works and development, becomes first a villain to the environmentalists, and eventually, a kind of pioneer in the systems approach to environmental regulation. After a series of court decisions pulled the Corps unwillingly into the realm of environmental policy, he says, it began exploring projects such as wetland restoration that were never in its original mission.

Jeffrey Stine, curator for environmental history at the Smithsonian National Museum of American History, says he generally agrees with Milazzo's assessment of the Corps' development during the period in question.

With the rise of the environmental movement, Stine notes, "the Army Corps of Engineers got beaten up pretty severely in the press and the courts.... Engineers, who were cultural heroes earlier in the century, were seen as villains. They were pushing around nature."

As with Congress, however, Stine says, the ferment of change inside the Corps was probably already bubbling well before Earth Day, as younger people who had been exposed to the ideas of ecology were hired into the agency.

"Paul's history is very enlightening looking at that agency," he added. "Paul's looking at what's going on under the surface, so I think that's a real contribution."

Ultimately, Milazzo suggests, his book is less about environmentalism than about how government expands its reach even in a country where most people are "fundamentally opposed to big government," and about how the internal forces that drive it have a logic and life of their own. And in trying to understand and infl uence Congress, he argues, citizens would do well to keep in mind that while things change, they also stay the same.

"You can never forget that Congress is always a historically bounded institution," he warns. "New ideas don't flush old ideas away. They have to travel in the channels that the old ideas carved."

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