

ECO-FREAKS vs. ECO-RAPERS

BY PHILIP SHABECOFF

The Republican run 104th Congress (now adjourned) failed to destroy the nation's environmental laws and institutions, but not for want of trying.

When the House and Senate voted overwhelmingly for a bill reauthorizing the Safe Drinking Water Act on August 2, the last day before Congress recessed for the two party conventions it marked one of the few times during this session that Congress had acted in any significant way to strengthen, rather than weaken, one of this country's basic environmental laws.

President Clinton quickly signed into law both the drinking water act and another pre-election environmental gesture by the Republicans, a bill tightening restrictions on the chemical pesticides used on raw fruits and vegetables. States can make the regulations even stricter.

"Congress has turned away from extremism," Clinton said then, and these votes did symbolize the failure of the anti-regulatory conservatives who dominated the Republican-run 104th Congress. They had planned to undo most of the environmental protections painstakingly constructed over the past four decades. If rightwing Republicans maintain their grip on Congress, and if a President is elected who will not use the veto to limit their agenda, then the assault on the environment will certainly resume next year.

The ferocity of the assault on laws that protect public health and resources, and the attempts to weaken the Environmental Protection Agency and the federal land agencies within the Interior Department, had an effect unanticipated by the environmental saboteurs. Belatedly, the Republicans learned from their polls that environmental issues are of particular importance to women and suburban voters — a trend that has made the environment one of the core issues of this fall's election. It has also made Republicans eager to appear to be mending their ways.

Public opinion polls have long demonstrated that a majority of Americans consider themselves environmentalists. But in past elections few people have voted on the basis of their environmental concerns alone. Economic and social issues have been the voters' main concerns. Most people assumed that the government was making sure that their air and water were clean, that consumers were safe from hazardous substances, and that public lands and resources were being wisely used.

This sense of security was reinforced for a time when Bill Clinton was elected President, with Al Gore as Vice President. Gore had been a leading environmentalist in the Senate. Clinton needed — and got — the message, too. During the Republican convention in August, the President announced a deal with a Canadian mining conglomerate to stop a massively polluting multi-million dollar gold mine project that threatened Yellowstone Park.

Bill Clinton was not without equivocations that some green activists have called "betrayals." They included an admitted "miscalculation" that gave environmental control to loggers in some Pacific Northwest areas, a blunder for plunder that Vice President Gore has called "our biggest mistake."

When the Republican right took control of Congress, their mistakes were bigger. The sense of security of many environmentally attuned voters began to shrivel, and because the American people reacted so strongly, the anti-environmental drive was checked, at least for the pre-election season.

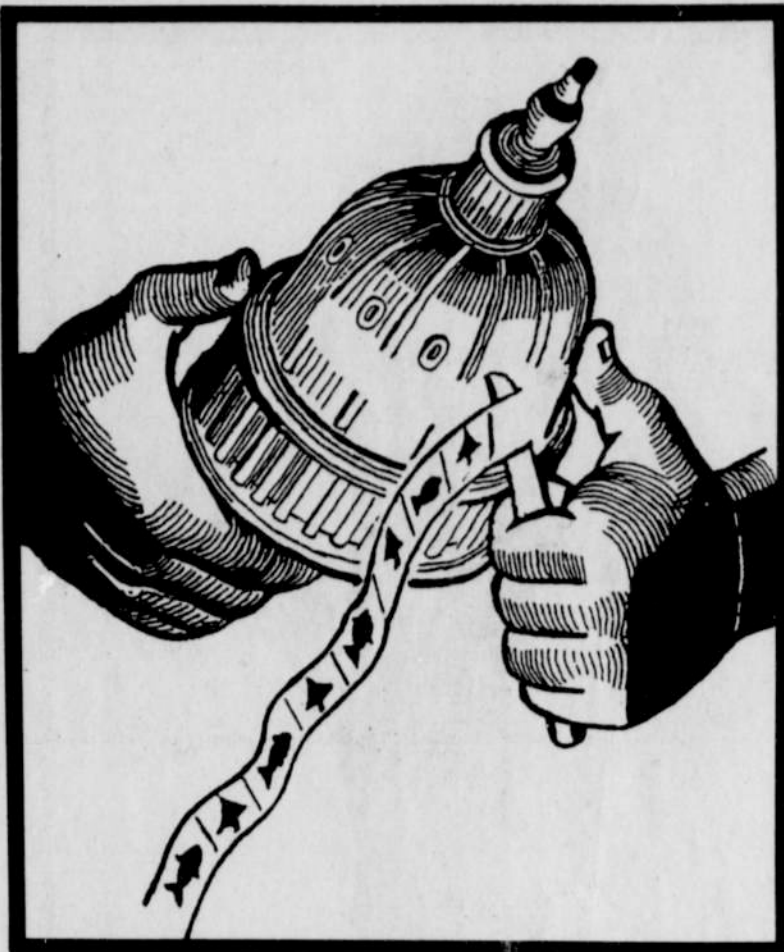
Sensing the magnitude of their political mistake, Republican Congressional leaders quietly urged their members to arrange tree-planting photo opportunities in their home districts.

But some serious damage had been done before the Republicans decided to try looking green. By using the low profile weapon of budget and appropriations cuts, and by attaching parts of their deregulatory agenda as riders to other vital legislation, the anti-environmentalists were able to achieve some of the goals of their corporate campaign finance contributors in environmentally abusive industries.

One of these bills, the so-called "salvage logging" rider, is considered by conservationists to be one of the most retrograde environmental measures adopted in recent decades. Veto-proof because it was enacted as part of the Fiscal Year 1995 budget, the so-called "salvage rider" — cynically labeled a measure to protect "forest health" — gave commercial loggers the opportunity to run their chainsaws in previously protected areas of national forests.

As interpreted by a favorable court decision this harmful legislation wound up permitting other environmental laws, such as the Endangered Species Act, to be overridden to give timber companies access to protected forests. Vulnerable stands that Clinton had vowed to protect, including areas of ancient forests containing healthy trees 500 years old, are being rapidly felled. Salmon runs and drinking water supplies have been placed at risk.

But that was not all. Republicans sharply cut funding needed by the Environmental Protection Agency to enforce environmental laws, and by the Interior Department to protect public lands and resources. Also cut were funds for scientific



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research — an irony considering that the anti-environmentalists had charged that environmental regulations were based on insufficient scientific research evidence. Then Congress slashed energy efficiency programs.

The list of damaging attacks was long, but the anti-environmentalists were not able to kill or cripple any of the landmark environmental laws enacted since the first Earth Day in 1970. Before they found that their constituents were outraged by a measure that even some moderate Republicans described as the "dirty water act," the Republican leaders forced through the House a bill that would have diluted the Clean Water Act. Fortunately, it stalled in the Senate.

The most rabid anti-environmentalists in the House — Majority Whip Tom DeLay (R-Texas) and Representatives Don Young (R-Alabama), Richard Pombo (R-California), Wes Cooley (R-Oregon), and Helen Chenoweth (R-Idaho) — made their main target the Endangered Species Act. The species law has long been under attack by extractive industries, corporate agriculture, real estate developers, property rights activists and others who oppose all efforts on behalf of the public good that might interfere with profits.

The House Resources Committee had been called the House Natural Resources Committee until Representative Don Young became its chairman and struck the word "Natural." Young publicly stated at the beginning of July that he wished he had moved more quickly to repeal the Endangered Species Act, before opponents mustered their forces. "I would have repealed the whole thing," he said — "right quick, before anybody realized what had happened."

Realizing they could no longer win their political battles by concentrating their work within the Beltway, the national environmental groups intensified what had been rather sporadic efforts to organize at the grassroots level and to cooperate with and assist local and regional green activist organizations.

The Sierra Club's political action committee not only gave several hundred thousand dollars in direct contributions to environmental Congressional candidates, it also invested other undisclosed amounts in ads describing anti-environmental candidates' positions.

Opinion polls almost uniformly show that Americans want more, not less, environmental protection. One survey, conducted by the Republican pollster Linda DiVall, found that "by greater than a 2 to 1 margin, voters had more confidence in the Democrats than the Republicans as the party they trusted most to protect the environment. Most disturbing to Republicans was the pollster's finding that '55% of all Republicans do not trust their party when it comes to protecting their environment while 72% of Democrats trust their party.' (Italics in the original.)"

In a survey taken in August, designed to sketch the statistical soul of the Republican Party, the nonpartisan Pew Research Center found that 67% of Republican voters believe that the government "should do what it takes" to protect the environment, and that 53% of them believe strict regulations "are worth the cost."

Noting that Congressional Republicans might have "mispositioned" themselves on environmental issues, an alarmed Speaker Newt Gingrich appointed a commission of G.O.P. House members to draft a prudent-sounding policy position. That many members of the Gingrich commission were

among the most rabid anti-environmentalists left Republican moderates wondering why he had bothered.

Environmentalists have been disappointed in President Clinton's performance on environmental issues, too. He did sign into law a three million acre expansion of national park and wilderness land in the Mojave Desert of Southern California, and he did approve new sanitary standards in the meatpacking industry.

But while he used his veto to blunt much of the rightwing assault, he did not until recently take significant initiatives on the environment. Early on, he made it clear that he could cave in to the Republicans and their allies among Western and Southern Congressional Democrats on the higher — and fairer — grazing fees on public lands proposed by Secretary of the Interior Bruce Babbitt.

A provision attached to a supplemental budget appropriation bill blocked the listing of any new endangered species for a full year, deferring new protection rulings that could prevent extinction. But even House Speaker Newt Gingrich (R-Georgia), the leader of the conservative "revolution," realized that the Endangered Species Act could not be gutted without paying a heavy political price. So far, except for the one-year ban on adding new species, which has now expired, the law has not been severely damaged.

The new Republican majority and its allies in the corporate world were unable to realize many of their other anti-environmental goals: opening the Arctic National Wildlife Refuge to exploitation by oil and gas companies, beginning the process of selling off the national parks; curtailing the public's right to know about toxic substances dumped by industry; and relaxing restrictions on cancer-causing substances in food. And by replacing the "polluter pays" principle with a "pay the polluter" principle, they wanted to rewrite the terms of the Superfund law, which is designed to clean up hazardous waste sites.

Perhaps the biggest setback for the anti-environmentalists of the Republican right, however, was their inability to enact what they disingenuously termed "regulatory reform" legislation. In the name of "getting government off the backs of the people" they would have subjected every new government regulation to a rigid cost-benefit test. The effect would have been to delay or freeze the government's ability to enforce laws protecting the environment, health, safety, consumers and workers.

A major reason for the failure of the Republican Congress to roll back more environmental protection was that the dominant right wing grossly overestimated its 1994 electoral mandate. While their "Contract With America" pledge to force through "regulatory reform" did not specifically target environmental protection, as soon as they took control on Capitol Hill, the Republican conservatives plunged ahead with a broadly dismantling agenda.

One of the hallmarks of the anti-environmental campaign has been its nastiness. The ugliness and rancor on Capitol Hill has reached in the view of many observers a level not seen since Wisconsin Republican Senator Joseph McCarthy's assault on democracy in the early 1950s. The radical right sought to replace the "red menace of communism" with the "green menace" of environmentalism.

When the environmentalist Philip Hocker testified at a House subcommittee hearing on the archaic Mining Law of 1872 he said its giveaways to corporate exploiters were costing the taxpayers enormous sums in lost revenue. "You are so far out of line I can't believe it," Representative Cooley shouted back at him. "You know, in this world there are communists and socialists and you're somewhere out there in between the two."

Intimidation of witnesses, attempts to silence opposition, intemperate rhetoric and win-at-any-cost legislative tactics have become commonplace in the Republican House since the takeover in 1995. During the debate on the Clean Water Act last year Representative Bud Shuster (R-Pennsylvania) described officials of the Environmental Protection Agency and other federal regulators as "the environmental Gestapo."

As *Newsweek* observed, Clinton "was worried that getting too close to the greens would make him look too liberal." But like the House Republicans, the President, too, because of growing anger among the American people, became what the *New York Times* called "a born-again environmentalist." Still, his Republican presidential opponent, ex-Senator Bob Dole, now accuses him of running a "war on the West," dictated by green "extremists."

That is why the 1996 election is probably the most important in the history of environmental protection in the United States. If the rightwing keeps control of Congress and the White House is occupied by their ally, decades of progress on protecting the environment will again be threatened.

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