

‘This is our land, we have the right to be heard’: Community-based
Environmental Activism in the Late Twentieth Century

by

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ABSTRACT

This dissertation examines the development of grassroots environmental organizations between 1970 and 2000 and the role they played in the larger American environmental movement and civil society during that period. Much has been written about growth in environmental values in the United States during the twentieth century and about the role of national environmental organizations in helping to pass landmark federal-level environmental laws during the 1960s and 1970s. This study illuminates a different story of how citizen activists worked to protect and improve the air, water, healthfulness and quality of life of where they lived. At the local level, activists looked much different than they did in Washington, D.C.—they tended to be volunteers without any formal training in environmental science or policy. They were also more likely to be women than at the national level. They tended to frame environmental issues and solutions in familiar ways that made sense to them. Rather than focusing on the science or economics of an environmental issue, they framed it in terms of fairness and justice and giving citizens a say in the decisions that affected their health and quality of life. And, as the regulatory, political, and social landscape changed around them, they adapted their strategies in their efforts to continue to affect environmental decision making. Over time, they often connected their local interests and issues with more sophisticated, globalized understandings of the economic and political systems that under laid environmental issues. This study examines three case studies in the rural Great Plains, urban Southwest, and small-town Appalachia between 1970 and 2000 in an attempt to understand community-

based environmental activism in the late twentieth century, how it related to the national environmental movement, the strategies local-level groups employed and when and why, the role of liberal democratic arguments in their work and in group identity formation, the limits of those arguments, and how the groups, their strategies, and the activists themselves changed overtime. These three groups were the Northern Plains Resource Council in Montana, Southwest Environmental Service in Southern Arizona, and Save Our Cumberland Mountains in Eastern Tennessee.

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CHAPTER 1

INTRODUCTION

Before 1970, Circle, Montana, wheat farmer Helen Waller considered herself a conservative Republican, more active in her local church than politics. That all changed when mining companies leased the coal beneath her family's land and threatened her family's private property and livelihood. The fight to save her farm transformed Waller into an impassioned activist. In the 1980s, she ran for lieutenant governor of Montana as a Democrat; toured the country and Europe, inspiring diverse groups with her message of justice and self-determination; attended the Democratic National Convention as a delegate for Jesse Jackson in 1988; and worked to preserve family farms and ranches across the country.¹ While the scale of Waller's activism is extraordinary, her experience is not. Thousands of citizen activists across the United States have similar stories.²

Whether they were ex-coal miners or schoolteachers fighting the importation of hazardous wastes from out of state in Appalachia, self-trained experts on air and water quality advocating for a clean environment in Tucson, or farmers and ranchers working to protect the Montana prairies, their stories offer an alternative to the traditional understanding of American environmentalism.

¹ Helen and Gordon Waller, interview by author, Waller ranch near Circle, Montana, 3 August 2010.

² Portions of this chapter of the dissertation also appear in the article "Power to the People: Grassroots Advocacy for Environmental Protection and Democratic Governance in the Late 20th Century," co-authored with Paul Hirt and included in the forthcoming anthology, *The Politics of Hope* edited by Michael Eagan and Jeff Crane and published by the University of Colorado Press.

Although many of the developments in the environmental movement that attract popular attention happened on the national stage, scholars increasingly recognize that many ideas for addressing environmental issues and developments in the movement originated at the local and state levels. At these levels, activists and the organizations they formed looked much different than they did in Washington, D.C.—they tended to be comprised of volunteers with little or no formal training in environmental science or policy. They were also more likely to be women than at the national level. As non-professionals in the environmental sciences, resource management, or governance they tended to frame environmental issues and solutions in familiar ways that made sense to them. Rather than focusing on the science or economics of an environmental issue, they understood it in terms of fairness and justice and giving citizens the ability to participate in the decisions that affected their health and quality of life. For some, these goals were on par with environmental objectives and often served as useful tools in achieving those ends.

Some observers might employ the oft-quoted maxim “think global, act local,” to explain local environmental activism, implying a relationship between a national and global environmental consciousness and local activism in which ideas and values flow from the global to the local. In many instances, however, activists began their involvement with environmental issues out of profoundly local and often personal interests. Over time, they often connected their local interests and issues with more sophisticated, globalized understandings of the economic and political systems that under laid environmental degradation.

Beginning with the Freedom of Information Act in 1966 and accelerating with National Environmental Policy Act of 1969 (NEPA) and a wave of subsequent federal and state legislation in the following decade, environmental laws enshrined the principle that citizens should have a say in decisions that affect the commons, public health, and quality of life. The laws codified the notion that environmental decision-making processes should be transparent, and that citizens had a right to know if they were being exposed to harmful pollution and the nature of that pollution. These laws also required decision makers to be accountable to the citizenry. It is difficult to discern which came first, but coinciding with this new emphasis on democratizing environmental protection was the organic evolution and proliferation of new local-level, community-based conservation and environmental groups.

Exploring three of these organizations in the rural northern Great Plains, urban Southwest, and small town Appalachia reveals an environmental movement that resists the traditional dichotomies of left and right, urban and rural, white and non-white, elite and working class, male and female, when understanding citizen environmental protection efforts in the late-twentieth century. More than a late-20th century innovation in values, the modern environmental movement at its grassroots is an extension of long-held American ideals of justice and democracy and a continuation of the increasing democratization of American society during the twentieth century. This study illuminates how common people, brought together by shared material interests and values, took action to protect the health

and livability of their communities and the world at large, advancing American democratic institutions in the process.

As most pointedly argued by historian Samuel Hays and reaffirmed by such historians as Adam Rome, scholars have understood American environmentalism as a predominately urban phenomenon born out of the social and economic changes of the post-World War II era. Other historians have examined the evolution of environmentalism by focusing on certain key figures such as John Muir and Gifford Pinchot, groups like the Sierra Club and the Wilderness Society, and the passage of environmental policies including the National Wilderness Preservation Act. Much attention has been paid to the environmental impact assessments and environmental protection mandates required by the environmental laws passed during the late 1960s and 1970s in which governance reforms played a critical role. However, little work has been done examining the relationship between these laws and the evolution of grassroots environmental groups during this period. Environmental controversies at the local level, such as the Santa Barbara oil spill and toxic pollution at Love Canal, spawned national debates over the principles of environmental protection, public participation, and citizens' right-to-know. Most of the problems that spurred activists and motivated reform originated at the local level.³

Groups such as the Northern Plains Resource Council in Montana, Southwest Environmental Service in Arizona, and Save Our Cumberland

³ See Samuel P. Hays, *Beauty, Health, and Permanence: Environmental Politics in the United States, 1955-1985* (New York: Cambridge University Press, 1987); and Adam Rome, *Bulldozer in the Countryside: Suburban Sprawl and the Rise of American Environmentalism* (Cambridge: Cambridge University Press, 2001).

Mountains in Tennessee organized to address perceived threats to community interests. But within their activities and arguments lie deeper convictions about fairness, justice, and a belief that in a democratic society, people have a right to participate in the decisions that affect their destinies. Conservation organizations lobbied to insert public participation procedures into the nation's bedrock environmental laws and used them as rallying points around which to organize their members to make their voices heard. Likewise, they voluntarily assumed responsibility as citizens to ensure these new laws were faithfully implemented. In the process, they became not only the guardians of environmental protection, but also of good government and of democratic ideals. Historians have touched on aspects of this kind of activism but have yet to explore it fully and set it within the context of American reform.

Reform is never easy. Vested interests resisted any loss of privileged access and influence, while government agencies slowly and uncomfortably embraced the procedural and cultural changes these environmental protection and public participation laws demanded. Between the Progressive Era and the 1960s, environmental decision-making was guided by what historian Samuel Hays had called the "Gospel of Efficiency" and was largely the purview of technocratic resource managers dictating the management of natural resources from within state and federal agencies. As early as the 1930s, groups like the Wilderness Society and Sierra Club endeavored to influence the decisions of resource managers, but democratization of environmental decision-making required a generation's persistent efforts to reform governance at all levels and in every

state. For some conservation groups including those studied here, the battle for participation and citizen empowerment was nearly as important as the environmental objective. Reflecting populist ideals, community-based environmental groups often adopted democratic processes in their own organizational structures. Decision making for public goods and common resources, they reasoned, reflected the interests and values of the community and therefore encouraged personal investment and commitment to action on behalf of the members. In their campaigns, groups like the Northern Plains Resource Council, Southwest Environmental Service, and Save Our Cumberland Mountains called for the equitable application and protection of laws across civil society. Editorials in their newsletters, internal communication, and interviews with people involved in each group reflected the opinion that corporate profits should not take precedence over citizens' rights to a healthful environment or their ability to make a living. Since corporations wielded enormous influence and enjoyed privileges not available to average Americans, citizens' organizations demanded restraints on that power and argued that corporations be subject to the same rules as everyone else. This shared language of justice and fairness provided a common ground for divergent interests to work together toward common solutions. Sometimes, the process transformed the identity and political stance of the members themselves.⁴

⁴ Samuel P. Hays, *Conservation and the Gospel of Efficiency: The Progressive Conservation Movement, 1890-1920* (Cambridge: Harvard University Press, 1959), 3; Hays, *Beauty, Health, and Permanence*, 458-459; See Mark T. Harvey, *Wilderness Forever: Howard Zahniser and the Path to the Wilderness Act* (Seattle: University of Washington Press, 2005); These observations come from thorough research of the newsletters and private and public archives and oral interviews

This study revises how scholars understand environmentalism. Rather than something new that evolved out of the social and economic conditions of the postwar era and the cultural ferment of the 1960s, this study ties the movement to a long history of reform. This is not to say that the unique circumstances of the era in which the modern environmental movement grew were not vital to its development. But the arguments and strategies environmental groups used to respond to local problems rested on notions of liberal democracy that predate the mid-twentieth century. From this perspective, environmentalism, at the local and community level, is a continuation of the gradual democratization of American society that has occurred since the nation's inception.

This dissertation examines the strategies local and community-based conservation and environmental organizations used to achieve their goals between 1970 and 2000. Citizens' environmental groups used tactics as diverse as introducing legislation and lobbying policy makers, educational campaigns, filing lawsuits to hold government agencies accountable to the law and direct-action protests. Many of their tactics were couched in the language of justice, demanding that citizens and communities not be unfairly burdened by the actions of corporations or governments. This study examines how and when and why citizens groups used these strategies and the role liberal democratic arguments played in the overall repertoire of intellectual arguments available to activists. It also investigates the opportunities and limitations of democratic arguments, the

with members of the Northern Plains Resource Council in Montana, Save Our Cumberland Mountains in Tennessee, and Southwest Environmental Service in Arizona and from working closely with such groups in a professional capacity from 2002 to 2005.

role of these arguments in the formation of group identity, and whether or how individual and group identities changed over time in relation to the democratic argument.

Setting Citizens' Environmental Activism in Context

Setting local, community-based environmental organizations and the activism of their members in historical context requires the weaving together of two strains of American history that are not usually considered in relation to one another. The first is the evolution of the American environmental movement as a social and political phenomenon and the corresponding passage of environmental reforms during the twentieth century. This history has grown in depth and complexity over the past several decades. The second strain involves the history of American political ideology and activism and democratic reform that dates back to the days of the American Revolution and Early Republic and courses through the Populist and Progressive movements of the late nineteenth and early twentieth centuries to the 1960s and 1970s. To appreciate how environmental activists at the local level understood environmental issues and why they favored certain strategies to address them over others, it is necessary to understand the ideological context in which they confronted threats to land, water, air, and health.

In the decades following the Second World War, modern environmentalism made a dramatic entrance on the American political scene with lasting effects. This movement injected American politics with new concerns about preserving wild places and animals, protecting the American quality of life,

and human health. Scholars studying the rise of environmental concern have explained the development of modern environmentalism as the result of economic, social and cultural changes that occurred in American society in the second half of the twentieth century including increased affluence, expanded leisure time and ease of travel by automobile, and movement of Americans from urban centers to the suburbs. They have devoted much attention to the evolution of national organizations, their leaders, and policies.⁵ Building on these studies, some scholars have investigated the environmental movement from the perspective of the grassroots—from the bottom up. Their studies have emphasized the importance of local issues and organizations in influencing the national movement and environmental policies at the state and federal level.⁶ Scholars have yet to explore fully how these local and community-based groups relate to broader democratic reform efforts and the development of American civil society in general.⁷

⁵ See Hays, *Beauty, Health, and Permanence*; Rome, *Bulldozer in the Countryside*; Steven Stoll, *U.S. Environmentalism since 1945: A Brief History with Documents* (Boston: Bedford/St. Martin's, 2007); Mark T. Harvey, *A Symbol of Wilderness: Echo Park and the American Conservation Movement* (Albuquerque: University of New Mexico Press, 1994); Harvey, *Wilderness Forever*; Byron E. Pearson, *Still the Wild River Runs: Congress, the Sierra Club, and the Fight to Save Grand Canyon* (Tucson: University of Arizona Press, 2002); Michael E. Kraft, *Environmental Policy and Politics*, (New York: Pearson Longman, 2007); and Richard J. Lazarus, *The Making of Environmental Policy*, (Chicago: University of Chicago Press, 2004).

⁶ Stoll, 22; see also Andrew Hurley, *Environmental Inequalities: Class, Race, and Industrial Pollution in Gary, Indiana 1945-1980* (Chapel Hill: University of North Carolina Press, 1995); Robert Gottlieb, *Forcing the Spring: The Transformation of the American Environmental Movement*, rev. ed. (Washington D.C.: Island Press, 2005); Chad Montrie, *To Save The Land and People: A History of Opposition to Surface Coal Mining in Appalachia* (Chapel Hill: University of North Carolina Press, 2003); Stephen L. Fisher, ed., *Fighting Back in Appalachia: Traditions of Resistance and Change* (Philadelphia: Temple University Press, 1993); Colman McCarthy, *Disturbers of the Peace: Profiles in Nonadjustment* (Boston: Houghton Mifflin Company, 1973); Darren Speece, "From Corporatism to Citizen Oversight: The Legal Fight Over California Redwoods, 1970-1996," *Environmental History* 14 (October 2009): 705-736.

⁷ Historians including Rome, Hurley, Gottlieb, Montrie, Fisher, McCarthy, and Speece explore the relationship between the grassroots activism the environmental movement and social change in

In Beauty, Health, and Permanence: Environmental Politics in the United States, 1955-1985, Samuel Hays argued that environmental concerns originated in the social and economic changes that occurred after World War II. He posited that although the beginnings were evident earlier, “only after the war did they become widely shared social phenomena.” He cited the growth in outdoor recreation in the 1950s, which expanded into an appreciation for and desire to protect natural environments and then became tied to attempts to control air and water pollution and later toxic chemicals. Hays posited a transition in American culture during the postwar era from the earlier Progressive-era emphasis on efficient use of natural resources to a new emphasis on quality of life. This transition took place in relation to the increasing prominence of a consumer culture in American society; the environment became part of the growing number of amenities that defined a middle-class quality of life after 1945. Adam Rome builds on the work of Hays. In *Bulldozer in the Countryside: Suburban Sprawl and the Rise of American Environmentalism*, Rome locates the origins of modern American environmentalism in consumer culture but specifically in the migration

general and how the environmental values at the grassroots often originate with local concerns about the healthy working and living conditions of working class people. In an article in 2003, Rome places environmentalism in the larger context of the social movements of the 1960s, Adam Rome, “‘Give Earth a Chance:’ The Environmental Movement and the Sixties,” *The Journal of American History* 90 (September, 2003), 525-554. In addition, Gottlieb ties environmentalism to a larger history of social reform in the United States in the second half of the twentieth century while Montrie, Fisher, and McCarthy observe the activism of working class people in Appalachia as an extension of a tradition of dissent that came to include environmental issues. Finally, Speece examines the relationship between grassroots environmentalism at the local level in northern California and the evolution of state-level and federal legal and regulatory frameworks that require citizen oversight over natural resource management decisions. As of 2011, no one has expanded the examination of grassroots environmental groups to include how their work was a continuation of the tradition of American democratic reform, how the activists themselves saw their work in relation to their identities as citizens in American civil society, and how their strategies for affecting change reflected this.

of Americans to the suburbs between 1945-1970. As Americans moved to the suburbs partly to get closer to nature they grew concerned about protecting their quality of life and local environmental amenities from the consequences of development. As millions of acres quickly passed from open agricultural or wild land to suburban sprawl, Americans became alarmed and took action.⁸

Other scholars observe changes in environmental values after WWII in relation to changes in the nature of environmental problems. The postwar era ushered in what Riley Dunlap and Angela Mertig refer to as the “third wave” of environmentalism in which environmental problems tended to “(a) be more complex in origin, often stemming from new technologies; (b) have delayed, complex, and difficult-to-detect effects; and (c) have consequences for human health and well-being as well as for the natural environment.” Part of this transition was the increased availability of scientific knowledge and media coverage of environmental problems and disasters such as the Santa Barbara oil spill in 1969. In addition, they argue for the connection of 1960s and 1970s political activism in general to the rise of modern environmentalism. In his 2003 article “Give Earth a Chance: The Environmental Movement and the Sixties,” Adam Rome illustrates the connections between the social movements of the 1960s—the civil rights movement, feminist movement, New Left, and counter culture—and the environmental movement. Citizen activists, their values influenced by the changing conditions observed by Hays and increasingly

⁸ Hays; Rome, *Bulldozer in the Countryside*, xi, 89, 131-133, 4; also see Michael F. Logan, *Fighting Sprawl and City Hall* (Tucson: University of Arizona Press, 1995).

identifying quality of life as a paramount American value, learned that they could affect change through direct action, lobbying and proposing legislation through legislatures or directly through citizen initiative processes.⁹

Coupled with the rise of environmental concern, the best-known scholarship of the last generation mainly focused on the formation and growth of national environmental organizations, their leadership, and passage of environmental policies during this era. Hays's informative *A History of Environmental Politics Since 1945* provides a useful and succinct history of national environmental politics in the postwar era. Mark Harvey outlines well the galvanizing Sierra Club battle to stop a dam from being constructed at the confluence of the Green and Yampa Rivers in Dinosaur National Monument and the work of Howard Zahniser and the Wilderness Society to pass the Wilderness Act in 1964. Historians and writers including Roderick Nash, Michael Kraft, and Richard Lazarus, among others, have chronicled the history of the major national environmental organizations and their leadership in the great environmental battles of the 1950s through the 1980s. These studies are vital in explaining the origins of the national environmental movement. An examination of the local, grassroots level better addresses, however, how environmentalism is tied to larger reform movements and its place in American civil society.¹⁰

⁹ Riley E. Dunlap and Angela G. Mertig, eds., *American Environmentalism: The U.S. Environmental Movement, 1970-1990* (New York: Taylor and Francis, 1992, 2, Rome, "Give Earth a Chance," 525-554.

¹⁰ Samuel P. Hays, *A History of Environmentalism Since 1945* (Pittsburgh: University of Pittsburgh Press, 2000), 186-187; Hays, *Beauty*, 4; See Harvey, *A Symbol of Wilderness*, Harvey, *Wilderness Forever*, Kraft, and Lazarus. In addition, historian Byron Pearson examines the role of the Sierra Club in the fight against proposed dams in the Grand Canyon in the 1960s in *Still the Wild River Runs: Congress, the Sierra Club, and the Fight to Save Grand Canyon*. See also the

Robert Gottlieb astutely argues in *Forcing the Spring: The Transformation of the American Environmental Movement* that “environmentalism is a complex set of movements with diverse roots, with the capacity to help facilitate profound social change.” By the end of the 1970s, Gottlieb argued, a widening gap appeared between the national organizations that emphasized the maintenance of the environmental policy system and smaller groups working on local issues, often in more militant fashion. While organizations such as the Wilderness Society, Sierra Club, and Audubon Society played an important role in the national environmental movement and passage and maintenance of the American environmental policy system, they represent only part of the story.¹¹

Examining the activities of local-level environmentalists reveals a continuity in American political ideology and participation that ties environmental reform to the long tradition of democratic reform in the United States. At a very basic level, community-based environmental activists in the late 20th century identified with what they understood as republican visions of society and the proper function of government that originated in Revolutionary America and the political philosophies of Thomas Jefferson and Andrew Jackson. Although the meanings of “citizen,” “citizenship,” “republican,” and “democracy,” changed in the almost two centuries between American Revolution and the mid-twentieth century, activists framed their experiences and argued for their rights to

works of journalists including Michael Frome and Marc Reisner: Michael Frome, *The Battle For the Wilderness*, (New York: Praeger Publishers, 1974); Marc Reisner, *Cadillac Desert: The American West and Its Disappearing Water* (New York: Penguin Books, 1986).

¹¹ Gottlieb, *Forcing the Spring*, xv; Robert Gottlieb, “The Next Environmentalism: How Movements Respond to the Changes That Elections Bring—From Nixon to Obama,” *Environmental History* 14 (April 2009), 303; See also Stephen Fox, *The American Conservation Movement: John Muir and His Legacy*, (Madison: University of Wisconsin Press, 1985).

participate based on their interpretation of American history and these terms. Some activists, in the northern Great Plains for example or in Eastern Tennessee, drew a direct ideological line from 1776 through the Populism of the late 19th century and asserted the virtue of rural and working class people and the inviolability of private property. In general, members of local and community-based environmental organizations based their understanding of environmental issues and proposed solutions on their loose understanding of republican ideology which asserted the equality of “citizens” and their right to participate in government decisions regarding the public good. They argued for transparent government uncorrupted by private interests, the right to have a say in decisions that affected their lives and livelihoods, and they did so based on the assumptions that informed citizens are best able to make decisions regarding the public interest.¹²

When members of local, community-based environmental organizations argued from their position as citizens, they maintained an expansive understanding of that identity and citizenship. When activists talked about

¹² Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge: Belknap Press, 1967), vi; Drew R. McCoy, *The Elusive Republic: Political Economy in Jeffersonian America* (Chapel Hill: University of North Carolina Press, 1980), 10, 246; Harry L. Watson, *Liberty and Power: The Politics of Jacksonian America* (New York: Hill and Wang, 1990), 11; This kind of language, which privileged local knowledge in decision making regarding the environment or community ran throughout literature produced by Northern Plains during the 1970s and continues. Because fewer of SOCM’s members were large landowners, they stressed the inviolability of private property less and talked more about the environment in populist terms such as referring to the “people’s water” or the “people’s air. Like Northern Plains, SOCM emphasized local knowledge which it argued was as valid as the scientific knowledge of the engineers and bureaucrats of private companies or government. Examples can be found throughout the newsletters of both groups beginning with Northern Plains’ first newsletter in June 1972. See Northern Plains Resource Council, *Newsletter*, June-July 1972, private collection, Northern Plains Resource Council, Billings, Montana, and the *SOCM Sentinel*, 1972-2000, Save Our Cumberland Mountains, private collection, Statewide Empowerment for Community Empowerment, Lake City, Tennessee.

“citizens” they meant individuals whom they argued had rights and responsibilities to participate in decisions regarding the public interest. In their minds, women and people of color were “citizens” equal with white men. Despite this inclusive understanding of citizenship, some “citizens” had more of a right to participate than others; community activists tended to privilege the interests and voices of “locals,” and, in the case of the Northern Plains Resource Council, landowners, over others in debates about environmental threats to their communities.

Republican ideology, retaining remnants of Jeffersonian and Jacksonian ideals, percolated through American society in the nineteenth century into the agrarian Populist movement and eventually influenced the passage of Progressive democratic reforms in the early twentieth century. Those reforms—including the initiative and referendum and recall at the state levels—altered Americans’ expectations of government. Many of the reforms that made their way into the environmental laws of the 1960s and 1970s at the urgings of increasingly powerful national environmental groups like the Sierra Club, Audubon Society, National Wildlife Federation, and the Wilderness Society reflected a continuation of these Progressive ideals including the right to know, transparency in government decision making, and the ability of citizens to participate in government decisions. Within this understanding of what constituted good, democratic government, Americans confronted environmental issues in the last decades of the twentieth century. While toxic contamination of air, water and land by industry was largely a matter for a technocratic elite to solve, most

Americans interpreted environmental threats in terms of politics: holding polluters and government accountable to the health and well being of the people. Thus, while environmental groups did advocate the passage of complex pollution control standards, they also strongly advocated for the ability of citizens to have a say in the decisions that affected their health, environment, and communities.¹³

Exactly what constitutes a citizen, local, or “grassroots” environmental or conservation organization or grassroots activism is open to interpretation and is complicated by the diversity in tactics and organizational structures of both national and local groups. For example, the Sierra Club, potentially the most prominent national group, employs grassroots organizing tactics and emphasizes a degree of accountability to the membership in decision making uncommon for national organizations. Conversely, some smaller local groups engaged primarily in litigation, did little to engage their membership beyond keeping them up to date through newsletters and alerts. Members of these groups have relatively little oversight of their leaders. Scholars, including Douglas Bevington, in *The Rebirth of Environmentalism: Grassroots Activism From the Spotted Owl to the Polar Bear*, have stressed the importance of membership, tactics, and funding in distinguishing between grassroots and national organizations but both types of groups participate in similar tactics at times and often have the same members.

¹³ Elizabeth Sanders, *Roots of Reform: Farmers, Workers, and the American State 1877-1917* (Chicago: University of Chicago Press, 1999), 1; Robert H. Wiebe, *The Search for Order, 1877-1920* (New York: Hill and Wang, 1967), 168, 180; Hays wrote that before the 1960s, national environmental groups relied mostly on issue-specific media campaigns to influence environmental and natural resource decisions and lobbied Congress only sporadically, but after the Sierra Club lost its Internal Revenue Service status as a non-profit group during the campaign to stop the building of Marble and Bridge Canyon Dams in the Grand Canyon, national environmental groups became much more active in politics and lobbying Congress, Hays, *Beauty*, 460.

Historically, citizens or “grassroots” groups derived part of their operating expenses from granting foundations and direct mail campaigns and incorporated litigation and degrees of professionalization and lobbying into their strategies.¹⁴

Scholars also use the term “grassroots” to distinguish certain smaller groups comprised of locally-based memberships and participation. Bevington describes “grassroots biodiversity groups” as relying more on membership donations and relatively small budgets to engage in primarily litigious strategies aiming to affect change by coercing agencies to enforce existing environmental laws through the courts. Other scholars, including David del Mar, identify “grassroots” most closely with direct-action tactics and the environmental justice movement. Often, an immediate threat to health or quality of life drives the groups to organize and find pragmatic solutions to a common problem. In *Environmental Politics: Domestic and Global Dimensions*, political scientist Jacqueline Vaughn Switzer emphasizes the difference in tactics. The national groups have favored lobbying and, after 1967 and the emergence of the Environmental Defense Fund and Natural Resource Defense Council, litigation. In contrast, grassroots groups have attempted to empower individuals to participate in the political system for change. According to Hays, these groups often favored expediency over any sophisticated environmental philosophy. These grassroots, or “citizens” or “local, community-based” groups, as they are

¹⁴ Douglas Bevington, *The Rebirth of Environmentalism: Grassroots Activism From the Spotted Owl to the Polar Bear* (Washington D.C.: Island Press, 2009), 5.

called in this study varied in size of membership, budget, tactics, degrees of professionalization, and adherence to democratic principles.¹⁵

Citizens' groups also differed from the national organizations in terms of their issues and membership. Hays observes that most grassroots groups were organized locally to deal with a single issue and then faded away after their issue ended; the national groups, with more diverse agendas, tended to endure and grow in membership. Despite the tendency of local groups to sprout, prosper, then shrivel, many did manage to diversify their activities and continued to grow after their initial issues passed. Dunlap and Mertig observe that because their issues are more likely to involve threats to public health they are more likely than the national groups to draw members from the working class and minority communities "helping environmentalism overcome its elitist image." According to Dunlap and Mertig, the national groups work for general environmental protection; they tend to attract white and middle-class Americans while local, community-based groups attract more blue-collar workers and minorities; and the national groups are guided by larger ecological principles versus the local issues of grassroots organizations that can fall into the "not in my backyard" category (NIMBY).¹⁶

By the 1990s, scholars including Dunlap and Mertig began to label many of these local, community-based, working-class and minority groups "environmental

¹⁵Hays, *Beauty*, 62, 65; Bevington, 35-37; David del Mar, *Environmentalism* (Harlow, UK: Pearson Education Limited, 2006), 163-164; Hays *Beauty*, 65; Jacqueline Vaughn Switzer, *Environmental Politics: Domestic and Global Dimensions* (Belmont, CA: Thomson Wadsworth, 2004), 39.

¹⁶ Hays, *Beauty*, 42, 48, 62; Dunlap and Mertig, 6, 32-33; see Joni Adamson, Mei Mei Evans, and Rachel Stein, eds., *The Environmental Justice Reader: Politics: Poetics & Pedagogy* (Tucson: University of Arizona Press, 2002), 4.

justice” organizations. In the 1980s and early 1990s, scholars including Andrew Hurley, Robert Bullard, and Sylvia Washington revealed that minority and working class communities were disproportionately and systematically exposed to toxic pollution. In the efforts of environmental justice scholars to illuminate systemic environmental racism and injustice, they rarely emphasized the similarities in membership and tactics between environmental justice organizations and other local, community-based environmental groups. Although overshadowed by discussions of environmental justice, Dunlap and Mertig’s observations about local and grassroots environmental organizations were prescient; examining how citizen activists understood environmental problems illuminates connections between the mainstream environmental and the environmental justice movements.¹⁷

Also common to local, community-based or grassroots environmental organizations, was the disproportionate membership and leadership of women compared with national organizations. Vera Norwood writes that as the environmental movement professionalized in the second half of the twentieth century, women, who had been the crusaders of antivivisectionist, anti-hunting, city sanitation and beautification efforts, were pushed to the margins in the national organizations. While it is debatable how involved women were in the

¹⁷ See Hurley; Robert Bullard, *Dumping in Dixie: Class, Race, and Environmental Quality* (Boulder: Westview Press, Inc., 1990); David Naguib Pellow and Robert J. Brulle, *Power, Justice, and the Environment: A Critical Appraisal of the Environmental Justice Movement* (Cambridge: MIT Press, 2005); and Sylvia Washington, *Packing them in: an Archaeology of Environmental Racism in Chicago, 1865-1954* (Latham, MD: Lexington Books, 2005).

movement at the national level before it professionalized, historians recognize women's tendency to gravitate toward environmental work.¹⁸

In the twentieth century, women tended to be disproportionately interested in environmental issues compared with men. In his *Smokestacks and Progressives: Environmentalists, Engineers, and Air Quality in America, 1881-1951*, David Stradling demonstrates the role of middle-class women reformers in east coast industrial cities in changing public discourse about coal smoke and its relation to progress and economic growth to legislate for cleaner air. Historians tie women's interest to their identities and experience as women. Glenda Riley argues in *Women and Nature: Saving the "Wild" West* that "women approached nature with different perceptions and assumptions than men." She explained this difference as deriving from dominant Euro-American societal values that encouraged men to exploit the land and resources for the sake of progress but urged women "to save and protect their families, cultures, and surroundings." "Female environmentalists seldom had to persuade other women of the wisdom of preserving western lands," Riley writes, "The message already had a special female resonance." Historians have generally argued that women's activism in the twentieth century stemmed from their traditional roles as mothers and wives responsible for maintaining their homes and their primary concern with the health and safety of their families. In *Creating a Female Dominion in American Reform, 1890-1915*, Robyn Munch demonstrates how middle-class female reformers drew from their experiences in the Progressive movement and Victorian assumptions

¹⁸ Vera Norwood, *Made from this Earth: American Women and Nature* (Chapel Hill: University of North Carolina, 1993), 153.

about their innate nurturing qualities to take control of those aspects of social policy that pertained specifically to women, children and the poor. In their work to address these issues, some women expanded their definition of the home to include the entire planet. Vera Norwood supports this explanation and argues that American women mixed the gender ideology in the early twentieth century with their work in the public arena to protect home widely conceived. In *Made from this Earth: American Women and Nature*, she writes that when women close to ecologist and author Rachael Carson talked about their responsibility to protect the home, “they referred, as had their mothers and grandmothers, to their community, their country, and, in their most expansive moments, the whole earth.” For these scholars, concern for and activism in environmental issues was a logical extension of evolving western gender norms and ideology for middle and upper-class Anglo women in the twentieth century. Glenda Riley argues that women learned how to organize themselves, network and participate in the political system through their environmental work during the second half of the twentieth century. Consciously or not, they widened their “sphere of activity and action.” Andrew Hurley observes the same phenomenon amongst grassroots groups in Gary, Indiana from 1945-1980. Although historians including Hurley, Elizabeth Blum, and Andrea Simpson demonstrate that women’s involvement in environmental activism tended to be contingent on their race and class, they show that working class and women of color were disproportionately active in environmental issues at the local level. Working class and women of color did not share the same reform roots as the middle-class reformers of the early and

mid-twentieth century, but they often led community-level campaigns to protect their families and neighborhoods from toxic contamination and industrial pollution. Women's involvement in grassroots environmental organizations made the groups distinct from their national counterparts.¹⁹

For this study, the definition of community-based (or “local” or “citizens”) environmental organizations draws partly from the definition of grassroots organizations maintained by Switzer and del Mar and emphasizes tactics and levels of membership participation. Although the groups examined here are localized in a specific region, citizens' environmental groups are not limited by this tendency or size. Instead, they are defined as membership-based organizations in which the organizational structure of the groups is built on philosophies of democratic decision-making by the members. In these groups, organizational funding comes from a combination of memberships or donations and often outside funding sources. These groups incorporate a diversity of tactics, but tend to rely more on strategies that employ “people power”—as opposed to more capital-intensive tactics such as paid lobbying and paid media campaigns. These tactics include grassroots lobbying and direct-action, including demonstrations and sit-ins but also litigation.

¹⁹ Glenda Riley, *Women and Nature: Saving the “Wild” West* (Lincoln: University of Nebraska Press, 1999), xiii; David Stradling, *Smokestacks and Progressives: Environmentalists, Engineers, and Air Quality in America, 1881-1951* (Baltimore: The Johns Hopkins University Press, 1999), 2, 4, 34; Norwood, 153, 170, xiv, 148; Riley, xiv; Hurley 56-57; Elizabeth D. Blum, *Love Canal Revisited: Race, Class, and Gender in Environmental Activism* (Lawrence: University of Kansas Press, 2008), 5, 6, 31, 33; Andrea Simpson, “Who Hears Their Cry?: African American Women and the Fight for Environmental Justice in Memphis, Tennessee,” 82-104, in Joni Adamson, Mei Mei Evan, and Rachel Stein, eds., *The Environmental Justice Reader: Politics, Poetics & Pedagogy* (Tucson: University of Arizona Press, 2002).

The differences in size and tactics between grassroots and national groups are far from trivial. Some scholars argue that as the national groups made their way into the mainstream of American politics, their effectiveness diminished. Bevington goes so far as to argue that the national organizations, entrenched in the existing political system, lost their ability to affect substantive solutions to biodiversity concerns. According to Bevington, grassroots organizations represent the next necessary evolution in the movement if environmental issues are to be truly addressed. Switzer cites a Brookings Institute study by Christopher H. Foreman Jr., which argues that environmental justice concerns including community empowerment, social justice, and public health are lost in the federal policy arena as national groups and federal officials have difficulty attaching these issues to the environmental “hook.” Critics of the national environmental organizations argue that national groups may actually undermine public health in local communities by distracting attention from pressing local pollution issues with national campaigns unrelated to public health such as protecting remote wild places. Andrew Hurley observes that the rise of mainstream environmentalism “coincides with the rise of environmental inequality.” Although there is an attractive symmetry to this coincidence, correlation may not represent causation. The disparities of environmental amenities and harm, likely stem from a long history of race and class divisions in American society, which led to uneven protection across the landscape. Instead of placing blame on the national environmental movement, Hurley cites unscrupulous capitalists, complicit politicians, and the legacy of racism and segregation policies for these

inequalities. A focus on local, community-based citizens' organizations complicates simple understandings of environmentalism and holds the potential to recover the histories of those left out of the national narratives and reconcile the two sides of the movement. To create a fuller understanding of the environmental movement and to craft solutions to current and future problems, the grassroots must be central.²⁰

Methodology and Organization

The groups examined here are three of only thousands of community-based or grassroots citizens' organizations that formed after the 1960s to address environmental issues, but their selection was not random nor arbitrary. The case studies were chosen to provide diversity of geography, class, culture and environmental issues in the study, and to show how the strategies of citizens' organizations evolved over time in relation to changing regulatory, political, and social conditions.

The first group, the Northern Plains Resource Council (NPRC or Northern Plains), illustrates how rural landowners in eastern Montana confronted the threat of coal strip mining born from the energy crisis of the 1970s before the enactment of protective environmental and mining laws. Because the members of this organization were property owners, they might be classified as middle-class, but their work and life experiences were vastly different than the middle-class urbanites and suburbanites that Hays and Rome argue made up the core of the

²⁰ Bevington, 5; Switzer, 43-44; Hurley, xii-xiv.

environmental movement during the postwar era. They understood their labor on their farms and ranches and management of their businesses as inextricable parts of the agricultural way of life. Northern Plains members valued productive land and clean water and air as essential elements in their ability to make a living but also as integral components of their culture and way of life. Northern Plains illuminates how citizens understood environmental issues in democratic terms of fairness and justice, and how working to address threats to land, air, and water transformed many members into more engaged citizens.

Southwest Environmental Services (SES) provides a very different example for this study. Geographically, it pulls our focus from the energy crisis of the 1970s in the rural Great Plains to the booming sunbelt city and suburbs of Tucson, Arizona. The organization formed in the mid-1970s to address a myriad of primarily urban environmental issues related to public health and quality of life in southern Arizona, including concerns over suburban sprawl, water quality, and clean air. It was essentially a white, middle-class organization that drew support from college-educated Tucson residents. This was reflected in its organizational structure, which relied on a paid executive director to help guide a volunteer board of directors to make decisions for the group and then used a combination of volunteer and paid staff members to implement its campaigns. SES emphasized educating the public about environmental issues and encouraging citizen participation in environmental decisions based on a basic assumption that informed citizens were the people best qualified to make decisions regarding the public interest. In examining two of the group's major campaigns between the

late 1970s and 1987, this case study demonstrates how citizen activists adapted to the political, regulatory, and social realities that followed the passage of landmark environmental laws during the 1970s. SES quickly learned that to be an effective voice for the public interest, it must learn how to use the new laws and engage in the technical aspects of regulation and environmental management to achieve its objectives.

The final organization examined here, Save Our Cumberland Mountains (SOCM, pronounced “Sock ‘em”), formed in eastern Tennessee in the 1970s. This third case study departs from the West to illustrate how differences in geography, history, and culture affected how citizens understood and sought to address environmental issues. Further, the SOCM study provides an example of how primarily working class people in a primarily rural region organized to fight threats to land, air, water, health, and quality of life. Save Our Cumberland Mountains organized in 1972 to fight coal strip mining in Appalachia—the case study presented here examines their work two decades later after they had diversified geographically and in terms of members and issues. In chapters showcasing their efforts to prevent the construction of massive toxic landfills in rural and working class parts of Tennessee and to save a beloved state park from coal strip mining, this study shows how a citizens’ group adapted to the regulatory and political climate of the 1990s and cultivated new tactics to affect environmental decision making and the continued potency of “people power” as environmental management became increasingly technical. It also shows how Save Our Cumberland Mountains’ understanding of environmental issues in terms

of justice aligned the organization with the growing environmental justice movement in the 1990s. .

All three case studies involved archival research and oral interviews with leading members (and staff where applicable) of the three organizations and their environmental campaigns from the early 1970s through the turn of the twenty-first century. Archival research included documents pertaining to group advocacy such as meeting minutes, newsletters, correspondence, press releases, reports, memos, legislative testimonies and speeches, and newspaper articles. Through these sources, this study recovers the stories of the people actually involved in these organizations and balances their recollections with archival material from the period. In this way, the study assesses what members of these groups thought they were doing and what they actually achieved.

Data was collected through oral interviews conducted from November 2009 through September 2011 in Arizona, Tennessee, and Montana in person and by phone when necessary and reviewing documentary archives of each group and documents in publicly-held collections and legislative/congressional records in each area. In Montana, this research included the archives at the Montana Historical Society in Helena and private collections of the Northern Plains Resource Council, in Billings. In Arizona, research included viewing records in the University of Arizona Special Collections in Tucson and Arizona State University Special Collections in Tempe. In Tennessee research included the records contained in private collections of Statewide Organizing for Community eMpowerment (formerly Save Our Cumberland Mountains) in Lake City,

archives at the University of Tennessee Special Collections in Knoxville, and the archives of the Tennessee State Library and Archives in Nashville.

The narrative follows a chronology from the arrival of the coal boom in eastern Montana and the formation of the Northern Plains Resource Council in the early 1970s to the victory of Save Our Cumberland Mountains over a proposed strip mine in eastern Tennessee in 2000. It is broken into three sections, each exploring the development and work of one group: first the Northern Plains Resource Council in Montana, followed by Southwest Environmental Service in Arizona, and lastly Save Our Cumberland Mountains in Tennessee. The first section is devoted to citizens' attempts to address proposals to build forty major coal-fired power plants and dozens of strip mines in the northern Great Plains during the 1970s. Central in this story was the visceral sense of ranchers and farmers that the proposals to industrialize their land and communities were unfair and unjust and that they had a right to participate in corporate and government decisions affecting their land, water, health, communities, and quality of life. The work of women, who organized events and lobbied in the state legislature and in Washington, D.C. for stringent environmental and strip-mining laws, was vital to their campaigns.

Chapter one explains the context from which the Northern Plains Resource Council emerges including the introduction of the U.S. Bureau of Reclamation's *North Central Power Study* which proposed to industrialize rural eastern Montana to provide electricity for the rest of the country in the face of predicted energy deficits and, later, the energy crisis. It explores how socially and politically

conservative people overcame cultural barriers to work with environmentalists to oppose the strip mining of their land and industrialization of their communities. Chapter two examines the work of the new organization in its first two years of existence. It tracks the work of the group as it proposed, advocated, and helped to pass state-level environmental laws built around ideals of citizen participation in environmental decision making. It chronicles the quick evolution of the group from a volunteer grassroots organization with “a good deal of righteous indignation,” to a more sophisticated, professional group with a paid staff. The third chapter in this section investigates the work of the group from the end of the 1973 Montana legislative session to the passage of the federal Surface Mine Control and Reclamation Act in 1977 and how Northern Plains members attempted to extend their vision of environmental protection and good government to Washington, D.C. and neighboring states. These three chapters provide a case study for examining the emergence of community-based environmental organizations and their strategies during the 1970s—a decade that witnessed the passage of landmark environmental laws. The story of NPRC in the 1970s is mostly one of an environmental group forming and then advocating for new laws to address environmental problems.

The second section considers the development and work of the Southwest Environmental Service from the late 1970s through 1987, when the group disbanded. It describes how the group, originally formed around the loose goal of protecting and improving the environment of southern Arizona by educating citizens to take part in environmental decisions, adapted to the complex and

technical regulatory frameworks surrounding land use, water and air quality issues to protect the environment. The first chapter in this section (chapter four), provides the history of SES's formation and early work. It shows how the work of the organization evolved from public education campaigns about land use and suburban sprawl to include work on water issues and eventually air quality. It also introduces the group's executive director Priscilla Robinson—a former lobbyist for Planned Parenthood and part-time water conservation advocate with a college degree in anthropology who eventually became one of the leading citizen experts on environmental issues in the Southwest. The chapter also demonstrates how this citizen-expert quietly used the organization to advance women's equality by hiring exclusively female staff members to participate in environmental decision-making at the city, county, and state levels. Chapter five, looks specifically at SES's attempts to address water issues in Arizona during late 1970s and early 1980s. It shows how environmental activists' strategies had to change in the years after the passage of the nation's bedrock environmental laws and in the political climate of the 1980s. SES first attempted to pass a water quality law using its traditional strategies of educating the public and encouraging citizens to speak at public hearings and lobby their elected officials. When this failed, Robinson and SES were forced to become more politically savvy and make themselves into citizen experts on water quality. As they did, they gained seats at decision-making tables within the halls of power, which ultimately enabled them to influence the passage of a stringent water quality law in Arizona in 1986. The last chapter in this section, six, follows SES's work to rein in the largest air

polluters in the Southwest to protect public health and clean air, and preserve the rule of law. For more than eight years, SES fought to make the Phelps Dodge copper smelter in Douglas and the Magma Copper Company copper smelter in San Manuel comply with the federal Clean Air Act. As in the water quality campaign, the clean air fight required SES to adapt its strategies and evolve. It learned how to more effectively use the media to influence public opinion and politics. When legislative and administrative avenues failed to produce results, however, SES asserted the right of citizens to hold government agencies and corporations accountable to the public interest and the law. With two other groups, SES took the issue to court and won—a strategy increasingly adopted by citizens’ environmental organizations in the 1980s.

The last section explains the formation of Save Our Cumberland Mountains in the 1970s and then follows the group through the 1990s as it took on the threats of proposed “mega-landfills” in Tennessee’s rural and working class communities and a massive proposed strip mine on the Cumberland Plateau. Chapter seven, the first in the section, shows how retired coal miners, their wives, teachers and other residents of the coal fields of eastern Tennessee came together to defend their communities, land, water, and, in some cases, their lives, from strip mining in this mountainous country in the early 1970s. It quickly charts the growth of the organization over the next two decades showing how by the early 2000s, SOCM began to view itself as an “environmental justice” group. This chapter ends by suggesting that the distance between most community-based environmental organizations and environmental justice organizations is not as far

as many assume; citizens' tendency to understand environmental issues and solutions in terms of fairness and justice, as did members of SOCM and other groups, provides a common bridge between these wings of the environmental movement. The next two chapters examine SOCM's work from within this frame. Chapter eight explores SOCM's evolving campaign to address proposals for new and expanded landfills to house solid and toxic waste from out of state from 1990 to 1996. It shows how, when the organization was unable to muster the political power to pass a state law banning these kinds of landfills, SOCM sought new opportunities for citizens to ban them at the county level and hold state regulators and waste management companies accountable to existing environmental protection laws. The campaign against "mega landfills," was the first time in which SOCM articulated its work as "environmental justice." In chapter nine, SOCM returns to its foundational issue: coal strip mining. However, the 1990s differed from the 1970s in important ways. The political and regulatory landscape of the decade challenged SOCM to use the strip mining and environmental laws passed twenty years prior and creatively engage the media and politics at the local, state and national level to protect a scenic and popular state park on the Cumberland Plateau from strip mining on adjacent lands. Finally, a concluding chapter and epilogue analyzes how to fit these case studies in the larger history of the environmental movement and American civil society.

A commitment to democratic processes, fuller public participation in decision making, government transparency, justice, and rule of law is a much more common component of citizens environmental advocacy than most scholars

have previously acknowledged. Indeed, extending these democratic principles was among the most important tools and accomplishments of post-1960s environmental advocates. It is at the local level that the relationship between environmental and democratic advocacy is most clearly revealed. Consequently, through its case studies of the Northern Plains Resource Council, Southwest Environmental Service, and Save Our Cumberland Mountains, this study illuminates this relationship. While the three groups examined here diverged in their histories, issues, institutional arrangements, organizational philosophies, tactics and funding sources, they all sought to provide citizens a voice in the political process and ensure the rule of law in issues pertaining to environmental protection. Their ends contained serious and substantive environmental components but their work was larger than just environmental protection. They were the citizen-watchdogs of government and corporations protecting the interests of everyday people and the integrity of democratic processes.

CHAPTER 2

THE COAL BOOM COMES TO MONTANA

When Boyd and Anne Charter and their alarmed neighbors heard from the Musselshell county attorney that Montana's eminent domain laws allowed the condemnation of property for mining, and that they could do nothing to stop Consolidated Coal ("Consol"), a subsidiary of Continental Oil Company (CONOCO) from strip mining their ranches in the rolling Bull Mountains north of Billings in central eastern Montana in 1971, they fought off feelings of helplessness and hopelessness. This group of "neighbors," loosely tied together over the vast physical distances between their houses by common work and life experiences, had survived droughts, fires, hard winters that froze cows to death and low cattle prices, but now they faced a new threat.²¹

The Bull Mountain ranchers had learned about the proposed mine slowly over the past few months. Beginning in December of 1970, smartly dressed men in suits carrying brief cases had been spotted driving fancy cars over the country's rutted roads. These "land men," hired by Consol, travelled door to door making offers to landowners either to buy their land outright or to lease it for strip mining, returning it when the mining was finished. In many cases, the land men informed the ranchers that Consol owned or leased the minerals beneath their ranches and

²¹ Portions of this chapter of the dissertation also appear in the article "Power to the People: Grassroots Advocacy for Environmental Protection and Democratic Governance in the Late 20th Century," co-authored with Paul Hirt and included in the forthcoming anthology, *The Politics of Hope* edited by Michael Eagan and Jeff Crane and published by the University of Colorado Press; Ellen Pfister, interview by author, Billings, Montana, 14 November 2009; in the early 1970s, Ellen Pfister went by her married name, Ellen Pfister Withers but dropped Withers from her name after that marriage ended; Anne Goddard Charter, *Cowboys Don't Walk: A Tale of Two* (Billings, MT: Western Organization of Resource Councils, 1999), 136.

had a legal right to mine whether the landowner consented or not. Legally they were correct. The building of the Northern Pacific Railroad had left the state with a “checkerboard” pattern of land and mineral ownership and a legacy of “split estates” in which land was owned by one party and the minerals beneath by another. Northern Pacific had originally acquired about fourteen million acres of the public domain in Montana allotted in alternating sections stretching ten miles long on each side of its tracks adjacent to equal squares of land owned by the federal government in compensation for building the railroad linking the Great Lakes region with Puget Sound a century before. As Northern Pacific sold off the land to eager emigrants, the company retained the mineral rights. In addition, when the federal government made large portions of the land it retained in the West available for homesteading in the late 19th century, it also retained the mineral rights. The surface properties may have changed hands several times by the time that a coal company bought or leased the right to mine the old Northern Pacific or federal minerals beneath them. Landowners usually did not know who owned the minerals beneath their property. Montana law, greatly influenced by mining interests in the late 19th century, privileged mineral rights over surface ownership.²²

The land men were aggressive in their tactics, which combined flattery, subtle and sometimes overt intimidation, and, occasionally, outright lies. They applied such tactics to Boyd and Anne. The “lease hounds” told the Charters that all of their neighbors had sold or leased and that if they did not fall in line they

²² Charter, 135; K. Ross Toole, *Montana: An Uncommon Land*, (Norman: University of Oklahoma Press, 1959), 91-92.

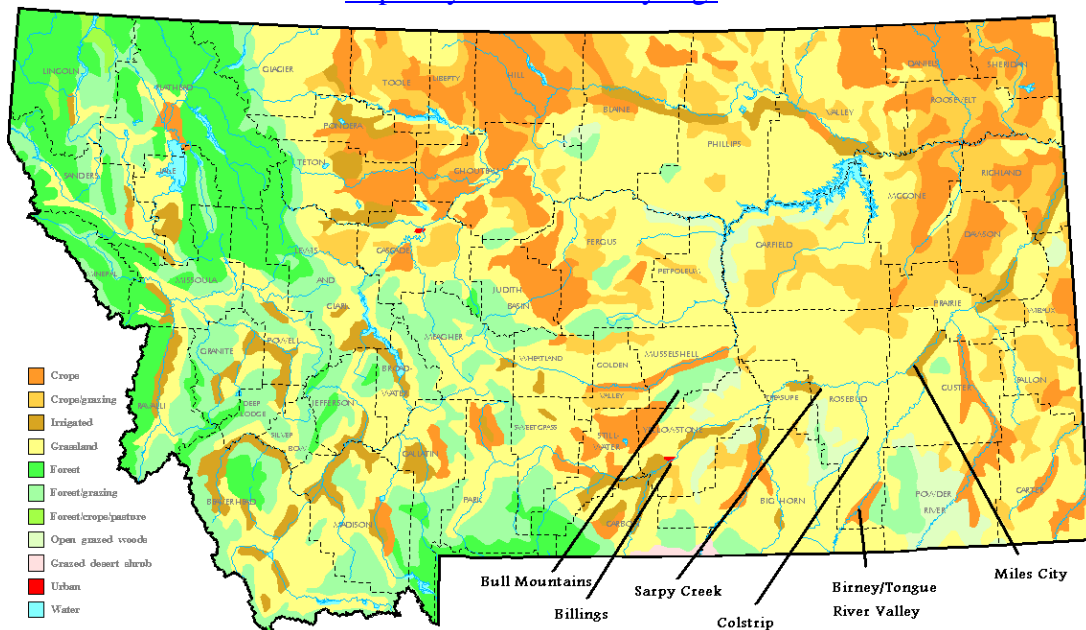
would be “an island of nothing in a sea of plenty.” To persuade Louise Pfister to sign a release of damages that would allow the company to drill core samples anywhere on her ranch in exchange for one dollar, they provided a list of people including the Charters and their neighbors Bob and Joan Tully and others who had signed. Surprised and concerned, Louise Pfister called her neighbors. The phone lines burned hot through the prairie wind that winter as ranchers called their neighbors to see if in fact they had “sold out” to the coal company. They found out that some had signed the land men’s papers but that most had not. “We all agreed that they were bastards and not to be trusted and we’d better find out what our rights were,” Anne remembered years later. They began to pull together as they usually did to meet a communal threat, though this challenge was different from any range fire or blizzard they had ever encountered. How it would be resolved, no one knew.²³

Little did these ranchers know, but the coal boom of the 1970s was not confined to the Bull Mountains. The Montana Power Company was planning to construct two giant coal-fired electrical generation plants in Colstrip, about one-hundred fifty miles to the East in Rosebud County years before the Bull Mountain ranchers learned of Consol’s designs for their homes. Colstrip 1 and 2, as these plants would come to be known, would supply electricity for more than half a million homes as far away as Chicago and Seattle. Their insatiable appetite for low-sulfur coal would be fed by thick black seams beneath the prairie grass and hills—blasted and dug by the Peabody Coal Company, a subsidiary of Kennecott

²³ Charter, 135, 136.

Copper, using machines so large they walked on large platform feet more like robotic dinosaurs than conventional bulldozers. These “draglines” stripped roughly forty cubic yards of coal in a single bucketful—enough to fill a railroad car capable of carrying 100 tons of coal in four massive scoops. The proposed power plants would devour that train car load of coal practically as fast as the dragline could fill it.²⁴ Rosebud County ranchers, many from families that had homesteaded in the region in the 1880s and 1890s and had been on the ranches for three or four generations, faced a threat similar to that of their distant “neighbors” to the north (See Figure 1).

<http://mymontanalibrary.org/>



Montana, 1972, Source: U.S. Geological Survey, National Atlas of the United States, 1972, from Montana Natural Resource Information Center website, <http://nris.mt.gov/gis/gisdata/lib/mtmaps.aspx>, accessed 6 December 2011.

²⁴ David Hopper, “STRIPMINE.ORG”, website, www.stripmine.org/forms/tripmine1.xls, accessed 6 October 2011; this site includes statistics for all draglines operating in North America between 1941 and 2008.

Unlike the Bull Mountain ranchers, the ranchers near Colstrip were more familiar with coal strip mining. While there had been underground coal mining in the Bull Mountains near the town of Roundup in the twentieth century, it was mostly dormant by the 1970s. The thick coal seams under the red scoria and bluffs of southeastern Montana had been mined by the Northern Pacific Railroad for decades before Montana Power set its sights on Colstrip. Third generation rancher Wally McRae remembered that before anyone ever imagined a power plant, Colstrip was already a company town producing coal that was shipped by Northern Pacific (later Burlington Northern) all over the country. For decades, McRae and his neighbors interacted with the mine and its employees when they traveled to town, and he remembered a general sense of cooperation and congeniality. “They were very responsible,” said McRae, recounting how Northern Pacific paid to remodel the local school that serviced Colstrip and the surrounding area. As a result, when Montana Power first came on the scene, McRae and the other Rosebud County ranchers were hardly alarmed. Montana Power had a good reputation and initially gave them little reason to worry. The company—the electricity-producing subsidiary of the powerful Anaconda Mining Company based in the western part of the state—bought the coal mines from Northern Pacific in 1958 when diesel replaced steam-powered locomotives. Montana Power delivered its first shipment of Colstrip coal to its 120 megawatt Billings power plant in 1966. Little did area residents know, however, that Montana Power intended to increase its production capabilities by building a power plant near the mine. As their plans developed during the 1960s, it became

quickly apparent, that whether or not the ranchers near Colstrip owned the minerals beneath their ranches—which sometimes measured in the thousands of acres—the Montana Power Company and the company it contracted with to supply coal from the mines to the new plant, Peabody Coal Company, were going to do everything in their power to get the coal under these privately owned ranches.²⁵

As did Consol's agents in the Bull Mountains, Peabody Coal Company's land men soon began showing up at ranch houses, telling landowners that their neighbors had already agreed to lease or sell their land and that they should do the same. McRae and fellow rancher Don Bailey began to keep track of what Peabody's agents were up to, alert other landowners to the company's tactics, and organize to protect themselves. "We said, 'Don't believe [what they tell you]' and told them to make sure that what they tell you is true—to write down dates, write down times, write down the guy's name and what he told you," McRae remembered. Bailey and McRae would then meet with their neighbors and check the "facts" against each other. McRae, remembered his parents, who lived through the Great Depression, telling him, "'It was tough in the thirties; it was damn tough in the thirties. The only reason we're still here is that *we* were tough in the thirties.'"²⁶ Now he faced his own crisis, and this time it was unclear whether resilience and tenacity, learned over generations of dealing with the

²⁵ Wallace McRae, interview by author, Billings, Montana, 13 November 2009; Michael Parfit, *Last Stand at Rosebud Creek: Coal, Power, and People* (New York: E.P. Dutton, 1980), 36.

²⁶ McRae interview, 13 November 2009; Parfit, 18; Sally Jacobsen, "The Great Montana Coal Rush," *Science and Public Affairs: Bulletin of the Atomic Scientists*, vol. 29, no. 4, April 1973, 39; Thomas Bass, "Moving Gary Indiana to the Great Plains: The Oil Companies Head for the Prairies," *Mother Jones Magazine*, vol. 1, no. 5, July 1976, 34-35.

unpredictability of nature and agricultural markets, would save his and his neighbors' ranches and way of life.

While Consol was focusing its energy on the Bull Mountains north of Billings and Montana Power was working near Colstrip, ranchers along the Tongue River and Hanging Woman Creek near the tiny hamlet of Birney adjacent to the Northern Cheyenne Reservation were experiencing similar run-ins with land agents. Ranchers Irving and Carolyn Alderson and Art “Bunny” Hayes, Jr., and his wife Marilyn, and Bill and Anne McKinney began to hear rumors about a proposed strip mine and power plant planned for the Decker area just south of their ranches, close to the Wyoming border. In addition to a strip mine and the damage it posed to water and air quality and the land itself, and the disruption thousands of workers, trucks, and equipment travelling up the Tongue River Road would cause to agriculture, massive power lines and a railroad were proposed for the valley. In some cases, this corridor threatened to cut ranches in half. Like their neighbors in Colstrip and the ranchers in the Bull Mountains, landowners along the Tongue River found their land and way of life threatened by landscape-scale industrial development. As the Tongue River ranchers began to organize a defense, gossip floated across the prairies of another strip mine planned by the Westmoreland Company for Sarpy Creek, just northeast of Colstrip. Cafes and bars across the border in Wyoming were abuzz with reports of proposed giant mines and power plants for the Gillette area.²⁷ Like a summer storm that builds

²⁷ McRae interview, 13 November 2009; Jeanie Alderson, interview by author, Billings, Montana, 13 November 2010; Dave Earley, “\$6.4 million mail spur planned for coal haul,” *The Billings*

slowly on the horizon throughout the day and then comes crashing down all at once, the coal boom of the 1970s arose as rumors and then poured like a deluge upon the region.



Photograph No. 549141 (Photographer Norton Boyd); “Hay and alfalfa fields in Sarpy Basin. The Westmoreland Coal Company wants to expand its strip mining operations in this area, 06/1973,” June 1973; Documerica Project, Records of the Environmental Protection Agency, 1944-1006, Record Group 412; [Online version, www.archives.gov, National Archives and Records Administration, 5 December 2011], National Archives at College Park, College Park, MD.

Energy Crisis and the Northern Great Plains

The arrival of the coal boom on the prairies, hills, and badlands of the northern Great Plains during the early 1970s was prompted by two related developments at the national level—the emerging “energy crisis” of the 1970s and the ambitious attempt by the federal government and dozens of corporate partners to address it. During the course of the twentieth century, American

Gazette, 16 June 1971; United States Bureau of Reclamation, *North Central Power Study*, phase 1, vol. 1, (Washington, DC: Government Printing Office, 1971), 37.

economic growth, prosperity, and prestige on the world scene was tightly bound to its ability to produce energy. Fueled by inexpensive and plentiful energy supplies, industrial development bound the continent connecting the resources of the American interior—gold, copper, silver, grass in the form of livestock, wheat and other crops and eventually oil and coal—to manufacturing centers and ports east and west and the world at large. The construction of massive federally-funded hydro-electric projects in the West during the 1930s provided cheap electricity that attracted industry and immigrants to rural backwaters and played a vital role in powering wartime production during the 1940s. Seemingly overnight, small towns and mid-sized cities grew to major metropolitan areas. Americans' ideal standard of living increasingly emphasized life in clean, neat new houses, outfitted with all of the available electric amenities, in suburban developments only a short drive on new multi-lane highways, from the office. This ideal was encouraged and reinforced by a sticky amalgamation of housing developers, household appliance manufacturers, electric utility companies, automobile manufacturers and pop-culture in general and all underwritten by a booming economy and generous federal loan programs following World War II. As American homes became completely electrified including standard electric heat and air conditioning, electricity consumption jumped by a factor of seven to ten. And as Americans travelled farther to work, shop and recreate in an increasing number of automobiles, oil consumption increased—by more than three hundred percent between 1920 and 1960.²⁸ By the 1960s, America

²⁸ Adam Rome, *The Bulldozer in the Countryside: Suburban Sprawl and the Rise of American*

consumed energy like never before. The American economy and quality of life depended on cheap and increasing supplies of energy.

Some journalists, economists, and politicians maintained the optimism of the previous decades and forecast that the development of new oil reserves in Alaska would surpass increasing demand and, in the words of a *U.S. News and World Report* journalist in 1969, even “...turn the power politics of the world upside down” by undermining the growing power of the Arab countries in the ever-more volatile Middle East.²⁹ For others, though, threats to the supply of Middle East oil presented a looming and material danger to the nation. One way to minimize those threats, without inflicting the economically and politically painful shortages Americans had experienced during World War II was to increase domestic energy supply within the continental United States.

For most, the “energy crisis” of the 1970s came suddenly and unexpectedly, but its underlying causes built for years before Americans felt its effects. Although it is commonly associated with the embargo of American oil imports by the Organization of Petroleum Exporting Countries (OPEC) in 1973 in retaliation for U.S. support of Israel in the Yom Kippur War, the embargo simply exacerbated already rising foreign oil prices and fundamental and systemic problems in America’s ability to meet its growing thirst for energy in the postwar years. In *Consuming Power: A Social History of American Energies*, David E.

Environmentalism (New York: Cambridge University Press, 2001), 46, 73; David E. Nye, *Consuming Power: A Social History of American Energies* (Cambridge: MIT Press, 1998), 199.
²⁹ “The Changing Geopolitics of the Worlds’ Oil,” *U.S. News and World Report*, 14 April 1969, in Karen R. Merrill, *The Oil Crisis of 1973-1974: A Brief History with Documents* (Boston: Bedford/St.Martins, 2007), 40-41.

Nye describes the energy crisis as developing through a series of stages from the late 1960s through the early 1980s. In the late 1960s and early 1970s, economists and energy advisors to President Richard Nixon began warning of the potential danger of oil shortages. Low prices for abundant imported oil during the economic boom of the 1960s, despite government import quotas that restricted importation of foreign oil, encouraged increased consumption but stifled private investment in domestic production. The number of drilling rigs in the US declined from the mid-1950s and hit its lowest level by 1970. The second stage of the crisis developed after OPEC imposed price increases and oil restrictions in 1972 and an embargo in October 1973. Fuel shortages, emblazoned on the collective memory by iconic images of cars backed up for blocks at gas stations in “gas lines” and trucks abandoned on the highways in protest of the government’s inability to deal with fuel prices that doubled over the course of a few months prompted Nixon to action. In November of 1973, Nixon announced “Project Independence” which committed \$10 billion to research and development of domestic energy supplies. Modeled after a World War II program to produce synthetic rubber, “Project Independence” combined a variety of tactics. It deregulated prices to discipline citizens to use energy more efficiently and adjust their consumption practices. It promoted more domestic energy development, including more nuclear power plants, oil and gas leases on the continental shelf, research on fusion power and technologies to turn coal into gas, and accelerated oil drilling on federal lands. Despite its name, “Project Independence,” administration officials quickly realized that the program could not achieve

complete energy self-sufficiency for the US. It did, however, set the course for the federal government's energy program for the remainder of the 1970s—a program that tied energy producers close to government and promised healthy corporate profits. Although Nixon and Ford's Democratic successor, Jimmy Carter, was less supportive of increased nuclear power, he remained steadfastly supportive of the development of large, centralized energy facilities and coal gasification plants that exploited federally-owned minerals.³⁰

Following the shock of the oil embargo, President Gerald Ford, built on Nixon's "Project Independence," and took it one step further. Ford moved his sights beyond Nixon's stated goal of energy self sufficiency toward increasing domestic production to the point that the United States would dominate world energy markets by as it had earlier in the century. Like Nixon, he ignored the issue of domestic demand and instead focused almost entirely on supply. Although his program called for the insulation of eighteen million homes and manufacturing of more fuel-efficient automobiles and trucks, its core was the construction of hundreds of new major power production facilities—200 new nuclear power plants, 250 new coal mines, 150 new coal-fired power-plants, thirty new oil refineries, twenty new synthetic fuel plants, and the drilling of thousands of new oil wells. (To give some scale to this initiative, consider that only 132 nuclear reactors were ever built and operated in the United States between 1953 and 2008 and only 104 were operating in 2008). The crisis shifted into another

³⁰ Nye, 218-219; David Lewis Feldman, ed., *The Energy Crisis: Unresolved Issues and Enduring Legacies*, (Baltimore: Johns Hopkins University Press, 1996), 28-29; Martin Melosi, *Coping with Abundance: Energy and Environment in Industrial America* (Philadelphia: Temple University Press, 1985), 279, 287.

stage when Iran cut off its oil from the United States during the Carter Administration. The spike in energy prices fueled simultaneous economic inflation and stagnation and further embittered and angered the public. Finally, during the first term of President Ronald Reagan, the crisis eased. Oil prices fell as OPEC proved unable to keep some of its members from overproducing and selling to the United States, while new oil fields opened in Alaska, the North Sea, and Southeast Asia.³¹

Before the energy shortage had reached full crisis in the late 1970s, President Nixon recognized a potential disaster in the making. He instructed his secretary of the Interior, Walter J. Hickel to get ahead of the coming storm after entering office in 1969. The Department of the Interior began organizing meetings of private and public power producers with the aim of creating comprehensive regional plans for increasing domestic energy production. It was from these meetings that the *North Central Power Study* was born in 1971. The Study sought to implement several of the major supply-side components of Nixon's "Project Independence," and became one of the foundational elements in federal energy planning during the 1970s.³²

The United States Department of the Interior's Bureau of Reclamation issued the *North Central Power Study* in October of 1971. When completed, it was a comprehensive plan drawing on the expertise of dozens of energy and

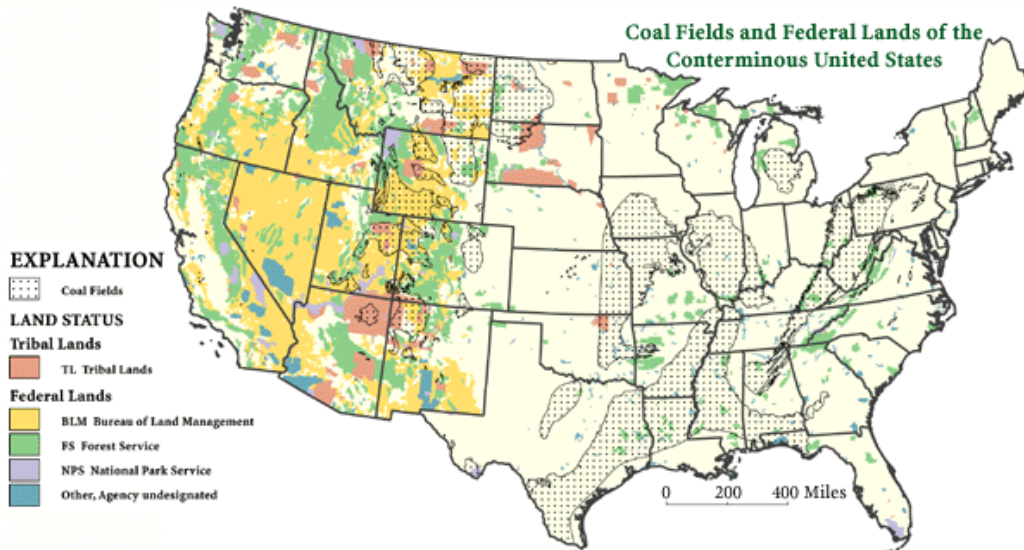
³¹ Nye, 219-220; Amory B. Lovins, Imran Sheikh, Alex Markevich, "Nuclear Power: Climate Fix or Folly?" (Boulder: Rocky Mountain Institute, 2009), 10; U.S. Energy Information Administration, "Total Energy," website, <http://www.eia.gov/totalenergy/data/annual/index.cfm>, accessed 6 October 2011.

³² Richard H.K. Vietor, *Energy Policy in America Since 1945: A Study of Business-Government Relations* (New York: Cambridge University Press, 1987), 326.

mining experts from government agencies and private industry. Assistant Secretary of the Interior James R. Smith launched the study a year-and-a-half before on May 26, 1970, by bringing together in Omaha, Nebraska representatives from 19 investor-owned power plants, six cooperatively-owned plants, two public power districts, one federally-owned plant, and eight representatives from municipalities. They were charged with coordinating an investigation of the energy needs and resources of the central United States through the year 2000. Their study area included parts or all of Utah, Colorado, Wyoming, Idaho, Montana, North Dakota, Missouri, South Dakota, Nebraska, Kansas, Iowa, and Minnesota and small parts of Illinois, Oregon, and Wisconsin. Their research indicated that U.S. domestic power demand would increase to 494,000 megawatts by 1980 and increase annually at a rate of about six and a half percent per year through 2000 to equal about 1.7 million megawatts by that year. According to their predictions, without massive cooperative effort and investment between public and private entities in the construction of new energy production and transmission facilities, the nation was marching headlong into a crisis. "Never before in the history of our Nation," the committee wrote in a news release issued by the Department of the Interior following the May 26 meeting, "has there been as much need for broad, imaginative and sophisticated approaches to the task for providing adequate and reliable electric power for our citizens." For this group of energy moguls and bureaucrats, the most hopeful prospect for solving the country's future energy needs lay just a short distance beneath the farms and prairies of the northern Great Plains. With the passage new federal air quality

regulations in the 1960s and the likely passage of the Clean Air Act in 1970, coal companies had discovered the value of the cooler but cleaner burning low sulfur coal of the Fort Union formation, which lay beneath much of northeastern Wyoming, the western Dakotas, and eastern Montana in the late 1960s. By the time the *Study* was released, chairman and chief executive officer of the Burlington Northern Railroad company who shipped coal east from Colstrip, already touted the region's low sulfur coal as "the most exciting thing happening on the Burlington Northern." "All the mines in the area are running wide open," he told a reporter for *The Chicago Sun-Times*, "and we have rights to an estimated 11 billion tons of known reserves." The coal of the Great Plains was an obvious solution to the country's energy needs. "In order to provide for the future electric and other energy needs," the Bureau of Reclamation wrote, "the further development of the vast coalfields of the North Central region of the United States is a certainty."³³

³³*North Central Power Study*, phase 1, vol. 2, I-2, I-3, I-57; *North Central Power Study*, phase 1, vol. 1, 3, 5, 29; Jacobsen, 37; Edward Darby, "Ecology brings money back to Colstrip," *The Billings Gazette*, 21 November 1971; Keith Edgerton, "Bridging Ideology in Rural America: The Northern Plains Resource Council, 1971-1975," (Billings: University of Montana-Billings, 2002), 1.



Modified from U.S. Geological Survey Open-File Report 97-461

Map of U.S. coal reserves from Laura R. H. Biewick, United State Geological Survey, “Coal Fields and Federal Lands of the Coterminous United States,” Open-File Report 97-461, on the U.S. Geological Survey website, <http://pubs.usgs.gov/of/1997/ofr-97-0461/>, accessed 7 December 2011.

After months of research by engineers, scientists, and economists working for private energy suppliers and government, they issued their report on “Phase I” of the project in October 1971. It proposed the construction of forty-two major coal-fired power plants in the eastern Montana, northeastern Wyoming, Colorado and western North Dakota—several would be the largest coal-fired plants ever constructed producing 10,000 megawatts (enough to power roughly 10 million homes). Twenty-one of these would be located in three rural counties of Eastern Montana, the balance in Wyoming and North Dakota. These power plants would be “mine-mouth” generation stations built adjacent to gigantic coal strip mines. Unlike most coal-fired plants in the East and Midwest that were built near where their electricity would be consumed, these plants would generate electricity close to the mine and transport the energy over high-voltage power lines hundreds, even

thousands, of miles to where it would be used. They would transport energy “over wire” rather than “over rail.” Although the largest plants proposed for the Great Plains would be almost five times the size, the 2,040 megawatt coal-fired Four Corners power plant near Farmington, New Mexico would serve as a model for the kind of plants the *Study* proposed; Montana Power’s Colstrip plant would be the pilot project in the study area.³⁴

The feasibility of the plan was based on the economics of scale and the realities of geography. Large power plants were expensive to build, but the price per kilowatt hour decreased as the size of the plants increased. In reality, the economies of scale for large power generating facilities actually ended after the 1970s. Historian Richard Hirsch demonstrates that electricity prices outpaced consumers ability to pay them, consumers conserved electricity, undermining the extraordinary predictions of energy forecasters like those who wrote the *North Central Power Study*. As demand dropped, so did the ability of power companies to pay for and justify the construction of massive power plants. American electricity consumption grew roughly one and a half times between 1980 and 2000, about half the rate predicted by the *Study*. To provide for this increased demand, only sixty-two new nuclear plants were constructed—a fraction of the number envisioned by the Ford Administration. Hundreds of coal-fired power

³⁴ *North Central Power Study*, phase 1, vol. 1, 34, 37, 49, 59; Parfit, 48, 50; United States Energy Information Administration, “Table 8.4a Consumption for Electricity Generation by Energy Source: Total (All Sectors), 1949-2000,” website, <http://www.eia.gov/totalenergy/data/annual/txt/ptb0804a.html>, accessed 6 October 2011; United States Energy Information Administration, “U.S. Nuclear Statistics,” website, <http://www.eia.gov/cneaf/nuclear/page/operation/statoperation.html>, accessed 6 October 2011; United States Energy Information Administration, “Existing Generating Units in the United States by State, Company, and Plant, 2003,” website, <http://www.eia.gov/cneaf/electricity/page/capacity/capacity.html>, accessed 6 October 2011.

plants were built, but only eleven were the enormous facilities that produced more than one thousand megawatts called for in the *Study*. But in 1971, energy forecasters could only imagine continued extraordinary growth.

A second strategy the *Study* proposed to make the project economical was to burn coal close to the mine and then transport electricity to distant markets. Shipping coal “over wire” in the form of electricity was cheaper than sending it over rails. This strategy had the added benefit of reducing air pollution in population centers. Western coal, being much lower in sulfur than that in the anthracite coal mined in the East, burned cooler but cleaner and produced less pollution. Long-distance transmission lines were very expensive to construct, however. The cost of building hundreds of miles of high voltage lines—765 kilovolt lines running to the East and 500 kilovolt lines to carry power the shorter distances to Western cities—was estimated in 1971 at between \$44,000 and \$230,000 a mile depending on the terrain the lines crossed. This cost reflected not only the cost of materials and labor but the purchase of rights-of-way across private property. Also, transporting electricity hundreds of miles meant the loss of energy as heat through transmission—between roughly 3 and 7% for electricity making the long trek East and 1 to 2% for electricity shipped West. But, as with the coal-fired plants themselves, the larger the line—the more electricity it could carry and then sell—the more economically efficient it became. Because they were proposed for rural, sparsely-populated areas, the power plants and transmission lines could be large. If these massive plants produced millions of tons of sulfur oxides, nitrogen oxides, other hydrocarbons, and particulate matter

that polluted the air and came falling back to earth as acid rain, it would fall mostly on agricultural soil, cattle, wildlife, and open land rather than on dense human populations like those in the East or coastal West. The plants would include smokestacks hundreds of feet tall to maximize the dispersal of pollutants high in the atmosphere away from local residents. The sleepy rural towns of the Great Plains would be infused with high-paying construction jobs in the early years of the plan and a stable industrial economy for an estimated 35 years after the plants were constructed. The land would be made productive and its people prosperous, argued the study's authors, and millions of residents in Eastern, Midwestern, and Western cities would enjoy cheap, plentiful electricity with a minimal cost to their immediate environment.³⁵

But that was only part of the plan. While coal was the key ingredient in the *North Central Power Study*, the possibilities of generating electricity through hydropower projects, and then tying the energy produced from new and enlarged dams into the proposed transmission system, was not lost on the *Study's* planners. In Montana, the *Study* proposed a new dam designed to generate 400 megawatts of electricity on the Missouri River at Fort Benton and a 720 megawatt dam on Cow Creek a tributary of the Missouri both in the central part of the state, and a 250 megawatt dam for the longest yet-undammed river in the nation, the Yellowstone, that flowed northeast out of Yellowstone National Park for nearly 700 miles before meeting the Missouri. It also proposed a 160 megawatt

³⁵ Richard F. Hirsch, *Power Loss: The Origins of Deregulation and Restructuring in the American Electric Utility System* (Cambridge: MIT Press, 2002), 68-70; *North Central Power Study*, phase 1, vol. 1, 34, 37, 49, 59; Parfit, 48, 50.

expansion of the existing 400 megawatt generating capacity of Fort Peck Dam in northeastern Montana.³⁶

These dams would provide not only electricity—albeit a drop in the bucket compared to the almost 200,000 megawatts proposed in the *Study*—but also the second essential component in generating electricity from coal: water. In these massive “mine-mouth” plants, coal would be burned to heat water to produce steam to turn giant turbines to create electricity. Coal burning of the magnitude proposed in the *Study* was going to require a lot of water—approximately 28 cubic feet—or about 210 gallons—per second for every 1,000 kilowatts. The proposed 10,000 kilowatt plant planned for Hanging Woman Creek near Birney, for instance, would require about 2,100 gallons of water every second, 125,000 gallons every minute, and 180 million gallons per day—a staggering amount in an arid region that averaged less than 15 inches of precipitation per year. Just one of these massive plants would require roughly 552 acre feet per day—an acre-foot is a standard unit of measurement that equals the amount of water required to cover an acre of land to a depth of one foot. Five hundred fifty two acre feet of water was equivalent to the amount of water required to satisfy the needs of almost 200,000 American family residences for an entire year. Until the coal boom, agriculture was the largest user of water in Montana, using just over two billion gallons annually—if the *Study* was fully realized, coal production would require 391 billion gallons every year. Planners estimated that the entire Colstrip-Gillette geographic region of southwestern

³⁶ *North Central Power Study*, phase 1, vol. 1, 38.

Montana and northeastern Wyoming, yielded 2.8 million usable acre-feet of water annually; the proposed power plants would consume about 43 percent (1.2 million acre-feet) of all the water in the region. In addition to large reservoirs that would back up behind the new dams and expansions of hydropower generation on the Missouri and Yellowstone River systems, dams and reservoirs were proposed for the Powder, Tongue, Little Big Horn, and Little Missouri Rivers.³⁷

What the *North Central Power Study* proposed in strikingly understated fashion was an almost complete transformation of the economy and landscape of the Northern Great Plains. Small towns like Birney, Montana (population: 15), at the intersection of two dirt roads an hour's drive south of the slightly more bustling Colstrip and southeast of Lame Deer on the Northern Cheyenne Reservation, distinguished from other country crossroads only by a post office and a small store, were slated for the construction of the largest coal-fired power plants ever built in the United States. Overnight, they would be transformed into boomtowns with thousands of new, mostly male, residents anxious to put down temporary roots during construction. The ranches along Rosebud Creek, Hanging

³⁷ These figures are based on calculations included in the *North Central Power Study*, phase I, vol.1 that estimate water use by coal-fired electricity generating plants in the Gillette-Colstrip region to be 28 cubic feet per second per 1,000 kilowatt hour produced. Cubic feet were converted to gallons (28 cubic feet = 209.454 gallons), and then multiplied to estimate use of water per 1,000 kilowatts produced per minute, and day. 1.2 million acre-feet is based on peak production of roughly 50,000 megawatts and was the amount of water the *Study* identified as essential, but the plan proposed the production of roughly 180,000 megawatts which would require a more than three times as much water. Despite the optimism of the *Study's* authors, the availability of water in the region remained a limiting factor. This discrepancy is typical of the confusion surrounding the proposal and the development of coal strip mines and power plants in the 1970s and the decades that followed; *North Central Power Study*, 38, 44,45; Montana State Library Natural Resource Information System, "Montana Average Annual Precipitation, 1961-1990," website, <http://nris.mt.gov/gis/gisdata/lib/downloads/precip.gif>, accessed 3 October 2010; Montana Department of Environmental Quality, "Climate Change & Water," website, <http://deq.mt.gov/ClimateChange/NaturalResources/Water/WaterUses.mcp>, accessed 6 October 2011.

Woman Creek, the Tongue River, Sarpy Creek, near Broadus, and in the Bull Mountains, if they were not going to be stripped to supply coal for the new massive plants would be adjacent to new strip mines. The springs that undergirded their agricultural productivity would potentially be destroyed, as bulldozers and draglines fractured the fragile hydrologic balance upon which ranching depended. The open land of this expansive region would be fragmented by strip mines, power plants, transmission towers, and new industrial corridors including busy two-lane highways, railroads that would run twenty-four hours a day, every day of the year, and power lines carrying off the energy stores from millions of years past to hungry consumers beyond the eastern and western horizons. Verdant valleys that cradled small but vital streams— islands of abundance surrounded by the scrub and sage of the high desert— would become reservoirs to store water for the thirsty power plants. The region’s few major rivers—the Missouri and the still-wild Yellowstone— would be dammed, their energy harnessed and added to the grid. Behind those dams in Fort Benton and near Livingston— hundreds of miles from the proposed coal mines and power plants— tens of thousands of acres of productive land would be flooded.

Although Montana Power promised in full-page ads in *The Billings Gazette* that its new power plants at Colstrip would meet “all federal and state air and water quality standards,” meeting standards did not ensure that air quality would not be degraded by the millions of tons of pollutants emitted by the plants. The land and its waters, its air, the regional economy and society would be dramatically altered in the course of a few decades. Though they tended to be conservative by nature,

ranchers had every reason to fear the changes presented by the *North Central Power Study*. As far as they could make out, their livelihoods and way of life were being sacrificed.³⁸

Landowners Unite

As they had with previous challenges, landowners bonded together for mutual assistance. Boyd and Anne Charter, Bob Tully, the Pfisters and other ranchers in the Bull Mountains had been talking over the phone since the land men first showed up at their doorsteps in late 1970. They soon realized their common interest in combining their efforts to gather information about what was being proposed for their region if they were going to have any hope of defending themselves. In 1971, Boyd Charter and Tully organized a meeting at Tully's ranch. "We decided we all had best work together and stick together and the best way to start was to become an organization," Anne Charter remembered years later. They called themselves the Bull Mountain Landowners Association and they quickly elected officers. The group elected Bob Tully chairman and Anne Charter vice-chairman.³⁹

Because she was living part-time in Billings while her children were in school, as vice-chairman, Anne mostly conducted public relations for the new group. Originally from St. Louis, Missouri, she had attended Wells College in New York and Washington University in St. Louis. She had studied abroad in Germany, toured western Europe and lived in the East before meeting Boyd. She

³⁸ Jacobsen, 39.

³⁹ Charter, 137.

was worldly and well-travelled but her experience did little to prepare her for this new challenge. “The only thing I could think of doing was to call the *Billings Gazette* and give them the news that we had formed an organization, what our purpose was, and the names of our officers,” she remembered. She was referred to *Gazette* reporter Dave Earley, who proved to be a valuable ally in the group’s first battles. The ranchers’ story attracted Earley, who eagerly covered the issue and wrote numerous articles about the group’s efforts to protect their land during the early 1970s.⁴⁰

The Bull Mountain Landowners Association (BMLA) also benefitted from the professional expertise within its ranks. One of its greatest assets in its early life was Ellen Pfister Withers, the daughter of Louise Pfister, the widowed owner of a large ranch in the Bulls. Although her husband never thought that women had any business running a ranch, he had no sons, and his death in 1966 had left Louise and her eldest daughter in charge of the place.⁴¹ Consolidated Coal, in their search for an opening into the Bull Mountains ranchers’ community, thought they had found a “weak link” in Louise, inviting her to come to their office for a consultation. Without informing Consol, she brought along Boyd and Anne Charter. When Boyd proceeded to accuse the Consol representatives of trying to take advantage of an elderly woman, they grew frazzled. Consol’s western district vice-president, Del Adams emerged from a closet with a tape recorder he

⁴⁰ Charter, 137; Dave Earley, “Ranchers Fight Strip Mining,” *The Billings Gazette*, 15 April 1971; Dave Earley, “Environmentalists arise! battle’s only half done,” *The Billings Gazette*, 28 May, 1971; Dave Earley, “Strip-mining battle heading for Helena,” *The Billings Gazette*, 28 May 1971; Dave Earley, “Bull Mountain mine to test reclamation,” *The Billings Gazette*, 20 June 1971; Dave Earley, “Strip-mining vs. landownership,” *The Billings Gazette*, 13 July 1971.

⁴¹ Pfister interview, 14 November 2009.

apparently planned to use secretly to record the conversation. According to Boyd, Adams “was going to record this stuff, so that they caught the old woman in a weak moment,” and have recorded proof that she had consented to sell her ranch.⁴² Experiences like these galvanized daughter Ellen, who was attending law school in Mississippi at the time. Ellen’s experience with coal mining extended back to her childhood in the 1950s, when she would visit her great grandfather’s farm in Pennsylvania. Coal mining, she remembered, had left nothing of the farm but piles of tailings. “When I looked at the land,” she recounted, “I couldn’t think how anyone could do that to their land.”⁴³ When the land men first came to the region, Ellen used her legal education to untangle the rights of her family and their neighbors. When she finished her degree, she returned to the Bulls and immediately put her expertise to work. In the fight against the coal companies, having an effectively pro-bono lawyer on retainer proved essential to the young organization.

Over the next year or so, BMLA’s members spoke to anyone they thought could help them with their cause and let no opportunity pass them by to publicize the situation in the Bull Mountains. Anne Charter kept in close contact with journalists at the *Billings Gazette*. In one instance, while Anne was updating her neighbors the Burchells in Billings about the latest developments in the Bulls, she was overheard by young curious Janice Burchell. Janice had spent time at the Charter ranch and was inspired to spread the word of what was going on up there with her sixth grade class at Billings’s Grand Avenue School. The next day,

⁴² Charter 138.

⁴³ Pfister interview, 11 November 2009.

Janice presented Anne with more than thirty “priceless” letters that BMLA used locally to publicize the issue and in correspondence with Senators and Congressmen in Washington DC. Janice Burchell also helped organize her classmates to turn out attendees for one of Billings’s first “Earth Day” celebrations, and BMLA capitalized on the event. The organization presented a slide show of the Bull Mountains narrated “vivaciously” by Bull Mountain rancher Vera Beth Johnson. At the event, the BMLA caught the local chamber of commerce—one of the community organizations that most ardently supported the strip mining proposals—off guard. The Chamber had come armed only with grass seeds to give away to anyone who would participate in their effort to plant grass along highway right-of-ways. Without facts to substantiate their support for strip mining in the Bull Mountains or to repudiate the claims of BMLA, they were effectively nullified, at least for the short time being.⁴⁴

BMLA also made sure to organize its members to attend every public meeting concerning mining in the Bull Mountains whether it was organized by the state, Consolidated Coal, or local business interests. A June, 1971 hearing in Roundup conducted by the Montana State Lands Commissioner Ted Schwinden regarding Consol’s proposal to mine a fifteen acre test pit, was typical. About twenty five people presented testimony—about half were ranchers skeptical of Consol’s promises to reclaim its proposed mine. According to *The Great Falls Tribune* which covered the hearing, “each side had its cheering section and applause was frequent.” William Clancy, representing the United Mine Workers

⁴⁴ Charter, 139; “Strip Mine Opponents,” *The Billings Gazette*, 15 March 1971.

of America and a veteran Roundup-area coal miner, spoke in support of the mine, as did Roundup attorney Charles Maris, who cited the potential economic benefits the mine would bring to Musselshell County. Consol's spokesman Larry Fuller reassured the crowd that it was the company's policy to restore all the land it mined in Montana to a useful, productive condition. BMLA president Bob Tully countered by reading a letter from H. Cochran, public relations director of the coal company in which Cochran wrote that the land in question Montana would "be richer for having been strip mined." BMLA's members, led by Tully, Johnson, and Boyd Charter, became well known for peppering government bureaucrats and mining representatives with questions and comments.⁴⁵

Beyond simply publicizing the threat of strip mining in the Bulls, BMLA learned quickly that their success in defending their land from Consol's "divide-and-conquer" techniques would depend on building broad public support that could translate into political power and hanging together and speaking with a clear consistent voice. Toward this end, they built on the public relations successes they had in the *Billings Gazette*, at Earth Day, or in public meetings and actively recruited new members. They set up informational and recruitment booths manned by members at county fairs and rodeos. It was at one of these fairs that a sometimes cantankerous, usually amiable, and ever-persuasive Boyd Charter confronted an old acquaintance named Wally McRae and asked him to join Bull Mountain ranchers' effort.

⁴⁵ "Strip mine hearing set," *The Billings Gazette*, 30 May 1971; John Kuglin, "Divided Roundup Area Argues Strip Mining," *The Great Falls Tribune*, 19 June 1971.

McRae was reluctant to get involved with the BMLA. After all, his ranch was near Colstrip, more than one-hundred and fifty miles east of the land that Consol wanted to mine, and his fight was with different companies. Montana Power and Peabody Coal threatened his land, not Consol. Moreover, although McRae worked in the same “business” as the Charters, the culture of the Rosebud County ranchers differed from that of the Bull Mountain ranchers in subtle, but important ways.

Unlike most of the landowners in the Bull Mountains whose roots in the area dated back to the early and mid 1900s, most of the ranchers near Colstrip were the descendants of pioneers who had homesteaded in the region in the 1880s or 1890s. If anyone fit the romantic ideal of western rugged individualism, it was these people. They lived far from town, travelling occasionally into tiny Colstrip for provisions or for a school sporting event, but only making the trip to the regional hubs of Miles City, Billings, or Sheridan, Wyoming once or twice a season to sell their cows or to attend a fair or rodeo. Their ranches were large, some measuring in the tens of thousands of acres; the most enduring operations had water, either in the form of springs or perennial streams or rivers to which the operators had senior water rights dating back to the late 19th century. Wealth was measured in the agricultural country of eastern Montana by acres and heads of cattle; to ask a rancher how much land he owned or how many cows he ran was as impolite and unthinkable as asking a businessman about his income or savings. The importance of land to the Colstrip ranchers contributed to an almost visceral defense of private property. “All of my life I can remember that the ranch was *the*

most important thing,” McRae told Michael Parfit for his 1980 book on the Colstrip power plant controversy *Last Stand at Rosebud Creek*. “It was more important than comfort or happiness or anything. It was more important than family. It was more important than marriage. It was more important than religion. It was *absolutely* the *only* important thing in the world.” [emphasis in original] To protect their ranches, whether from fire, drought, blizzards or low cattle-prices, they relied on their own ingenuity and toughness, and called on neighbors only when absolutely necessary. Years later, in his history of rural activism *Raising Less Corn and More Hell: Midwestern Farmers Speak Out*, Jim Schwab writes that this rugged individualism, despite evidence undermining its actual validity, became the “philosophic cornerstone of rural culture.” It tended to leave rural people unable to admit their need for collective political action; to do so, he observed, would be to suggest that one was weak or a failure. Schwab noted that this unwillingness to ask for help continued until an issue erupted into a full-blown crisis. Though the situation along Rosebud Creek had not yet reached a crisis for McRae and his neighbors in the late 1960s and early 1970s and they addressed this new threat the ways they knew how.⁴⁶

⁴⁶ Parfit, 46; Jim Schwab, *Raising Less Corn and More Hell: Midwestern Farmers Speak Out*, (Urbana: University of Illinois Press, 1988), 18.



Photograph No. 549156 (Photographer Norton Boyd); “Ranch lands in the Powder River Basin near Colstrip long-range plans call for massive strip-mining of the area and the construction of huge power plants capable of producing 200,000 megawatts of power. The power plants would emit more minute separate particles than New York City and Los Angeles combined, 06/1973,” June 1973; Documerica Project, Records of the Environmental Protection Agency, 1944-1006, Record Group 412; [Online version, www.archives.gov, National Archives and Records Administration, 5 December 2011], National Archives at College Park, College Park, MD.

When Peabody Coal Company’s land men knocked on McRae’s door in 1968 to survey his ranch, McRae addressed the issue as he did most affairs on the Rocker Six Cattle Company ranch. McRae owned almost 30,000 acres of land—at least the surface of it—which he had bought from his father a few years before. But the mineral rights beneath the range belonged to the Northern Pacific Railroad Company (Burlington Northern after 1970). His ranch was a “split-estate.” His great grandfather had bought portions of what was now McRae’s ranch from the Northern Pacific railroad, who had acquired millions of acres in

compensation from the federal government to build a transcontinental rail line. McRae's grandfather got the land; the railroad retained whatever mineral wealth lay beneath it. In 1968, Peabody leased the mineral rights beneath the Rocker Six. Wally McRae had never owned the coal beneath his land, but before 1968 he had never had to confront the possibility that someone might strip mine through his property to get to it. He began to search for solutions.⁴⁷

Like most of the ranchers in Rosebud County in the late 1960s and early 1970s, McRae was a conservative Republican. His politics was deeply tied to protecting his property, family, and way of life and the three were tightly interwoven. Although his livelihood was tied to global markets and national policies regarding international trade, farm subsidies, meat inspection, monopoly and anti-trust regulation, and issues of interstate transportation and energy prices, his politics and those of most of his ranching neighbors near Colstrip were predominantly local. When they sought a solution to an issue that seemed beyond their immediate local ability to resolve, eastern Montana ranchers often looked to the conservative and powerful Montana Stockgrowers Association, which, since 1884, had provided a voice and political clout for ranchers at the capital in Helena. McRae looked to the Stockgrowers to address what he saw as a fundamentally agricultural and private property rights issue. At the 1969 annual meeting of the Stockgrowers, McRae successfully ran for director and was able to persuade the Association to pass a resolution that urged the Montana legislature to

⁴⁷ McRae interview, 13 November 2009.

regulate strip mining.⁴⁸ But, despite the historic power of the Stockgrowers, its political clout was in decline by the 1960s, while Montana Power's political influence in the Montana legislature was approaching its apogee. Ranching's supposed hegemony in eastern Montana was dissolving in the face of energy development. Peabody's lease hounds did not relent, and Montana Power continued its plans to build the power plant at Colstrip.

During 1970 and 1971, McRae and his neighbor in Rosebud County, Don Bailey, continued their efforts to inform landowners about Peabody's and Montana Power's activities and tactics and to strategize how to fight the companies during 1970 and 1971. Though they had not formed an organization, the ranchers near Colstrip were organizing themselves and McRae and Bailey, assumed a leadership role. In early 1971, they decided to form an official group and called themselves the Rosebud Protective Association (RPA). Described by area newspapers as a "landowner's" group, RPA, in addition to wanting to protect their ranches and water, also voiced concerns about the effects of rapid industrialization on area schools, disorganized and ramshackle boomtown residential development, and the introduction of hard drugs into the community by construction workers in Colstrip.⁴⁹ RPA, like the BMLA to the north, began seeking the ear of anyone who would listen or might be able to help. They recruited members, drawing other ranchers like Nick Golder from the countryside as well as residents of Colstrip, who were equally concerned about the social costs of building two 350-megawatt power plants in the town. The confusing system of

⁴⁸ Parfit, 73; McRae interview, 13 November 2009.

⁴⁹ Parfit, 119, 121.

mineral ownership and leasing and the tangled mat of property, environmental, and health laws and regulations provided a formidable obstacle to RPA's efforts. When Peabody first showed up on the Rocker Six ranch in 1968, McRae thought he could get a handle on the situation by pushing the Stockgrowers to pass a resolution. Between 1968 and 1971, McRae made a name for himself as a passionate and articulate opponent of the proposed power plant and strip mines, leading the opposition at countless public meetings in Colstrip, Forsyth, Billings, and Miles City and in the local newspapers. What has been described as his "Marlboro Man" image made an attractive symbol of the last defense of a dying way of life in an evolving narrative portrayed by local newspapers and occasionally picked up by the national press. But, a little more than two years later, he and his neighbors were caught in a dizzying situation; generations of experience dealing with and, at times, prospering in the harsh environment of southeastern Montana provided little preparation for battle against determined corporations, their lawyers, and the federal government, all of whom seemed to have the law on their side. The situation grew into a crisis.⁵⁰

While the members of BMLA were putting pressure on Consol and looking for help anywhere they could find it, they heard rumors and read newspaper articles about what was going on in Rosebud County. Boyd Charter had appealed to McRae to share his experience with the Bull Mountain ranchers and possibly even combine their efforts. The Charters, who raised a few bucking horses that made appearances at local rodeos every year, were familiar with

⁵⁰ "Energy Futures: Can You Fight Progress?" *Atlantic Monthly*, April 1978, 57; McRae interview, 13 November 2009.

McRae, who often served as a popular rodeo announcer. McRae remembered an almost exasperated Boyd Charter calling him one day and asking him to come to the Bull Mountains and explain to the new BMLA what had been happening in Rosebud County and how the Rosebud Protective Association had been fighting back. “Boyd, I can’t do it,” McRae responded, “I’m just involved with so many things here.” McRae empathized with what the Charters, Tullys and Pfisters faced in the north, but he had his own issue and he was determined to resolve it himself. Besides, he thought, who was he to meddle in the affairs of others? RPA was very different from BMLA. RPA reflected the independence and tendency toward local politics and mutual assistance typical of the ranchers in that part of the state. Although membership in RPA typically implied family membership, male heads of households usually attended the meetings and acted as spokespersons for the group. BMLA elected women not only as officers, but encouraged them to serve as spokespersons for the organization in the newspapers and at public events. While Bob Tully was elected as the first president of BMLA in 1971, Anne Charter served as vice-president and, spending most of her time in Billings that first year, served as its primary spokesperson. BMLA also differed from RPA in where it sought help. McRae and RPA looked to the group that they thought best represented their interests as ranchers and landowners—the Montana Stockgrowers Association. BMLA was willing to accept help from anyone who would lend it and nurtured alliances with a new group on the Montana political scene that still had little experience working with agricultural people—environmentalists. To call the Bull Mountain ranchers radicals or liberals would

be a gross exaggeration, but to the conservative ranchers of Rosebud County, members of the Stockgrowers, an organization that just a few years prior had passed resolutions condemning student activism on college campuses, the BMLA seemed a little too liberal for comfort.⁵¹ As daunting as the challenge from Peabody and Montana Power seemed, McRae and RPA would go it alone—at least for the time being.

A “Resource Council” is born

While RPA was doing its best to keep track of what the land agents were up to in Rosebud County and Montana Power’s activities in Colstrip, BMLA’s campaign to save the ranches in the Bulls started down a different path. One of the early goals the group identified was to take part in a coal symposium to be held in Billings in April 1972. The symposium was purported to represent all sides of the controversy and the BMLA hoped that it would attract other landowners facing the threats of condemnation, degraded air and water quality and quality of life in other parts of the state. Anne Charter remembered that they knew that land agents had approached other ranchers across eastern Montana, and they even got some to sign away their property or allow the coal companies to lease their land for mining. Feeling isolated in the Bull Mountains and in need of allies, BMLA’s members sought out meetings with other landowners to share their fears and discuss strategy. As the symposium came together, BMLA got word from Billie Hicks, a member of the Audubon Society who was on the

⁵¹ Pfister interview, 14 November, 2009; Charter, 145; Parfit, 93.

planning board for the event, that the “environmentalist” on the panel was from North Dakota’s Knife River Coal Company. Despite reports that the meeting would include representatives from all sides, the symposium appeared to be dominated by industry. Hicks told the BMLA to find their own environmentalist and she would make sure that he or she had a seat on the panel. Not knowing exactly where to turn, BMLA invited Cecil Garland, one of the founding members of the Montana Wilderness Association and a veteran environmental activist in the state, to serve as their “environmentalist.”⁵²

Garland, the owner of a sporting goods store in the small logging town of Lincoln, Montana, about 270 miles east of the Bull Mountains, was, like most members of BMLA, a citizen activist. He became politicized during the campaign to pass the Wilderness Act in the 1960s and worked to have millions of acres in the Northern Rockies included in the Act, and in 1972 was leading the ultimately successful campaign to designate the first “citizen-designated” wilderness area in the nation, the Lincoln-Scapegoat along Montana’s Continental Divide north of his hometown. Garland accepted BMLA the invitation. When Anne Charter later called to tell him that the panel was full and that planners of the symposium would not allow the addition of Garland, he decided to come anyway. He would come to Billings a day early and, if BMLA would gather together a few interested people, help the group plot their strategy. About eleven people met at Anne’s home in Billings on April 21, the evening before the symposium. They included the Charters, Tullys, Louise Pfister and her daughter

⁵² Charter, 145; Pat Sweeney, interview by author, Billings, Montana, 2 August 1010.

Ellen Pfister Withers, a young school teacher at Billings Senior High School named Dick Colberg and his friend, Billings-native Pat Sweeney, John Redding from Sarpy Creek, and Lainie Hicks from the Wyoming Sierra Club. Garland conducted the strategy session.⁵³

At the strategy meeting the idea for a larger “umbrella organization” arose repeatedly. The participants worried that it was too much work just to fight one coal company—what if other companies had leased the right to mine coal in the Bull Mountains and began to move toward developing those leases? The BMLA needed more information, and the ranchers of the Bulls had no idea how or where to get it. They also recognized that the fight in the Bulls was not an isolated issue. Their “neighbors” across the region—connected through common work and life experiences, meetings at livestock auctions, fairs and rodeos, and in some cases, blood—were facing similar threats. The coal boom endangered not just their land and ways of life but the rural character and agricultural viability of the entire region. They all realized that the situation in Bulls was not an isolated development. To address it, they needed to a larger organization to gather information about what was happening in other parts of the state and to combine the experiences and resources of all Montanans concerned about strip mining to fight the coal boom. Garland finally asked, “Why don’t you just form one?” The group retorted: “How?” Garland told them, “All you need is a name, officers, membership dues and a letterhead.” The group discussed the possibility for a

⁵³ Douglas W. Scott, “A Wilderness-Forever Future: A Short History of the National Wilderness Preservation System,” (Washington, DC: Pew Wilderness Research, 2001), 18; Charter, 145; Pfister interview, 14 November 2009; Sweeney interview, 2 August 2010.

long time—would the group be confined to working only on coal issues or defending ranching, land, air and water quality in general? Geographically, where would it cover? Who would the members be? Finally, the normally reserved Louise Pfister made a proposal. She said that the Northern Plains would be the new group’s territory and if they called the group a “resource council,” they wouldn’t have to be confined to just coal. The group voted unanimously to form the Northern Plains Resource Council. Each person present paid the five dollars dues to become a charter member, and elected officers including Dick Colberg as president. A new, regional organization was born. The next day, the Northern Plains Resource Council showed up to the symposium. Charter remembered that little was accomplished—Northern Plains members and others in the crowd interrupted and peppered the panel with questions—but that the group “generated a lot of righteous indignation.” Generating righteous indignation passed as a significant part of the new group’s strategy in its early days.⁵⁴

A few months later, while taking some time away from the developing crisis south of Colstrip, McRae ran across the Charters at a fair in Forsyth. McRae remembered Boyd Charter hollering from behind the Northern Plains informational and recruitment booth he was manning, “Wally, come over here and join this organization.” McRae responded, “Ah, I don’t think I want to, I think I’m doing OK on my own. I think I have more credibility as a martyr—a lonely individual out there battling the giants of industry.” Charter retorted that McRae was just comfortable because he had received a lot of publicity. “You’re

⁵⁴ Charter, 145; Pfister interview, 14 November 2009; Sweeney interview, 2 August 2010.

right about everything,” Charter told him, “but we’re going to have a staff, we’re putting together a staff now, and they’re going to do research, you don’t have time to do research.” Then, playing to McRae’s pride and independence, Charter told him, “you can still be a spokesperson, you can still be a lonely put-upon martyr if you want to be, but you need staff organization and research.” McRae considered this proposition for a few minutes. What Charter said made a lot of sense. He could still fight for his ranch, but maybe the Resource Council could help with the legal wrangling and research that he and his ranching neighbors in the Rosebud Protective Association had neither the time nor training for. McRae had read newspaper stories about this new group and was unsure that he wanted to be associated with these “environmentalists” but the Montana Stockgrowers were proving useless in his fight. He signed up.⁵⁵

Conclusion

With the inclusion of McRae and the Rosebud Protective Association, and the recruiting of concerned landowners along the Tongue River and near Sarpy Creek and environmentally concerned residents from the rest of the state, Northern Plains quickly grew into a statewide group. When the group’s board identified the construction of Montana Power’s Colstrip power plants as its top priority, McRae and the other ranchers of Rosebud County finally found the assistance they had been searching for. As 1972 came to a close, the new organization found itself on the leading edge of a growing local environmental

⁵⁵ McRae interview, 13 November 2009; Charter, 149.

movement. Looking forward to the 1973 Montana legislative session and the possibility of passing a law to protect landowners from strip mining or outlawing the activity altogether, NPRC leaders realized that it was going to take a lot more than righteous indignation to stop the strip mines and power plants. To enter fully the political and legal arenas where they hoped to find a solution to the issues of the coal boom, they needed a crack, energetic staff to do research, recruit and organize members, and lobby. They set out to find it.

CHAPTER 3

THE NORTHERN PLAINS RESOURCE COUNCIL

In their efforts to address the threats posed by the coal boom, the Northern Plains Resource Council intuitively stumbled into basic strategies for stopping the strip-mining of the Bull Mountains, Rosebud County and the Tongue River region. When first confronted with the threat of having their property condemned or mined against their wishes, the Charters, Tullys, and Pfisters in the North, McRaes, Baileys, and Golders near Colstrip, and Aldersons, McKinneys, and Hayes near Tongue River quickly learned that they needed to know more about what was being proposed. Their early experience also convinced them that despite traditions of self-reliance and cultural barriers to seeking assistance from outside of their immediate communities, they were going to need help. And they learned that, in addition to reaching out to others in similar situations—Boyd Charter contacting Wally McRae, for instance—they needed the support and sympathy of the larger public. To gain that sympathy, they learned to use whatever means they could conjure to inform the public of the situation in their parts of the state. They also learned that to solidify that sympathy and turn it into financial and political support and power that would influence politicians to protect their homes and the environment, they needed good information. Gathering information, informing the public, recruiting new members and lobbying decision makers became central, general strategies of the new NPRC. The ultimate goal of their efforts was to pass laws to prevent or at least temper the

devastating effects of strip mining and coal-fired power production in Eastern Montana. Their proposed legislation included a moratorium on strip mining, a law that would remove the ability of coal mines to use “eminent domain” to condemn ranches for strip mining, a law that provided landowners living in “split estate” situations more rights to determine what happened on and to their property, and a law that stringently regulated strip mining and required the reclamation of lands it disturbed so that agriculture could at least continue after the boom. Although the reclamation issues proved to be very technical, the laws they advocated greatly mirrored much of the group’s rhetoric. They sought legislative solutions aimed primarily at giving citizens a say in the decisions that affected their land, water, quality of life, and livelihoods. They favored democratic reforms that provided citizens access to information and environmental decision-making processes rather than technical, science-based prescriptions to the problems of the coal boom.

Montana’s Shifting Political Landscape in the early 1970s

Montana’s political landscape was uncertain for the eastern Montana ranchers and farmers who made up the base of Northern Plains as they looked forward to the 1973 legislative session. Prior to 1965, rural landowners in the eastern part of the state held disproportionate power in state politics. (It was said that cows in Eastern Montana had more of a vote than residents of Missoula.) In the 1962, however, the US Supreme Court’s *Baker v. Carr* decision mandated legislative reapportionment to meet the “one-man, one-vote” requirements of the

15th amendment of the US Constitution. When the state's legislative districts were adjusted in 1965, voters in the rural parts of the state, and especially in the east, lost voting clout. Companies like Anaconda and its subsidiary, the Montana Power Company, maintained an inordinate amount of influence in the legislature. Executives of the powerful Anaconda Mining Company had written the state's Constitution in 1889 with the immediate and long-term interests of the mining industry in mind. Anaconda continued to wield incredible power through lobbying and financing political campaigns. Legislative reapportionment, however, had a silver lining for activists fighting the coal boom in the early 1970s. It combined with other overlapping developments to rearrange the playing field in the state capital in the early 1970s. While reapportionment altered the make-up of the legislature and shifted power away from its traditional rural locales to more populous areas in the central and western part of the state, this now more fully-enfranchised electorate tended to be more urban and environmentally aware.⁵⁶

The shift in political power toward Montana's cities and the West, and the increasing importance of environmental issues are evidenced by the passage of a number of protective environmental measures within the state during the early 1970s. The Montana Environmental Policy Act (MEPA), sponsored by Republican State Senator George Darrow of Billings, passed by nearly unanimous

⁵⁶ Michael P. Malone, Richard R. Roeder, and William L. Lang, *Montana: A History of Two Centuries*, rev. ed. (Seattle: University of Washington Press, 1991), 394; Parts of this account of Northern Plains Resource Council's legislative efforts in 1973 come from an article included in the forthcoming book *The Politics of Hope*. See Cody Ferguson and Paul Hirt, "'Power to the People,': Grassroots Advocacy for Environmental Protection and Democratic Governance in the Late 20th Century," edited by Michael Egan and Jeff Crane and published by the University of Colorado Press.

votes in 1971. Like its federal-level counterpart, the National Environmental Policy Act of 1969 (NEPA), it required environmental review and analysis of state actions that could negatively affect the environment, and required the state to solicit citizen participation and input in environmental decisions. In addition, MEPA created an “Environmental Quality Council” to review and research environmental issues in the state and recommend policies to the legislature. Journalists identified an especially strong “cowboy lobby,” from eastern Montana that counterbalanced the typical lobbying goliaths Anaconda Mining and Montana Power companies during the 1971 session, but Northern Plains was just one of many environmental organizations that emerged during the era. The new group added its voice to those of the Montana Wilderness Association, Montana Chapter of the Sierra Club, Montana Audubon Society, Montana League of Women Voters, and eventually the Montana Environmental Information Center. In this new political climate, environmentalists persuaded the Montana legislature to pass a weak law requiring coal companies to reclaim strip mines in 1971, though the new law was never fully implemented due to lack of funding.⁵⁷

Another important development was the state Constitutional Convention of 1971-1972 which re-wrote the state constitution and included significant new environmental and public participation mandates. Lauded nationally as a model of “participatory democracy” because of its inclusion of people normally shut out of the halls of power, Montanans produced a new Constitution that reorganized state

⁵⁷ “Environmental Council May Go Without Funds,” *The Billings Gazette*, 13 March 1971; Jerry Holloron, “Legislature Was Lukewarm On Environmental Issues,” *The Billings Gazette*, n.d. (1971); John Mundinger and Todd Everts, *A Guide to the Montana Environmental Policy Act*, rev., (Helena, MT: Legislative Environmental Policy Office, 1998), iii.

government. Many of the participants in the convention—nineteen of whom were women—had never held any elected political office and were largely independent of entrenched special interests. Montana’s new state constitution for the first time entitled each resident an inalienable right to a “clean and healthful environment,” and required that all lands “disturbed by the taking of natural resources” be reclaimed to a productive condition. Importantly, the 1972 Constitution mandated an unprecedented amount of citizen participation in the legislative process through public hearings, open meetings rules, and citizen right-to-know provisions. What historians have referred to as Montana’s “environmental decade” was in full swing by the spring of 1972 and the affects of environmentalism were rippling through the state. With these new favorable conditions in place, the members of the NPRC set their sights on passing state to reform the coal mining and protect their lands in 1973.⁵⁸ To put these goals into action, the young organization quickly recruited a staff in 1972.

“Wild-eyed and fuzzy-headed environmentalists”: the Northern Plains Staff

The staff of the young Northern Plains Resource Council reflected the nature of the conflict between the coal companies and the ranchers. Some of staffers were ranch kids themselves—Bob and Joan Tully’s son Tom and Boyd and Anne Charter’s son Steve, for instance—who had a stake in the fight. Others

⁵⁸ Harry W. Fritz, “The Origins of Twenty-first-Century Montana,” *Montana: the Magazine of Western History* 42 (Winter of 1992): 78; Harry W. Fritz and William E. Farr, *Montana: Land of Contrasts* (USA: Windsor Publications, 1984), 114; Michael P. Malone, Richard R. Roeder, and William L. Lang, *Montana: A History of Two Centuries*, rev. ed. (Seattle: University of Washington Press, 1991), 394; see Dan Flores, *The Natural West: Environmental History of the Great Plains and Rocky Mountains* (Norman: University of Oklahoma Press, 2003), 191; Montana Constitution, art. 1, sec. 3, and art. 9, sec. 2.

were educated young people from Montana's cities who had come of age intellectually in the late 1960s. They were refugees of the counterculture, Students for a Democratic Society, and the New Left who had finished college in Missoula or out-of-state and then returned home to Montana to consider what they might do next. They were critical of the war in Vietnam and worried seriously about the real possibility of being drafted. Years later, early staff member Pat Sweeney still remembered his draft lottery number. "I felt like the whole time I was in college, I had a bull's eye on my back," he recalled; he was almost certain that he would be drafted as soon as he graduated from the University of Montana in 1972. The young staff members, all of whom worked on a volunteer basis until the summer of 1972, were idealistic and energetic, and offered a peculiar contrast to NPRC's conservative ranching members. To Wally McRae they were a bunch of "wild-eyed, fuzzy-headed environmentalists."⁵⁹

If McRae and the rancher members of Northern Plains looked with apprehension at this collection of "hippy" volunteers, it was not without reason. As volunteers, Kit Muller, Pat Sweeney, Tom Tully, Paul Hawks and Steve Charter had to stretch every penny to clothe, feed, and shelter themselves as they worked to organize the new group and mount a defense against the coal boom. They depended on donations of beef and other food from rancher members. As natives to the area—Kit Muller and Pat Sweeney were both from Billings and the other early staff members came from ranches near the city—they could depend on the charity of friends and family. For housing, the five volunteers lived

⁵⁹ Pat Sweeney, interview by author, Billings, Montana, 2 August 1010; Michael Parfit, *Last Stand at Rosebud Creek: Coal, Power, and People* (New York: E.P. Dutton, 1980), 93.

collectively in a house just west of downtown Billings within walking distance of the organization's first office; it soon became known as "Bozo Villa." During the 1970s, Bozo Villa sometimes housed up to seven men and women, though it was not exactly a commune. Regardless, the conservative rancher members of NPRC did not know quite what to make of the staff and their housing arrangement.⁶⁰

Whether they grew up on farms or ranches or in town, the young staff interpreted the threats represented by the coal boom and the North Central Power Study through a lens of Montana history that tied mineral extraction to exploitation. Both Sweeney and Charlie Yarger, a rancher from near Circle, Montana, who joined the organization in 1974, graduated from the University of Montana—a regional hotbed of the counter culture and New Left politics during the 1960s and 1970s. Both cited Montana historian K. Ross Toole's interpretation of Montana's "Copper Kings" as influencing how they understood the current threat. Toole was a notoriously popular lecturer and professor of Montana history in Missoula who described the history of the copper-mining country of western Montana and Montana politics from the late 1800s to the mid-twentieth century as one of "rape" and exploitation of the land and people by the Anaconda Mining Company. Historian Dan Flores has referred to an "anti-corporate *zeitgeist*," which conflated the Anaconda Mining Company's abuses to the environment and people, as a pervasive element in Montana political culture in the postwar era. The early volunteer staff members, all educated in Montana except Kit Muller

⁶⁰ Sweeney interview, 2 August 2010; Ellen Pfister, interview by author, Billings, Montana, 14 November 2009; in the early 1970s, Ellen Pfister went by her married name, Ellen Pfister Withers but dropped Withers after that marriage ended; Charter 148.

who graduated from Harvard in 1972, came of age in this intellectual milieu. The intellectual, political, and cultural environment of the late 1960s and early 1970s with its protests against the Vietnam War and critiques of industrialized capitalism combined with their experiences growing up in Montana in the postwar era led them to be almost instinctively suspicious of corporations and to interpret the coal boom in terms of corporate greed and excess.⁶¹

When Northern Plains first formed, it was organized loosely around a board led by chair Dick Colberg. It met at least monthly between April and the summer of 1972 at Kit Muller's house in Billings. Although NPRC had a board, all members were encouraged to attend the monthly meetings where they updated the group on developments in their areas and discussed strategy. Over the course of this few months, the staff moved into Colberg's unused pottery studio on the third floor of the Stapleton Building in downtown Billings across the street from Montana Power Company's imposing office. A skilled novelist could not have better orchestrated the "David and Goliath" symbolism explicit in the situation. Beneath the gaze of this regional corporate giant, the five staff members worked feverishly tracking down coal leases, reading environmental assessments and impact statements, and brainstorming legal, legislative, and organizing strategy.⁶²

⁶¹ Sweeney interview, 2 August 2010; Charlie Yarger, interview by author, Yarger ranch near Circle, Montana, 3 August 2010; See K. Ross Toole, *Montana: An Uncommon Land* (Norman: University of Oklahoma Press, 1959), and K. Ross Toole, Dan Flores, *The Rape of the Great Plains: Northwest America, Cattle and Coal*, New York: Little, Brown, and Co., 1976); *The Natural West: Environmental History of the Great Plains and Rocky Mountains* (Norman: University of Oklahoma Press, 2003), 191.

⁶² Sweeney interview, 2 August 2010; Pfister interview, 14 November 2009; Charter interview, 13 November 2010.

While the staff researched state, county, and Bureau of Land Management mineral leasing records and developments with the *North Central Power Study*, the ranchers—the leadership of the organization—slowly began to institutionalize the structure of the group. At the first meeting at Muller’s home, the group voted to write by-laws for the organization. The lines between the volunteer staff and members were fuzzy at best during the first few months. Member and State Senator George Darrow encouraged Pat Sweeney to join the ad hoc by-laws committee with Darrow to research federal requirements for official not-for-profit organizations and write the group’s new by-laws. Ellen Pfister Withers returned from Mississippi in the summer of 1972 a newly-minted lawyer and assumed the responsibility of over-seeing the new Billings office and staff. By that summer, the board had approved by-laws giving the NPRC an organizational structure that included a board of directors made up of members. The by-laws clearly delineated roles for members and staff: members were to make decisions regarding issue positions and strategies for the organization through democratic processes and serve as leaders and spokespeople for the group; the staff were to serve as researchers and organizers and provide information and strategy suggestions to the board, and implement the board’s decision. Under the new by-laws, the staff would be paid two hundred dollars a month each paid for by dues and whatever other money the group could raise. When Colberg resigned his chairmanship to run for the 1973 session of the Montana State House soon after, Withers was elected chair.⁶³

⁶³ Sweeney interview, 2 August 2010; Pfister interview, 14 November 2009; Charter, 148.

Putting out brush fires and telling the *Plains Truth*

Understanding the dual needs of research and winning converts, Withers and the staff went to work in the summer of 1972. One of their first activities was to frame the issue for public information materials and then communicate it to their members and the general public. Before forming Northern Plains, BMLA and RPA members found it easy to organize members over a relatively small geographic area through word of mouth and personal meetings. Northern Plains organized an entire region of the state that stretched hundreds of miles and included thousands of people, usually living in sparsely populated communities or counties. They had phones (although some, like those in the tiny village of Birney along the Tongue River, were still “party-lines” in which residents could listen in on their neighbors’ conversations) but other forms of communication were difficult. To bridge the gap, Ellen Pfister Withers and Anne Charter produced the group’s first newsletter in the summer of 1972.⁶⁴

Typewritten on four 8.5 by 11-inch pages, the austere form of the first newsletter of the Northern Plains Resource Council followed its practical function. In straight-forward terms, it explained what was at issue, unambiguously defined the sides in the conflict, and informed readers how to defend themselves. It maintained a stark sense of “Us” Montanans versus “Them” coal companies. “Did Anybody Ask You If ‘They’ Could Do This to Montana?” asked the headline. The first issue described the *North Central Power*

⁶⁴ Pfister interview, 14 November 2009.

Study and the coal boom. It took statistics directly from the Bureau of Reclamation's *Study* and interpreted them for the readers, tying the coal boom to the national energy crisis and explaining that oil companies were acquiring coal companies due to shortfalls in oil production. Finally, the newsletter informed readers about developments in Congress and explained legislative proposals to expand surface owner rights to defend their land from strip mining and to reclaim strip-mined land so that it could be returned to productive use.⁶⁵

After explaining the situation in eastern Montana as they understood it, Withers and Charter implored the readership to take action—a strategy that became standard for the organization. An “ACTION NEEDED” section encouraged members to write or wire their Senators immediately and encourage them to support West Virginia Senator Ken Hechler's strip mine reclamation bill in Congress. The National Coal Association, the authors wrote, “has a full time lobbyist who does nothing but go from one Congressmen's office to the next back there, so we have to keep in there pitching, too.” Part of the newsletter informed readers about activities within the organization including updates on members' trips to Washington, DC to lobby or Appalachia to meet with anti-strip mining groups. Through its language and reporting, the newsletter imparted a vigorous right to participate in the decision-making process, despite the challenges of wealth, power, and distance presented to the Northern Plains ranchers.⁶⁶

⁶⁵ Northern Plains Resource Council, *Newsletter*, June-July 1972, private collection, Northern Plains Resource Council, Billings, Montana.

⁶⁶ *Ibid.*

In the last two pages of the newsletter, the authors outlined the tactics coal companies used against surface owners, what they called “BATTLE TACTICS.” They described these tactics as “psychological warfare” and then offered advice on how to combat them. They warned, “DON’T lease for any reason,” and provided questions landowners should ask of coal company representatives—“land men”—if they should visit the readers’ homes. Landowners should inquire of the land men whether and how ranching would continue during mining and what the land owner was supposed to do if their land could not be restored to agricultural productivity. They should ask if there was a plan to reclaim the land and what would happen to the landowner’s subsurface water table and springs: “Who will drill you new deeper wells in case yours are ruined?” Lastly, they instructed landowners to ask who would reclaim their land or pay them if the coal companies fail to reclaim it? The newsletter advised landowners to find legal representation independent of the coal companies. They warned members not to talk to land men without witnesses present and not to sign anything “without competent legal counsel.” Northern Plains members who had experience dealing with coal company land agents argued that the companies sought to exploit the unwritten “code of the West” that neighbors did not meddle in each other’s business. They had learned firsthand in the Bull Mountains and Rosebud Country that the only way to combat this was to step outside of the comfort of tradition. “DO NOT BE PROUD ABOUT ASKING,” the newsletter instructed landowners, when they were told by land men that their neighbors had already agreed to sell or lease. In their list of “BATTLE ALLIES,” they named the Northern Plains

Resource Council, BMLA and RPA, new affiliate Birney Land Protection Association, the League of Women Voters, and handful of environmental groups including the Montana Chapter of the Sierra Club and Montana Wilderness Association. They also listed political allies including Senators Mike Mansfield and Lee Metcalf and Representatives John Melcher and Dick Shoup, as well as Wyoming's congressional delegation. Lastly, they made a pitch for membership. Five dollars a year would guarantee one's membership in the organization and receipt of the newsletter, which they described as a "clearing house for spreading information and getting the right people in touch with each other." "Only by standing together," Wither and Charter wrote, "can we live in an unpolluted and beautiful land."⁶⁷

By the following January and the beginning of the 1973 Montana Legislative session, the newsletter had become a regular publication and source of information for people concerned about the coal boom. Its name was changed to the *Plains Truth* and it incorporated a homey hand-drawn masthead portraying a bright sun rising behind hardscrabble hills divided by a winding river. As the new title implied, it carried the organization's claims to a superior degree of veracity regarding issues in the Northern Great Plains. It was published almost monthly and followed the model set out by the first edition of informing the reader about the issues and developments within the organization and its campaigns and then calling members to action—"COME!! To the Reclamation Hearing [in Helena]...STAY!! For the COAL FORUM" and "Call, write, telegram your

⁶⁷ Northern Plains Resource Council, *Newsletter*, June-July 1972.

legislators, or better yet, make a trip to Helena.” The early editions of the *Plains Truth* maintained the first newsletter’s matter-of-fact style but ballooned in its length and content. Reflecting an acceleration of the coal boom, the centrality of coal and environmental issues in the 1973 Montana legislature, the concerns of an expanding membership, and the revelations from the research of a busy staff, the *Plains Truth* doubled in size from four or five pages to nine or more. It became a valuable source of information for landowners facing the threats of strip mining in places far-removed from the centers of power—Birney, Decker, Colstrip, Forsyth. In an editorial in *The Billings Gazette* in October of 1973, Duane Bowler opined that the newsletter was “a bundle of information about what is going on in the energy field, especially in these parts.” It taught landowners how to defend themselves and turn information and concern into political action. All of these functions complemented an evolving campaign that early staff-member Steve Charter likened to putting out brush fires—desperately rushing to put out whatever flared up, never knowing where the next blaze would ignite.⁶⁸

The fire on the roof: Colstrip

The brushfire analogy was apt, but at least the cause of one of the most immediate conflagrations was clear. Montana Power Company’s plan to build a mine-mouth coal-fired power plant at Colstrip was moving ahead despite rancher protests—the juggernaut of capital and bureaucracy cared little about the

⁶⁸ Ibid. *The Plains Truth*, Vol. 2, No. 1, January 1973; Duane W. Bowler, “Editorial: Your land, air, water,” *The Billings Gazette*, 28 October 1973; Steve and Jeanie Charter, interview by author, Billings, Montana, 13 November 2010.

formation of a coalition of ranchers and environmentalists. Although the early impetus for forming the organization had come from landowners in the Bull Mountains and Birney, the proposed Colstrip power plant was the first tangible project to be built in Montana under the *North Central Power Study*. If they could stop Colstrip, NPRC members reasoned, maybe they could stop the others.

But Colstrip was moving ahead full steam in the summer of 1972. As landowners struggled to keep track of Peabody's land men and understand who was leasing land and coal where, the Montana Power Company moved ahead with its plans for the Colstrip power plants. With its partner, the Seattle-based Puget Sound Power and Light Company, it began construction that year. The state had passed a series of laws between 1967 and 1972 regulating construction of such plants: the Montana Clean Air Act in 1967 required the builders of all new industrial projects that might produce air pollution to obtain a permit from the state Department of Health and Environment before construction; the Montana Environmental Policy Act in 1971 required that the builder and state agency responsible for permitting the project complete an environmental impact statement and draw up mitigation measures; and a newly ratified state Constitution in the spring of 1972 articulated the principle that each Montanan had an inalienable right to a "clean and healthful environment." Despite these new measures, state regulators had little practical experience applying these laws in 1972. Montana Power, together with its parent Anaconda Mining Company, had enjoyed almost hegemonic power in state politics in the twentieth century. Aware of the regulatory uncertainty posed by these new laws but confident of its

continued ability to influence state regulators and politics, Montana Power moved forward on its plan to build its coal-fired plants without applying for the permits now required by law. Perhaps the company leaders believed that once they had their shovels in the ground and foundations poured, the state would issue the necessary construction permits under the new laws. The state of Montana had rarely stood in their way. By the summer of 1972, hundreds of construction workers were on the ground preparing the foundations for the construction and installation of the boilers and turbines for two 350 megawatt power plants.⁶⁹



The remnants of historic coal strip mining in Colstrip with the construction of the Colstrip 1 and 2 power plants underway in the left-center of the photo. Photograph No. 549175 (Photographer Norton Boyd); “Power plant under construction alongside old spoil piles left by Burlington-Northern strip mining operation 20 to 30 years ago, 06/1973,” June 1973; Documerica Project, Records of the Environmental Protection Agency, 1944-1006, Record Group 412; [Online version, www.archives.gov, National Archives and Records Administration, 5 December 2011], National Archives at College Park, College Park, MD.

⁶⁹ According to newspaper articles that ran in *The Billings Gazette* in summer, 1972, Montana Power had been constructing the Colstrip plant for “several months” prior to July 1972, Roger Clawson, “Montana Power dodging law, say ranchers,” *The Billings Gazette*, 20 July 1972.



Photograph No. 549126 (Photographer Norton Boyd); “Peabody Coal Company strip mine, south of Colstrip, 06/1973,” June 1973; Documerica Project, Records of the Environmental Protection Agency, 1944-1006, Record Group 412; [Online version, www.archives.gov, National Archives and Records Administration, 5 December 2011], National Archives at College Park, College Park, MD.

As construction commenced, Northern Plains members were starting to understand the state regulatory framework that had been created in the previous three years and began to test what it meant. In the late spring of 1972, they protested to the Department of Health’s Air Pollution Control Division that it was failing to follow the Montana Clean Air Act and Environmental Policy Act. In response, Montana’s Air Pollution Control Division scheduled a public hearing on the matter in Colstrip on July 18. An angry crowd of ranchers, “ecologists,” and local residents filled the hearing room on that Tuesday night to hear from the Division’s director that Montana Power had in fact not applied for a permit and that the state had failed to require one. Division director Benjamin Wake told the crowd that Montana Power had given him “assurances” that the new Colstrip plant would meet or exceed Montana’s air quality standards. When rancher Don

Bailey asked him how he knew that Montana Power would follow through on these assurances, Wake responded, “I don’t know why they would lie to me.” Bailey voiced the pressing issue in the minds of many in the crowd: if Montana Power’s plant failed to meet state air quality standards, would the Division have the power to shut it down? “I don’t think it will come to that,” Wake responded and promised the crowd that Montana Power would apply for a permit in the next two weeks. Wake explained that by not requiring a permit he was allowing Montana Power to take advantage of developing pollution abatement technologies that would result in a cleaner power plant—an justification that made little sense to the crowd.⁷⁰

While Wake may have thought that this was a reasonable explanation, Northern Plains members were not satisfied. A little more than two months later, they filed a lawsuit in Yellowstone County against the Montana Power Company to stop construction of the Colstrip plan until it obtained a construction permit as required by the Montana Clean Air Act. Wake, as head of the Air Pollution Control Division, and John S. Anderson, director of the State Department of Health were named as defendants. As part of the permitting process, the suit asked that Wake’s Division complete an environmental impact statement as required by the Montana Environmental Policy Act. Dick Colberg, president of Northern Plains, defended the NPRC suit on the grounds that “People have the right to know if their air is going to be polluted” before the plant was constructed, and he insisted that the group was just trying to force compliance with existing

⁷⁰ Roger Clawson, “Montana Power dodging law, say ranchers,” *The Billings Gazette*, 20 July 1972.

state law. Montana Power responded that because it was not yet ready install the parts of the plant that would create air pollution—the boilers and turbines—it did not need to apply for a permit. The Air Pollution Control Division, took a middle ground, agreeing with Montana Power that it technically did not need to apply for a permit until it began installing the polluting components of the project, but assuring the public that Montana Power was in the process of applying for a permit and that an environmental impact statement was underway. But although the lawsuit would not be decided for several months, it produced the desired effect in prompting action by the state. By beginning the permitting and environmental review processes, the state hoped to be dropped from the suit. Indeed, by the late fall of 1972, the state and Montana Power were in the process of completing the required environmental impact statement. By November, the draft was completed and ready to be reviewed by the public in accordance with the Montana Environmental Policy Act.⁷¹

What followed in the final months of 1972 and early 1973 was a case study in what Karl Brooks illuminates as the messy process of making environmental law. In November of 1972, the Department of Health announced that a hearing would be held on the draft environmental impact statement for the Colstrip plant on January 5 at the Custer County High School in Miles City beginning at eight in the morning. The Department had reportedly received more than 750 letters in response to the project, most of them critical of coal

⁷¹ Ronald J. Schleyer, “Environmental Group sues Montana Power,” *The Billings Gazette*, 26 September 1972; Dennis E. Curran, “Voice of the land speaks up,” *The Billings Gazette*, 16 November 1972; Dennis E. Curran, “Colstrip hearing planned in Miles City,” *The Billings Gazette*, 29 November 1972.

development and the proposed plants. According to the Montana Environmental Policy Act, an essential part of the environmental review process was soliciting public comments about the proposed plant. Meanwhile, the Yellowstone County district court transferred the case to the 16th Judicial District Court in Rosebud County at Forsyth, north of Colstrip where the presiding judge, Alfred B. Coate, rejected Montana Power's argument that it did not need to apply for a permit until it installed the plant's boilers and turbines. The judge also ruled that the members of the Northern Plains Resource Council had standing to sue. At the same time, the state legislature's Environmental Quality Council demanded that the Department of Health rewrite its draft environmental impact statement because it found it inadequate. Northern Plains echoed this demand and carried it into the January 1973 hearing in Miles City. As the 1973 Montana legislative session got underway, the future of Colstrip remained uncertain; how the court would interpret the Montana Clean Air Act and Montana Environmental Policy Act and how the state would regulate new polluters remained unknown.⁷²

Building alliances

In the weeks and months between agency and judicial action on the Colstrip lawsuit and environmental impact statement, Northern Plains staff focused their attention on other issues. From its inception, NPRC's members had

⁷² Karl Boyd Brooks, *Before Earth Day: The Origins of American Environmental Law, 1945-1970*, (Lawrence: University of Kansas Press, 2009); Dennis E. Curran, "Colstrip hearing planned in Miles City," *The Billings Gazette*, 29 November 1972; "Ron Schleyer, "Ruling on Colstrip Promised by Judge," *The Billings Gazette*, 15 December 1972; Gary Langley, "Colstrip rewrite is asked," *The Billings Gazette*, 17 December 1972; Ronald J. Schleyer, "Power plant foes blame state agency," *The Billings Gazette*, 6 January 1973.

realized the importance of finding and working with allies. BMLA had relied on help from Lainie Hicks of the Wyoming Sierra Club and the Montana Wilderness Association's Cecil Garland to organize the young group and BMLA members had worked extensively with new allies at the Environmental Policy Center in Washington DC and citizens' organizations from Appalachia in opposing strip mining at the federal level. In the last months of 1972, in advance of the 1973 legislative session, NPRC members and staff made trips out of state to rally the support of others sympathetic to their cause. In his last days as chair of the nascent organization before resigning to run for the Montana state house, Richard Colberg traveled to Washington DC to attend a forum on the *North Central Power Study* and coal strip mining in the West sponsored by the Conservation Foundation. Although this meeting included a handful of federal and state agency personnel, professional and citizen activists from the Rocky Mountain Center on the Environment, Appalachian Strip Mining Information Service, the Ford Foundation's Energy Policy Project, the U.S. Water Resources Council, and *High Country News* also took part. Colberg stood in common cause with these other groups in imparting to representatives from the federal Environmental Protection Agency, Department of the Interior, and Montana state lands commission that a comprehensive environmental review of the *North Central Power Study* was absolutely necessary before any further development should be allowed. In the process, he made lasting relationships with these other activists that proved useful in gathering information about the coal boom and ideas about how to fight it.⁷³

⁷³ Northern Plains Resource Council, "From Washington DC," *Newsletter*, 31 July 1972.

In the next few months, Carolyn Alderson and Anne McKinney, ranchers near Hanging Woman Creek where the *North Central Power Study* proposed a 10,000 megawatt power plant, busily worked with allies to lobby their cases. Alderson traveled with a group of ranchers facing similar issues just across the border in Wyoming to Washington, DC to lobby for the defeat of a weak Senate surface mining bill and in support of a stronger House bill. Unfortunately, Congress adjourned before it could take action on either bill, leaving the issue in the air until the following year. McKinney traveled to the state capital, Helena, to lobby the members of the Montana Stock Growers Association to adopt some of the Northern Plains positions regarding strip mining. On October 6, the traditionally conservative ranching organization voted to call for stronger regulations of strip mining, including requiring that mining companies re-establish forage plants on the lands they disturbed during mining and post a bond of \$1000 an acre to pay for reclamation of mined lands. The association also called for a prohibition of mining in lands that were impossible to reclaim and lands that were of historical and archeological interest. Not long after the Stockgrowers adopted this position, Alderson travelled to an energy conference in Sheridan, Wyoming, where she warned officials from a collection of oil, gas, coal, and power companies, to “not underestimate the people of this area.” She told them, “Do not make the mistake of lumping us and the land altogether as ‘overburden’ and dispense with us as nuisance.” With a somewhat ironic reference to the native Americans who had inhabited the land owned by ranchers, she told the meeting, “We are the descendants, spiritually, if not actually, of those

who fought for this land once, and we are prepared to do it again... We intend to win.”⁷⁴

The group took this energy and momentum into the final months of 1972 before the start of the 1973 legislative session. Staffer Kit Muller and member Bill Bryan travelled to San Francisco in late November to meet with allies and potential funders and held a press conference including a film on strip mining in Wyoming in hopes of attracting political and financial support outside the region. In early December, representatives from the Environmental Defense Fund and Natural Resources Defense Council met with NPRC staff and members in Billings for three days to discuss legal strategies and possible policy issues and prescriptions. Representatives from the state Environmental Quality Council and Montana Wildlife Federation met with Northern Plains members on December 12 to advise the group on legislative strategy. The Montana Wilderness Association passed a resolution calling for a four-year moratorium on strip mining. With the support of their allies both in Montana and out of state, NPRC prepared for the 1973 legislative session.⁷⁵

The 1973 Montana Legislative Session

As Northern Plains began its legislative work in 1973, all of their work to elevate the coal boom issue paid off. Compared to the previous session in 1971, coal strip mining was a well-publicized issue in the press and in state politics by

⁷⁴ Northern Plains Resource Council, *Newsletter*, October-November 1972; “‘We intend to win’: Rancher, housewife, young, old speak out to defend their land,” *The Sheridan Press*, 26 October 1972.

⁷⁵ Northern Plains Resource Council, *Newsletter*, December-January 1973; Fred Garretson, “Warning Sounded On Strip Mining,” *The Oakland Tribune*, 1 December 1972.

1973. The threats that the coal boom posed to the lands and waters of eastern Montana played a central role in the writing of the natural resources section of the new state constitution in 1972. Indeed, the chair of the Constitutional Convention Natural Resource Committee, Louise Cross of Glendive, a region in eastern Montana slated for strip mining, identified the environmental problems associated with the coal boom as her primary concern in advocating for a strong environmental section of the constitution. Delegates to the convention in 1972 were familiar with debates over coal mining and reclamation in the 1971 legislative session and had read the dozens of articles that had run in state newspapers illuminating the prospects of strip mining in the region. By the time the 1973 legislative session got underway, both political parties had taken critical positions on strip mining. In the fall of 1972, the Montana Democratic party adopted a conservation and environment plank which called for a moratorium on any further strip mining until: the legislature passed a land reclamation bill that would guarantee restoration of mined lands to their original or higher use with the establishment of self-sustaining vegetation; passage of a legislative guarantee of water rights and the protection of water quality from mining pollution; amendment of the state's eminent domain laws so that coal companies could not condemn private land under the guise that coal mining was a necessary public good; legislative regulation of air quality; and a commitment by the state and nation to an energy policy reliant on "clean alternative energy supply." The Montana Republican Party, at the instigation of Billings Senator George Darrow and with testimony from Bob Tully, passed a resolution that called for

reclamation and “adequate protections” for surface and groundwater and air quality. The Republican resolution also recommended that the legislature give landowners a better ability to protect their private property in “split estate” situations where the property rights of surface and mineral owners came into conflict. With the official support of both parties for their general legislative aims, it appeared that Northern Plains was in a strong position to affect the passage of meaningful legislation.⁷⁶

One of the immediate threats landowners faced from the proposed strip-mining was the ability of coal companies to “condemn” their land under old “eminent domain” laws. Originating under English common law to allow for the condemnation of private land for construction of public (or royal) necessities or amenities, eminent domain had been used in the United States since the nation’s inception for the building of roads, railroads, dams, and public buildings. During the energy crisis and coal boom of the 1970s, coal companies like Consol and Peabody attempted to use this same legal power of the state to remove landowners whose property overlaid the coal beds by arguing that it was in the public’s interest to remove the ranchers and mine the coal. Landowners faced an untenable position in trying to retain their property: either agree to the coal company’s terms or be condemned, removed, and accept what the courts considered fair compensation. In 1973, state-Representative Richard Colberg,

⁷⁶ Louise Cross, “Statement for the Natural Resources and Agriculture Hearing,” 10 February 1972, Louise Cross Papers, A: 6 2-1, Montana Historical Society Archives, Helena, Montana; Louise Cross, “Thoughts from a Committee Chairman – on February 26, 1972,” 26 February 1972, Louise Cross Papers; “Political Parties,” Northern Plains Resource Council, *Newsletter*, October-November, 1972.

Democrat from Billings, who had run for the legislature on a platform of reining in what he called the abuses and injustices of the coal industry, introduced House Bill 238 which removed coal strip mining from the definition of “public use” under Montana’s eminent domain law. Northern Plains members and Montana legislators operating under the new structure provided by the 1972 Constitution argued that it was unjust to allow a private company to use the power of the state to deprive citizens of their property. The apparent injustice of the situation resonated with legislators who removed coal strip mining from the definition of “public use” in Montana’s eminent domain law by a hefty margin—86-11 in the House and concurred to by voice vote in the Senate. On March 17, 1973, Governor Thomas Judge signed the bill into law, affirming that the state would not help coal companies condemn farmers and ranchers to facilitate coal extraction.⁷⁷

Northern Plains’ members had to make difficult decisions regarding their public position on coal strip-mining itself. Some proposed to ban strip-mining altogether. The coal in the northern Great Plains was low-sulfur lignite that burned cleaner and was closer to the surface than the coal that underlay the Midwest and Appalachia, but because of high transportation costs it was only profitable for export out of the state if it was strip-mined. A ban on strip mining could possibly end large-scale coal mining in Montana. Thus, a ban, if they could finesse it through the legislature, would perhaps solve their problems. Families

⁷⁷ *House Journal*, 43rd Legislative Assembly of the State of Montana, January 1, 1973-March 10, 1973, and March 12, 1973-March 24, 1973, 395, S-74, Montana Historical Society Research Center, Archives, Helena, Montana; Pfister interview.

like the Charters and Pfisters near the Bull Mountains and the McRaes, Baileys, Golders and others near Colstrip and the Hayes, McKinneys, and Aldersons near Birney would be perfectly happy never to see the rolling hills and coulees of their regions torn up by strip mining. The environmental devastation in the Appalachian coalfields provided a vivid illustration of what could happen to Montana if large-scale, unregulated strip mining were allowed in the state. In a letter to the editor of *The Billings Gazette* powerful and popular Montana Senator Mike Mansfield recommended a ban until protective environmental laws were in place. But what if a ban bill failed? Would they go home empty-handed and have to wait another two years to try to convince a new legislature to rein in strip mining? The bulldozers were practically at their doorsteps.⁷⁸

The decision they made proved definitive for how the organization addressed strip mining and other environmental problems in the future, and crucial to maintaining their ability to support meaningful legislation during the 1970s. While most of their members opposed strip mining outright and supported the spirit of a ban, the organization itself assumed a middle ground. The NPRC proposed a bill sponsored by Democratic Representative Dorothy Bradley of Bozeman that would enact a three-year moratorium on strip mining to give the state and federal agencies time to study strip mining and reclamation and enact

⁷⁸ Pfister interview; Wallace McRae, interview by author, Billings, Montana 13 November 2009; Comparisons of strip mining in Montana with the devastation experienced in Appalachia was ubiquitous in discussion of the coal boom within Northern Plains and the legislature; in January 1973, Kentucky lawyer, author, and anti-strip mining activist Harry Caudill visited Montana and met with members of Northern Plains, representatives from the United Mine Workers and legislators to explain his interpretation of the damage caused strip mining in Appalachia; “Caudill’s Visit,” *The Plains Truth*, December-January 1972-1973; “Mansfield Urges Ban,” *The Billings Gazette*, 19 January 1973.

regulations to protect the environment and people. Bradley's HB 492 came within one vote of passing in the House. Encouraged by the close vote, the group redoubled its efforts to pass a revised bill, lobbying hard for provisions that expanded citizen participation rules and gave landowners the power to negotiate terms to protect their property. Over the course of one long night in early 1973, determined Northern Plains members Ellen Pfister Withers, Bob Tully, staff member Kit Muller, and young lobbyist Pat Sweeney hammered out the draft of what would become Montana's first coal-mine reclamation bill, HB 555, sponsored by Colberg. They studied recent national and state-level environmental laws, including NEPA and the Montana Environmental Policy Act and the recently passed state constitution, from which they borrowed public notice and participation provisions. House Bill 555 was eventually merged with Senate Bill 94, sponsored by Democratic Senator William Bertsche of Great Falls to become the Montana Strip and Underground Mine Reclamation Act passed by a near unanimous vote and signed into law by Governor Judge in mid-March 1973. The law required that before strip mining could commence, companies had to prepare a mining plan that included detailed prescriptions for restoring the land to its pre-mining condition including native vegetation and the "approximate original contour" of the landscape, obtain a permit from the state—a process that provided for citizen oversight and appeal—and complete necessary environmental impact statements under both the National Environmental Policy Act and the Montana Environmental Policy Act. To pay for post-mining reclamation, the state required

that companies purchase bonds to ensure the reclamation would be completed and stipulated that its costs could not be shifted to the residents of the state.⁷⁹

Pushing reforms further, Northern Plains worked with other environmental organizations and concerned citizens to help pass a Utilities Siting Act. House Bill 127, sponsored by Fort Benton Democratic Senator Francis Bardanouve, aimed at creating a permitting process to regulate power plant and power line construction. Supporters included representatives from the Department of Health and Environmental Sciences who advocated for its passage to prevent the kind of situation they faced with the construction of the Colstrip plants. Don Bailey seconded their support, as did Jim Murray, representative of the Montana chapter of the American Federation of Labor—Congress of Industrial Organizations (AFL-CIO). Regulation, it appeared, served multiple purposes for the different interests. While Bailey, a stalwart opponent of the Colstrip plant along with McRae and other members of RPA and NPRC from the Colstrip area, hoped that the Utility Siting Act would force Montana Power and Puget Sound Power and Light to follow new environmental laws and possibly even prevent the plant's construction, state regulators and union leadership hoped the law would provide needed regulatory consistency and certainty to prevent the kinds of lawsuits

⁷⁹ Sweeney interview, 2 August 2010; "MORATORIUM STILL ALIVE: ONE VOTE NEEDED TO PASS," *The Plains Truth*, Vol. 2, No. 1, February 1973; "Minutes, Feb. 6-8, 1973, House Natural Resources," Montana Legislature (43rd: 1973) records, 1973-1974, Legislative Records 43, box 2, folder 17, Montana Historical Society Research Center, Archives, Helena, Montana; "Minutes, Feb. 9-24, 1973, House Natural Resources Committee," Legislature (43rd: 1973) records, 1973-1974, Legislative Records 43, box 2, folder 18, Montana Historical Society Research Center, Archives, Helena, Montana; The Montana Strip and Underground Mine Reclamation Act, *Montana Code Annotated*, sec. 82-4-201, sec. 82-4-202, (2009); *Senate Journal*, 43rd Legislative Assembly of the State of Montana, January 1, 1973-March 10, 1973, and March 12, 1973-March 24, 1973, S-71, Montana Historical Society Research Center, Archives, Helena, Montana; Charter, 148.

Northern Plains was currently pursuing against the state and Montana Power. Montana Dakota Utilities did introduce amendments to the proposed legislation but, like its fellow power companies, likely understood the bill in terms similar to that of organized labor and state regulators. Once the bill had the state's support, it was likely to pass; utilities possibly felt that they could operate within the regulatory structure it created based on their continued close relationships with state regulators. No one opposed the legislation. Representatives from the Montana Farmers Union, a historically progressive farmers' organization, and the American Association of University Women, supported the bill because its provisions increased public involvement in the power plant permitting process. The Utilities Siting Act was passed by the Montana legislature in 1973 to address environmental and social issues associated with the construction of electric power plants, including those fired by coal, and the transmission lines they needed to move their product to consumers. In the next few years, it provided Northern Plains with a powerful tool to challenge the construction of additional plants at Colstrip and in other parts of the state and their transmission lines, which were proposed to march east to west across Montana to the Pacific Northwest.⁸⁰

A bill to ban all strip mining by 1977 was introduced during the 1973 legislative session and its hearing drew a sizeable and enthusiastic crowd, including ranchers from Eastern Montana, representatives from Montana's small environmental lobby and the League of Women Voters, a handful of concerned

⁸⁰ "Minutes, Feb. 27-Mar. 10, 1973, Senate Natural Resources Committee," Montana Legislature (43rd: 1973) records, 1973-1974, Legislative Records 43, box 7, folder 18, Montana Historical Society Research Center, Archives, Helena, Montana; The Major Facility Siting Act, *Montana Code Annotated*, sec. 75-20-102, (2009).

voters, and J. W. Bradley the president of a newly-formed anti-strip mining group from Tennessee, Save Our Cumberland Mountains, who brought warnings of what might be in store for Montana. The hearing did not include any self-identified representatives of the Northern Plains Resource Council. The strip-mine ban bill, House Bill 391, sponsored by Representative Barbara Bennetts, Democrat from Helena, may have provided a strategically more radical alternative to the NPRC-backed reclamation bill, but the organization remained silent on the issue. The strip mine ban was never enacted, but it added to the calls for banning strip-mining springing up all over the coal mining regions of the U.S. at the time. As the 1973 legislative session wound to a close, Northern Plains, a nascent and wily collection of roughly 300 families from agricultural and urban backgrounds, could claim a large degree of victory. Landowners could no longer be condemned for coal strip mining under Montana's eminent domain law, coal strip mining was regulated and mining companies had to reclaim the lands they disturbed, and the construction of major power plants and their transmission lines was regulated and the permitting process opened to public scrutiny. NPRC had not stopped strip mining, but their efforts had helped ensure that it would be heavily regulated and that mining companies, not the citizens of Montana, would bear the external costs of strip mining and coal-fired power production.⁸¹

While Northern Plains members and staff were busy at work in Helena, they were also trying to address one of most daunting aspects of the coal boom

⁸¹ "Minutes, Feb. 6-8, 1973, House Natural Resources," Montana Legislature (43rd: 1973) records, 1973-1974, Legislative Records 43, box 2, folder 17, Montana Historical Society Research Center, Archives, Helena, Montana.

and the *North Central Power Study*: the complicated matrix of land and mineral ownership in Montana, who owned what and where and where development was planned next. The confusion surrounding landownership caused by split estate legacy of the 19th century was a major obstacle to organizing effective opposition to the coal boom. When confronted by coal company “lease hounds,” landowners were usually ignorant beyond the information provided by the coal company land agents, leaving them at a serious disadvantage in negotiating either terms of selling or leasing their surface property for mining or trying to fight the deal. In addition, without knowing who owned which coal tracts, who was leasing what, and what had already been leased, Northern Plains could not anticipate where the coal companies would go next. If they could figure out which tracts were being leased, they might be able to predict the coal companies’ subsequent moves; they could inform the landowners ranching over those leases and begin to organize a pre-emptive defense against the lease-hounds’ divide-and-conquer strategies. But no one exactly knew how to find this information. Neither the federal government nor any other governmental entity kept mineral leasing information in a form easily accessed by citizens and there was no centralized record of leases of private minerals. There was no single place the staff could go to find information.⁸²

Youth, creativity, and tenacity provided the answer. For several months during the fall of 1972 and winter of 1972-1973, Muller, Sweeney, Tom Tully, Bill Donald, and Steve Charter travelled to every county courthouse in eastern

⁸² K. Ross Toole, *Montana: An Uncommon Land*, (Norman: University of Oklahoma Press, 1959), 91-92; Sweeney interview, 2 August 2010; Charter interview, 13 November 2010.

Montana and combed records and maps sometimes dating back to the late 19th century to glean the information they needed. In small county seats like Sidney, Glendive, Terry, and Wibaux, they would camp out in teams of two for a couple of days and compile lists of recorded leases of all private, state, and federal minerals in that county. They then produced a document recording the state of mineral leasing in Eastern Montana complete with maps that they hand-colored-in to give a visual representation of the situation. The completed document was impressive. Sweeney remembered that Northern Plains' sometimes-adversary at the regional office of the Bureau of Land Management in eastern Montana, Ed Sliditz commented that not even his paid staff had any idea how much of their minerals or land were leased for coal mining.⁸³

However remarkable the compilation of all of this information was, its findings were even more striking. On the morning of March 9, 1973, residents of eastern Montana read in *The Billings Gazette* that more than a million acres in their region had been leased for strip mining, and that applications to lease another 427,000 acres were underway. In total, they read, about one and a half million acres or 2,400 square miles were slated for strip mining. At least eighty-seven companies had leased coal lands in Montana and Wyoming. Kit Muller informed the newspaper that he intended to give the results of the study to state agencies involved in permitting and regulating coal development. He insisted that "People in Montana have a right to know what's going on in this state." The leasing study was vital in helping the group understand the scope of the coal

⁸³ Sweeney interview, 2 August 2010.

companies' mining ambitions in eastern Montana and to plan where to focus its efforts. It was also effective in communicating the information to the wider public and provided an added impetus for the legislature to regulate strip mining during the 1973 session. The leasing study further woke Montanans up to just how big an issue strip mining was in the state.⁸⁴

By the end of the 1973 legislative session, Northern Plains had successfully catapulted the issue of strip mining in eastern Montana to the forefront of state public discourse and policy making. In a little less than two years, what seemed like a very localized issue affecting a few landowners in the Bull Mountains north of Billings or a handful of ranchers near Colstrip had turned into the one of the state's biggest political issues. By mid-1973, articles on coal strip mining or coal-fired energy production occurred almost daily in the *Billings Gazette* and other state newspapers. Its trajectory as an increasingly hot topic was possibly aided by a collective recognition of the potential scope and meaning of the *North Central Power Study* by Montana newspapers and policymakers. It may have just taken a few years for the numbers—twenty one coal-fired power plants dotting the landscape and polluting the air, new dams and power lines and dozens of new strip mines—really to sink in and for the public to react.

Conclusion

In a little more than a year since their organization, this modest collection of ranchers, farmers and environmentalists helped advance new state laws that

⁸⁴ Gary Langley, "Million acres of coal marked," *The Billings Gazette*, 9 March 1973.

enhanced the ability of landowners to protect their property rights, increased state regulation and oversight of strip mining and power plant construction, and required coal companies to reclaim their strip mines so that agriculture could continue after the coal boom. In the 1973 legislative session, Northern Plains members and other Montanans concerned about the environmental degradation associated with strip mining and coal-fired power production triumphed over the entrenched and powerful forces of the Montana Power Company and the coal mining industry. The elevation of the coal issue in the public mind and passage of new state-level laws to regulate strip mining and coal-fired energy production slowed the boom. Initial earth works on the site of the Colstrip power plant did proceed after the 1971 legislative session passed its first, weak, and unfunded strip mine reclamation law, and Consolidated Coal began experimenting with “test pits” in the Bull Mountains, but the wholesale eviction landowners feared did not occur. At Hanging Woman Creek near Birney and Broadus, proposed sites for giant 5,000 and 10,000 megawatt power plants remained quiet.

Although the coal boom was by nature very technical and heavy with scientific considerations requiring engineers, energy economists, and lawyers to navigate a complicated maze of geology, chemistry, physics, national and global energy markets, state and federal property and environmental laws, Northern Plains member interpreted it in simple terms. To them, it represented a violation of their sovereignty as landowners and citizens, a threat to their livelihoods and quality of life, and a subversion of democracy. They understood the hazards strip mining and coal-fired power production posed to water and air quality, the land

and wildlife, but they articulated their opposition in terms of justice and fairness and property ownership. Logically, when they sought solutions from the Montana legislature, they advocated for laws that would give citizens the ability to more fully participate in the decisions that affected their lives and livelihoods. Thus, they lobbied for the reform of the state's eminent domain laws so that private corporations could not use the power of the state to condemn private property. They attempted to balance the rights of landowners with those of mineral owners. Although two of the most important pieces of legislation that came out of the 1973 session, the Surface Mine and Reclamation Act, and the Utility Siting Act, were highly technical, Northern Plains members framed their support for these bills in terms of creating transparent permitting and regulatory processes for strip mines and power facilities in which citizens had access to information and could participate in environmental decision making and challenge agency decisions. In the years after their passage, they organized citizens play an active role in the environmental decision making processes created by these laws and fought to protect their ability to participate. Although Northern Plains staff and some of its members delved into the technical and scientific elements of environmental protection and resource management associated with coal mining and power production, most members continued to understand environmental issues in democratic terms—environmental and democratic reforms were welded tightly together.

By mid-1973, Northern Plains counted approximately 300 people in its membership. Over the next few years it would grow both in numbers and

geographically as landowners across the state learned of the extent to which the coal under their land had been leased or that enormous electrical transmission lines were planned for their property. Growth offered new political power as the group learned how to use the laws it helped to pass to address the coal boom and considered the possibility of passing national legislation to avoid shifting coal development south or east into Wyoming or the Dakotas. The linking of environmental reform with advancing participatory democracy characterized Northern Plains and its work for the remainder of the 1970s and guided its strategies as the group encountered new challenges.⁸⁵

⁸⁵ A newspaper article in November 1972 reported that Northern Plains Resource Council had a membership of about “300 farmers, ranchers, and citizens from the coal fields of Eastern Montana, Northern Wyoming and Western North Dakota and a mailing list of about 2,000,” at the time of its publication, Dennis E. Curran, “Voice of the land speaks up,” *The Billings Gazette*, 16 November 1972. Other newspaper articles in late 1972 and early 1973 refer to the group as having “300 members.” It is difficult to discern how many people this actually represented because many memberships covered a whole household. Because of this tendency, its impact may have been larger than indicated by the size of its membership.

CHAPTER 4

NORTHERN PLAINS COMES OF AGE

Wally McRae probably had ten other things to do as he walked into the Northern Plains office one morning in 1973. He fed the cows before he drove the two hours from his ranch up to Billings; barring some unforeseen emergency, they should be fine until he returned that evening. There was still the seemingly unending list of chores—checking and fixing fences, servicing the tractor and other equipment, making sure the cattle watering tanks were free of ice—that nags at a person’s brain when they leave the ranch for a day to do something not directly related to their business. The disheveled austerity of the Northern Plains Resource Council office in the Stapleton building, with its filing cabinets, stacks of papers and files and maps strewn across tables and a few of the room’s walls starkly illuminated by buzzing fluorescent light tubes overhead, was a world away from the rolling hills, grass and cottonwoods of Rosebud Creek—where he ought to be today, working. He hoped this meeting was worth it.

Wally was joined by other Northern Plains stalwarts—activists who had quickly turned into veterans in the organization like Anne Charter, Ellen Pfister Withers, Jeanne Hjermstad, Nick Golder, Carolyn Alderson, and staff members Pat Sweeney, Kit Muller, and Paul Hawks. A tenth activist sat in the circle as the meeting got underway, though he was not a member of Northern Plains. He was Wade Rathke, the social and economic justice activist who had begun his work on welfare rights in Arkansas in the 1960s and founded the Association of

Community Organizations for Reform Now (ACORN) in 1970. Northern Plains paid to bring Rathke to Billings to hear what he had to say about community organizing, building grassroots “people power,” and how the group could increase its effectiveness, strength and resilience in its fight against the coal boom.

Rathke sat each board member in a chair in front of a television camera and proceeded to ask each about their role in Northern Plains and what they thought about its future: “What is your contribution to this organization? Is it time? Is it money? Is it education? Where do you see this organization in five years? Where do you see yourself in this organization in five years? What are the strengths of the organization? What are its weaknesses?” When it was McRae’s turn, he looked into the camera. In his typically skeptical fashion, he told the machine and Rathke, “I think this organization won’t exist in five years...I hope it doesn’t exist in five years. There’s a need right now. There’s a real need. But I hope there’s no need in five years.” Rathke’s exercise was intended to encourage introspection on the part of each leader and the board as a whole and to provide a little practice in public speaking and presenting the group’s message to the media and public. This special meeting of the board and staff held in 1973 was the first time that McRae remembered the group considering its long-term goals and individual leaders interrogating their motivations, hopes, and fears in continuing to participate. Instead of racing from brush fire to brush fire, Northern Plains was taking the time to talk about what it meant to fight the blazes and then to consider how to build a force capable of anticipating them and fighting the entire conflagration over the long term. Their instincts about being a grassroots

organization led by their volunteer members had proven successful—now they considered ways to further institutionalize the decision-making and organizing structure of the group to maximize its strength and longevity. McRae and the other landowners may have hoped that within five years the proposals to industrialize eastern Montana articulated by *North Central Power Study* would disappear, that Montana Power, Puget Power and Light, Peabody and Western Energy would pull up stakes and leave their part of the state, but the group was quickly learning that victory would not come so easily. The energy crisis would ebb and flow with changes in global supply and demand and the political winds, but demand for coal was not going away. The little pragmatic consortium they had formed to fight the coal boom would need to become larger and more permanent if they were going to protect their home.⁸⁶

Nineteen seventy-three was a banner year for the young organization and for environmental protection in Montana in general. The Montana legislature met every other year and in the 1969 and 1971 sessions the state house and senate passed foundational laws protecting water quality and creating a system of government and public oversight to help prevent unwanted environmental impacts of proposed industrial projects. In 1973, the legislature built on the momentum from those sessions and the 1972 state Constitutional Convention which gave every resident the right to a “clean and healthful environment” to pass environmental regulations for strip mining and reclamation and the siting of power plants and transmission lines. In a related action, it also removed the

⁸⁶ Wallace McRae, interview by author, Billings, Montana 13 November 2009; Pat Sweeney, interview by author, Billings, Montana, 2 August 2010.

possibility of the state granting condemnation of private property for strip mining under eminent domain. Although state politics were firmly controlled by the Democratic party, all of these laws passed with bi-partisan support by large margins. Concern for protecting the “big sky country” was broad and deeply held by many in the state, and Northern Plains was at the forefront of the movement to preserve the qualities that made the state exceptional—open space, unspoiled water and air, and the ability for common people to make a living on the land. But although the state had taken steps to protect these values, these new laws did not stop the coal boom. The strip mine permitting system and reclamation requirements created by the strip mine reclamation law were theoretical at best in 1973. What it meant for land to be “reclaimable” or returned to its “approximate original contour” would be vigorously contested in state agency offices, courtrooms, and on the land by both environmentalists and industry for years to come. Although the coal mining and power companies had new regulatory obstacles to negotiate, they were not dissuaded from their goals. The environmentalist and “cowboy” lobby had had great success in the policy arena. Now they were going to have to figure out how to ensure enforcement of those policies and translate legislative triumphs into on-the-ground victories.

In the remaining years of the decade, the coal boom and Northern Plains developed along complementary trajectories and the relationship between the two came to resemble a perverse dance over the landscape. Northern Plains staff would hear reports of coal company land men in a new part of eastern Montana, or concerned residents of a remote agricultural hamlet would come to the

organization with information about a company leasing large parcels of minerals under the surrounding farms or with reports of proposals from the Bureau of Reclamation to build dams on tributaries of the Missouri or Yellowstone Rivers. The group would then send their young organizers into the communities to assess the threat and begin organizing residents into local groups that could defend themselves—with the researching and organizing resources of the larger group—against the proposed mine or power plant (or both). Meanwhile, they kept their gaze firmly fixed on developments in Colstrip, near Birney, and in the Bull Mountains, their copy of the newest edition of the *Montana Code Annotated* with its recently-added environmental and landowner protection laws within arm's reach. As the dance continued, Northern Plains members considered larger questions about the function and permanence of the organization and the need for a national solution to coal strip mining to prevent the practice from simply being shifted across state borders to Montana's neighbors. Further, with each new proposed mine, power plant or dam, they began to understand the coal boom not as a series of isolated issues but as a purposeful and wholesale assault on their agrarian culture, economy, and landscape perpetrated by the U.S. government and private corporations that sought to sacrifice their homes for the energy needs of urban America and investor dividends. In the process, the group's members moved beyond the simple, self-interested motives that caused them to organize in the first place—saving their land from coal mining—to understand themselves as part of a movement and their struggle to protect air, water, land, and their way of life as related to the struggles of others.

Wrangling Power Plants

While Northern Plains may have taken a small moment to relish in their apparent legislative successes in Helena during the spring of 1973, Montana Power and Puget Power and Light were still at work constructing the two 350 megawatt coal-fired steam power plants in Colstrip. Northern Plains had sued Montana Power and the State Department of Health in the fall of 1972 for failing to complete an environmental review of the proposed plant under the state's new Clean Air and Environmental Policy acts. The defendants scrambled to address the lawsuit's claims in an attempt to have the case thrown out. The Department of Health quickly produced an environmental impact statement in an attempt to have itself removed from the list of defendants and Montana Power challenged whether Northern Plains actually had standing to sue. The group was buoyed in December when the Rosebud County district judge Alfred Coate rejected Montana Power's challenge and allowed the suit to continue.⁸⁷

A month later, however, Judge Alfred Coate tempered the group's optimism. In early January 1973, he suggested that to enjoin the construction of the Colstrip plant would require that Northern Plains provide an enormous forty-five million dollar bond to cover the costs to Montana Power of stopping construction if the case was decided in the company's favor. Northern Plains' attorney, D. Frank Kampfe argued against bond, insisting that that the group was suing in the public's interest. "The public is asking," he said, "that they be

⁸⁷ Ronald Schleyer, "Environmental group sues Montana Power," *Billings Gazette*, 26 September 1972; Ronald J. Schleyer, "Brief says MPC ignoring law," *Billings Gazette*, 7 January 1973.

allowed to be part of the decision-making process and...that the plant not be built before all of the ramifications have been thoroughly examined.” A little more than a week later, Coate dashed the group’s hopes of quickly stopping the construction of the Colstrip plants until the state Department of Health completed the environmental impact statement and issued Montana Power its air quality permit when he ruled that Northern Plains had sustained no injury from the construction of the plants, and that because Montana Power had applied for a permit, it had violated no laws or regulations. Judge Coate ruled that if the district court ordered the halting of construction, it would be overstepping the constitutional separation between the judicial and legislative branches of government—the issue lay with the legislature and state administrative agencies. Northern Plains’ case rested on yet unproven legal grounds: the power plant would eventually emit air pollution and thus needed to be regulated under Montana’s Clean Air Act as soon as construction on the project began. Coate was unconvinced. He upheld the position of the state Department of Health and Montana Power, which argued that until the power company began to install the parts of the plant that would actually produce pollution, the company’s actions did not trigger any kind of review by the state required under the Clean Air Act. In Coate’s view, Montana Power did not need to apply for an air quality permit until it began to install the boilers and generators. And, because it had applied for a permit in the fall of the previous year, the case was doubly moot. In this first round of testing Montana’s new environmental laws, industry prevailed.⁸⁸

⁸⁸ Ronald Schleyer, “Brief says MPC ignoring law,” *The Billings Gazette*, 7 January 1973;

Less than a month later in February, Montana Power revealed that, with a consortium of other for-profit, investor-owned power companies from the Pacific Northwest, including Puget Sound Power and Light, Portland General Electric, and Spokane's Washington Water Power, it was planning to build two additional two—each one twice the size of those already under construction. The proposed plants would export even more electricity to Northwest while Montanans endured more land degradation and air pollution. The Colstrip issue took on a new urgency, and more ranchers from the area joined the conflict. By the end of the year, Northern Plains would grow to include eight affiliated community organizations like the Rosebud Protective Association and Bull Mountain Landowners Association.⁸⁹

Although the district court in Forsyth was vague on whether Montana Power even needed apply for a permit, the fact remained that the company had applied and that the Department of Health had begun the environmental analysis process required under the Montana Clean Air Act and Montana Environmental Policy Act. In early 1973, construction of the plant continued as the state was still trying to assess the project's environmental impacts. The department scheduled a hearing to collect public comment on an environmental impact statement that critics and the legislative Environmental Quality Council (EQC)—formed by the 1971 Montana Environmental Policy Act—claimed was inadequate. Despite the

"District Court OKs Colstrip project, NRC suit thrown out of court," *Forsyth Independent*, 18 January 1973.

⁸⁹ Michael Parfit, *Last Stand at Rosebud Creek: Coal, Power, and People* (New York: E.P. Dutton, 1980), 103, 106.

criticisms of the EQC and environmental groups including Northern Plains, the hearing was held on January 5.⁹⁰

The temperature hovered at twenty below zero as concerned residents, landowners, state regulators, and power company executives shuffled into the gymnasium of the Custer County High School in Miles City for the 8 a.m. hearing on January 5. One-by-one, each stood at the podium and voiced their hopes for and fears about the project. Colstrip locals like Wally McRae and Don Bailey, together with chair Ellen Pfister Withers and staffer Pat Sweeney, led the charge for Northern Plains, which joined forces with the Montana Wilderness Association, Montana Audubon Society, and a student group from the University of Montana to oppose the department's proposed permitting of the Colstrip project. Supporters of the coal mines and power plants included representatives from Montana Power, the Billings Chamber of Commerce, and a handful of individual supporters representing themselves as workers. In March, the department issued its final environmental impact statement. Northern Plains members were dismayed to learn that, despite the fact that public comments opposed to the power plant outnumbered comments for its construction by a ratio of almost 30 to 1 (2,867 to 130), the Department had recommended that the politically-appointed Board of Health approve the permit. On April 24, the state issued Montana Power its air quality permit for the two 350 megawatt power plants under construction at Colstrip. During the hearings, opponents had argued

⁹⁰ Gary Langley, "Colstrip rewrite is asked," *The Billings Gazette*, 17 December 1972; Northern Plains Resource Council, *Newsletter*, December-January, 1972-1973, private collection, Northern Plains Resource Council, Billings, Montana.

that as inadequate and rushed as they considered the draft impact statement to be, it still indicated that the plant would produce tons of air pollution each day and that its draws of nearly one-eighth of the annual flow of the Yellowstone River would seriously affect the water supply of the arid region. The outcome caused them to question the value of participating in the hearings at all and democracy itself. To Northern Plains members, it appeared that Wally McRae's prediction from his January 5 hearing testimony that the "power company's money will win" had come to pass. Lawyers and lawmakers seeking to justify this decision that favored Montana Power over popular sentiment and environmental concerns argued that the environmental review process required under Montana law was not a "popularity contest" or "voting process." This argument became a virtual cliché as more and more unpopular, environmentally damaging proposals were approved by state authorities.⁹¹

Despite this setback, Northern Plains did not give up on the democratic process. In June of that year, the electric utility consortium proposing to build the two new, larger plants, referred to as "Units 3 and 4" or "Colstrip 3 and 4," began the process of applying for new permits under several state and federal regulatory laws, including Montana's new Utility Siting Act passed that year, the Montana Air Quality Act, and the federal Clean Air Act. New permits required new environmental reviews and hearings to gather public comment from 1973 to 1975.

⁹¹ "MILES CITY HEARING ON COLSTRIP POWER PLANT," *The Plains Truth*, vol. 1, no. 1, January, 1973; Michael Wenninger, "Chamber endorses Colstrip project," *The Billings Gazette*, 3 January 1973; Ronald J. Schleyer, "Power plant foes blame state agency," *The Billings Gazette*, 6 January 1973; "M.P.C. GETS PERMIT," *The Plains Truth*, vol. 2, no. 4, April-May 1973; "Democracy?," *The Plains Truth*, vol. 2, no. 3, March 1973.

Responding to growing concern surrounding strip mining, the state Department of Natural Resources and Conservation (DNRC) announced that it would make an unprecedented effort to gather public comment before it made its recommendations to the politically-appointed Board of Natural Resources and Conservation, which would decide the fate of the proposed plants. Beginning in November, the DNRC began a round of hearings in nineteen Montana communities, ranging from the state's major cities of Missoula and Billings to small agricultural towns like Plains and Ovando in the west and Ashland, Hardin, and Forsyth in the east. At each hearing, the DNRC presented a slideshow summarizing the draft environmental impact statement for the proposed Colstrip 3 and 4 plants and then opened the meeting for public comments. The agency did not entertain questions from the public about the project or questioning between those providing comment but it recorded the statement of every speaker and promised to address their concerns in the final environmental impact statement.⁹²

Northern Plains made every effort to turn out as many members and concerned residents to the hearings as possible. In its newsletter, it implored members "don't be bashful!" about attending the hearings. It then provided detailed descriptions of the likely arguments members would encounter from supporters of the proposed plants and offered points to counter those arguments. In the months between the issuance of the air quality permit for Colstrip 1 and 2 by the Department of Health and the announcement of Montana Power's intent to build two more larger plants, Northern Plains had refined its strategies for fighting

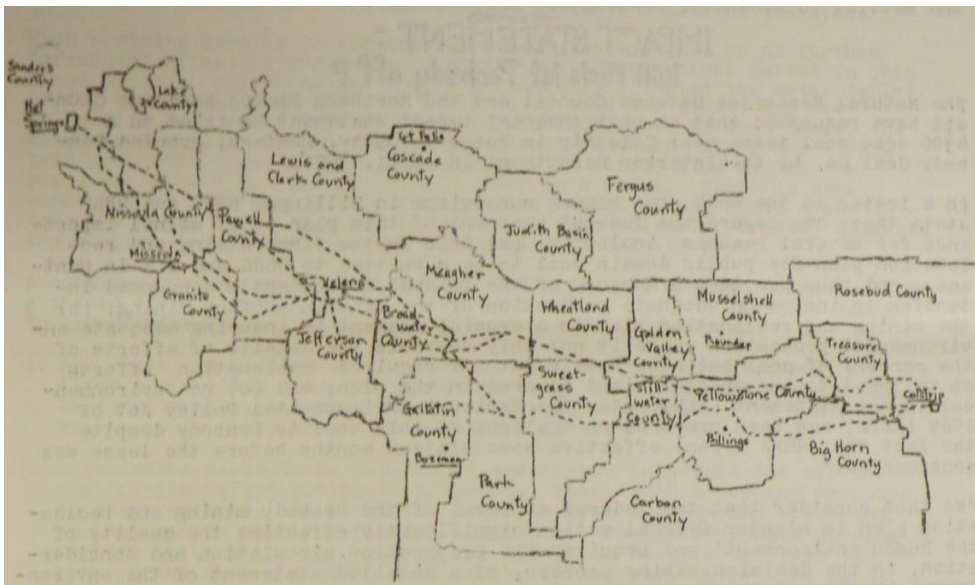
⁹² Parfit, 103; "Colstrip Hearings: DON'T BE BASHFUL!," *The Plains Truth*, vol. 3, no. 12, December 1974.

the power plant. In the process, they developed new arguments against the Colstrip project and incorporated those into their critiques of the proposed building of units 3 and 4 during the DNRC hearings.⁹³

The first front which Northern Plains sought to attack was the issue of electricity transmission. The entire Colstrip proposal was designed with the intent of shipping “coal over wire” in the form of electricity for sale to the Pacific Northwest. To transport the electricity to Spokane, Seattle, and Portland, Montana Power proposed to build two 500 kilovolt transmission lines. Each would be carried by giant steel towers that marched side by side for hundreds of miles from Colstrip over the Continental Divide to Hot Springs, Montana, and then from there into Idaho, Washington, and Oregon—cutting through public and private land along the way. The company proposed to negotiate use of the right-of-ways with landowners but if farmers and ranchers refused to allow the lines to cross their land, Montana Power could use the power of eminent domain to force their way across. Northern Plains understood that if they could cut off the means of transporting the electricity to market, they would remove the impetus for building the plants. In addition, they understood that the eminent domain issue associated with powerlines had the potential to attract new members and allies to their cause and increase their political power in the state numerically and geographically. As early as late 1973, they set out organizing landowners and concerned residents along the proposed line from Rosebud County to Missoula. By December of 1974, several new affiliate groups were organized and

⁹³ “Colstrip Hearings: DON’T BE BASHFUL!” *The Plains Truth*, vol. 3, no. 12, December 1974.

confronting Montana Power about its transmission plans including the Central Yellowstone Valley Association east of Billings and the Broadview Landowners Association forty miles northwest and new members were joining weekly bringing with them stories of Montana Power’s land agents, United Field Services, who were threatening to use eminent domain against landowners reluctant to allow power lines on their properties.⁹⁴



Map produced by the Northern Plains Staff from the April-May, 1973 edition of *The Plains Truth* showing the transmission line routes from Colstrip to Hot Springs, Montana. “Federal Legislation,” *The Plains Truth*, Vol. 2, No. 4, April-May, 1973.

As new members came into the organization, and the board and staff began more fully to understand what was being proposed at Colstrip, they expanded their critique beyond simply protecting the land and water of those living adjacent to the proposed facilities—mines, plants, or power lines—to a

⁹⁴ “TRANSMISSION:…MPC Giving Landowners a Line,” *The Plains Truth*, vol. 3, no. 1, January 1974; “Transmission: Don’t Rush That Line!,” *The Plains Truth*, vol. 3, no. 3, March 1974

critique of the economics of the project and its long-term costs to what members abstractly referred to as “community”—the social fabric of the state. They argued that although Montana Power and Peabody had promised that the Colstrip project would be an economic boon for the region, it was already placing increasing demand on local police, highway maintenance and construction, health care agencies, county governments and especially school districts. “If the benefits from increased population and employment, ‘increased county tax base,’ and increased tax revenue from the Energy companies are to be derived from the development of coal, they are not coming quickly enough to balance the drain upon the county by service delivery,” the group wrote in its January 1974 newsletter. As an example, they pointed to the Forsyth elementary school, located in the Rosebud countyseat thirty miles north of Colstrip, which witnessed an increased enrollment of eleven percent during the 1972-1973 school year due to an influx of construction and railroad workers moving into the community; the high school grew almost twenty percent in the same year. As a result, the town had to apply for \$35,000 worth of emergency appropriations from the state’s general fund to cover increased costs associated with the new students.⁹⁵

Additionally, Northern Plains members increasingly questioned the impact that Colstrip 3 and 4, in conjunction with the previous plants and mine-mouth generation and coal gasification projects proposed for Birney, Decker, and Sarpy Creek and their associated strip mines would have on water resources in the region. As early as July 1973, the group warned its members that the US Bureau

⁹⁵ “Colstrip: an economic boon?,” *The Plains Truth*, *The Plains Truth*, vol. 3, no. 1, January 1974.

of Reclamation had already received requests for more than two and a half million acre-feet of Yellowstone River water a year from strip mine and energy companies. Of that amount, Montana Power requested almost 200,000 acre-feet for Colstrip 1 and 2. This prompted a group of agricultural and recreational water users, including the Tongue-Yellowstone Sugarbeetgrowers, Buffalo Rapids Irrigation Project, the Custer Rod and Gun Club, and Trout Unlimited, to petition the Federal Power Commission to accept jurisdiction over regulating water use by the proposed plant. The groups feared what the appropriation of so much water by the power plants would mean for downstream water users with long-held water rights and for fish habitat. In late 1973 and January of 1974, energy companies applied to appropriate an additional half-million acre feet of Yellowstone basin water bringing the total to 3.3 million acre feet per year from a river whose flow dropped below 2.6 million acre feet per year one out of every four years. In an attempt to address the potential shortfalls, the federal Bureau of Reclamation proposed to build a series of dams that would store water during high flow seasons for use during periods of low flow. In the September 1973 report of its water work group as part of the Bureau's Northern Great Plains Resource Program, the descendant of the *North Central Power Study*, which was abandoned by the Bureau in 1972 due to harsh criticism from congressmen from western states, emphasized that "it is not correct to state that the area is water short...there are seasonal surpluses to all existing uses within each tributary basin." The agency's report forecast that increased federal funding for future irrigation projects was unlikely, and that the lands of the Northern Plains region were in a

transition from agricultural to industrial use. “There is now a flourish of strip mining for export and planning is progressing on new generation stations,” it wrote. “Water filings are being made, and older irrigation water rights are being purchased for conversion to industrial uses.” Reflecting a conservation ideology of resource maximization, documented by historian Paul Hirt as part of a bureaucratic “conspiracy of optimism” that dominated federal resource management during the 1940s and 1950s but began to disintegrate by the 1970s, the Bureau reiterated the plans of the *North Central Power Study* to dam portions of every major river and tributary in the region, to maximize use of the region’s water supplies. Residents did not share the Bureau’s optimism. The Yellowstone Basin Water Use Association—organized from many of the water user groups who had petitioned the Federal Energy Commission the previous year—worked with Northern Plains to advocate a three year moratorium on appropriating any more water in the basin for future energy projects (excluding Colstrip 1 and 2, but including units 3 and 4) in the legislature in 1974. With predictions of the life blood of the region drying up, the legislature passed the moratorium by huge margins—65-18 in the House and unanimously in the Senate.⁹⁶

⁹⁶ “Future water uses,” *The Casper Star-Tribune*, 25 July 1973; “WATER USERS SEEK INTERVENTION,” *The Plains Truth*, vol. 2, no. 8, August 1973; “PROTECT YOUR WATER,” *The Plains Truth*, vol. 2, no. 8, August 1973; Bureau of Reclamation, Northern Great Plains Resource Program, “Chronology, Northern Great Plains Resource Program,” 18 May 1973, private collection, Northern Plains Resource Council, Billings, Montana; Michael Wenniger, “U.S. agency proposed dams for coal industries,” *The Billings Gazette*, 20 September 1973; Parfit, 95; See Paul W. Hirt, *Conspiracy of Optimism: Management of the National Forests since World War Two* (Lincoln: University of Nebraska Press, 1994); “YBWUA forms to protect water,” *The Plains Truth*, vol. 3, no. 1, January 1974; “Rush May Leave Agriculture high and Dry,” *The Plains Truth*, Vol. 3, no. 2, February 1974; “WATER MORATORIUM PASSES,” *The Plains Truth*, vol. 3, no. 3, March 1974.

Finally, Northern Plains' arguments against the proposed Colstrip power plants reflected a growing recognition that the project needed to be considered in view of other industrial developments within the region. Although the outcome left them unsatisfied, they had successfully pushed the Department of Health to conduct an environmental review for Colstrip 1 and 2 but a comprehensive examination of how the coal boom would transform the region had yet to be conceived. In June of 1973, the group joined the Montana League of Conservation Voters, the League of Women Voters of both Montana and South Dakota, the Montana Wilderness Association, the National Wildlife Federation, and the Sierra Club in a lawsuit to enjoin the US Department of the Interior and various agencies within it from any further activities related to coal development in the region until a comprehensive regional environmental impact statement was completed as required by the 1969 National Environmental Policy Act. Without such an environmental analysis, which would include examination of the social and economic impacts of the entire Northern Plains coal boom, citizens and state regulators would be left to assess the impacts of individual projects in isolation. Considering the cumulative impacts of several projects at once—a power plant and strip mine on Hanging Woman Creek near Birney, another at Decker, both using water from the Tongue River as well as the roads and services of that tiny agricultural town—would be essential to preventing a classic “tragedy of the commons” like that predicted for the Yellowstone River if all the energy companies received their water appropriations.⁹⁷

⁹⁷ “Court asked: Halt coal projects,” *The Billings Gazette*, 14 June 1973; “FEDS TAKEN TO

In addition to seeking a comprehensive, coordinated environmental review to provide the basis for decision making that would conserve the region's natural resources and quality of life for the long-term benefit of its residents and environment, Northern Plains sensed that a national legislative program to address issues of mine permitting and reclamation was necessary. Otherwise, it would be possible for mining companies to play one state off another—for Peabody and Westmoreland simply to cross the border into Wyoming or use the threat of leaving the state to leverage legislators and regulators to relax Montana's strip mine reclamation and utility siting laws. On the heels of their legislative victories in 1973, Northern Plains began working with similar organizations in other coal mining states and the national Environmental Policy Center in Washington DC to advance a national reclamation law. All of this—issues of transmission, air and water pollution, economic effects, threats to the region's social fabric, water supply, and the need for a comprehensive regional, and even national legislation, informed their arguments as they prepared for the hearings on Colstrip 3 and 4.

By the time this second round of Colstrip hearings got underway in 1975, both opponents and proponents had grown skilled at turning out speakers and lining up testimony. In addition to its company executives and engineers, Montana Power recruited construction workers to talk about their hopes that the project would mean good-paying stable jobs in the region. Representatives from the statewide and local Chambers of Commerce would also testify about their hopes that Colstrip 3 and 4 would expand the "economic base" of the region and

COURT," *The Plains Truth*, vol. 2, no. 7, July 1973.

espouse the needs of Montana businesses for more electricity. Before, after, and in between, Northern Plains members and concerned residents would testify about the threats of the project to land, air, water, their communities and private property, and quality of life in the region. Many of them stressed that the state, power companies, and chambers of commerce ought to take into consideration that ranches and farms were small-businesses that made up the base of a sustainable rural economy in the region and that agriculture should not be sacrificed for the benefit of another industry. Pat Hayworth from near Colstrip told the DNRC, “I have grown up and lived on ranches all my life, and I believe I have contributed as much to a community as has anyone employed in any other type of employment.” Wally McRae’s niece, Patricia argued for the rights of individuals over corporations and warned of possible environmental effects. “We do not know what the plants will do,” she warned the attendees, “We can all make our guesses, and the only sure conclusion is that there will be a deterioration of the quality of life, our air, our land.” Brother Ted Cramer from the St. Labre Indian School in Ashland echoed McRae and insisted that the rights of individuals—ranchers and other landowners—must not be trampled for the supposed good of the many. Wally McRae articulated the issue in terms of the “code of the West” and what it meant to be a good neighbor and member of civil society and asserted that the power companies were riding roughshod over their neighbors. His brother, Duke, framed the fight against the construction of Colstrip 3 and 4 as a battle for his way of life. This became a typical scene at the hearings during their duration in 1975. After a hearing in Forsyth, author Michael

Parfit commented that the ranchers learned the routine so well, they sometimes “made the whole exercise seem too much like a game.” Despite their differences, in these early years of the conflict, the landowners and company officials sometimes even carpooled with each other to the hearings. This changed as the battle morphed into a prolonged war of attrition that lasted to the end of the decade.⁹⁸

Over the next four years, Montanans navigated through a contentious and confusing political landscape as various state and federal agencies and the courts considered the fate of Colstrip 3 and 4. Statewide public opinion, which had been more or less split on the issue of the first two, smaller, plants swung widely when the expansion was proposed. The promise of jobs and state tax revenues initially wowed the business communities and politicians of cities like Billings, Miles City, Helena and Missoula. But the threats that the plants, in conjunction with the other projects in the state, could dry up the free-flowing Yellowstone river combined with dire predictions of air pollution, degraded groundwater, and industrialization of rural landscapes and communities swung public opinion in opposition. In addition to attempting to undermine Colstrip 3 and 4 through organizing along the transmission line routes that would carry energy to their customers, Northern Plains began to challenge the economics of the proposal. As they waded into the complicated technicalities of how much electricity Montana actually needed, how much Colstrip electricity would be sold to out-of-state

⁹⁸“Colstrip Hearings: DON’T BE BASHFUL!” *The Plains Truth*, vol. 3, no. 12, December 1974; “Hearings to open on Colstrip complex,” *The Tri City Herald* (Kennewick, Washington), 20 May 1975; Parfit, 6, 88-90, 155-165.

buyers and how much Montana Power was going to have to increase the rates paid by Montana customers to subsidize the construction of Colstrip 3 and 4, the issue was thrust before the Montana Public Service Commission (PSC) which was responsible for regulating “public utilities” like electric power, telephone, water, and gas companies. This added yet another layer of government bureaucracy, public oversight, and a potential venue for Northern Plains to flex its newfound power. At the same time that the publicly elected commissioners of the PSC were considering the issue, Northern Plains and its allies, including the Northern Cheyenne Tribe, successfully sued Montana Power and the state for violating the Clean Air Act. As a result, Montana Power was required to install “scrubbers” in the power plants to reduce air pollution. The battle continued until September 1979 when, despite many victories for the Northern Plains Resource Council in the courts, the EPA and state approved the construction of the plants.⁹⁹

The Coal Boom Moves North

While the fight over Colstrip continued, reports trickled into the little office in the Stapleton Building in Billings of land men canvassing a new part of the state. But this time, they were not targeting the ranch country of rolling pine and juniper covered Bull Mountains or hardscrabble draws and scoria bluffs of Rosebud, Hanging Woman, or Sarpy Creeks. In 1974, the new objective was coal underlying the rolling wheat country of McCone County, in central-eastern

⁹⁹ “NPRC & Northern Cheyenne Win Another Round: Colstrip TKO’d,” *The Plains Truth*, vol. 7, no. 6, June 1978; “EPA Refuses to Allow Added Colstrip Plants,” *The Spokane Daily Chronicle*, 13 June 1978; “Environmental agency approves construction of Colstrip plants,” *The Lewiston Morning Tribune*, 13 September 1979; “State, Feds Cave in on 3 & 4,” *The Plains Truth*, vol. 8, no. 8, October 1979.

Montana between the Yellowstone and Missouri Rivers. In the spring of 1974, representatives of the coal exploration company Norseworthy and Reeger, based in Billings, began the process of organizing the construction of a strip mine and power plant near Circle, Montana.¹⁰⁰

Although the threat was similar—the destruction of private property by strip mining, reduction in the water supply and degradation of water quality and industrialization of the region’s rural farming landscape and communities—the situation differed from those in the Bull Mountains or the southeastern part of the state. McCone County was predominantly wheat country characterized by enormous farms that measured in the tens of thousands of acres. It was possible to drive for hours on dirt roads in straight lines surrounded by a sea of green or golden wheat interrupted only by the occasional mail box, crossroads, or tractor. Houses, outbuildings, and combines floated like distant atolls on the crests of giant, slowly undulating swells of earth. Many wheat farmers also engaged in ranching, raising cattle and sheep intermittently or in addition to their farming operations, but farming was their primary occupation.

Unlike their distant neighbors in Rosebud county, the wheat farming families of McCone County farmed on homesteads that dated back only to the 1910s or 1920s, decades later than the ranchers in the south. Homesteading federal land or farming on land purchased over the years from the Northern Pacific Railroad (later Burlington Northern), almost none of them owned the minerals beneath their farms. Their families—with names like Yarger, Waller,

¹⁰⁰ Charles Yarger, interview by author, Yarger ranch near Circle, Montana, 3 August 2010; “BN Railroad Thru Circle,” *The Plains Truth*, vol. 4, no. 1, January-February 1975.

Quick, and Breitbach—had migrated into the state from the farming communities of the upper Midwest and carried with them religious and cultural traditions from that rural region and northern Europe. In the late 19th century, their ancestors had been the leaders of the populist farm/labor movement—the Grange and the People’s Party. In the early twentieth century, they organized cooperative farming and agricultural marketing institutions that drew accusations of socialism and communism. The ones who weathered the Depression did so by relying on tight networks of family, kin, and community. In issues of family and religion, they were steadfastly conservative, but they often sought communal solutions to threats posed by a fluctuating global agricultural market and what they viewed as unfair practices by the railroad and grain companies that transported and marketed their produce. In the 1960s, Circle-area farmers—Helen Waller and Bob Breitbach—helped form the Montana auxiliary of the National Farmers Organization to create cooperative elevators to withhold grain until prices reached a point that it was beneficial for the community to sell. The “code of the West” that made Wally McRae and his neighbors so uncomfortable in organizing against Peabody and Montana Power in Rosebud County had a much lighter hold on the wheat country of the northeast.¹⁰¹

One spring day in 1974, Helen and Gordon Waller who farmed a large wheat ranch northwest of Circle, were visited by one of the coal company land men of Norseworthy and Reeger. The land man had done his research. He knew

¹⁰¹ Tom Breitbach, interview by author, Breitbach ranch near Circle, Montana, 3 August 2010; Helen and Gordon Waller, interview by author, Waller ranch near Circle, Montana, 3 August 2010; Yarger interview, 3 August 2010; See Verlaine Stoner McDonald, *Red Corner: The Rise and Fall of Communism in Northeastern Montana* (Helena: Montana Historical Society, 2010).

the boundaries of the Waller's land and he knew the invisible boundaries of the thousands of acres of mineral estate that lay beneath it and that those minerals were owned by the Burlington Northern Railroad or the federal government. He explained this to Helen and Gordon and asked for permission to "use" their surface property to mine the coal. Helen remembered years later her instincts about the proposition, "it was real troubling to me, after having farmed for as many years as we had, to think that we would not continue to preserve the land for agricultural use." About the same time, land men approached Tom Breitbach, who farmed and ran cattle and a cattle feed plant southwest of Circle along with his two brothers, who lived on adjacent farms. Helen's cousin, Lyle Quick, was also approached, as were their neighbors to the south, the Yargers. They had read in the newspapers over the past few years about the struggles of the Charters, Pfisters, and Tullys in the Bull Mountains and the McRaes, Aldersons, Hayes, McKinneys, and Reddings along Rosebud, Hanging Woman, and Sarpy creeks in the southern part of the state. Now it appeared that the coal boom had drifted north. Burlington Northern planned to mine tracts of coal underlying their ranches west of Circle to provide fuel for a new coal-fired power plant. They promised hundreds of construction and mining jobs, a boom for the local tax base, and, to sweeten the proposition for area farmers and ranchers, reliable irrigation water piped in from the dammed Missouri River to the north. The coal plant would need to build a pipeline to provide water from Fort Peck Lake to turn into steam to turn its turbines—they would build the pipeline large enough to transport extra water into the area for dryland farmers who eked by on less than 14 inches

of precipitation a year. Irrigation was a dream for many farmers, whose families had weathered periodic droughts during their half-century on the land, but was it worth the cost?¹⁰²

The Wallers, Breitbachs, Quicks and Yargers were suspicious. Helen and Gordon were not particularly political. Helen had served as chair and local representative of the Republican Central Committee but had been more involved in volunteering and singing for her church than in state politics. They had been loosely following the events in the southeastern part of the state—they identified with the Charters and McRaes. Irrigation water or not, they were suspicious that the proposed Circle power plant was another Colstrip, and they feared what that might mean for their home. To understand what was being proposed, Gordon and a few other farmers from Circle travelled to Colstrip and met with Wally McRae. They were appalled by the scale of the strip mines, what appeared to their minds as the destruction of productive agricultural land, and what was still proposed for the region. They learned from McRae that ranchers had organized a new group to fight Colstrip and how to get in touch with Northern Plains. The Wallers had seen the group's newsletter but had not considered joining until that point. When the Circle farmers returned home, they organized a meeting in town and decided to send a representative to the next meeting of the Northern Plains board. After hearing McRae's stories about Colstrip and reading about what was happening in

¹⁰² Helen Waller, phone interview by John Smillie, Western Organization of Resource Councils, Billings, Montana, 21 August 2009; Helen and Gordon Waller interview, 3 August 2010; Tom Breitbach, interview by author, Breitbach ranch near Circle, Montana, 3 August, 2010; Yarger, 3 August 2010; "Cattleman grasps tragedy of the plains," *The Chicago Tribune*, 6 December 1974, A4; U.S. Climate Data, "US Climate Data" website, <http://www.usclimatedata.com/climate.php?location=USMT0064>, accessed 9 March 2011.

the Bull Mountains in the newspaper, the Circle farmers reasoned that the only defense to the coal company tactics of divide and conquer was to unite their efforts. “We knew we were going to be picked off if we were just lone rangers out here,” Helen remembered. They quickly formed the McCone Agricultural Protective Association and petitioned the Northern Plains board to affiliate with the larger organization.¹⁰³

McCone County became another theater in to the prolonged battle against the coal boom, leading to the geographic and numeric expansion of the Northern Plains membership base. Helen Waller, Charlie Yarger, Lyle Quick and Tom Breitbach joined the growing cadre of leaders and spokespeople able to bring new pressure on legislators from the northeastern and central parts of the state. Along with the new affiliate in McCone County, wheat ranchers and concerned residents around Glendive, east of Circle at the confluence of the Yellowstone and Missouri rivers where coal and power companies proposed yet more mines and a power plant, formed another affiliate. From the Glendive area came stalwart critics of the coal boom Louise Cross, Irene Moffett, and Dena Hoff. To better track and organize opposition to new proposals in far-eastern Montana, Northern Plains opened a second office in Glendive in November of 1975. The expansion of Northern Plains to include the majority of eastern Montana and a line of members in affiliate organizations along the Colstrip transmission route catapulted the regional organization to one of the leading conservation groups in the state in very short amount of time and bolstering its credibility with the legislature and

¹⁰³ Waller interview by John Smillie, 21 August 2009; “BN: Railroading Thru Circle?,” *The Plains Truth*, vol. 4, no. 1, January-February 1975.

governor and also with the state's congressmen. This growth laid the path for federal legislation.¹⁰⁴

“Cowgirls [and Cowboys] in the Capitol”: The Campaign for a Federal Strip Mining Bill

The Circle proposal added to the rising concern within the region about the threats posed by the coal boom and added impetus to calls for a comprehensive study and federal legislation. Montana's congressional delegation was made up of the powerful Democratic senators Mike Mansfield and Lee Metcalf and Montana's sole-congressman, Democrat John Melcher. They were sensitive to what was going on in the state. Mansfield, Metcalf and Melcher, like their Democratic colleagues in the state capitol, drew support from the state's powerful mining unions and could hardly resist pressure from the Anaconda and Montana Power Companies. But the dramatic changes proposed in the *North Central Power Study* alarmed the congressmen like other politicians in the state. The threats the coal boom posed Montana's agricultural economy and quality of life attracted Mansfield, Metcalf, and Melcher to new articulations of value for the natural environment—an essential element of “the last best place.” In October of 1972, railing from congressional criticism of the *North Central Power Study*, the Department of the Interior shelved the document and morphed its findings and proposals into a regional study process titled the Northern Great Plains Resource Program (NGPRP). Like the *North Central Power Study*, the NGPRP proposed bringing together stake-holders and experts from the coal mining industry, federal

¹⁰⁴ “Glendive Opening,” *The Plains Truth*, vol. 4, no. 9, November 1975.

and state agencies, environmentalists, and landowners. Unlike the conventional environmental impact statement requested by Montana environmentalists the following year, which was meant to inform agency decision making of environmental impacts before the damage was done, the NGPRP would attempt to study future impacts while strip mines, power plants, dams and all necessary infrastructure were being built. Representative Melcher slammed the proposal a day after it was introduced. He called the study a farce if Congress failed first to pass strong provisions for strip-mine reclamation before mining commenced. In December 1972, Mansfield and Metcalf joined other Senators in voting for a resolution calling for a moratorium on expanded strip mining in Montana until a comprehensive study was completed. When the Department of Interior and Nixon administration dismissed the resolution on the grounds that current laws adequately addressed the issues the senators were concerned with, the senators cited a recent study from the General Accounting Office, which found that supervision and enforcement of coal leasing was lax at best. By early 1973, Montana's congressional delegation understood that despite their protests, the Department of the Interior planned to allow extensive development of coal mining without conducting any kind of meaningful comprehensive study of the environmental impacts of the coal boom. Directed by President Nixon to increase domestic coal production, the Department ignored their calls for a moratorium on leasing and mining until a study was completed. Mansfield, Metcalf, and Melcher joined the growing group of congressmen led by delegations from Appalachia

who had been fighting strip mining since the late 1960s, believing that passing federal legislation to regulate the boom was the only solution.¹⁰⁵

Northern Plains members and staff had entertained the idea of federal legislation from their very early beginnings. The group had experience lobbying in Washington from its earliest involvement with the coal issue. In 1971, Bull Mountain ranchers Anne Charter, Ellen Pfister Withers, and Vera Beth Johnson, traveled to Washington, DC, to testify at a House hearing on strip mining regulation aided Senator Metcalf and Wyoming Senator Cliff Hansen—a supporter of the coal industry, but long-time friend of Anne’s husband Boyd. In her autobiography, Charter referred to the trip as “Cowgirls in the Capitol,” and area newspapers reporting on the trip remarked on the uniqueness of the women’s trip to Washington. As unconventional lobbyists as the women may have been, they made an impression and laid the ground for a lasting relationship between the organization, Montana’s congressional delegation, and congressmen and senators from other states who would prove invaluable in promoting a federal strip mining reclamation and regulation law. Perhaps equally important as creating personal relationships with powerful members of important committees, Charter, Pfister and Johnson connected with the Washington-based Environmental Policy Center, headed by Louise Dunlap, who was organizing opponents of strip mining across the country into the Coalition Against Strip Mining. As part of their trip back east, the women attended the National

¹⁰⁵ “Resource study lauded,” *The Billings Gazette*, 4 October 1974; “Melcher denounces coal study,” *The Billings Gazette*, 5 October 1972; “Three Senators tackle government on mining,” *The Billings Gazette*, 8 December 1972;

Conference on Strip Mining sponsored by Democratic congressmen Fred Harris of West Virginia in Middleboro, Kentucky. At the meeting, they came in direct contact with the ravages of strip mining in Appalachia and with miners who had come to the conference with the intent of breaking it up. No disturbances ensued, and the women returned to Montana emboldened as members of a growing national movement for strong federal strip mine regulation.¹⁰⁶

Over the next two years, Dunlap, the Environmental Policy Center, and the Coalition Against Strip Mining continued to organize advocates for federal strip mine regulation and reclamation from Washington, DC Throughout 1972 and 1973, they recruited Northern Plains members to return to the Capitol to lobby congressmen. Charter made several more trips accompanied by Pfister, Wally McRae, and Carolyn and Irving Alderson. After the successful passage of the Montana Surface Mine Reclamation Act in the Montana State Legislature in 1973, Northern Plains decided to focus more of its efforts on passing national legislation. In the summer of 1973, the group elected to send staffer Pat Sweeney to the national capital on a semi-permanent basis to work as Northern Plains's lobbyist to work with Dunlap and the Environmental Policy Center to promote a federal bill. Sweeney took the newly passed Montana act with him.¹⁰⁷

Sweeney arrived in Washington at a time when coal strip mining politics was shifting decidedly toward the West and away from a ban on strip mining and toward stricter regulation and reclamation. It is important to note that large-scale

¹⁰⁶ Charter, 141-143; Dave T. Earley, "Bull landowners talk to Congress," *The Billings Gazette*, 29 November 1971.

¹⁰⁷ Sweeney interview, 2 August 2010; "Forsyth rancher appeals to Congress for power to veto strip-mine operations," *The Great Falls Tribune*, 16 May 1973, 17.

strip mining began in Appalachia a decade before it was proposed in the West. Because of land ownership patterns, geography, rainfall, and a century-long history of coal extraction, the issues surrounding coal strip mining in West Virginia, Virginia, Kentucky, Tennessee, Ohio and Pennsylvania were very different from those in the West, and so were the politics. Most of the people living in the areas proposed for strip mining in Appalachia had long-ties to underground coal mining. They were workingclass people who often lived on land owned by coal companies—they owned neither their houses, nor the land they sat on, or the coal beneath them. Living in the valleys below the mines, they were the backbone of the United Mine Workers in the region, and they were Democrats. The transition to strip mining spurred by increased demand and higher prices for coal and enabled by new earth-moving technologies presented real threats to the environment and worker health, livelihood, and lives. Strip mining removed coal more efficiently with far fewer workers than underground mining and those workers were usually non-union. When the “overburden” of the mines—the topsoil and rock overlying coal seams—was removed, it was placed below the mine on steep slopes clear cut of all timber prior to mining. On multiple occasions, prolonged periods of rain or heavy storms—typical in this moist climate—saturated the overburden which burst through hastily built earthen retaining dams and cascaded down the mountainsides into the valleys below regardless of what or who was in its way. This prompted Representative Ken Hechler of West Virginia to introduce a ban on strip mining in 1971, which garnered seventy three cosponsors in the House from twenty four states but failed

to pass. In the late 1960s and early 1970s, Appalachian state legislatures and governors, closely tied to both coal mining companies and the United Mine Workers, struggled to pass strip mining regulations to prevent such destruction while allowing mining to proceed. Strip mining regulation and reclamation laws were passed in some of the Appalachian states, but they were weak, their enforcement programs underfunded and subject to political whims and pressure from coal companies. Despite these state-level laws, the problems remained. The introduction of the *North Central Power Study*, with its emphasis on coal development in the West, added the new issues associated with split surface and mineral estate ownership and reclamation, new advocates for legislation and new congressional leadership to the debate. By 1973, Montana Senator Mansfield was majority leader of the Senate and Senator Metcalf was chair of the Senate Mining Committee, while Representative Melcher sat on the House Natural Resources Committee. Sweeney and Northern Plains, along with the membership of the newly-formed Powder River Basin Resource Council in Wyoming found themselves at the forefront of this expanded strip mining issue.¹⁰⁸

¹⁰⁸ “Strip mining expands as prices move up,” *The Sun* (Baltimore, Maryland), 6 September 1975; Chad Montrie chronicles the transition in the coal mining industry from underground mining to strip mining from the 1940s to the 1970s, growing opposition to strip mining, the passage of state laws to address the environmental, economic, and social issues associated with strip mining in Ohio, Pennsylvania, and Kentucky, and attempts by the federal government to address these issues. He demonstrates that in these three states, and also in Tennessee, the attempts of state legislatures to regulate strip mining and to enforce regulations was rarely effective and heavily influenced by the coal mining industry, partly prompting opponents to pursue federal legislation; See Chad Montrie, *To Save The Land and People: A History of Opposition to Surface Coal Mining in Appalachia* (Chapel Hill: University of North Carolina Press, 2003), 128, 138-153, 187; Stephen L. Fisher, ed., *Fighting Back in Appalachia: Traditions of Resistance and Change* (Philadelphia: Temple University Press, 1993), 20.

From their shared offices on C-Street near Pennsylvania Avenue in Washington, Dunlap and Sweeney, along with lobbyists John McCormick of the Environmental Policy Center and Brock Evans of the Sierra Club, wrote the first draft of the Surface Control and Reclamation Act in late 1973. On Northern Plains' behalf, Sweeney introduced three objectives for the legislation, two of which were integral in the Montana legislation. The first was meant to address the issue of surface owner consent—giving landowners a say in how, when, and if coal mines operated on their property when they were extracting minerals owned by someone other than the surface owner. This profoundly western issue echoed a primary concern for Northern Plains' ranching and farming members—losing control of their property and livelihood. The second objective was providing a regulation and reclamation process that would require the creation of transparent and publicly accessible permitting program in which the public (including environmental organizations) had the opportunity to review the details of the proposed project, its scope and environmental impacts, and then provide comments on the proposal and appeal the agency permitting decisions. Reclamation, with standards concerning to what degree of agricultural productivity the land must be returned including returning the land to its “approximate original contour” and restoring the “hydrologic balance” of area water resources, was to be required as part of the mining plan. Lastly, Sweeney introduced a new provision that was specific to the Montana situation but would be used extensively by citizens in other regions to protect “special places” from coal mining. The “lands unsuitable for mining” provision was meant to ban

mining in the Custer National Forest, the only national forest in the eastern part of the state and a favorite recreation site for many residents, an area in which many Northern Plains members either had leases to graze cattle or adjacent property.¹⁰⁹

As the ink from Governor Thomas Judge's pen was drying on Montana Surface Mine Reclamation Act back in Helena, the U.S. Senate and House were considering national versions of the legislation in Washington. The Environmental Policy Center had been working with a collection of citizens groups from Kentucky, West Virginia, and Tennessee, in addition to the newcomers from the West, to identify sponsors who could work a strong bill through congress to the President's desk. Their priority sponsors were senators and representatives from western states that possessed substantial coal reserves who sat on the House or Senate committees that would serve as the primary venue for considering mining bills. In the House, this included Representative Morris Udall from Arizona, site of the expanding Black Mesa Coal mine and proposed giant Navajo generating station. In the Senate, they fostered a relationship with Montana Senator Lee Metcalf and Senate Majority Leader Mike Mansfield, also of Montana, both of whom had criticized the coal boom. They ultimately tied their fate, however, to powerful senator Henry "Scoop" Jackson from Washington State who sat on the Senate Committee on the Interior and Insular Affairs and had championed landmark environmental laws including the National Environmental Policy Act. Meanwhile, the Nixon Administration, which increasingly promoted coal as central component of its energy agenda, realized that strip mining was a

¹⁰⁹ Sweeney interview, 2 August 2010.

growing national environmental concern for the public. If coal strip mining was going to make the United States energy independent, then it would have to be at least minimally regulated or, as Ken Hechler's narrowly defeated attempts to prohibit strip mining had shown, public opinion might be sufficient to ban it altogether. With this in mind, the Administration introduced its own language and also recruited Jackson to carry it. In the House, strip mining opponents recruited Republican Representative John Saylor from Pennsylvania to introduce and carry a version of their strip mine regulation and reclamation bill.¹¹⁰

The bills introduced by Senator Jackson, the Administration, and Representative Saylor in 1973 represented three general positions in the national debate over strip mining and how to regulate and mitigate its effects. The process of passing federal strip mining legislation moved between these three poles. The first, represented by Saylor's H.R. 5988 in 1973, was the environmentalists' option with specific and stringent requirements for permitting, regulation, reclamation, and coal company bonding for damages and opportunities for citizen participation and enforcement of the law and standards through citizen suits. Under this option, the law would be implemented by the states under the watchful eye of an agency within the US Department of Interior. Saylor's bill also included Northern Plains' highest priority provisions including requiring consent of the surface owner in split-estate situations, citizen participation and right to sue during the permitting, mining, and reclamation process, and a provision allowing

¹¹⁰ "NATIONAL LEGISLATION SUMMARY," *The Plains Truth*, vol. 2, no. 3, March 1973;

the Secretary of the Interior to ban strip mining on lands deemed “unsuitable for mining.”¹¹¹

At the other end of the spectrum was the Administration’s bill, introduced as S. 923 and sponsored by Sen. Jackson in the Senate and as H.R. 3 in the House. The Administration bill left enforcement of permitting and reclamation standards up to the states except where the federal government controlled both the surface and underground property (i.e. certain tracts of public land such as national forest or those managed by the Bureau of Land Management). The bill did not required a permit from mine operators until an acceptable state or federal program was created allowing mining companies to operate for up to even seven and a half years largely without the government and citizen oversight and review. The Administration bill solved this potential problem by requiring a permit for prospecting and mining that was good for the life of the mining operation but provided no specific application requirements. In contrast to the Saylor bill, the performance standards contained in the bill were ambiguous and general. Perhaps most disturbing to environmentalists, the Administration bill contained no provisions requiring the states to carry out reviews or provide public notices of permitting decisions or hearings. It provided no language to address the issue of landowner consent and no provisions providing for citizen lawsuits against coal mine operators or state and federal agencies for failure to comply with the law. Lastly, it included no language providing for the reclamation of unreclaimed or abandoned mines—an important issue for coal mining communities in

¹¹¹ “FEDERAL LEGISLATION,” *The Plains Truth*, vol. 2 no. 4, April-May 1973;

Appalachia—except to allow mine operators to depart from certain reclamation performance standards if the cost of reclaiming an area mined before the passage of the act was financially impractical.¹¹²

The final proposal, the “Surface Mining Reclamation Act of 1973,” S. 425, also sponsored by Senator Jackson, lay somewhere between the two extremes. Similar to the Administration bill, it left primary enforcement of mining and reclamation permitting and regulations with the state but with federal oversight by an agency within the Department of the Interior. It also required permits within 15 months of the bill’s enactment instead of four and a half to seven and a half years. Until that time, the bill enacted a moratorium on all new surface coal mining unless the mines were the only sources of coal for electric or metallurgical plants or if a contract to supply coal was made before enactment. Unlike the Administration bill, it provided detailed requirements for the permitting process and a performance bond to pay for reclamation. Its reclamation requirements were similar to Saylor’s bill except that it allowed for the retention of highwalls, spoilbanks, and water impoundments at the end of the mining operations if they were deemed stable—a point of contention for citizens in Appalachia and the West. Like Saylor’s bill, it included provisions to remove lands deemed unsuitable for mining and required the written consent of surface owners in split-estate situations before mining could commence. The Surface Mine Reclamation Act of 1973 included provisions requiring public participation equivalent to those in Saylor’s bill but it lacked a provision allowing citizens to

¹¹² Ibid.

sue to enforce the law. In the House, the Coalition Against Strip Mining, Environmental Policy Center, Northern Plains, and Sierra Club worked with Arizona Representative Morris Udall to sponsor a comparable bill in H.R. 11500. In addition to these four bills, at least eight more were introduced in the House and Senate in 1973 and 1974 that fell somewhere within the spectrum.¹¹³

By the end of the 93rd Congress in the spring of 1974, various parts of many of these bills were amended in to Jackson's S. 425 and Udall's H.R. 11500 as it became clear that these were the pieces of legislation with the best chance of passage. Northern Plains and the Environmental Policy Center continued to lobby for provisions that would create an effective permitting and reclamation program that protected surface owners in split estate situations, required transparency and citizen participation in decision making, and preserved the ability of the Department of Interior to prohibit mining in areas of special concern like Montana's Custer National Forest and were able to get all of them into these bills in some form. They then threw their support and all of their professional and citizen lobbying power behind both measures. Their efforts paid off in the fall of 1974. During the floor debates, Senator Mike Mansfield of Montana, the Senate Majority leader, who had been invited to tour the ranches of Rosebud County and Birney, and whom the Charters, Pfisters, McRaes, and Aldersons had lobbied personally and through countless letters and telegrams, brought Northern Plains' position to the Senate floor in the debate over S. 425. Employing romantic rhetoric that conjured up the mythic Western frontier, the senior Senator from

¹¹³ Ibid; "Federal Stripmining Legislation," *The Plains Truth*, vol. 2, no. 6, June 1973.

Montana told the body, "I rise to speak not only about the coal situation in general, but also about a minority of the population in the state which I have the honor and the privilege to represent, a minority also in the Dakotas and in the state of Wyoming, a minority which usually votes Republican, a minority which is entitled to consideration, and a minority which, in many respects, comprises the last of the rugged individuals in this country." He stressed that the cattle ranchers and wheat farmers of the Northern Plains had homesteaded the land before, during, and after the era of the railroads and that their investment in the land should not be sacrificed for coal development. He then went on state the case of these "last of the rugged individuals" again drawing on frontier themes. "They want the fresh air to remain. They want to have a say about whether the subsurface rights on the land which they occupied and developed is or is not going to be subject to some...force outside the families which developed this land." Mansfield's leadership helped carry the issue through the Senate. Meanwhile, Udall's H.R. 11500 passed through the House and the two were reconciled through a conference committee in the fall of 1974 and combined as a single bill under S 425. Almost two years after its introduction, the Surface Mining Reclamation Act of 1973 passed out of both the Senate and House in mid-December, 1974 and was on its way to the White House for President Gerald Ford's signature. The administration, however, heeded the protestations of groups like the Virginia Surface Mining and Reclamation Association which described the bill as death to their industry by "slow strangulations." Despite the

hundreds of phone calls and telegrams from concerned citizens across the county, on December 30, the President quietly killed the bill through a pocket veto.¹¹⁴

Ford's veto was disappointing to members of the Coalition and Northern Plains. However disillusioning it was, the language of the bill itself, reflecting months of compromise between sponsors and stakeholders and hundreds of hours of research by the Environmental Policy Center, Coalition, Sierra Club, and Northern Plains, remained intact. The mechanisms that had been created to turn out phone calls and telegrams from citizens to members of Congress and the President remained in place. The paid lobbyists of the organizations were more seasoned and the citizen lobbyists emerged in early 1975 energized and committed to pass the legislation again. The acceleration of the Colstrip issue and organization of citizens along the Colstrip transmission routes in Montana and the proposed mine and power plant in Circle, and the organization by Northern Plains of a similar organization in Wyoming provided even more citizen activists representing a broader portion of the region's constituency to pressure politicians. President Ford announced an expanded version of his predecessor's "Project Independence," including the construction of 200 new nuclear power plants, 250 new coal mines, 150 new coal-fired power plants, 20 new synthetic fuel plants

¹¹⁴“Council news,” *The Plains Truth*, vol. 2, no. 6, June 1973; The Library of Congress, Thomas, “Search Bill Summary & Status, 93rd Congress (1973-1974), website, www.thomas.loc.gov/cgi-bin/thomas, accessed 28 March 2011; “NPRC testifies at Strip Mining Hearings,” *The Plains Truth*, vol. 2, no. 3, March 1973; “COUNCIL NEWS,” *The Plains Truth*, vol. 2, no. 6, June 1973; “FEDERAL LEGISLATION,” *The Plains Truth*, vol. 2, no. 8, August 1973; Laney Hicks, “Who Owns the Big Sky?,” *Sierra Club Bulletin*, July-August 1974; “The Conference Committee: Can Surface Owner Protection Survive?,” *The Plains Truth*, vol. 3, no. 8, August-September, 1974; “Federal Legislation,” *The Plains Truth*, vol. 2, no. 10, October 1973; Martin Melosi, *Coping with Abundance: Energy and Environment in Industrial America* (Philadelphia: Temple University Press, 1985), 302

which would convert coal to gasoline, and 30 new oil refineries as part of his State of the Union Message in January, 1975. Northern Plains responded by ramping up its efforts.¹¹⁵

When the new Congress began in January 1975, with substantially larger Democratic majorities in the House and the Senate, Northern Plains and its allies in the Coalition Against Strip Mining (now cleverly referring to themselves as the “COALition”) debated strategy. The groups, and their allies in Congress, decided to reintroduce the bill. Attesting to the support for regulating strip mining and creating a system of reclamation, twenty-two bills were introduced in the 94th session of Congress. Of these, the two that emerged as the most promising were Representative Morris Udall’s “Surface Mining Control and Reclamation Act,” H.R. 25 and a Senate version of the same bill again sponsored by Senator Henry Jackson of Washington, S. 7. Both were quickly passed by early March of 1975, and Jackson’s bill was morphed into Udall’s H.R. 25. It passed the Senate by voice vote and by the House by two votes more than the two-thirds majority required to override a presidential veto. Understanding that he might not be able to veto the legislation, President Ford employed Frank Zarb of the Federal Energy Administration to lobby against the bill while its two versions were being considered in conference committee. Between the bill’s passage and President Ford’s threatened veto, Zarb and the coal-utility industry lobby were able to turn five votes. The House vote to override Ford’s veto failed, 273 to 143, just three votes shy of the necessary two-thirds needed. For a second time, federal strip

¹¹⁵ “Ford’s !*\$*?! Energy Message,” *The Plains Truth*, vol. 4, no. 1, January-February 1975; “Citizen Energy Platform,” *The Plains Truth*, vol. 4, no. 2, March 1975.

mining regulation and reclamation legislation languished on the President's desk. It appeared that passage of federal legislation would have to wait for a change in the White House.¹¹⁶

That change came in November 1976, when Georgia's Democratic Governor, James Earl Carter, successfully beat incumbent President Ford in the race for President. The election of 1976 also increased the Democrat's share of seats in the House and Senate resulting in a two-thirds majority in the House and a filibuster-proof 61-seat majority in the Senate. Representative Morris Udall, who had championed the Surface Mining Control and Reclamation Act in the previous two sessions of Congress and had lost the Democratic presidential nomination to Carter, became chair of the House Interior and Insular Affairs committee—a prime position from which to control the crafting and passing of the strip mining bill through the House. On January 4, 1977, as the new session of Congress opened, Udall reintroduced the language that been agreed upon and passed through both houses in 1975. The COALition and Northern Plains turned out hundreds of phone calls and telegrams in support. By April, a large majority in the House passed the Udall bill and by mid-May, it was merged with its companion bill in the Senate, S. 7, sponsored again by Senator Jackson, and passed out of the Senate. On July 25, it was ready for the President's signature. A little more than a week later, Northern Plains members Carolyn Alderson and Art and Marilyn Hays, Jr. of Birney, Gordon and Helen Waller of Circle, and

¹¹⁶ "Strip Mine Bill," *The Plains Truth*, vol. 4, no. 3, May 1975; Helen Thomas, "Ford to Veto Mining Bill," *The St. Joseph News-Press*, 19 May 1975; "Ford Blocks Strip Mine Bill," *The Plains Truth*, vol. 4, no. 5, June 1975; "NEWS from WASHINGTON...", *The Plains Truth*, vol. 4, no. 8, October 1975; "Strip Mine Bill Alive!," *The Plains Truth*, vol. 4, no. 10, December 1975.

now-staff director Pat Sweeney joined members of the COALition, Louise Dunlap, sponsors Representative Morris K. Udall and Senator Henry Jackson in witnessing President Carter sign the Surface Mining Control and Reclamation Act of 1977 (SMCRA, pronounced “smack-ra”) into law. Now coal mining states, mining companies and the citizen memberships and staffs of Northern Plains and other similar organizations around the country would have to figure out what it all meant.¹¹⁷

After SMCRA: 1977-1980

At the end of the 1970s, this still relatively young coalition of ranchers, farmers and environmentalists, had a lot to reflect upon and a lot to be proud of. By the end of 1979, they had fully engaged the coal boom, organizing residents around the state in fifteen community-based affiliate organizations and maintaining two staffed field offices in Billings and Glendive. While their membership had grown to several thousand, their work was still largely dependent on the volunteer work of members. The staff, which included a paid lobbyist in Washington, DC, from late 1973 through mid-1977, had only grown to eleven. The rest of the work—turning out members for hearings, comments for environmental impact statements and other agency studies, and citizen lobbyists,

¹¹⁷ The Library of Congress, Thomas, “Search Bill Summary & Status, 95th Congress (1977-1978), www.thomas.loc.gov/cgi-bin/thomas, website, accessed 28 March 2011; Melosi, 302; “WASHINGTON, DC UPDATE: STRIP MINING LEGISLATION,” *The Plains Truth*, vol. 6, no. 1, January-February 1977; “WASHINGTON, DC UPDATE: STRIP MINING: ACTION NEEDED NOW!,” *The Plains Truth*, vol. 6, no. 2, March 1977; “Strip mining law signed by Carter,” *The Ellensburg Daily Record*, 3 August 1977; “FEDERAL STRIP MINING BILL SIGNED INTO LAW BY PRESIDENT CARTER,” *The Plains Truth*, vol. 6, no. 6, August 1977.

phone calls, and telegrams to pressure politicians was still largely done by volunteers.¹¹⁸

The group's tactics in the fight against the coal boom had quickly diversified in the early years of their existence from organizing citizens to refuse to lease or sell their land for coal development, to demanding state public hearings on mine and power plant proposals and turning out opposition to those meetings, to generating letters to the editor in the region's newspapers, to researching the coal leasing situation and educating the public about the scope of the proposed boom. Passing legislation to address issues of split-estate, surface owner condemnation, and reclamation and regulation of power plants, and then bolstering those laws, was a primary objective and activity for the organization. Like Wally McRae in that 1973 meeting with Wade Rathke, most members seemed to think that if they could just pass a good law, the problem would be solved. They soon learned that passing laws was only one part of the solution. Making the laws work required persistent citizen oversight and participation in permitting and rule-making processes and occasional lawsuits. Northern Plains members instinctively understood that preventing the damages associated with massive coal and power developments depended on the ability of citizens to review proposed projects and have a say in whether they were allowed to go forward and how. They wrote these provisions into the laws they advocated in the 1973 Montana legislative session. Their experience with these laws informed their future thinking regarding how to solve the problems posed by the energy

¹¹⁸ "NPRC Affiliates," *The Plains Truth*, vol. 9, no. 2, February 1980; "NPRC Staff," *The Plains Truth*, vol. 9, no. 2, February 1980.

boom and they continued to argue for the ability of citizens to participate. This extended to the federal Surface Mining Control and Reclamation Act that was finally passed in 1977.

In the process of learning the scope of the coal boom and inventing ways to fight it, their work brought them into contact with other Montanans facing aspects of the boom but also other environmental issues. They applied the lessons they learned and attracted new members to the organization. In 1975, the first affiliate not associated directly with coal development joined the group. The Stillwater Protective Association, hailing from a handful of small towns along the Stillwater River, which flowed out of the Beartooth Plateau south to the Yellowstone about one hundred miles West of Billings, formed to fight a proposal to expand hard rock mining in the mountains of the region and its associated social, economic, and environmental impacts. For Northern Plains, the issues were the same—split-estate, water degradation, boom-and-bust growth and impacts in the small towns—and the new group brought new members which increased their “people power” to affect decision-makers at every level. By the late 1970s, the board included new members and leadership from more farming-oriented north-central and central-eastern part of the state. Helen Waller, Charlie Yarger and Tom Breitbach chaired the organization in the latter part of the decade. They elevated new issues within the organization, arguing that ultimately the group was concerned with protecting family-based agriculture as the most sustainable use of the land and water in the region. They pressured the group to

take on other agricultural issues including price-gouging of wheat farmers by the railroads and eventually bank-foreclosures.¹¹⁹

At the same time this group was testing the waters of working on these complicated agricultural issues based on the principles of citizen activism and participation that were evolving in the coal struggle, some members in the south central and western parts of the state began pressuring the organization to work on more traditional environmental issues. Many of these members, from cities and rural areas, initially joined to fight the Colstrip transmission corridor or hard rock mining. In 1974, members increasingly concerned with finding alternative, sustainable, solutions to the energy crisis, started a new affiliate, the Alternative Energy Resources Organization (AERO) to work specifically on promoting alternative, or “soft path,” energy production and conservation and to complement the anti-coal boom work of the larger group. In 1978, the board elected to support Initiative-80, which would require direct voter approval before any nuclear power facility could be sited in Montana. At that point, there were no nuclear facilities within the state. They also parted with most traditional agricultural groups and voted to support the designation of the Absaroka-Beartooth Wilderness. Northern Plains members used their skills acquired in other fights to organize comments and participation in the wilderness designation process, which resulted in Congress establishing more than 920,000 acres of wilderness bordering

¹¹⁹ “New Affiliate Organization,” *The Plains Truth*, vol. 4, no. 7, August-September 1978; Waller interview, 3 August 2010.

Yellowstone National Park and protecting a significant portion of the headwaters of the Yellowstone River in that same year.¹²⁰

The group also began to grow beyond its borders, seeking to spread its apparently successful brand of activism to other states caught up in the coal boom. In 1973, Northern Plains members and staff helped form a sister organization in Wyoming's Powder River Basin, a region that was similarly slated for massive coal mines and power plants and contained the headwaters of the Powder and Tongue Rivers, which flowed north into Montana. Initially, Northern Plains included the Powder River Basin Resource Council in its newsletter, and provided staff services for the new group but by the mid-1970s the Wyoming group stood on its own. In 1978, Northern Plains helped form a similar group in North Dakota, the Dakota Resources Council. By 1979, the now-seasoned lobbyist and organizer, but still youthful, Pat Sweeney organized the three groups, with the interest of similar groups that had formed in Colorado, into a regional organization, the Western Organization of Resource Councils (WORC), to provide a regional voice in Washington for issues that concerned all the groups or crossed state boundaries and as a clearing house for information and resources for the groups. WORC institutionalized the "people power" tactics that had evolved in Montana and Wyoming since the early 1970s and sought to spread them to citizens in other states with the aims empowering citizens to environmental and community problems. Like Northern Plains, WORC insisted on solutions that

¹²⁰ "ALTERNATVIES: NOW!!," *The Plains Truth*, vol. 3, no. 1, January 1974; "Nuclear Vote: NPRC ENDORSES INTITIAVE 80," *The Plains Truth*, vol. 7, no. 9, October-November 1978; "Wilderness Bill Gains Support," *The Plains Truth*, vol. 7, no. 2, March 1978.

realized the participatory democracy ideals of the 1960s and the organization increasingly incorporated the organizing ideas of labor and civil rights organizations represented by Saul Alinsky, Martin Luther King, Jr., César Chavez, and taught by institutions like the Highland Center in Kentucky and Rathke's ACORN.¹²¹

Conclusion: Northern Plains as a Citizens “Environmental” Group

By the end of the 1970s, geographic, numeric, and issue expansion caused the Northern Plains Resource Council to reflect on just exactly what it was. Was it an environmental organization? Was it an agricultural organization? In September 1978, Northern Plains chair Bill McKay, Jr., a rancher from the southeastern part of the state, addressed this question. In his monthly letter from the chair that opened that edition of the newsletter, he wrote:

Northern Plains Resource Council is unique. Our primary direction comes from the rural sector, and most of the membership consider NPRC to be an agricultural organization. Yet, we are not a trade association in the mold of the Montana Stockgrowers or the Montana Woolgrowers. However, we are the only organization in Montana that stands up for agriculture in the face of massive industrial development...Much of our work deals with the basic essentials for Montana agriculture: land, air, and water. But this doesn't make us environmentalists. We're still ranchers and farmers.¹²²

¹²¹ “COUNCIL NEWS,” *The Plains Truth*, vol. 2, no. 7, July 1973; “Dakota Resource Council Organizes,” *The Plains Truth*, vol. 7, No. 3, March 1978; “Dakota, Powder River, Northern Plains: Resource Councils Unite,” *The Plains Truth*, vol. 8, no. 10, December 1979.

¹²² “To The Members from W.R. McKay, Jr.,” *The Plains Truth*, vol., 7, no. 8, September 1978.

And yet, a quick survey of the group's issues—coal mine regulation and reclamation, power plant siting and regulation, alternative energy, opposition to nuclear power, support for wilderness designation—and their emphasis on passing legislation to require government-led solutions to these problems, even if viewed in relation to the issues of surface owner rights and the promotion of family agriculture, supports solid arguments for calling Northern Plains an environmental organization. The resistance of members at being called environmentalists, however, is instructive and reveals something about the American environmental movement in the postwar era.

It is safe to assume that their reaction to the term was partially rooted in the culture wars of the era. By the late 1970s, “environmentalism” was already being linked to the socially-liberal politics many conservative rural people associated with the anti-war movement and social and political upheaval of the 1960s. If environmentalism could be confined to the people Wally McRae called “wild eyed, and fuzzy-headed” then Northern Plains members were indeed not environmentalists. The ranchers and farmers of Northern Plains distinguished themselves from “environmentalists” because their activism was rooted in the protection of private property and their ability to continue to farm and ranch and preserve their rural, agricultural heritage from industrialization. They saw these values as “conservative” in the culture wars of the era. They understood their activism as profoundly “American.” What they were slow to realize, however, was how similar their activism was to what most “environmentalists” were doing as well. Whether they knew it or not, their tactics, based on the basic assumption

that citizens ought to have access to information affecting their environment and a say in decisions that affect their health, that of their families and their communities, and their ability to make a living were central tenets of the environmental reform movement in the late twentieth century.¹²³ Their activism more closely aligned Northern Plains members with other environmental organizations than the agricultural trade organizations with which they also associated. Activism to solve environmental public goods problems tended to reflect Progressive ideals about democratic participation and emphasized the ability of citizens to participate in government decisions. Northern Plains members—farmers, ranchers or city-dwellers—organized or joined because they perceived outside actors unjustly threatening their land and way of life. It violated their sense of rights and democracy. The solution: ensure that citizens had the right to participate in and appeal the decisions surrounding these proposals based on the idea that an informed citizenry would make the best decisions concerning public health, the environment. Northern Plains members worked on environmental issues but it was their understanding of the energy

¹²³ Recent histories of the environmental movement have emphasized a connection between environmental and democratic reform. In her work on Rachael Carson, Sarah Thomas argues that Carson's pesticide reform work in the early 1960s "contributed to a growing emphasis on access to information and public participation, both of which emerged as key tenets of the new environmentalism." See Sarah L. Thomas, "A Call to Action: Silent Spring, Public Disclosure, and the Rise of Modern Environmentalism" in Michael Egan and Jeff Crane, *Natural Protest: Essays on the History of American Environmentalism* (New York: Routledge, 2009), 185-203, quote on 186; the connections between environmental and democratic reforms in the late twentieth century are more fully explored in the forthcoming article by the author and Paul Hirt entitled "Power to the People: Grassroots Advocacy for Environmental Protection and Democratic Governance in the Late 20th Century," included in the forthcoming anthology *The Politics of Hope*, edited by Michael Egan and Jeff Crane and published by the University of Colorado Press.

boom and remedies to it as fundamentally about justice and democracy that aligned them with the environmental movement.

In its organization and work during the 1970s, Northern Plains Resource Council provides an example of the kinds of community-based environmental organizations that formed in the United States in the last decades of the twentieth century to address environmental issues. Although details varied from community to community, state to state, and issue to issue and depended on the class and race of the activists, NPRC's experience demonstrates a general trajectory of citizen environmental activism typical during the 1970s. People react to a perceived threat to their self interests—their property, their ability to make a living, their health or that of their families. They find others who also perceive the threat in an attempt to address it. Although environmental threats are often scientific and technical in nature, these activists typically understand the issue in terms of fairness and justice. In the Northern Plains example, the *North Central Power Study* proposed to industrialize a vast swath of rural, agricultural land destroying ranchers' private property and the streams they depended on, and to alter their communities. The ranchers were not consulted and had no means of appealing the proposals. They felt that their sovereignty over their private property and lives and rights as citizens were violated. From this understanding of the issue, they argued for their right to take part in the environmental decisions that affected their property, health, quality of life, or livelihoods.

There are a variety of ways in which citizens can gain access to environmental decision making. During the 1970s, passing new laws that

required agency transparency and citizen input, and provided citizens with the ability to appeal agency decisions often stood out as the most expedient way of achieving their goals. In the process of addressing their local issues, they often realized how similar their issues were to those of others. Slowly, these activists citizens became globalized in their thinking; they began to understand their issue as part of larger systems of environmental, economic, or social injustice. In the process, they became more “environmentalist” whether they associated themselves with the label or not. If their primary issue was resolved—to their satisfaction or not—they often refocused their attention and efforts on other issues, sometimes in other communities. As their involvement with environmental issues and their groups matured, they become more sophisticated. The organizations professionalized institutionalizing tactics and strategy while the staff and some members began to embrace the technical, scientific, and legal aspects of their work and developed new tactics to engage other aspects of environmental decision making.

This was the trajectory that Northern Plains followed from its inception in the early 1970s and continues to follow to the present day. Another community-based organization which formed in Tucson, Arizona, just three years after Northern Plains, followed a similar, albeit different, path. Though its membership tended to be predominantly urban and college-educated members of Tucson’s middle class, the Southwest Environmental Service’s efforts to educate citizens about land use, water, and air quality issues to enable them more fully to participate in environmental decisions, reflected many of democratic goals shared

by Northern Plains. The story of the Southwest Environmental Service demonstrates the variety of strategies available to citizens groups and challenges community-based environmental organizations faced during the 1980s.

CHAPTER 5

CITIZEN ENVIRONMENTAL ACTIVISM IN THE SOUTHWEST:

TUCSON'S SOUTHWEST ENVIRONMENTAL SERVICE

After a nearly eight year battle to force the Phelps Dodge Company to bring its Douglas copper smelter into compliance with the emission standards of the Clean Air Act, environmental activists in southern Arizona claimed victory in 1987. In the midst of a lawsuit and negotiations with regulators, the multinational mining giant abruptly and indefinitely shut down the smelter. Referred to by workers and Phelps Dodge executives as “Old Reliable,” and as “Old Smoky” citizens who lived near the facility, the smelter operated for seventy-four years with few significant upgrades in pollution abatement technology. As a result, it was one of the largest single sources of air pollution in the U.S., graying the sky almost daily with thousands of tons of acid-rain producing sulfur dioxide and other pollutants. The closure resulted from prolonged campaigns by national environmental organizations, including the Sierra Club and Greenpeace and by local grassroots groups. The final blow came from a legal action brought by three environmental organizations—two local, southern Arizona-based groups and one national—against the federal government to force it to enforce the Clean Air Act. A second smelter that failed to meet air quality standards, Magma Copper Company's smelter in San Manuel, also closed its doors to retrofit its facility to comply with the law.

A little more than a year later, however, one of the groups that led the charge in the fight for clean air, Tucson's Southwest Environmental Service (SES), met the same fate as the Douglas smelter. Despite fourteen years of success protecting environmental amenities and quality of life in southern Arizona—including multiple public education campaigns about urban growth, air and water quality, and water use, orchestrating the creation of Catalina State Park north of Tucson, advocating Arizona's Environmental Quality Act, which regulated water quality, and enforcing smelter compliance with the Clean Air Act—the organization closed its doors in March of 1988. Of the group's impact in the state, executive director Priscilla Robinson told reporters in 1988, "The difference now from the old days is that legislators have to care...[t]hey can't afford to ignore environmental issues if they want to get elected, because 99 percent of the people care about air and water quality." Nevertheless, Robinson explained that the organization was shutting down because it had always focused on "major issues with specific tasks." According to Robinson, SES existed primarily to solve specific environmental problems related to air and water pollution and poorly regulated urban sprawl. They had a membership of dedicated volunteers in the Tucson area, but mostly local foundation grants paid the major share of staff salaries and expenses. Those grants funded specific campaigns, such as drinking water pollution in South Tucson and the Phelps Dodge smelter battle in Douglas. When SES accomplished an environmental objective, its funds for that campaign dried up and the group's board had to decide whether to disband or take on new issues and try to secure new grants. After the Clean Air Act victory

over Phelps Dodge in 1988, the board and Executive Director Robinson decided that SES's work was done. In many ways, she said, the organization was a victim of its own success.¹²⁴



Priscilla Robinson closing the Southwest Environmental Service office in Tucson after fourteen years. Source: Kevinne Moran, "Environmentalist out of service," *Tucson Citizen* 31 March 1988.

The kinds of groups that could be classified as "citizens environmental organizations" in the late twentieth century were as diverse as the members of environmental organizations themselves. Southwest Environmental Service formed in southern Arizona at the same time that the Northern Plains Resource Council (NPRC) was celebrating the passage of coal strip mining reforms in Montana and learning what those victories meant. SES, however, bore little

¹²⁴ Kevin Moran, "Environmentalist out of service," *The Tucson Citizen*, 31 March 1988; Joe Burchell, "Group that helped in smelter fight is shutting down," *The Arizona Daily Star* (Tucson), 30 March 1988.

resemblance in terms of its membership, geographical area of activity, organizational structure, or issues to its loosely related cousin to the north.

To begin with, SES was primarily an urban and suburban-based organization interested in addressing environmental issues related to urban quality of life. Unlike NPRC, which fought to protect private property and the air and water that supported an agricultural economy and rural quality of life, SES's members tended to be concerned with what historians, including Samuel Hays, have described as more traditional environmental issues having to do with an increasing interest in quality of life among Americans following the second world war. These included urban air and water quality and the creation and protection of public parks. SES maintained a primarily urban constituency, and its "members"—a collection of people who attended hearings, wrote letters, lobbied decision makers, and donated money to the organization from time to time—tended to be educated and "environmentally aware" members of Tucson's middle class. Unlike NPRC, whose members came to understand environmental issues through their experience fighting the threat of coal strip mining and power production, many SES members were self-conscious environmentalists before becoming involved with the organization.

SES also formed differently than Northern Plains. It was organized in 1974 after receiving a grant from the Wilson Foundation, a local institution created in the mid-1960s by Richard and Jean Wilson with the aims of addressing environmental and land-use issues in the Tucson area. NPRC was primarily a member-funded organization and did not receive its first foundation grants until a

few years into its existence. Receiving foundation funding from the onset, SES travelled a different path in terms of its issues and activities. Because it was not dependent on membership dues for financial support, SES did not emphasize membership recruitment to the degree of Northern Plains. Like Northern Plains, it incorporated democratic principles in organizational decision making but lodged that decision making exclusively in a more professional and expert board of directors that met monthly and was closely guided by a paid executive director. It rarely solicited input from its members outside the board on organizational policy and strategy, and did not hold membership-wide annual meetings. Within the social and environmental community, SES might be referred to as an “advocacy” group or a “service” organization due to its primary strategies of using experts and professionals to advocate positions on behalf of its membership and providing expert services to environmental decision makers and governing agencies.¹²⁵

Despite these differences with Northern Plains, Southwest Environmental Service was indeed a community-based, citizens environmental organization similar in many ways to NPRC. Although it worked on many issues using a variety of strategies, its efforts were undergirded by the same conviction that informed citizens are the people best equipped to make environmental decisions affecting the health, communities, and quality of life of the people living in Arizona. Likewise, SES members and staff understood and articulated

¹²⁵ Samuel Hays, *Beauty, Health, and Permanence: Environmental Politics in the United States, 1955-1985* (New York: Cambridge University Press, 1987), 3, 13, 22; Priscilla Robinson, interview by author, Tucson, Arizona, 1 September 2011.

environmental issues in terms of justice, fairness and democracy, arguing for the ability of citizens to participate in environmental decision making processes and for industry to be held accountable to “the people.” Whereas Northern Plains primarily engaged in building political support for legislative solutions to the threats of strip mining that included an expanded role for citizens in regulating the activity, SES focused on educating citizens on air and water quality issues and then encouraging them to become involved politically to affect positive environmental change. It served as an informer and advocate for citizens in various decision-making venues regarding air, water, and quality of life in the region. These differences in strategy reflect divergences in organizational structure between SES and Northern Plains but also the changing political and regulatory landscape in the late 1970s and 1980s that influenced the group to engage in other tactics.

SES also resembles Northern Plains and other citizens environmental organizations during this period in terms of its leadership. Women held a greater number of leadership positions in SES compared to national organizations and most of the group’s on-the-ground work. And, while the board of directors tended to contain academics and professionals that brought some expertise to the organization’s work, the women who did the work and really shaped SES were not trained professionals or experts—they learned the skills and acquired the knowledge they realized they needed on the job. They were concerned about the environment, but initially they were no better equipped to address the complicated

issues of land use, air and water quality and water conservation than most members of Tucson's middle class.¹²⁶

SES provides an example of a different kind of multi-issue, community-based environmental organization operating in the United States in the last decades of the twentieth century. Their work during the 1980s demonstrates many of the strategies grassroots groups pursued in their attempts to improve the environment in the decade following the passing of the nation's bedrock environmental laws. Public education campaigns aimed at assisting citizens to engage in more environmentally responsible behavior, advocating new protective environmental regulations, and enforcing existing air and water quality laws passed in the previous decade were the three primary activities SES employed in their mission to protect and improve the environment in Southern Arizona. Its successes and failures during the 1980s demonstrate the possibilities and

¹²⁶ It should be noted that Priscilla Robinson does not characterize SES as being "grassroots." This is despite the fact that the group was a local, community-based, advocacy organization that at the time of its closing counted a membership of roughly 600 from which it derived a significant portion of its revenue in 1987, and which employed democratic decision making process among its board. To explain her reasoning, she cites the tendency of the organization to concentrate decision making in a few experts, including herself, and the fact that it derived most of its revenue from a single foundation. The author recognizes that the definition of "grassroots" is contested, and that it could apply somewhat to SES because the group sought to encourage citizen participation in environmental decision making. Instead of using the term "grassroots," the author chooses to refer to local, community-based environmental organizations as "citizens" groups which emphasizes the kinds of members that made up the organization—mostly non-professional volunteers and staff—rather than organizational structure or strategy. For more on what constitutes a "grassroots" group, see Hays 62, 65, David del Mar, *Environmentalism* (Harlow, UK: Pearson Education Limited, 2006), 163-164, Jacqueline Vaughn Switzer, *Environmental Politics: Domestic and Global Dimensions* (Belmont, CA: Thomson Wadsworth, 2004), 39, and Douglas Bevington, *The Rebirth of Environmentalism: Grassroots Activism From the Spotted Owl to the Polar Bear* (Washington DC: Island Press, 2009), 35-37; Robinson interview, 1 September 2011.

challenges inherent to the organization of citizens environmental groups while illuminating a degree of continuity in the way citizens understand environmental issues and reform.

The Rise of an Environmental Movement in Southern Arizona

In the last decades of the twentieth century, economic, demographic, and cultural changes in southern Arizona conditioned how humans understood and related to the region's physical environment. Changes in the regional, national, and international economy altered the power landscape in southern Arizona and opened the way for new voices in debates over the development of natural resources and quality of life in the region.

From its territorial days following the United States' purchase of the region from Mexico in 1854 until World War II, southern Arizona served as a sort of colonial outpost providing raw materials for America's industrialization. Prospectors and then mining companies backed by eastern and European capital extracted enormous quantities of silver and copper from the rugged mountains, and made mining towns such as Tombstone and Bisbee world-famous. Technological innovations in mining and smelting, along with the communications and energy revolutions in the telegraph, telephone, and electrification soon provided the means and the demand to make the industrial extraction of copper economically profitable. With the discovery and development of the "Copper Queen" and "Atlanta" lodes by Phelps Dodge, the "copper collar" was yoked to the southern Arizona economy. Meanwhile, folklore

and medical science combined to convince tuberculosis-stricken tourists of the healing qualities of the region's dry climate. Thousands of those suffering from the disease descended upon Tucson and Phoenix in the late nineteenth and early twentieth centuries. Into the mid-twentieth century, health-seekers, including World War I veterans, continued to flock especially to Tucson shaping the foundations of institutionalized healthcare in Arizona and firmly establishing an appreciation for the state's "healthful" environment to the region's reputation for mineral riches.¹²⁷

The clear, dry climate was equally attractive to a new constituency with the entrance of the United States into World War II in 1941. To the military men interested in training Army pilots and industrialists committed to building planes for the war effort, the year-round flying season and cheap and sparsely populated land provided a perfect place for military bases and wartime manufacturing. Outside Phoenix, the War Department opened Luke Williams Air Field—the largest advanced flying school in the world, training more than 13,500 pilots during World War II. In Tucson, the federal government took over the Davis-Monthan municipal airport, built Ryan Field to the west, and Marana Air Base northwest of the city, which together trained thousands of pilots. Consolidated Vultee Aircraft attracted thousands of civilian employees to Tucson. While Phoenix was able to attract and retain more manufacturing industries during and after the war, Tucson was able to capture the enormous Hughes Aircraft missile

¹²⁷ Thomas Sheridan, *Arizona: A History* (Tucson, University of Arizona, 1997), 146, 165-166; Linda Gordon, *The Great Arizona Orphan Abduction* (Cambridge: Harvard University Press, 1999), 27. Sheridan, 234-235.

plant in 1951 and its population experienced a proportionally similar demographic surge to that of its exploding neighbor to the north (from under 50,000 in 1950 to more than 200,000 in 1960). While the copper industry continued to prosper, the manufacturing and service industry in southern Arizona quickly challenged its dominance in the economy of this part of the state. Diversification of the economy of southern Arizona brought with it a new population with new values, as thousands of returning veterans and their families, G.I. benefits in hand, chose the opportunities that the cheap land, plentiful jobs, and mild climate of the region provided.¹²⁸

By the 1960s, new voices reflecting the evolving values of a growing population entered the regional conversation about how southern Arizonans should relate to their environment. Whereas the economy of the region was still of pivotal importance to most residents, many began to emphasize the importance of quality of life. Residents of southern Arizona, concentrated primarily in Tucson, organized themselves to address what they perceived as important community issues having to do with air, water, land and health. Citizens formed and joined local chapters of national groups, including the Sierra Club, Audubon Society, Nature Conservancy and Friends of the Earth and such recreational clubs as the Southern Arizona Hiking Club and various hunting and fishing organizations. In addition, Tucson residents formed their own local groups the 1960s and 1970s to address issues of specific interest to urban southern

¹²⁸ Sheridan, 270-273, 280; See also Carl Abbott, *The Metropolitan Frontier: Cities in the Modern American West* (Tucson: University of Arizona Press, 1998) for a description of the divergent developments of Phoenix into a “network” city and Tucson into a “regional” city.

Arizonans: Arizonans for Quality Environment, Southern Arizona Environmental Council, and the Southwest Environmental Service. These three collaborated with the others to advocate for the protection of air and water, planned urban and suburban growth, and the preservation of public lands and creation of parks during the 1970s and 1980s. Environmentally-concerned citizens often belonged to and led many of these organizations at the same time.

Arizonans for Quality Environment was the first of these groups to form. In 1966, it was chartered as Arizonans for Water Without Waste (AWWW) to fight proposals to build Bridge and Marble Canyon Dams on the Colorado River on both sides of Grand Canyon National Park. The dams were proposed to generate revenues to pay for the Central Arizona Project (CAP), which was designed to transport water uphill two hundred seventy miles from the Colorado River to Phoenix and Tucson. The group found itself in a precarious position. It was unable to oppose the regionally-sacred CAP, which promised to deliver millions of acre-feet of water to the state's growing metropolises but it was in absolute opposition to the building of the two Grand Canyon "cash register" dams to subsidize the project. With the removal of the objectionable dams from the CAP project authorization in 1968, AWWW was left without its original foundational issue. It therefore branched out to other natural resource issues concerning southern Arizona. By 1969, AWWW had created five new committees covering air pollution, water, wilderness, wildlife, and conservation education, and considered several name changes: "Arizonans for Water, Wilderness, and Wildlife," "Arizonans for a Clean Environment," or "The Grand

Canyon Society.” By February of 1970, they had changed their name to Arizonans for Quality Environment (but retained the familiar AWWW acronym for a while).¹²⁹

From its inception in 1966 as a single-issue group through its development into a multi-issue grassroots advocacy organization, AWWW was led primarily by a vanguard of citizen activists, many of whom were active in the other two organizations too. Responding to national as well as local controversies, it took on issues as they arose in the Tucson-area so long as members were interested and willing to work on them. In October of 1969, AWWW responded to the national fervor surrounding the publishing of Paul Ehrlich’s *The Population Bomb* earlier that year by declaring population the group’s top priority and creating a committee to study the issue led by Priscilla Robinson. Likewise, in response to the oil embargo and energy crisis of 1973-74, AWWW elected to focus on energy issues, including conservation, energy mineral extraction, and alternative energy. The group’s other issues reflected local and national concerns in an era that witnessed the passage of the nation’s most protective environmental laws, including the Wilderness Act of 1964, National Environmental Policy Act of

¹²⁹ *Arizonans for Water Without Waste Newsletter*, (Tucson: Arizonans for Water Without Waste), 15 October 1966; Editions of this newsletter from 1966-1982 can be found in the University of Arizona Special Collections, Tucson, Arizona. Arizonans for Water Without Waste, changed its name in February of 1970 to Arizonans for Quality Environment but retained the acronym “AWWW.” From this point forward, this newsletter will be referred to as “*AWWW Newsletter*”; for a more detailed description of the fight over the Grand Canyon dams and the Central Arizona Project, see Marc Reisner, *Cadillac Desert: The American West and Its Disappearing Water* (New York: Penguin Books, 1986), ch. 8, and Byron Pearson, *Still the Wild River Runs: Congress, the Sierra Club, and the Fight to Save Grand Canyon* (Tucson: University of Arizona Press, 2002); Douglas E. Kupel, *Fuel for Growth: Water and Arizona’s Urban Environment*, (Tucson: University of Arizona Press, 2006), xv, xx; *AWWW Newsletter*, March 1969; *AWWW Newsletter*, February 1970.

1969, the Clean Air Act of 1970, Clean Water Act of 1972, and the Endangered Species Act of 1973. Correspondingly, AWWW maintained committees dedicated to wilderness, water, and wildlife issues. Echoing specifically local concerns, they committed resources to transportation issues, the Grand Canyon, urban environment, land use, and eventually mining.¹³⁰

Southern Arizona Environmental Council (SAEC) was a second community-based environmental organization that formed in the region during this period. Founded in mid-1971, the SAEC's stated purpose was "[t]o provide an effective and continuing coordinating structure to increase individual and organization ability to understand and respond to environmental problems in southern Arizona." Consisting of representatives of "any non-profit or volunteer Arizonan organization or association with some stated concern for environmental quality," the SAEC was unique among environmental organizations in the region during the period for its attempt to bring divergent interests together. Reflecting this effort, the organization's semi-monthly and later quarterly *Bulletin* included articles from Paulette Dryden, mining chair of Arizonans for Quality Environment, who argued against expanded mining in southern Arizona, and articles by Ted Eyde of the Southwest Minerals Exploration Association supporting mining as a "Necessary and Desirable Green Belt Use in Pima County." Although the SAEC was essentially an organization of organizations, it

¹³⁰ AWWW *Newsletter*, October 1976; AWWW *Newsletter*, October 1973; AWWW *Newsletter*, April 1974.

maintained a membership of individuals and attempted to engage the general public and encourage public participation.¹³¹

“Catalyst For Action”: the Southwest Environmental Service¹³²

In 1974, a third community-based environmental organization formed in Tucson. The Southwest Environmental Service (SES) was chartered under the direction of David Hoyt, a local newspaperman, with funding from the Arizona-based Wilson Foundation to address regional environmental issues that had so far fallen outside the purview of the region’s other environmental organizations. Although Richard and Jean Wilson, who formed the Foundation, charged the group with working for general environmental protection, the wealthy couple—Richard, a Yale and Stanford trained geologist, was heir of a Texas oil fortune—was particularly concerned with the affects of suburban sprawl in and around Tucson. Thus, much of SES’s early work had to do issues of land use and population growth. Hoyt organized a board of directors drawing from folks who had been active in AWWW and SAEC during the early 1970s. In its first year, SES began work on land-use planning in the Tucson metropolitan area, urban water quality and use, and Catalina State Park, a nature park north of Tucson on

¹³¹ From the 1971 by-laws of the Southern Arizona Environmental Council, included in the *AWWW Newsletter*, October 1971; *Southern Arizona Environmental Council Bulletin*, Vol. 9, No. 2, November 1979, found in the Arizona Collection, Hayden Library, Arizona State University, Tempe, Arizona; hereafter, the *Southern Arizona Environmental Council Bulletin* will be referred to as *SAEC Bulletin*; *SAEC Bulletin*, Vol. 3, No. 1 1973-1974; *SAEC Bulletin*, Vol. 7, No. 1, September 1977; *SAEC Bulletin*, Vol. 7, No. 3, January 1978; *SAEC Bulletin*, Vol. 6, No. 4, March 1977.

¹³² “Catalyst For Action” was the by-line SES chose for itself in its first brochure produced in 1977; Southwest Environmental Service, organizational brochure, n.d., SES Records, MS 269, Box 1, Folder 10.

the western flanks of the Santa Catalina Mountains designated by the Arizona legislature in 1974 but left unfunded by the state. In early 1975, however, Hoyt resigned, and Priscilla Robinson took over as executive director.¹³³

Robinson brought to the nascent SES a degree of organization and professionalism that characterized the group throughout its tenure. By 1974, she was an experienced activist and was familiar with organizing information and people to work on environmental issues. Like many activists during the twentieth century, Robinson was not “trained” in the profession; she learned the trade on the job in pursuit of what she perceived as justice. She held a degree in anthropology from the University of Arizona and had completed some graduate work by the early 1970s when the issue of abortion and women’s right to choose pulled her into activism. In the tumultuous years before the United States Supreme Court handed down the *Roe v. Wade* decision, Robinson worked as a lobbyist for Planned Parenthood, promoting and protecting women’s reproductive rights. Through trial by fire, she learned valuable lessons in forming “unlikely” coalitions and compromise. In an interview in 2011, she explained that she was fascinated with how people solved problems and by creating effective ways of achieving an organization’s goals. She cared passionately about the issues she worked on, but she seemed almost equally attracted to the democratic process of influencing environmental governance—with creating and experimenting with strategies to achieve success. Before going to work for SES she had applied this ardor in working for the city of Tucson promoting more sustainable groundwater

¹³³ Robinson interview, 1 September 2011; Joe Burchell, “Group that helped in smelter fight is shutting down,” *The Arizona Daily Star* (Tucson), 30 March 1988.

management in the region. This initiative was ultimately unsuccessful, but she drew from her experience and put the same energy into building SES into an active player in environmental issues in the Tucson area and statewide. Within weeks of taking over as executive director, she had identified the group's basic administrative needs and moved to address them. In a report to the board dated April 18, 1975, after only a few weeks on the job, she reported that she had found the organization a suitable office—a 670 square foot, three-room office on West Washington Street in downtown Tucson. Taking into account the organization's new office expenses, she prepared a revised budget and completed the paperwork to make SES an official tax-exempt, 501 (c)(3) non-profit organization with the Internal Revenue Service. In short order, Robinson put the group on solid administrative ground.¹³⁴

Once she addressed brick and mortar considerations, Robinson turned her aim to the heart of the organization: its work and niche in Tucson's growing environmental community. In the same April 1975 report, she illuminated for the board some possible issues for the group to engage. Although many of the options were technical, she proposed a variety of activities intended to educate citizens and encourage their participation in local environmental decisions. She briefly explained progress in two Tucson city-planning and zoning processes and offered her thoughts on possible functions for the organization—primarily serving

¹³⁴ Burchell, "Group that helped in smelter fight is shutting down"; Robinson interview, 1 September 2011; Priscilla Robinson, "SES Activities—April 1 to April 18," 18 April 1975, Records of the Southwest Environmental Service, MS 269, Box 3, Folder 9, University of Arizona Special Collections, Tucson, Arizona, hereafter referred to as SES Records.

in coalitions with other groups, organizing citizen comments in government agency decision making processes, and gathering information and distributing it to stakeholders. She then explained some possible ways in which SES could contribute to the land use planning process and ideas about environmental legislation the group might promote. She also offered a list of possible future projects for the group including promoting Tucson's "Natural Areas System"—a new program designed to designate new nature preserves and parks around the city—creating school-based environmental education programs, conducting research for interim legislative committees considering water and land use reforms, and monitoring the transfer of EPA's water quality discharge permit system to the state. Within a month, she had prepared a detailed proposal for an "experimental community education project in land use planning" complete with identified objectives, methods and a budget of \$1500. In the document she proposed to bring together citizens living primarily in the northwest section of Tucson to "study, discuss, and evaluate" Tucson's Tortolita Area Plan in a series of "structured workshops" to educate participants about the residential and commercial land-use plan so they could influence its direction "if they choose to do so." In the proposal, Robinson also emphasized that she understood the project as an experiment with "innovative educational techniques in implementing community participation in land use planning." From the beginning, Robinson proved to be a powerful force shaping the agenda and activities of the organization according to her philosophy of affecting positive environmental change through education, serving the community, and working "within the

system” to facilitate greater public participation in environmental decision making.¹³⁵

Within a year, Robinson led the board in building SES into a multi-issue organization active in trying to address a variety of environmental problems in Tucson. As the group expanded and intensified its work on land-use planning and Catalina State Park, Robinson’s vision of the organization became more apparent. She envisioned making SES into an invaluable resource for natural resource managers and environmental decision makers in southern Arizona. Even if she did not know exactly what role SES would play, she aimed to make sure the group was at the decision-making table. She also understood that achieving such a position would require additional help and resources. This reflects a transition that occurred in the environmental movement in the 1970s and 1980s as environmental issues and regulation became more technical and required a new level of activist expertise. In this shifting reality, citizens had less ability to affect environmental decision making through the strategies they had created in the previous decades. Many groups attempted to compensate for changes in the political and regulatory landscape by trying to recruit more members in hopes of increasing the organization’s political clout through “people power.” Robinson realized the need for citizens to engage the scientific and technical aspects of environmental issues to influence policy and governance. She was an early adopter of this strategy that would become prominent in the next decade. She

¹³⁵ Priscilla Robinson, “SES Activities—April 1 to April 18,” 18 April 1975, SES Records, MS 269, Box 1, Folder 2; Priscilla Robinson, “Proposal for an Experimental Community Education Program in Land Use Planning,” 15 May 1975, SES Records, MS 269, Box 1, Folder 2.

guided the board to identify potential new members who could bring particular expertise to the organization—legal and accounting skills, for instance, or a background in water quality or other environmental sciences—and she proposed hiring part-time employees to assist her in managing SES’s various activities.¹³⁶

In its first years, the SES board included men and women who were dedicated to, and could help further, Robinson’s philosophy of educating the public and working “within the system” using “reason and science” to address environmental issues. Leadership passed between president Suzanne Wilson and Thomas Pew with Mary Peace Douglas serving as Vice President and Colonel John Rice serving as treasurer. Other board members included Bernard Fontana, William Franklin, and Sol Resnick. Many members were academics associated with the University of Arizona who contributed their expertise to SES’s work. Wilson was a professor of archeology at the university; Fontana was an ethnologist working with the University and the Arizona State Museum; Resnick, a water resource professional associated with the university, served as the group’s resident expert on hydrologic issues; Pew was a horticulturalist and served as an expert on various environmental issues. When it became apparent to the organization that it needed the expertise of an attorney to negotiate the various intricacies of planning and other environmental laws, Colonel Rice suggested that

¹³⁶ For a more in depth discussion of this transition in environmental issues and the environmental movement, see Hays, 54-55, 60-61. Priscilla Robinson, “Director’s Report,” 30 April 1976, SES Records, MS 269, Box 1, Folder 2.

they recruit a lawyer. Within a month in 1977, they had recruited Tucson attorney Richard Duffield to join the board, fulfilling this need.¹³⁷

While the board always included a significant number of women, it did recruit more male board members, which probably reflected the need to recruit experts from professional fields dominated by men rather than any kind of overt preference. In contrast, the paid staff was almost exclusively female throughout the life of the organization. After Robinson was hired as full time executive director in 1975 for the meager salary of roughly ten thousand dollars a year, she recommended that the group hire other part time employees to organize and administer portions of the group's campaigns and administrative work. In 1976, she proposed, and the board agreed, to hire Victoria Dahl to help with its urban planning projects and to organize the group's "water workshops"—a campaign to educate the public and decision-makers about water issues in southern Arizona. Robinson then employed her to organize a follow-up workshop of hydrologists. In March of 1977, she hired Betsy Rieke part-time to organize the group's growing library and files with the board's approval. The library organizing work soon shifted to another part-time employee, Barbara Winters, and Robinson drafted Rieke to assist with monitoring the state's process of deciding water quality standards for the Gila and San Pedro Rivers and for Sabino Creek north of Tucson. Within a few months, Rieke was travelling with Robinson to Phoenix to meet with state officials at the State Bureau of Water Quality and State Parks

¹³⁷ Priscilla Robinson, "Director's Report," 16 August 1977, SES Records, MS 269, Box 1, Folder 3; "Southwest Environmental Service, Minutes of Board Meeting, Board of Directors' 26 January 1977," SES Records, MS 269, Box 1, Folder 3.

Department. A year later, Rieke made a presentation on surface mining and reclamation on behalf of the organization before the National Research Council.¹³⁸

Although the board may have been dominated by men, Robinson's preference for hiring female employees had the effect of giving the organization a profoundly feminine public face. As the group grew in terms of members, issues, and clout in local and state-level decisions regarding land use planning, water, and air quality, the women of SES—Dahl, Rieke, and especially Robinson—became the recognized spokespeople for the organization. Barbara Tellman, who worked for the organization during the 1980s, remembers that the hiring of only women was sheer practicality—"we had the time," she explained. The group could not afford to pay wages necessary to hire full-time professionals and it was easier to find women who could learn on the job and work part-time. Robinson acknowledged this rationale but, whether explicitly or implicitly, understood hiring women as part of a larger movement to promote gender equality. Two decades later, she relished the memory of watching Dahl, Rieke, Tellman and the others, grow in confidence and skills as they were propelled into the public spotlight while seeking to shape the environmental regulatory system. She recruited the women, many of whom, like herself, had college degrees but no

¹³⁸ Victoria Dahl, "Television Public Service Spot on The Water Workshops," n.d., SES Records, Box 3, Folder 9; Victoria Dahl, Coordinator, Southwest Environmental Service, to Ms. Pat Stevens, News Director, KGUN-TV, 30 November 1976, SES Records, Box 3, Folder 9; Priscilla Robinson, "Director's Report," 30 March 1977, SES Records, MS 269, Box 1, Folder 3; Priscilla Robinson, "Director's Report," 25 May 1977, SES Records, MS 269, Box 1, Folder 3; Priscilla Robinson, "Director's Report," 18 July 1978," SES Records, MS 269, Box 1, Folder 3.

formal training or professional experience in environmental advocacy, out of the League of Women Voters. Many were empowered by the work and continued some form of advocacy or activism after they left the organization: Rieke completed law school and pursued a career as an attorney; Tellman served on the city of Tucson water board, the county wastewater board, and went on to work on various political campaigns for primarily Democratic environmentalist candidates for office.¹³⁹

Robinson understood that she and members of her all-female staff were in a unique position within the environmental decision making system they strove to influence. On various advisory committees from the city to the state level and in meetings of regulators and environmental managers, they were typically the only women participants. Robinson remembers that she was aware of this fact and deliberately conducted herself to maximize her effectiveness. “I intentionally dressed so as not to stand out,” she said, “[m]y rule was that I wanted people to remember what I said, not what I wore...[n]eat, becoming, but nothing worth noticing.” Perhaps hardened by her previous experiences working as a lobbyist for Planned Parenthood, she did not expect any special consideration on account of her gender. “Discussions can get heated, and that’s part of the process,” she explains, “you can’t expect any change in tone just because you showed up.” In her work, she attributed the resentment toward women in professional settings to stereotypes about women’s emotionality. “You can deal with this by playing fair and not getting emotional,” she said, “[i]t’s o.k. to raise your voice to me, even

¹³⁹ Barbara Tellman, interview by author, 1 September 2011; Robinson interview, 1 September 2011.

yell a little...a sense of humor is essential.” In her experience, the men in the committees or meetings she took part in—often lawyers and other technical professionals—were typically better educated or more experienced. Instead of being intimidated by this situation, Robinson saw it as an opportunity to learn and to engage the men. She remembers, “I did have experience and insight that many of them did not have,” including in politics and the media, “so that part usually worked out.” For Robinson, working past the potential challenges of gender differences seemed to be just one more interesting challenge to be overcome.¹⁴⁰

In its first five years, SES’s expert-led board and female staff embarked on a series of campaigns based on its philosophy of educating the public to make positive decisions to protect and enhance the environment and to provide expert advice to environmental decision makers to encourage them to use “reason and science” to address environmental issues in southern Arizona. The group accelerated its participation in urban and suburban land use and planning issues around Tucson, continued its work to secure the future of the newly designated but unfunded Catalina State Park, and created a land trust to facilitate the acquisition of environmentally valuable land in the Tucson region to preserve open space from suburban development and shape how the city grew. In addition, it drew on popular and policy-maker interest in water issues in and around Tucson—a desert city that was at that time the largest metropolitan area in the United States entirely dependent on groundwater. Water—its quality and use—

¹⁴⁰ Robinson interview, 1 September 2011; Priscilla Robinson, to Cody Ferguson, email, SUBJECT: Enjoyed meeting, 2 September 2011, author’s private collection, Tempe, Arizona.

became a primary issue for the organization, especially because the groundwater aquifer that supported Tucson had been steadily and dramatically declining since the post-war population boom. Moreover, that limited and precious water supply was being poisoned by industrial chemicals associated with the military and manufacturing enterprises and by municipal and wildcat waste dumps scattered along the ephemeral Santa Cruz and Rillito Rivers that flowed through the center of Tucson.¹⁴¹ These issues, which SES often worked on simultaneously, and the strategies the group pursued to address them, shaped its agenda for the duration of its institutional life and molded how Robinson and the board addressed the group's most important work in the 1980s.

By mid-1976, SES was in the thick of a land use planning debate. Despite a sluggish national economy during the decade, southern Arizona was in the throes of a population explosion experienced throughout the Sunbelt. Tucson grew from a population of about 263,000 in 1970 to more than 330,000 in 1980; Pima County as a whole grew at a faster rate from about 352,000 to more than 530,000. Of the roughly 180,000 new residents in Pima County, almost two-thirds lived outside the city limits. As was the pattern in other Sunbelt metropolitan regions, that growth tended to radiate from Tucson in low-density residential developments sprawling onto former agricultural land and raw Sonoran desert, straining city and county road, water, and sewer infrastructure, and converting open land into residential neighborhoods. Less tangibly, rapid suburban sprawl threatened some of the amenities that many Tucson residents

¹⁴¹ See Michael Logan, *The Lessening Stream: An Environmental History of the Santa Cruz River* (Tucson: University of Arizona Press, 2002), ch. 11 and 12.

valued as vitally important to their distinctive quality of life in the region—air free of the smog and highways clear of the congestion that characterized Los Angeles to the west and Greater Phoenix to the north. SES joined other groups including the Southern Arizona Environmental Council in arguing that urban planning, transportation, and air pollution were intricately connected and central to the quality of life in Tucson. Additionally, population growth elevated concerns about water supply in Tucson—whether the metropolitan area could secure enough water to sustain its growth and whether that water would be safe to drink.¹⁴²



Suburban sprawl was one of the major concerns of Tucson-area environmentalists in the 1970s. Photograph No. 555346 (Photographer Norton Boyd); “Piece of bulldozed desert on the edge of Tucson, Arizona. The Saguaro cactus are left standing near what will be a housing development. The fate of other saguaros is left uncertain. Many are dying in less disturbed parts of the desert in the area, 04/1974,” April 1974; Documerica Project, Records of the Environmental Protection Agency, 1944-1006, Record Group 412; [Online version, www.archives.gov, National Archives and Records Administration, 5 December 2011], National Archives at College Park, College Park, MD.

¹⁴² Pima Association of Governments, “Population estimates,” website, <http://www.pagnet.org/RegionalData/Population/PopulationEstimates/tabid/582/Default.aspx>, accessed 23 August 2011; Bonnie Haynes, “SAEC Statement On Air Quality and Transportation as Presented to the Tucson City Council and Pima County Board of Supervisors, November 20, 1978,” *SAEC Bulletin*, Vol. 8, No. 2, January 1979, SAEC Bulletin, Tucson: Southern Arizona Environmental Council, Arizona Collection, Arizona State University, Tempe, Arizona, hereafter referred to as “SAEC Bulletin.”

In its attempts to influence the direction of this rapid growth, SES found itself monitoring, gathering research, and organizing citizens on at least eight different planning issues in the Tucson-area between 1975 and 1980. To bolster its position, SES also employed the expertise of Gerald Swanson, an economist at the University of Arizona, to research the economic impact of growth. In one instance, SES advocated an ordinance before the Pima County Planning and Zoning Commission and the Board of Supervisors to promote environmentally-responsible growth. In another, it advocated an ordinance meant to prevent “wildcat subdividing”—unplanned suburban and ex-urban residential development—in rural Pima County northwest of Tucson as part of the Tortolita Area Plan. SES also monitored proposals for the sewage facility to service the Tortolita area development. With other groups, it feared that pro-growth developers and planning officials would promote a sewage processing plant much larger than was necessary for the development, thus encouraging additional growth despite the work of SES, SAEC, the League of Women Voters and other organizations to slow population growth and control rapid, unplanned suburban development of the rural areas of the county. Other planning work included monitoring proposals to expand city streets, improve the Sahuarita Road south of Tucson to serve new suburban developments in the upper Santa Cruz Valley near the growing retirement community of Green Valley, a proposed city ordinance to restrict building in floodplains, and the continuing Tucson and Pima County Comprehensive Planning Process. Land use planning also provided one of SES’s

first inroads into its legislative work—in 1978, working with Jerry Cannon, Robinson and SES developed a bill to give counties more power in land-use planning. Planning and land use in the Tucson-area became such a dominant issue, that Robinson recruited Victoria Dahl to work on a paid, part-time basis to help her keep track of new developments throughout the region and to attend the many county commission and city and county planning board meetings that evaluated these various suburban developments.¹⁴³

To preserve elements of the regional landscape from the developer's bulldozers and to maintain open space where Tucson's growing population might recreate, SES continued its efforts to advance development of Catalina State Park and investigated the possibilities of creating a new land trust organization to buy existing open land and save it from development. Catalina State Park, which encompassed roughly 5,000 acres on the southwestern flanks of the Santa Catalina Mountains north of Tucson, was designated as a nature park by the Legislature in 1974, but as of 1976, no money had been appropriated for its maintenance or development as a recreational site. As a result, it had no facilities—no campgrounds or parking areas, no marked and maintained trails, no drinking water and wastewater facilities, no entry station to collect visitor fees, and no staff. The land was protected but, without funding or planning, the character was in question. Environmentalists lobbied the legislature and state

¹⁴³ Priscilla Robinson, "Director's Report," 19 March, 1976, SES Records, MS 269, Box 1, Folder 2; Priscilla Robinson, "Director's Report," 30 April 1976, SES Records, MS 269, Box 1, Folder 2; "Tortolita Area Plan," *SAEC Bulletin*, Vol. 5, No. 3, January 1976, *SAEC Bulletin*; "Canyon Del Oro Interceptor," *SAEC Bulletin*, Vol. 5, No. 3, January 1976, *SACE Bulletin*; Priscilla Robinson, "Director's Report," 10 January 1978, SES Records, MS 269, Box 1, Folder 3.

agencies and battled pro-development forces over what kind of park it would be. Would it be an urban-like park or a more primitive nature park? What would be the size and nature of its facilities? How would wastewater be handled? How would traffic to the park be mitigated on the smaller communities north of Tucson near the park? Robinson and SES led a coalition of groups supporting the park on a prolonged campaign to obtain funding through the state legislature and affect a series of land exchanges that expanded the park and secured its borders. Its work on Catalina State Park resembled its work on urban planning requiring Robinson and her staff to attend and testify at numerous city- and county-level meetings but it also required them to negotiate personally and outside the public spotlight with landowners whose property bordered the park. The park issues also pulled them into the legislative arena. In 1978, SES supported the state parks department's request for a nine hundred thousand dollar appropriation from the legislature to buy private lands in the northern part of the park and helped further negotiations for the land exchange between the state and the private land owner, John Ratliff, and Rancho Vistoso, who leased Ratliff's land. The issue was central to the group's legislative agenda until it finally secured funding for the park in 1983. Robinson cited this as one of her and SES's proudest achievements.¹⁴⁴

SES's other strategy for preserving open space in the face of Tucson's population boom, creating a land trust, was a marked departure from the organization's philosophy of educating the public and providing expertise to decision makers. In early 1977, the board elected to enlist the expertise of Ben

¹⁴⁴ Priscilla Robinson, "Director's Report," SES Records, MS 269, Box 1, Folder 3; "Environmentalist out of service," *Tucson Citizen*, 31 March 1988, 8C.

Carter from the Colorado Open Land Foundation in advising SES on the benefits of creating a trust in Tucson. In August of that year, board member Tom Pew visited the Maine Coast Heritage Land Trust and SES recruited University of Arizona professor Michael McCarthy and his students to research the prospects of starting such an organization. Unlike its other campaigns that worked with government policy makers, forming a land trust was like forming a new nonprofit corporation that bought or accepted gifts of land from private individuals and then protected the land through property rights law and contracts rather than regulatory law. After more than a year and a half of research, the SES board adopted the articles of incorporation of the “Arizona Open Land Trust” and chartered the new land institution as part of the organization.¹⁴⁵ The land trust added one more tool to SES expanding repertoire of strategies to protecting land, air, and water in southern Arizona. The addition of this strategy, which used private property and market forces to protect land, added to what was evolving into a sophisticated suite of activities including public education and promoting citizen participation, and using science and expertise to influence regulatory agencies and policy makers.

By the end of the 1970s, SES’s work on land use and water and air quality issues had created a pattern that came to characterize the organization and

¹⁴⁵ Priscilla Robinson, “Summary, Meeting with Ben Carter, Colorado Open Land Foundation,” 10 June 1977, SES Records, MS 269, Box 1, Folder 3; Priscilla Robinson, “Director’s Report,” 16 August 1977, SES Records, MS 269, Box 1, Folder 3; “Southwest Environmental Service Minutes of the Board of Directors,” 6 December 1977, SES Records, MS 269, Box 1, Folder 3; “Southwest Environmental Service Minutes of the Board of Directors,” 14 November 1978, SES Records, MS 269, Box 1, Folder 3.

continued to influence its work until it closed its doors in 1987. The board recognized as early as 1978 that it was too dependent on funding from only one granting organization—Arizona’s Wilson Foundation—and needed to develop other sources of revenue. Toward that end, it proposed to expand the board that year with the aim of recruiting new members who could identify additional sources of funding for the group—primarily new grants and thus new activities or services SES could provide to leverage foundation and government money. They discussed developing other sources of income that were typical for grassroots environmental organizations—individual contributions and membership dues—but the board members were reluctant to rely on new member recruitment as a way to raise revenue. During its fourteen years, several private benefactors made generous donations to the organization. Robinson reported that by the time it closed, SES had 600 individual contributors and claimed that SES could operate on their contributions alone. But it remained primarily dependent on outside grants for its campaigns. Although this was different than other citizens groups like the Northern Plains Resource Council, which were primarily funded by dues and smaller donations, it was not necessarily a problem or handicap. Although board members raised concerns about the situation, there is little evidence that they ruminated much on its effects on SES’s work or viewed the condition negatively. However, from a historian’s perspective, it is reasonable to judge SES’s dependency on grants as the one of the primary factors in its closing after a very successful, but relatively short, life. This reliance on foundation and government funding also appeared to influence its work. Decades later, Robinson

insisted that her own personal interest in an issue or campaign was a more important influence on what the group chose to work on, but she acknowledged that the group consciously considered and sought opportunities to provide services to government agencies as a source of revenue. One of the clearest examples of this was SES's official entrance into the issue of air quality in 1978 after receiving a grant from the EPA to produce a citizen's workshop to educate the public on changes to the Clean Air Act in 1977 and the prospect of receiving grants from the National Science Foundation and Shalan Foundation to enlarge its public education campaign and produce a citizen's guide to air pollution. This marked the beginning of one of SES's biggest and most definitive campaigns during the 1980s: the fight for clean air in southern Arizona.¹⁴⁶

Conclusion

Although SES worked on a variety of issues during the 1980s, the air quality campaign, which expanded far beyond public education, combined with an enlarged and more focused drive to protect water quality to form the major thrusts of SES's work during the decade. These campaigns grew directly from the SES's work in its first five years. They reflected strategies and activities the group

¹⁴⁶ SES's budget in 1977 was \$41,000 of which \$34,500 came from the Wilson Foundation, \$1660.00 from the Arizona Department of Health, Education and Welfare, and \$988 from the Pima Association of Government, the latter two for services it provided organizing public meetings or educational workshops; in 1978, SES received \$42,000 from the Wilson Foundation; "Southwest Environmental Service Minutes of the Meeting of the Board of Directors," 10 January 1978, SES Records, MS 269, Box 1, Folder 3; "Southwest Environmental Service Minutes of the Meeting of the Board of Directors," 14 February 1978, SES Records, MS 269, Box 1, Folder 3; "Southwest Environmental Service Minutes of the Meeting of the Board of Directors," 18 April 1978, SES Records, MS 269, Box 1, Folder 3.

developed while working on land use planning, Catalina State Park, and various public education campaigns. Its efforts during the 1980s mirrored those of other citizens environmental organizations across the country in the decade following the revolution in environmental and democratic reforms embodied in the laws passed at the state and federal level to protect air, water, land, and to advance citizen participation in environmental decision making during the 1970s. Their work on water and air quality demonstrates some of the challenges and possibilities for community-based environmental activism during the 1980s—a decade characterized by a popular conservative backlash to the environmentalism of the previous decade.

In response to the changing political landscape, SES plied a different path than the Northern Plains Resource Council and other groups during the same era. It concentrated on obtaining a seat alongside technocrats and environmental managers in influencing how environmental laws passed during the 1970s would be interpreted and enacted. SES was unique in that it recognized the changing political and regulatory landscape of environmental decision making, and that if citizens were going to have a say in those decisions, they would have going to have to engage different strategies than what had worked in the past. Robinson guided SES in writing legislation and attempting to influence its passage; she increasingly believed that what was required to pass laws and what was required to make sure they were enforced were fundamentally different. From her point of view, making sure laws were implemented correctly and that water and air were protected was highly technical and required activists to understand the law and

complexities of environmental science and management. She strove to acquire for herself and SES the knowledge and political capital necessary to take part in important environmental decisions that often took place out of the public's sight behind closed doors. As a result, Robinson, a self-trained expert on water and air quality issues by the mid-1980s, was often the only non-professional (and female) citizen serving on technical environmental rule-making committees in the state. As such, she represented the interests of citizens that might have otherwise been ignored in environmental decision-making.¹⁴⁷

In working for improvements to water and air quality in Arizona, SES serves as a case study of a citizens environmental group which formed and came of age in the era following the passage of landmark environmental laws. Although the strategies SES pursued to address water and air quality issues differed from those of Northern Plains during the 1970s, they were representative of a trend in citizen activism during the 1980s as groups adapted to the changing political and regulatory climate of that decade. Through public education, encouraging citizens to take part in decision procedures, and eventually gaining seat at the decision-making tables, SES displayed a continued understanding of environmental issues as intimately connected with issues of democracy and governance.

¹⁴⁷ Robinson interview, 1 September 2011.

CHAPTER 6

PROTECTING WATER IN AN DRY STATE: SES'S WATER CAMPAIGN AND THE PASSAGE OF THE ARIZONA ENVIRONMENTAL QUALITY ACT OF 1986

Between Southwest Environmental Service's "Water Workshops" in mid-1976 and early 1979, water issues slowly trickled from tangential concerns for the organization to a multi-tiered campaign requiring the group's engagement at the municipal, county, and state levels. In response to increasing public awareness and concern about water issues in southern Arizona and federal and state implementation of the Clean Water Act, SES devoted more time and resources to water. By the end of the 1970s, it had grown from part of the group's land use planning work into its own campaign. As SES's work on water accelerated, it evolved. Public education remained an important component of the campaign as did encouraging citizens to attend government-sponsored hearings regarding water issues, but staff members became increasingly involved in the technical aspects of resource protection and management. Much of their work included researching water quality standards, contaminants, urban planning and state and federal water and environmental laws. With this newly-acquired knowledge, Priscilla Robinson asserted SES's identity as a source for credible information and a service to environmental decision-makers and residents of Tucson concerned about water. By the beginning of the 1980s, Robinson and staff member Barbara Tellman found themselves representing the public interest on a

variety of boards and committees considering water quality standards. From this position, they asserted the rights of citizens to hold government agencies accountable for enforcing existing water conservation and quality laws and successfully pushed for the passage of new laws.

SES's work on water issues provides an example of how local, community-based environmental organizations responded to public opinion and changing political, legal, and funding landscapes during the late 1970s and 1980s. In many ways, its goals and strategies in affecting positive change with regard to water quality and use were specific to the organization, but they also reflected many tactics and ideals common to similar groups operating across the United States during this era. SES's work stemmed from its articulated philosophy of educating citizens and then encouraging them to take part in the environmental decisions that affected their lives, health, and quality of life, and of using reason and science to address environmental issues. At its core, its actions resembled those of other community-based groups—organized around a commitment to increasing democratic participation in hopes of positively affecting decisions regarding the environment and natural resources that benefitted the whole community. However, as its work on the issue progressed, SES realized that addressing water quality and water supply issues required an understanding of very technical laws, regulations, and standards and the practical mechanics of politics. As the decade progressed, SES found itself increasingly engaging the issue from the technical standpoint, often alongside academics, environmental managers, and politicians and spending less time educating the public and

encouraging citizens to make their voices heard in decisions regarding water in Southern Arizona. Although SES worked to help draft and pass Arizona's landmark groundwater quality law in 1986—the Arizona Environmental Quality Act—much of its work was in the murky realm of influencing rule-making and implementation of laws already passed.¹⁴⁸

Southwest Environmental Service's work on water issues from the late 1970s leading to the passage of the Arizona Water Quality Act in 1986 demonstrates how the strategies and activities of citizens environmental groups changed during the first decade after the passage of the nation's landmark environmental laws. SES continued to promote citizen participation in environmental decision-making based on its assumption that people had a right to take part in the decisions that affected their environment, health, and quality of life, however, as the group became more involved in the issue, Robinson and Tellman spent more of their time in meetings working behind closed doors seated at decision-making tables. Possibly as a result of Robinson's interests, SES entered this realm of citizen-led activism earlier than did many community-based groups in the late 1970s and early 1980s. Ultimately, its ability to adapt to and engage the complexities of environmental protection and natural resource decision-making and politics proved key to its success. SES's water campaign exhibits another way in which citizens environmental organizations served as "watchdogs" of government agencies and industry to promote the public interest by using citizen participation provisions in existing environmental laws and

¹⁴⁸ Robinson interview, 1 September 2011.

expanding opportunities for the public to become involved in environmental decision-making.

Lessons in the Limits of Citizen Participation: the CAP and Groundwater Management Act of 1980

From the time humans first arrived in the region nearly 20,000 years ago, water has preoccupied their minds. The remnants of an extensive irrigation system in the Salt River Valley, which included hundreds of miles of canals built entirely by human labor, enabled several hundred thousand Hohokam people to inhabit the Salt and Gila River Valleys north of Tucson more than a millennium ago—a population threshold not equaled again until the mid-twentieth century. This accomplishment testifies to the importance of water in the Sonoran Desert. In the twentieth century, Anglo-Americans in the Arizona Territory realized that any hope for future population and economic growth would be predicated upon obtaining a consistent supply of water. With help from the federal government, the Salt River Project succeeded in damming that river in 1911, providing a dependable supply of water to the burgeoning citrus and cotton industry in central Arizona. By the 1920s, residents of the new state were setting their sights much higher. Originally conceived of as a “mad man’s dream,” the Central Arizona Project (CAP), which proposed to transport water more than 270 miles east and over 1,000 feet uphill across the desert from the Colorado River to the Phoenix Valley and Tucson, became the state’s “holy grail” by the 1940s.¹⁴⁹

¹⁴⁹ Marc Reisner, *Cadillac Desert: The American West and Its Disappearing Water* (New York: Penguin Books, 1986), 140; Sheridan, 211, 341.

By the latter-half of the century, and in the decades leading up to its completion in 1993, the CAP was a defining issue in Arizona's politics and culture. The intoxicating prospect of sparkling waters nourishing agricultural, urban and industrial growth was enough to coax unwavering support from the state's politicians, regardless of party. The allure of CAP convinced avowed environmentalist and Secretary of the Interior Stewart Udall and his brother Morris, both Democrats, and Republican Arizona Senator Barry Goldwater, to support building dams in the Grand Canyon to fund the project. While conservationists in later decades would grimace at the idea of cultivating unprecedented and "irresponsible" growth in Arizona with the waters of the already-taxed lower Colorado River, many of their Arizonan counterparts in the 1960s did not oppose the project. Arizonans for a Quality Environment, originally organized in 1966 as Arizonans for Water Without Waste, understood the broad public support for CAP. In 1966, even though many of their members were personally opposed to the proposal, they chose not to oppose the building of the CAP canal, but oppose only the dams connected to the project. It was not until 1973 that they publicly began to question the logic and environmental consequences of the CAP and openly oppose it. Both reflecting and reinforcing the importance of CAP to the Arizona public, in the years before the project made its first delivery of water to the Phoenix Valley in 1986, the state's major newspapers included articles on the issue almost daily.¹⁵⁰

¹⁵⁰ Byron E. Pearson, *Still the Wild River Runs: Congress, the Sierra Club, and the Fight to Save Grand Canyon* (Tucson: University of Arizona Press, 2002), pp. xvi, 28; *AWWW Newsletter*, 15 October 1966; *AWWW Newsletter*, February 1973; This newspaper survey includes examination

The public popularity and fascination with the Central Arizona Project, and opposition to it among environmentally-aware Tucsonans, were not lost on Robinson and Southwest Environmental Service; CAP was one of the matters that first pulled SES into issues of water use and conservation. Barbara Tellman remembers that among environmentalists in Tucson in the 1970s, everyone she knew opposed the CAP. By March of 1977, Congressman Morris Udall, who represented Tucson and southern Arizona, was familiar with the grumblings of this essential part of his base constituency. Typical of his consensus-style politics, Udall endeavored to pacify the opponents of the CAP as he sought to save the project from the chopping block of recently inaugurated President Jimmy Carter. By the mid-1970s, the golden days of America's reclamation projects were fading in the face of escalating construction costs, a stagnating economy, and ballooning federal deficits from the prolonged war in Vietnam and expensive social welfare programs. Carter, a trained engineer, who as governor had come to blows with the U.S. Army Corps of Engineers over their plans to build an environmentally disastrous water project in Georgia, was suspicious of massive federal reclamation projects. He agreed with the findings of agricultural economists like William Martin and Robert Young from the University of Arizona, who predicted in 1967 that farmers would never be able to afford CAP water once they paid for the smaller canals that carried the water from the main canal to their farms, thus leaving taxpayers to foot the bill. Once elected, he promised to end the waste of taxpayer money and damage to the environment

of the *Arizona Republic*, *The Arizona Daily Sun*, *Tucson Gazette*, and *Phoenix Gazette* during the early months of 1983 through mid-1984.

caused by ten reclamation projects he identified as “boondoggles.” The CAP—the most expensive of federal reclamation projects at the time—was at the top of his list. If Udall and other water boosters were going to preserve Arizona’s holy grail, its delegation would need all the help it could get. Threats by the federal government to the future of the precious, and half-completed CAP, forced water boosters to confront opponents within the state and begin a dialogue about water conservation. Robinson’s experience researching issues of water use surrounding the CAP, as well as SES’s involvement in water issues, attracted the attention of Udall’s staff. Robinson had run as a candidate for Tucson’s Central Arizona Water Conservation District in 1976 endorsed by Arizonans for Water Without Waste, and SES had organized public “Water Workshops” to build public and political support for groundwater management legislation in the early 1970s. The congressman’s office enlisted SES to organize meetings of Tucson-area environmentalists to see if it might be possible to carve out some areas of compromise.¹⁵¹

Ultimately, all of SES’s work to bring together the Tucson environmental community toward some kind of consensus, in addition to their research into the CAP and how it would affect growth in Tucson, was in vain. The Carter administration, barraged with resounding bipartisan opposition to ending federal

¹⁵¹ Barbara Tellman, interview by author, Tucson, Arizona, 1 September 2011; Paul Hirt, Annie Gustafson, and Kelli Larson, “The Mirage in the Valley of the Sun,” *Environmental History* 13, no. 3 (2008): 492; *AWWW Newsletter*, October 1976; According to Sheridan, Martin and Young’s predictions proved accurate. In 1980, Martin and University of Arizona political scientist revealed that in the Maricopa-Stanfield irrigation district, farmers would have to pay an additional \$91 per acre-foot to deliver CAP water to their fields over the cost (\$39 an acre-foot in 1980) of groundwater pumping, Sheridan, 345; Priscilla Robinson, “Director’s Report,” 30 March 1977, SES Records, MS 269, Box 1, Folder 3.

support for the CAP from the delegation of western states, was forced to compromise. The deal it struck, however, accelerated movement to address water conservation and the threat of Arizona's growing population and sprawling communities over-pumping finite groundwater resources. Arizona water boosters understood that to ensure completion of the CAP, they would need to address the issue of groundwater depletion. In 1977, the legislature formed a Groundwater Management Study Commission to create legislation to address the issue. Before taking over as executive director of SES, Robinson had worked for the City of Tucson with the City Attorney to help write and lobby for legislation to prevent overdraft of Arizona's aquifers, but the bill failed to move in the legislature. However, the Groundwater Management Study Commission gave the issue a boost. For the next two years, Robinson and SES monitored the progress of the Commission and tried to interject the organizations' ideas—many from Robinson's experience working with the City of Tucson—into its deliberations. She served on the Pima County Advisory Committee on Water Law, formed by then-State Senator Jim Kolbe, to recommend policy ideas for regulating groundwater pumping to the Commission. After a year and a half, the Advisory Committee submitted its recommendations—which attempted to balance the water needs of agriculture with those of southern Arizona municipalities and mines to reach a level of sustainable pumping—to the Commission at a meeting at Castle Hot Springs on May 2, 1979.¹⁵²

¹⁵² Priscilla Robinson, "Director's Report," 26 April 1977, SES Records, MS 269, Box 1, Folder 3; Priscilla Robinson, "Director's Report," 14 February 1978, SES Records, MS 269, Box 1, Folder 3; Priscilla Robinson, "Director's Report," 21 April 1979, SES Records, Box 1, Folder 3.

Ultimately, the Pima County Advisory Committee's recommendations and the Commission's legislative proposals fell victim to political expediency. In December 1979, when the Commission appeared to be moving too slowly for the Carter administration, Secretary of Interior Cecil Andrus informed Arizona's Democratic Governor Bruce Babbitt that the state must pass a groundwater management law that would address the issue of overdraft before Carter would support funding for the CAP. Arizonans were depending on the 1.4 million acre-feet of CAP water, slightly more than the amount of groundwater over-drafted in the Phoenix Valley annually in the late 1970s, to solve the depletion problem. Babbitt and the legislature acted quickly, forming a "rump group" including lobbyists from each of the three major interest groups—mining, agriculture, and cities—and privately negotiated a bill. It was delivered to the legislature, passed by both houses in an hour and fifteen minutes and was signed into law on June 12, 1980, as the Arizona Groundwater Management Act (GMA). In the end, SES did not much influence the passage of what was hailed as one of the most innovative groundwater management reforms in the nation, but, as Robinson would remark years later, "[f]ailure is a better teacher than success." The Central Arizona Project and resulting Groundwater Management Act pulled SES fully into water issues at a level beyond its public education campaigns and land-use work of the mid-1970s and taught Robinson and the organization valuable lessons about how politics worked. Through increasing its research of environmental issues and making itself a valuable source of information for decision-makers, SES

endeavored to gain greater access to, and power in, the environmental policy arena to influence better legislation in the future.¹⁵³

SES Wades into Water Quality

The national and local debate surrounding the construction of the Central Arizona Project to Phoenix and passage of meaningful groundwater management reform in 1980 illuminated the enduring salience of water as a political issue in Arizona. Securing a dependable supply of this essential resource for a growing population was not enough—it had to be potable. While government bureaucrats from Washington, DC to Pima County and Tucson environmentalists focused primarily water use and conservation, water quality was never far from their sight. As SES navigated the legislative process and politics of the Central Arizona Project and groundwater management, it could hardly ignore other issues pertaining to water quality within southern Arizona and the state at large. Developments at the local, state, and federal levels prompted their involvement in water quality. Most pressing for SES were proposals for new residential and commercial developments that would strain groundwater supply and water treatment infrastructure and threaten to pollute water sources and the discovery of groundwater contamination in Tucson. Although the federal government passed the Clean Water Act in 1972, SES realized that just because a law was passed did not mean that water quality was protected. It recognized that the law's enforcement in Arizona was still inadequate to protect water quality, and that citizens would have to pressure the state to protect this vital resource. Thus, SES

¹⁵³ Hirt, et. al., 493; Robinson interview, 1 September 2011; Hirt, et. al., 493.

asserted its position as an advocate for the public interest, and encouraged concerned residents to participate in the development of standards and hold state agencies accountable for keeping the water clean. In proposals by the state Health Department for new or revised water quality standards for streams in southern Arizona to meet the requirements of the Clean Water Act, they saw opportunities for citizens to ensure the protection of water quality from residential, agricultural, and industrial developments in the future. SES's work on water quality during this period existed within this pull and push between local issues and state and national regulations.

SES first became involved in water quality issues in a limited way during early 1977. The organization became aware that the Arizona Department of Health Services and Arizona Water Quality Control Council were considering revisions of water quality standards for the Gila and San Pedro rivers in the southern part of the state as part of a review required by the federal Clean Water Act. The state was supposed to review these standards every three years. The deadline was July 1977—Robinson observed their progress and reported to the board in May of that year that it was unlikely that the state would complete the review in time. The Gila flowed east from western New Mexico across eastern Arizona to emerge in the southeast corner of the Phoenix Valley. Before the construction of large irrigation diversions in the late nineteenth and early twentieth century, it flowed all the way across the state to the Colorado River. In the late 1970s, due to irrigation diversions and groundwater pumping, it rarely flowed its entire course but still provided water to irrigate hundreds of thousands

of acres in Arizona and percolated down into the aquifers that provided water for millions of residents in the Phoenix Valley. The San Pedro flowed north from the Mexican border, draining the broad valley between Tombstone and Sierra Vista before babbling into the Gila River near Winkleman. The San Pedro was one of the last free-flowing perennial streams in the American Southwest and was cherished for its ecological importance as vital riparian habitat supporting hundreds of species of birds and mammals. When considering water quality standards on the San Pedro and Gila, state's could exceed the standards of the federal government's Environmental Protection Agency, who enforced the law, but they could not be weaker.¹⁵⁴

To influence the revision of water quality standards for the Gila and San Pedro and other Arizona rivers, SES used the organizing capacities it had developed during its "Water Workshops" in 1976. It drew from lists it had created from the workshops of concerned residents to turn out as many people as possible to a public hearing held by the Arizona Water Quality Council on January 12. Barbara Rieke conducted most of the research on the rivers and proposed standards and organized the turn out. SES and their supporters submitted testimony opposing any lowering of standards for both rivers. The group also submitted their written comments to the federal Environmental Protection Agency (EPA) and Robinson assured the SES board in her monthly

¹⁵⁴ Blakemore E. Thomas and Don R. Pool, "Trends in Streamflow of the San Pedro River, Southeastern Arizona, and Regional Trends in Precipitation and Streamflow in Southeastern Arizona and Southwestern New Mexico," professional paper 1712, (Reston, Virginia: U.S. Geological Survey, 2006), 1; Priscilla Robinson, "Director's Report," 26 January 1977, SES Records, MS 269, Box 1, Folder 3; United States Environmental Protection Agency, "Summary of the Clean Water Act," www.epa.gov/lawsregs/laws/cwa.html, accessed 14 September 2011.

report that she felt confident that the EPA would overrule any lowering of the standards by the State of Arizona “if there is support within the state”—SES would make sure EPA knew there was support for stringent and protective water quality standards for the state’s few, precious rivers. Robinson and Rieke understood that under the Clean Water Act, the EPA would review Arizona’s proposed standards and that citizens would have the opportunity to comment on its decisions. Despite concerns by the organization that the Water Quality Control Council would lower standards, SES was pleased when the Council issued its final decision in Phoenix in April 1977, recommending that standards be maintained at their protective levels. SES understood this as a victory for the organization. “We believe our participation both directly and through encouraging others to participate was important in the final outcome,” Robinson reported to the board.¹⁵⁵

As Robinson, Rieke and the board were working to influence water quality standards for the Gila and San Pedro River, another local water quality issue came to light. At the February 1977 meeting, board member Richard Duffield raised his concerns about plans for a new wastewater facility near Summerhaven on Mount Lemmon in the Santa Catalina Mountains north of Tucson. At over 9,000 feet in elevation, Mount Lemmon provided a cool, recreational sanctuary for Tucson-area residents and second-home owners from the dry, but intense heat, of the Sonoran summers and, in wet winters, the opportunity to snow ski within an hour’s drive of the city. A new wastewater facility was proposed to deal with the

¹⁵⁵Priscilla Robinson, “Director’s Report,” 30 March 1977, SES Records, MS 269, Box 1, Folder 3; Priscilla Robinson, “Director’s Report,” 26 April 1977, SES Records, MS 269, Box 1, Folder 3.

waste produced by the growing number of cabins and recreational users on the mountain but it threatened to dump contaminated effluent into Sabino Creek, a perennial stream flowing out of the mountains and through a very popular recreation area on the north side of Tucson. The board directed Robinson and her staff to investigate the issue.¹⁵⁶

Robinson delegated the issue to Betsy Rieke. Rieke found that Duffield's concern was warranted—the issue arose at a time when Pima County was developing a plan to bring its wastewater facility on Upper Sabino Creek into compliance with EPA regulations and faced fines from the federal agency if they failed to do so within three months. SES pounced on this opportunity to influence the plan and asserted the role of citizens and local organizations to influence decisions regarding this important water source. It scheduled a “meeting for interested parties” on April 6 at its office in downtown Tucson. It contacted about twenty-five people from a list of concerned residents it had been compiling since the Water Workshops who it thought would be interested in meeting to come up with a solution. The group included representatives from the Southern Arizona Hiking Club, Sierra Club, and Southern Arizona Environmental Council. Furthermore, it sent a representative to the Pima County Sanitation Department Steering Committee, which had invited the group's participation and planned to ask the Committee for a permanent seat for SES. From the twenty-five people it contacted, a “small but committed group” was formed to vet proposals from the county and make recommendations, correspond with the EPA about the county's

¹⁵⁶ Southwest Environmental Service, “Minutes of the Board Meeting, 22 February 77,” 22 February 1977, SES Records, MS 269, Box 1, Folder 3.

proposals, inform the public about proposals, and turn out concerned residents to public hearings held by the county during May and June of that year. The proposals that surfaced called for either building a treatment plant that would discharge some amount of treated effluent to Sabino Creek or to develop a solution utilizing a combination of techniques to eliminate any discharge to the creek. Hoping to limit residential growth on Mount Lemmon, SES advocated the construction of the most minimal facility that could treat the wastewater from existing buildings and not encourage additional developments.¹⁵⁷

Despite the efforts of SES and environmentalists' hopes for a speedy resolution, the Mount Lemmon-Sabino Creek issue stalled by late 1977. To the angst of SES and other groups, the Pima County Sanitation Department Steering Committee opted to propose a plan to the county and EPA that called for a larger and more expensive wastewater management facility than recommended by citizens and environmental groups. Environmentalists countered by requesting that the county delay making a final decision to allow for more research. The county was already running behind schedule and the Board of Supervisors had requested an extension from the EPA to avoid fines. SES and the other groups also wrote to the EPA supporting the extension. Delaying the project was not their only objective, however. As the Mt. Lemmon-Sabino Creek issue progressed, two developments at the state level regarding the regulation of water quality made a delay a logical and reasonable course of action. By mid-1977, the state was negotiating with the EPA to transfer the National Pollution Discharge

¹⁵⁷ Priscilla Robinson, "Director's Report," 30 March 1977, SES Records, MS 269, Box 1, Folder 3; Priscilla Robinson, "Director's Report," 26 April 1977, SES Records, MS 269, Box 1, Folder 3.

Elimination System (NPDES) from the federal agency to Arizona Department of Health Services and it was unclear what ramifications this would have for water quality standards and enforcement on the state's rivers and streams and how it would affect projects like the one on Mount Lemmon. Second, the Pima Association of Governments was in the process of developing its regional water quality plan under section 208 of the federal Clean Water Act. The Mount Lemmon-Sabino Creek wastewater issue, along with every other water quality issue in Southern Arizona, was quickly framed within these regulatory activities at the county, state and federal level. When the state Department of Health Services and Water Quality Bureau began to develop groundwater quality standards for the state in early 1979, it added yet another frame to the discussion.¹⁵⁸

The problem of the wastewater treatment on Mount Lemmon drew SES into this larger debate over water quality fomenting in Arizona in the late 1970s, and propelled the group's work on water issues. The group was already adept at educating the public about environmental issues and encouraging citizens to take part in decisions regarding land use, air and water, and quality of life, but water quality opened further opportunities for citizens to be heard. Robinson recognized that the public participation provisions within the Clean Water Act increased citizens' capacities to affect environmental decision-making. She explained to the board in April 1977 that she envisioned an expanded role for SES

¹⁵⁸ Priscilla Robinson, "Director's Report," 26 April 1977, SES Records, MS 269, Box 1, Folder 3; Priscilla Robinson, "Director's Report," 27 April 1977, SES Records, MS 269, Box 1, Folder 3; Priscilla Robinson, "Director's Report," 8 April 1980, SES Records, MS 269, Box 1, Folder 4.

in water quality issues, “primarily because water quality has an important bearing on land use and because the existence of a? powerful federal law [the Clean Water Act] gives us the standing we do not have in issues that are controlled entirely by local officials.” In only a few months, water quality grew from one of the group’s minor concerns brought to the board’s attention by a single board member, to part of a much larger campaign.¹⁵⁹

SES Tackles Water Pollution at it Source

In its attempts to improve and protect water quality in southern Arizona, SES joined other groups successfully to pressure state agencies to enforce existing laws and allow citizens living downstream to participate in decisions regarding water quality. Citizens and environmentalists understood that clean water was essential to the sustainability of Tucson and the health of its residents, and that population growth, agriculture, and industry posed numerous threats to southern Arizona’s water quality. By the late 1970s, they also understood that industry and government agencies had done a poor job of protecting the quality of rare streams and groundwater, despite the passage of the powerful Clean Water Act earlier that decade. For Clean Water Act to be effective, SES and other groups realized, citizens would have to ensure that state and federal regulators implemented and enforced the law. As the group and others became aware of processes underway by the state to review and create new water quality standards on local streams or renew water pollution permits, they became increasingly involved in these decision-making procedures. They soon learned that issues of water quality and

¹⁵⁹ Priscilla Robinson, “Director’s Report,” 27 April 1977, SES Records, MS 269, Box 1, Folder 3.

enforcement were incredibly technical; in order to participate, citizen activists quickly had to learn the science and laws involved in protecting clean water. Robinson and her staff recognized this necessity—if they were effectively going to influence environmental decisions on behalf of public health and the environment and counter the paid professional lobbyists of polluting industries, they fully would have to engage the technical aspects of clean water. As they learned the science and law of clean water, they continued to use the citizen participation provisions of the Clean Water Act to insert the public interest into water quality decisions. SES used several tools to promote effective democratic participation in environmental governance. It gathered information about threats to water quality made available by public disclosure requirements in the Clean Water Act, identified opportunities for public involvement in decision-making processes, and organized informed citizens to take part. It learned the details of the law, including what was required of state and federal agencies and what was discretionary, so that it could monitor agency actions and advocate the law. As it did so, it justified its positions and participation based on principles of justice and democratic participation, rather than on just personal preferences. As SES began to realize its niche in the water quality issue, other local water issues attracted its attention.

In October of 1978, SES became aware that Kennecott Copper Company was seeking a renewal of its permit from the State Department of Health Services to discharge water from its mining operations near Hayden into the Gila River near where it was met by the San Pedro north of Tucson. SES was concerned that

mining could degrade the quality of the Gila water. The group hoped that by taking part in the permit renewal, it could affect more protective pollutant limitations in the revised permit and elevate the issue as part of its campaign for a comprehensive water quality monitor program. Increasingly familiar with the National Pollution Discharge Elimination System created under the Clean Water Act, under which Kennecott's permit fell, SES set out to influence the state's decision. With other organizations, it successfully pressured the State Department of Health Services for a public hearing so that citizens could make their voices heard in the decision-making process. The hearing was held January 11, 1979, and SES and other Tucson-area environmental organizations turned out members and representatives to testify. The state and the EPA then deliberated several months while SES, other environmental groups, and Kennecott waited for its decision. In the mean time, Robinson and Rieke accepted an invitation from Ken Vance, Kennecott's superintendant at the mine in question to tour its wastewater management facilities. They used the trip as an opportunity to add to their knowledge of mining and water quality issues as well as to network. "[A]n added bonus," of the tour, Robinson reported to the board, "is that Ken Vance is a likely candidate for a vacancy on the Water Quality Control Board." Robinson was already contemplating how to influence this regulatory board in her larger vision for how the organization would affect state-level reforms in water quality regulations.¹⁶⁰

¹⁶⁰ Priscilla Robinson, "Director's Report," 10 October 1978, SES Records, MS 269, Box 1, Folder 3; Priscilla Robinson, "Director's Report," 12 December 1978, SES Records, MS 269, Box 1, Folder 3; Southwest Environmental Service, "Minutes of the Board of Directors," 9 January

While SES awaited the EPA decision on Kennecott's discharge permit, things began to move on the Mt. Lemmon-Sabino Creek issue. During the late-winter and spring of 1979, flooding creeks near the proposed wastewater management site in Summerhaven, the highest residential settlement on Mount Lemmon, destroyed part of the site proposed for the plant and, with it, the county's and EPA's plans. The floods revealed to both entities the inadequacy of the proposed site for the facility, but to move it elsewhere would significantly increase its cost—an increase the EPA refused to support. By the summer of 1979, the SES board and concerned homeowners near Summerhaven were fed up with the impasse. Robinson, Rieke, and Barbara Tellman recruited Jane Kay, a reporter for the *Arizona Daily Star*, to travel with them to Summerhaven and write an expose about the issue of wastewater management and pollution to Sabino Creek in the newspaper. The women also took advantage of the fact that the county's NPDES discharge permit for the existing facility had expired and needed to be renewed. "The public has a right to request a public hearing on renewal of permits," Robinson reported to the board, "and we have requested such a hearing." They then contacted about two hundred concerned individuals on their mailing list and implored them either to attend the hearing or submit comments to protest what they saw as "the slow action by the county in cleaning up the stream"

1979, SES Records, MS 269, Box 1, Folder 4; Priscilla Robinson, "Director's Report, 21 April 1979, SES Records, MS 269, Box 1 Folder 4.

and to request that the new permit include a specific timeline for the completion of the new wastewater management facility.¹⁶¹

The matter became further complicated in September of that year, when the county proposed a new land-use plan for Mount Lemmon that would increase commercial uses in Summerhaven without addressing the inadequacy of the existing wastewater facility and the possible lack of capacity of the proposed plant. Tellman organized people from the group's mailing list to attend the county hearing on the new land use plan and testified on the organization's behalf. Ultimately, SES's work—raising the issue in the press, organizing residents and working with other groups, including the Southern Arizona Hiking Club to apply pressure to Pima County and EPA officials—paid off. The EPA was convinced to rewrite Pima County's NPDES permit with a schedule of compliance that mandated the completion of an adequate wastewater management facility to prevent the degradation of Sabino Creek by the end of the summer in 1980. Additionally, the agency agreed with SES's recommendation that the new facility should only be large enough to serve the existing community and not allow for increased residential and commercial developments. However, when the EPA made it clear to the county that it would only fund this smaller facility, progress

¹⁶¹ Priscilla Robinson, "Director's Report," 12 June 1979, SES Reports, MS 269, Box 1, Folder 4; Priscilla Robinson, "Director's Report," 11 September 1979, SES Records, MS 269, Box 1, Folder 4; Priscilla Robinson, "Director's Report," 9 October 1979, SES Records, MS 269, Box 1, Folder 34; Priscilla Robinson, "Director's Report," 11 December 1979, SES Records, MS 269, Box 1, Folder 4; Priscilla Robinson, "Director's Report," 10 January 1980, SES Records, MS 269, Box 1, Folder 4; Tellman interview, 1 September 2011.

once again lurched to a halt. While it waited for resolution to yet another water quality issue, other local developments caught the group's attention.¹⁶²

In the course of following events on Mount Lemmon, SES became aware in the late 1979 and early 1980 of other wastewater management issues in northeastern Tucson where a mobile home park was planned along Pantano Wash and near the tiny town of Patagonia sixty miles south of the city where a four-hundred home development was proposed along Sonoita Creek. In both cases, Robinson and SES feared that allowing the construction of large residential developments without adequate infrastructure planning could threaten water quality and set a dangerous precedent for land use in Pima and Santa Cruz counties. In her view, the counties, had failed to plan for growth adequately. In the mobile home park case, the developer proposed to build its own wastewater facility. Robinson feared that if Pima County allowed private developers to install ad hoc wastewater treatment plants instead of planning for regional growth and building adequate infrastructure, the county would open a Pandora's Box and subvert one of the few areas in which the county and concerned citizens could manage growth. Before building the sewage treatment plant, the owner of the Rincon Country Mobile Home Park Village had to obtain a discharge permit from the EPA under the federal Clean Water Act. In Patagonia, the developer proposed to have the new development annexed by the city of Patagonia and use the town's

¹⁶² Priscilla Robinson, "Director's Report," 12 June 1979, SES Reports, MS 269, Box 1, Folder 4; Priscilla Robinson, "Director's Report," 11 September 1979, SES Records, MS 269, Box 1, Folder 4; Priscilla Robinson, "Director's Report," 9 October 1979, SES Records, MS 269, Box 1, Folder 34; Priscilla Robinson, "Director's Report," 11 December 1979, SES Records, MS 269, Box 1, Folder 4; Priscilla Robinson, "Director's Report," 10 January 1980, SES Records, MS 269, Box 1, Folder 4; Tellman interview, 1 September 2011.

existing wastewater facility. Patagonia's wastewater facility did not have the capacity to handle waste from four hundred new residences; if it was overloaded, it could flood Sonoita Creek with raw sewage. Robinson understood that in both cases, permitting processes or approval by the Patagonia City Council provided opportunities for citizen participation and a more complete review of the issue than provided for by county building permit processes. In the mobile home park issue, they requested a hearing and organized interested residents to testify and submit comments. Soon after, they began to organize concerned residents to lobby the Patagonia City Council.¹⁶³

In both issues, forces outside SES's control intervened. In February 1980, the Patagonia Town Council rejected the developer's proposal to annex the development, effectively ending that controversy. Within a month, the owner of the mobile home development, dissuaded either by agency red tape or public interest surrounding his application for a discharge permit, removed his application. The hearing on the mobile home park's discharge permit application was held anyway on March 13 and SES, the League of Women Voters, Southern Arizona Environmental Council, the Pima County Environmental Planning Advisory Committee, as well as the City of Tucson took the opportunity to testify on the need for a moratorium on all discharges into the Santa Cruz River and Avra Valley basins until groundwater standards were established. SES and clean water advocates realized that any real solution to the seemingly endless list of

¹⁶³ Priscilla Robinson, "Director's Report," 9 October 1979, SES Records, MS 269, Box 1, Folder 4; Priscilla Robinson, "Director's Report," 11 December 1979, SES Records, MS 269, Box 1, Folder 4; Priscilla Robinson, "Director's Report," 12 February 1980, SES Records, MS 269, Box 1, Folder 4.

proposals for new discharges to the waterways of Southern Arizona needed to be dealt with at the regional and state level. The temporary small victories in the trailer park and Patagonia issues gave SES time to re-focus its campaign on the administrative processes already underway. For the next six years, they used the citizen participation provisions within the Clean Water Act and asserted their role as an advocate of the public's interest, to influence the enactment of stringent water quality standards for the surface and ground waters of Southern Arizona.¹⁶⁴

SES Seeks New Solutions to Water Quality Issues

SES first became aware of the proposed transfer of administration of the federal government's National Pollution Discharge Elimination System (NPDES) from the federal to the state level in April 1977. The program was created under the Clean Water Act in 1972 to regulate the introduction of pollution into the nation's waters. The law, substantially revised in 1977, mandated that the administration of the permitting system be eventually transferred to the states so long as the standards for pollution created by the law were not lessened by the state's administering agencies. In early 1977, Arizona and the EPA began working toward transferring administration of the program to the state. As with the state's review of state water quality standards, SES was primarily concerned with making sure that as the state took increased control of policing water quality in Arizona, it maintained, at a minimum, the federal standards for introducing

¹⁶⁴ Priscilla Robinson, "Director's Report," 12 February 1980, SES Records, MS 269, Box 1, Folder 4; Priscilla Robinson, "Director's Report," 11 March 1980, SES Records, MS 269, Box 1, Folder 4; Priscilla Robinson, "Director's Report," 8 April 1980, SES Records, MS 269, Box 1, Folder 4.

pollutants to the state's rare surface waters. The group was also interested in evaluating existing standards in Arizona to judge whether they were adequate or if some needed to be more stringent.¹⁶⁵

Like the review of state water quality standards, the transfer of the permitting system from the federal government to Arizona required the agencies involved in making decisions to provide opportunities for citizen participation. For its part, SES strove to inform interested residents and organize them to take part in public hearings and submit comments to the agencies throughout the late 1970s and early 1980s. Betsy Rieke led the campaign by researching the issues and writing materials used to inform SES supporters and other groups and their members. Robinson researched, wrote, and testified where she was needed. While they attempted to encourage citizen participation, the process became increasingly technical and Rieke and Robinson found themselves devoting more time to attending Water Quality Control Council and Bureau of Water Quality meetings and corresponding directly with state agencies and the EPA than organizing citizens.¹⁶⁶

In the NPDES transfer issue, SES was challenged to review the federal Clean Water Act and state water quality laws to identify where they were consistent and where state laws needed to be adjusted to comply with federal standards. These included not only differences in pollution standards, but also

¹⁶⁵ Priscilla Robinson, "Director's Report," 25 May 1977, SES Records, MS 269, Box 1, Folder 3.

¹⁶⁶ Priscilla Robinson, "Director's Report," 25 May 1977, SES Records, MS 269, Box 1, Folder 3; Priscilla Robinson, "Director's Report," 22 June 1977, SES Records, MS 269, Box 1, Folder 3; Priscilla Robinson, "Director's Report," 8 November 1977, SES Records, MS 269, Box 1, Folder 3.

problems in administration such as conflict of interest issues with members of the state Water Quality Control Council which would be charged with reviewing and approving discharge permit applications. SES argued that the Council should include more seats for citizens and fewer for representatives from industry and agriculture who had a direct financial interest in the un-enforcement of water quality laws and standards. At meetings sponsored by the Arizona Department of Health Services (ADHS), Rieke and Robinson joined representatives from other parties interested in the transfer—primarily mining companies and irrigation districts—in reviewing draft proposals from the state and arguing for the maintenance of the federal standards. They continued to take part in these meetings and negotiations with state officials and irrigation and mine representatives, reviewing and commenting on the Department of Health Services' proposed legislation to affect the transfer until the department introduced its bill in February 1979. Rieke and Robinson felt that the bill, S.B. 1156 sponsored by State Senator Bob Usdane, a Republican from Scottsdale who was sympathetic to agricultural and mining lobbyists and their calls to “streamline” regulations, would dramatically weaken the ability of the Department to control pollution from non-point sources—seepage from mine tailings ponds, pesticide-laden or polluted run-off from farms or landfills—into adjacent streams. They focused their efforts on lobbying Usdane and other legislators to strengthen the bill. Meanwhile, SES reviewed proposed revisions to

the state water quality standards by ADHS in expectation of turning out concerned residents at a public hearing on the revisions in mid-1979.¹⁶⁷

The NPDES transfer bill deadlocked in the Arizona legislature. The EPA informed the Department of Health Services what SES had been telling the department since the bill was introduced: S.B. 1156 was unacceptable because it represented a lessening in water pollution standards below what was required by federal law due to the bill's failure to address non-point source pollution from agricultural runoff, mines, and landfills adequately. After some deliberation, ADHS requested that the sponsor pull the plug on the bill so that the department could start over in February of 1979. Robinson did not expect that it would make any progress until the next summer. In fact, no progress was made on the transfer issue until well into the late 1980s. Following the NPDES transfer debacle in 1979, SES's work on water quality changed course.¹⁶⁸

Citizen Water Quality Experts Get a Seat At The Table

After mid-1979, SES continued to monitor local water quality issues, including progress with the Mount Lemmon-Sabino Creek wastewater treatment facility, but focused more of its attention on proposals from the state to create new regulations to protect Arizona's precious groundwater from contamination. Once surface water quality standards were adopted, the group shifted its focus from the

¹⁶⁷ Priscilla Robinson, "Director's Report," 10 January 1978, SES Records, MS 269, Box 1, Folder 3; Priscilla Robinson, "Director's Report," 14 February 1978, SES Records, MS 269, Box 1, Folder 3; Priscilla Robinson, "Director's Report," 13 February 1979, SES Records, MS 269, Box 1, Folder 4.

¹⁶⁸ Priscilla Robinson, "Director's Report," 13 March 1979, SES Records, MS 269, Box 1, Folder 4; Priscilla Robinson, "Director's Report," 12 June 1979, SES Records, MS 269, Box 1, Folder 4; Robinson, "Director's Report," 10 September 1979, SES Records, MS 269, Box 1, Folder 4.

NPDES transfer issue to this new issue as a way of preventing degradation to water quality from the seemingly endless proposals of new residential, commercial, and industrial developments in southern Arizona. Due to her experience in working with water quality issues, Robinson was appointed to the state Water Quality Control Council Advisory Committee, giving SES and the Tucson-area environmental community a voice in creating the new regulations.¹⁶⁹

This shift may have reflected frustrations on behalf of Robinson, her employees, and the board at the apparent lack of movement on their primary water quality concerns. In an interview decades later, Robinson explained that one of her primary motivations in her work was achieving success—“I truly like to win...I like the sensation of winning.” The sluggishly slow pace at which the local water quality campaigns and the NPDES transfer process moved may have simply lost her attention and she moved onto the next issue in which she thought the group could realistically achieve success. An anthropologist by training, she viewed her work researching, writing, organizing, and lobbying as a kind of experiment. “I never used the same strategy twice,” she remembered years later. The experiment in trying to influence the NPDES transfer may have been just that. When it stalled, she put the issue behind her and moved onto the next challenge. Even though SES eventually intervened on the side of the EPA in a lawsuit against Pima County for its failure to enforce adequate water quality standards on Sabino Creek in 1981, the Mt. Lemmon wastewater issue attracted significantly less attention from Robinson or her staff. By 1980, Robinson and

¹⁶⁹ Priscilla Robinson, “Director’s Report,” 8 April 1980, SES Records, MS 269, Box 1, Folder 4.

SES shifted their work on water quality almost exclusively to working on creating standards for groundwater quality and regulations to protect it. Because of the highly scientific nature of the Clean Water Act, which stipulated acceptable and hazardous levels of pollutants in water and state standards and regulations used to meet its requirements, SES's work tended to involve Robinson and her staff almost exclusively in researching, writing, and meeting with state officials and other parties interested in groundwater quality to craft regulations. Organizing citizen participation to influence decision makers when opportunities arose remained an important component of their campaign, but in order to counter the arguments of industrial and agricultural lobbyists who sought to streamline or weaken water quality standards, the group had to become experts on the law and science of water quality. This was a necessary reality for many environmental organizations during this era including local, community-based groups. For SES, this professionalization was another tool for inserting the public interest in environmental decision-making.¹⁷⁰

During her early work on the Water Quality Control Council Advisory Committee, Robinson was pleased to find that the Department of Health Services' Bureau of Water Quality had adopted interim non-degradation policy for groundwater throughout the state as SES and other environmental groups had recommended at the March 13, 1979 public hearing over the Rincon Country

¹⁷⁰ Robinson interview, 1 September 2011; Tellman interview, 1 September 2011; "Sewage suite filed," *The Prescott Courier*, 4 June 1981, 6A; Priscilla Robinson, "Director's Report," 8 April 1980, SES Records, MS 269, Box 1, Folder 4; Priscilla Robinson, "Director's Report," 9 February, 1982, SES Records, MS 269, Box 1, Folder 5; Priscilla Robinson, "Director's Report," 13 May 1980, SES Records, MS 269, Box 1, Folder 4.

Mobile Home Village discharge permit. However, she acknowledged that creating new regulations was going to be difficult and would probably not happen quickly. While the process of writing new regulations slowly progressed, she and Tellman took the opportunity to advance public participation in the process. Throughout 1981 and 1982, SES organized a series of meetings with the Tucson Mountain Association, League of Women voters, and the Pima Association of Homeowners Federation in Tucson to provide concerned Tucson residents a link to the inner-workings of the Water Quality Control Council and Department of Health Services as they drafted proposed standards and regulations. These augmented Department-sponsored “workshops” and public hearings giving citizens valuable opportunities to create broadly-supported recommendations which they interjected into the Department’s decision-making process. The meetings continued alongside the Department’s hearings and workshops until ADHS issued its draft regulations to the Attorney General’s office for review in 1982. The Attorney General would judge whether the Department had the authority to enact the new standards and implement the new regulations. Although it was a lengthy process, Robinson was pleased that many of the recommendations that came out of SES and the Tucson environmental and city and county government community were adopted by the Council and the Department. In February of 1982, she reported to the board, “[w]e feel that SES’ [sic] participation was instrumental in these actions,” referring to the Committee adopting SES’s recommendations that Robinson believed would result in more stringent standards. Finally, in June 1982, the regulations were ready. More than

seventy-five people attended a public workshop on the proposal in Tucson—well beyond the announced limit of fifty—and Robinson reported that there was “considerable support” for stringent regulations. The Water Quality Control Council still had to approve the guidelines at its July meeting and would likely take into account the comments from the workshop, but the draft regulations were practically finished.¹⁷¹

As long and occasionally tedious as the groundwater quality project was, it seemed to follow a neat and positive progression from its inception in late 1980 through mid-1982. The exchange between the public, stakeholders, and decision makers produced proposed protective standards, regulations and enforcement mechanisms that were supported by all involved. This consensus began to unravel, however, after the Department revealed its final proposal in June 1982. At its July meeting, the Water Quality Control Council postponed any further action on the draft regulations due to extensive comments from the mining industry on the Department’s proposal. In the hopes of putting the process back on track, Robinson and Tellman increased their lobbying of council members and recruited media attention to the issue. By the end of August, due to pressure from the mining industry, agricultural groups and the state Chamber Commerce, the Council considered introducing a weaker, watered-down version of the draft regulations. The process—with SES as part of it—was drawn into a slow and

¹⁷¹ Priscilla Robinson, “Director’s Report,” 13 May 1980, SES Records, MS 269, Box 1, Folder 4; Priscilla Robinson, “Director’s Report,” 10 June 1980, SES Records, MS 269, Box 1, Folder 4; Priscilla Robinson, “Director’s Report,” 8 July 1980, SES Records, MS 269, Box 1, Folder 4; Priscilla Robinson, “Director’s Report,” 9 February 1982, SES Records, MS 269, Box 1, Folder 5; Priscilla Robinson, “Director’s Report,” 8 March 1982, SES Records, MS 269, Box 1, Folder 5; Priscilla Robinson, “Director’s Report,” 13 April 1982, SES Records, MS 269, Box 1, Folder 5; Priscilla Robinson, “Director’s Report,” 9 June 1982, SES Records, MS 269, Box 1, Folder 5.

debilitating series of committee and subcommittee meetings that pointed toward the eventual dismantling of most of the stringent standards and regulations both environmentalists and other concerned citizens had supported. Although there were still opportunities for public input, the prospects of achieving meaningful standards and regulations were sinking. Updating the board in December 1982, Robinson reported “[w]e are making little progress...and still hope for a final package we can support.”¹⁷²

The group’s hopes were revived somewhat by the high turnout at the public hearing in January 1983 and strong support for stringent regulations among the crowd. SES’s experience informing citizens and organizing them to attend hearings paid off. Members of the Junior League of Tucson and the Southern Arizona Water Resources Association, a recently formed group, appeared as a result of SES’s recent work with both groups and the hearing were well-covered by the press. “It is important to have all of these views included in the hearing record, even though we may not succeed in getting the standards changed,” Robinson reported to the board. She sounded optimistic as she gauged the value of SES’s participation and the hearing: “Support for a strong system should transfer to the ongoing discussion...Tracking this process is expensive but important.” The Water Quality Control Council considered citizen input from the hearing and a follow-up workshop held in May and finalized the draft standards

¹⁷² Priscilla Robinson, “Director’s Report,” 28 August 1982, SES Records, MS 269, Box 1, Folder 5; Priscilla Robinson, “Director’s Report,” 14 September 1982, SES Records, MS 269, Box 1, Folder 5; Priscilla Robinson, “Director’s Report,” 9 November 1982, SES Records, MS 269, Box 1, Folder 5; Priscilla Robinson, “Director’s Report,” 14 December 1982, SES Records, MS 269, Box 1, Folder 5.

and regulations in July 1983. While Robinson and Tellman still found parts of the Council's proposal to be problematic, it was their opinion that they should be adopted so that the program could begin. In its previous session, the legislature had authorized the creation of nineteen new staff positions within the ADHS's Bureau of Water Quality to execute the new regulations—they just needed to be finalized so that the Bureau could get to work. On July 13, at its meeting in Flagstaff, the Water Quality Control Council voted to approve the draft standards. The mining industry made a last-ditch but futile effort to delay the Council's decision to give it more time to further influence the standards in its favor. After almost three years, it appeared that Arizona could begin to implement controls on groundwater quality.¹⁷³

However, just as Robinson, Tellman, the SES board, the members of the Water Quality Control Council and staff of the Arizona Department of Health Services began to celebrate and prepare for the enactment of the new regulations, the process ran into trouble again. The Water Quality Control Council approved the draft standards in July, but it was still unclear whether the Department of Health Services had the authority to approve the new water quality regulations that accompanied them. That question awaited a review and opinion by the office of the state Attorney General. On October 14, Attorney General Bob Corbin issued a vague opinion that raised as many questions as it answered. He ruled that the department had the authority to execute some of the regulations and approve

¹⁷³ Priscilla Robinson, "Director's Report," 8 February 1983, SES Records, MS 269, Box 1, Folder 5; Priscilla Robinson, "Director's Report," 14 June 1983, SES Records, MS 269, Box 1, Folder 5; Priscilla Robinson, "Director's Report," 13 September 1983, SES Records, MS 269, Box 1, Folder 5.

some of the standards but not others—the issue would only be resolved by introducing and passing legislation changing the standards and regulations, authorizing the Department to act, and directing it to do so. In understated fashion, Robinson summed up the development for the board: “This action is something of a setback for the program.” The issue of creating protective standards for groundwater quality and regulations and mechanisms to enforce them was thrust from the administrative level into the legislature, which tended to favor economic development and growth over environmental protection. The department began work implementing the parts of the regulations and standards that the attorney general affirmed were within their purview.¹⁷⁴

Robinson, together with ally David Baron from the Center for Law in the Public Interest, with whom SES worked throughout the process, began to meet with Pima County legislators, members of Governor Bruce Babbitt’s staff, and Department staff to prepare to introduce legislation in the upcoming 1984 session. They received a commitment from Republican Tucson State Senator Greg Lunn to meet with House Majority Leader Burton Barr on the issue. Lunn took the lead in putting together legislation including organizing meetings of interested parties in the Tucson area in late 1983 and early 1984. At SES, Barbara Tellman left the organization after working for SES on a contractual basis for four years to work full time for the Pima Association of Governments. Her work was turned over to a new staff member, Lois Kulakowski and an intern from the University of

¹⁷⁴ Priscilla Robinson, “Director’s Report,” 11 October 1983, SES Records, MS 269, Box 1, Folder 5; Priscilla Robinson, “Director’s Report,” 8 November 1983, SES Records, MS 269, Box 1, Folder 5.

Arizona named Jim Albert. Kulakowski took the lead on the issue pressing for effective means of protecting groundwater from “non-point source” pollution—seepage from mine tailings ponds and agricultural pesticides into aquifers. By February 1984, four bills were introduced. The bills represented positions across the spectrum reflecting the demands of environmentalists and municipalities on one side, the mining industry and agriculture on the other, and the administrative concerns of the Department of Health Services somewhere in the middle. Over the course of the next two months, all four bills died—victims of the complicated, technical nature of the issue and entrenched positions on all sides with environmentalists and cities arguing for stringent standards that would prevent any degradation of groundwater and industry and state and local chambers of commerce arguing that new regulations would destroy business. The legislature adjourned in May and the issue remained on the table. Governor Babbitt, citing the recent discovery of groundwater contamination in Tucson water wells, instructed the department to begin implementing the draft regulations and standards regardless of the attorney general’s opinion—an order that would likely land the department and governor’s office in court. “We have some of the worst and most ineffective laws for controlling water quality,” he told a press conference at his Phoenix home in May 1984. SES weighed the costs and benefits of Babbitt’s actions against a possible legislative interim committee that would continue to study the issue with the goal of passing legislation during the next session. For their purposes, Robinson hoped the publicity surrounding a

possible court battle would elevate the issue in the public mind and give it the boost it needed to break any legislative blockade in the next session.¹⁷⁵

Help came from an unfortunate and unforeseen source. The public discourse about water in southern Arizona was changing dramatically leading into 1984. Major flooding of the Santa Cruz and Rillito Rivers and other streams in southern Arizona during an epic El Niño event in October 1983 raised the issue of flood plain management, erosion, and sedimentation in urban areas. For the SES, Southern Arizona Environmental Council and other environmental groups, the floods, and pending state legislation on water regulation, elevated water to the top of their priority list. The issue was made more salient when the carcinogenic chemical trichloroethylene (TCE), left over from the heyday of production by Hughes Aircraft decades before, was found to be contaminating the aquifer underlying central Tucson in 1984. The threat this posed to the health of an urban population dependent on its aquifers for drinking water thrust the issue to the fore of public and political concern.¹⁷⁶

The detection of TCE in twenty six wells in the Flowing Wells area of Tucson in 1984 raised serious questions in the minds of southern Arizonans about the regulation of hazardous substances and who should be held accountable for

¹⁷⁵ Priscilla Robinson, "Director's Report," 13 December 1983, SES Records, MS 269, Box 1, Folder 5; Priscilla Robinson, "Director's Report," 14 February 1984, SES Records, MS 269, Box 1, Folder 5; Priscilla Robinson, "Director's Report," 10 April 1984, SES Records, MS 269, Box 1, Folder 5; Howard Fischer, "Legislature's inaction won't stop fight to protect groundwater, Babbitt says," *The Arizona Daily Star* (Tucson), 6 May 1984; Priscilla Robinson, "Director's Report," 8 May 1984, SES Records, MS 269, Box 1, Folder 5.

¹⁷⁶ *Southern Arizona Environmental Council Bulletin*, Spring 1984, Arizona Collection, Hayden Library, Arizona State University, Tempe, Arizona, hereafter, referred to as *SAEC Bulletin*.; Bagwell, Keith, "Superfund priority is northside," *The Arizona Daily Star* (Tucson), 31 September 1987.

paying for contamination from irresponsible industry actions taken decades before federal pollution-control laws. Local newspapers illuminated a lack of regulatory protection from groundwater contamination and warned of the pernicious nature of industrial pollution, further provoking this conversation. In April 1984, *The Arizona Daily Star* reported: “Study finds EPA rules don’t protect groundwater.” In October, the same paper ran an Associated Press article warning that groundwater pollution potentially threatened the drinking water of half the population of the United States. Two months later, the *Tucson Citizen* warned, “Chemicals in groundwater soak through faster than suspected.” In the following year, *The Arizona Republic* reported that the U.S. Geologic Survey’s second annual National Water Summary found that fourteen percent of the 4,164 wells the agency tested in Arizona exceeded EPA standards for nitrates. This was more than double the national average. Local newspapers also revealed a change in the public mood with regard to pollution and quality of life. In a national poll conducted in 1984 as reported by *The Arizona Daily Star*, Americans considered pollution a worse crime than some homicides. Politicians could not ignore the public fervor surrounding water quality after the discovery of TCE in Tucson’s drinking water aquifer.¹⁷⁷

¹⁷⁷ “Study finds EPA rules don’t protect ground water,” *The Arizona Daily Star* (Tucson), 7 April 1984, 13 a.; “Study cites wide threat to ground water,” *The Arizona Daily Star* (Tucson), 26 October 1984; “Chemicals in groundwater soak through faster than suspected,” *Tucson Citizen*, 26 December 1984, 3 c.; “Nitrates: Health Hazard In Arizona,” *The Arizona Republic* (Phoenix), 3 June 1985; “Pollution could be worse crime than homicide, Americans say in poll,” *The Arizona Daily Star* (Tucson), 6 February 1984.

The Citizens' Water Quality Initiative and the Arizona Environmental Quality Act of 1986

Feeling exasperated at the Arizona legislature's inaction on the issue of groundwater pollution in 1984 and 1985, the city of Tucson joined eleven environmental groups in fall 1985 to propose a citizen's initiative. The language of the initiative was initially drawn up by David Baron of the Center for Law in the Public Interest, but SES, Common Cause, the League of Women Voters, and Sierra Club supported the effort. The initiative was not finalized until after the November 1984 election, so supporters worked throughout 1985 to collect the necessary 72,000 signatures to get it onto the ballot that year. Finally, in 1986, the Arizona Clean Water and Pesticide Control Act of 1986 was put to the electorate for a vote.¹⁷⁸

In the meantime, as the water quality initiative was being written, the Arizona House and Senate named an interim committee to study the issue chaired by Representative Hawke and Senator Lunn. It met three times throughout the late summer and early fall 1984. Lois Kulakowski testified before the committee on behalf of SES, along with a number of other witnesses who spoke in favor of a strong groundwater quality program for the state. The interim committee deliberated on the issue but failed to come up with any proposed legislation before the 1985 legislative session. In the meantime, the state Chamber of Commerce sued the Department of Health Services in Maricopa County Superior Court, questioning its authority to enact and enforce the new water quality

¹⁷⁸ "Water Quality: Citizens are stepping in where Legislature has failed," *The Arizona Daily Star* (Tucson), 5 October 1985; Priscilla Robinson, "Director's Report," SES Records, MS 269, Box 1, Folder 5.

standards. However, citing the public interest in continuing the protection of groundwater quality and stressing that the Chamber failed to show how its members would suffer irreparable harm from implementation of the regulations, Judge Bernard Dougherty did not grant the business group's request for a stay to prevent the Department from carrying out the new regulations. The court's decision all but ended the Chamber's suit. Robinson testified as a witness in the case. As the 1985 legislative session opened, a variety of bills aimed at addressing the issue were introduced, but only one piece of legislation drew SES's support, a bill written by the department to clarify its authority to enforce some of the regulations in question. As in the previous session, all measures failed.¹⁷⁹

As the initiative got underway, Republican and Democratic politicians alike in city government and representing Tucson in the legislature endorsed the statewide initiative even though it would mean the expansion of the Arizona Department of Health and Attorney General's responsibilities to pursue stricter regulation and enforcement at the cost of almost ten million dollars. Democratic Governor Bruce Babbitt, frustrated with the inaction on the issue by the legislature, considered making the issue the subject of a special legislative session. He also lent his backing to the initiative and urged "all Arizonans to support this effort to ensure that our water supply will be clean today and in the

¹⁷⁹ Priscilla Robinson, "Director's Report," 11 December 1984, SES Records, MS 269, Box 1, Folder 5; Priscilla Robinson, "Director's Report," 11 January 1985, SES Records, MS 269, Box 1, Folder 7; Howard Fischer, "Effort to block ground-water rules rejected," *The Arizona Daily Star* (Tucson), 3 January 1985; Priscilla Robinson, "Director's Report," 21 March 1985, SES Records, MS 269, Box 1, Folder 7; Priscilla Robinson, "Director's Report," 18 April 1985, SES Records, MS 269, Box 1, Folder 7.

future.” In fall 1985, *The Arizona Daily Star* editorialized on the proposition: “Citizens are stepping in where Legislature has failed.” Although the public and political fervor behind the initiative was prompted by the discovery of chemical poisons in Tucson’s water supply resulting from historic industrial manufacturing, the mining industry fought more viciously to defeat the initiative than any other group.¹⁸⁰

Within a month of the announcement of the clean water initiative, the mining industry began an effective campaign of “confuse and conquer.” Included in their tactics were claims that if the law passed, Arizonans would not be able to flush their toilets. Additionally, they claimed that the law could result in mining companies being fined a million dollars a day for violating regulations of which they had no knowledge. The mining industry had succeeded in combining such tactics with unwillingness to compromise in order to defeat a proposal by Tucson-area Republican legislators to toughen water-quality laws during the 1985 and previous legislative sessions. By the end of 1985, however, the tide of public opinion was too strong for the industry. In October, once initiative supporters began gathering signatures, the threat of the voter-passed initiative forced the mining industry and others to the negotiating table. Unlike a conventional legislative proposal, opponents realized that with an initiative, they would have no ability to influence the final outcome through their lobbyists—if it passed, they would be forced to comply, regardless of how detrimental it might be to their

¹⁸⁰ Jane Kay, “11 citizen groups join city of Tucson in drive,” *The Arizona Daily Star* (Tucson), 2 October 1985; Robinson interview, 1 September 2011; Priscilla Robinson, “Director’s Report,” 20 June 1985, SES Records, MS 269, Box 1, Folder 7.

businesses. In interim meetings organized by Jack Pfister of the Salt River Project and by Senator Lunn and Representative Hawke in 1984 and 1985, representatives from the mining industry, agriculture, and the Chamber of Commerce were recalcitrant and unyielding in their opposition to new standards and regulations for non-point source discharges to groundwater. Now they began to cooperate with other stakeholders in these meetings by fall 1985. Representing SES, Robinson took part in these meetings. She had recommended that SES purposely limit its involvement with the initiative so that its resources could be devoted to continuing to work on legislation. From her years of working in Arizona natural resource politics, she hoped that the initiative would alter the political dynamics surrounding the issue and force the opponents of stringent water quality standards to compromise. She had made an informed gamble and it seemed to be working.¹⁸¹

The timing of the initiative, certified October 1 with public support running from county boards of supervisors and city councils all the way to the Governor's office, could not have been more opportune for advocates of passing meaningful groundwater quality legislation. The campaign for the Arizona Clean Water and Pesticide Control Act of 1986 spanned the entirety of the 1986 legislative session, looming over lawmakers and opponents, silently pressing

¹⁸¹ "Clean-water initiative: Arizonans beware; red-herrings are hatching out in force," *The Arizona Daily Star* (Tucson), 6 November, 1985; Priscilla Robinson, "Director's Report," 19 September 1985, SES Records, MS 269, Box 1, Folder 7; Priscilla Robinson, "Director's Report," 19 September 1985, SES Records, MS 269, Box 1, Folder 7; Priscilla Robinson, "Director's Report," 17 October 1985, SES Records, MS 269, Box 1, Folder 7; Priscilla Robinson, to Dick and Jean Wilson, memorandum, RE: SES Ongoing Projects; Recent Accomplishments and Future Goals, 29 October 1985, SES Records, MS 269, Box 1, Folder 7; Priscilla Robinson, "Director's Report," 21 November 1985, SES Records, MS 269, Box 1, Folder 7.

them into negotiations. If they failed to act, the public was watching and would likely act for them in November. Furthermore, the initiative provided a mechanism for organizing the public debate over the issue and influenced the political campaigns of candidates running for Governor. As a result, Republican and Democratic gubernatorial candidates alike made water quality a central issue in their campaigns. State Senator Lunn voiced his optimism in fall 1985 that the election for governor would force the water quality debate into the larger statewide political conversation. Lunn believed that Republican candidate Burton Barr of Phoenix, who had been an impediment to legislative attempts at pollution control in the past, would have to appeal to a wider audience and consider water quality legislation more seriously. On the Democratic ticket, incumbent Bruce Babbitt continued his tough stance on protecting groundwater and made it one of the top priorities of his campaign platform. At an Arizona Town Hall meeting at the Grand Canyon in late October 1985, he vowed that he would not compromise on groundwater protection and that he was supporting the clean water initiative proposed for the 1986 ballot. He said that he would not allow the Arizona Chamber of Commerce and mining industry to influence legislation in a way that would undermine the state's ability to protect water quality. He was especially suspicious of proposals by industry to put control of water quality in the hands of the Arizona Water Quality Control Council within the Arizona Department of Water Resources, a body that met only quarterly and was not designed to enforce water quality regulations—a move he viewed as tantamount to giving the industry the ability to police itself. “The public health cannot be put in charge of the

industries discharging the waste,” he told the Town Hall. As the 1986 legislative session began, Robinson joined the governor’s water quality task force which met weekly and through her lobbying and advising, SES found itself in a position to profoundly influence any new law that passed.¹⁸²



Governor Babbitt’s water quality task force, 1986. Robinson, the only woman on the task force, sits facing away from the camera across from Babbitt. Private collection, Priscilla Robinson, Tucson, Arizona.

Governor Babbitt charged on the legislature from day one. He devoted half of his state of the state address on January 13, 1986 to environmental issues and water quality. He told legislators, “[p]olluters must be stopped without regard to the size of their assets, the clout of their lobbyists or the skill of their attorneys.” Although he drew criticism from Republican lawmakers for his seeming unwillingness to compromise, leaders from both parties agreed that

¹⁸² Joe Burchell, “Lunn voices optimism for water bill,” *The Arizona Daily Star* (Tucson), 9 October 1985; “Babbit [sic] says ‘no’ to water compromise,” *Tucson Citizen*, 30 October 1985; Jane Kay, “Babbitt vows to fight to protect groundwater,” *The Arizona Daily Star* (Tucson), 30 October 1985; Priscilla Robinson, “Director’s Report,” 16 January 1986, SES Records, MS 269, Box 1, Folder 8.

passing groundwater legislation was a top goal of the session. His likely opponent in the upcoming election from the Republican Party, House Majority Leader Burton Barr, who had fought tough water quality legislation a year before, realized that he could not ignore the issue and made strides to avoid being painted as the “dirty water candidate.” Barr conceded that there was a good chance of something passing during the session, so long as the governor was willing to compromise. However, Babbitt promised that if the legislature failed to send him a “strong bill,” he would support the citizen’s initiative scheduled for the ballot in November. Understanding that opponents were pressured by the threat of the initiative to compromise, he staked out a strong position proposing the protective standards and regulations produced by the ADHS in 1983 and refused to consider the transfer of regulation and enforcement from the Health Department to the industry-dominated Water Quality Control Council.¹⁸³

The governor’s water quality task force met throughout early 1986, drawing on the experience, expertise, and opinions of water quality experts, stakeholders, environmentalists, and the public. It weighed the costs of restricting the use of nitrate-based fertilizers on Arizona farms because of the deleterious effect they had on groundwater. The sides paired off with farming and business representatives, arguing that the task force should balance the economic costs to their activities with the benefits to society. Environmentalists and representatives

¹⁸³ Howard Fischer, “Babbitt may focus on water: State of State talk to list ‘must’ bills,” *The Arizona Daily Star* (Tucson), 13 January 1986; Norma Coile, “Babbitt’s hard line on water upsets some in GOP,” *The Tucson Citizen*, 14 January 1986; Howard Fischer, “Babbit firm protecting water,” *The Arizona Daily Star* (Tucson), 14 January 1986; Larry Lopez, “Barr says ground water will be toughest issue,” *The Tucson Citizen*, 6 December 1985; Priscilla Robinson, “Director’s Report,” 16 January 1986, SES Records, MS 269, Box 1, Folder 8.

from Tucson on the task force characterized this point of view as “sort-sighted and costly.” Reflecting the fundamental differences among task force members, lawyer Jim Bush of the Arizona Mining Association argued that “it may be in the state’s advantage to allow degradation,” for example, “of an aquifer that’s eventually going to be pumped out.” Robinson appealed to the group to think beyond the dichotomy of the environment and human health versus the economy, stressing that mines and farms can find ways to profitably continue business without degrading water quality. If a mining company was not willing to make the extra expenditure to clean up its operation, she told the group, the environment would be degraded and “he’s the last guy to make a buck up there.” Despite the often-heated debate, the task force agreed to use a bill drafted by Representative Hawke as a starting point for negotiations. Robinson reported to the board that the process was incredibly time consuming—she had met with the task force or one of its subcommittees a total of sixteen times between mid-February and mid-March. She reported that they were making progress on many of the lesser issues, but that the major issues still required substantial work.¹⁸⁴

After more than four months of intense negotiations, the task force finalized the language of its bill on April 18. It retained the protective standards and regulations carved out by the Department of Health Services, presumed that all groundwater supplies were for drinking and must not be degraded without a compelling reason, and required that polluters be held liable for the cost of cleaning up pollution even if it occurred years before. It created a state fund,

¹⁸⁴ Norma Coile, “Tucsonans insist on pure aquifers,” *The Tucson Citizen*, 31 January 1986; Priscilla Robinson, “Board Report,” 20 March 1986, SES Records, MS 269, Box 1, Folder 8.

funded by the legislature at the level of five million dollars a year, to pay for cleanup when the polluter could not be identified, had gone out of business, or was disputing the issue in court. Lastly, it located wide-ranging regulatory authority in a new state agency, the Department of Environmental Quality.¹⁸⁵ The Arizona Environmental Quality Act was sent to the legislature within a week. Robinson and other members of the task force and the public testified on behalf of the bill before the House Natural Resources Committee and lobbied lawmakers extensively. Although there were some questions among legislators about funding mechanisms within the bill and disagreements among environmentalists about its effectiveness, it was passed by both houses by large margins without amendment. With much media fanfare, Governor Babbitt signed it on May 13. *The Arizona Daily Star* called it a “landmark bill” and John Andersen, director of Arizona Common Cause who was spearheading the citizen water quality initiative, remarked that it was “probably stronger than the initiative.” Andersen said that a few of the initiative supporters were dissatisfied with the final product, but that the coalition backing the effort would probably end its activities and allow the proposition to die. *The Los Angeles Times* characterized it as one of the toughest groundwater protection laws in the nation. The law, the paper reported, reflected a growing environmental consciousness within the state in sight of the rapidly diminishing power of its traditional economic base—mining and agriculture. A recent poll, the *Times* reported, found that “quality of life” ranked first for residents of Pima County in Southern Arizona. This change marked “part

¹⁸⁵ Howard Fischer, “Landmark bill is approved to protect water,” *The Arizona Daily Star* (Tucson), 13 May 1986.

of a fundamental transition of Arizona from a cow town to a sophisticated urban area.” Robinson reported her pleasure in the bill’s success to SES’s board: “It is a good bill and I am very pleased with it.”¹⁸⁶

Conclusion

The passage of the Arizona Environmental Quality Act marked an enormous victory for environmentalists in Arizona and for the Southwest Environmental Service in particular. It marked the evolution in the political skill and technical knowledge of Robinson and the clout of the organization within Arizona politics and environmental community. This was reflected by a 1985 publication by several scholars of land and water use in Tucson from the University of Arizona, citing SES as one of the “two most influential groups” in the regional environmental movement, alongside the Center for Law in the Public Interest. Underscoring this honor, Robinson was named to the Ground Water Users Advisory Council under the Arizona Department of Water Resources by Governor Babbitt. In just over a decade, the group had grown from an experiment of its financial benefactors, wealthy Tucson locals with a concern for the environment, to an important organizer of citizen involvement in environmental and natural resource politics at both the local and state levels. Led by Robinson, it had learned how effectively to influence decision makers and gain a seat at the table in deciding environmental issues. Unfortunately, Robinson and SES barely

¹⁸⁶ Howard Fischer, “Landmark bill is approved to protect water,” *The Arizona Daily Star* (Tucson), 13 May 1986; Bill Curry, “Water-Conscious Arizona Moves to Guard Its Wells,” *The Los Angeles Times*, 12 May 1986; Robinson interview, 1 September 2011; Priscilla Robinson, “Board Report,” 15 May 1986, SES Records, MS 269, Box 1, Folder 8.

had time to relish this achievement or to even catch their breath. At the same time as they ramped up work on water quality, air quality became an equally important and daunting issue for the organization.¹⁸⁷

¹⁸⁷ Priscilla Robinson, to Dick and Jean Wilson, memorandum, RE: SES Ongoing Projects; Recent Accomplishments and Future Goals, 29 October 1985, SES Records, MS 269, Box 1, Folder 7; “Environmentalists join ground water advisers,” *The Arizona Daily Star* (Tucson), 8 May 1986.

CHAPTER 7

REINING IN THE SMELTERS: CITIZEN ACTIVISM FOR CLEAN AIR IN SOUTHERN ARIZONA, 1978-1987

By the end of the 1970s, Americans were more environmentally conscious than ever before. In addition to a popular environmental consciousness demonstrated in events such as Earth Day and the growth and proliferation of environmental organizations, the federal government enacted a series of laws that gave unprecedented power to new federal agencies to protect the nation's air, water, and land and the health of its citizens from pollution. These were joined by hundreds of similar laws at the state level that required agency and public review of proposed projects that might adversely affect the environment or public health. Arizonans—organized in a handful of community-based environmental groups like Southwest Environmental Service and Grand Canyon Chapter of the Sierra Club and others—were caught up in the movement.

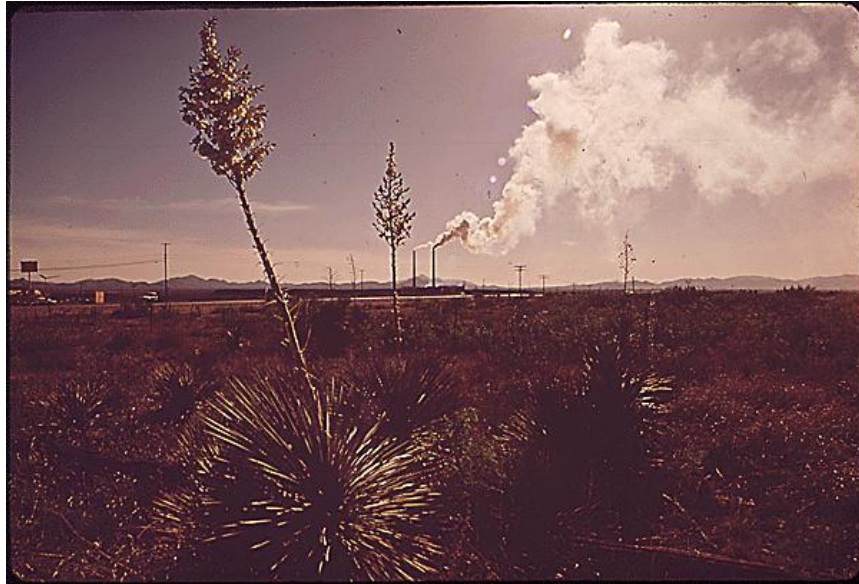
In the last years of the 1970s, however, environmentalists learned that environmental problems were not solved just because Congress or the state passed a law. Implementation of environmental laws required the persistent attention of citizens to monitor government agencies and industry and hold both accountable to the public. In Arizona, this was most evident in the fight for clean air. In 1978, eight years after the passage of the Clean Air Act and an EPA mandate that the sixteen U.S. copper smelters—seven of which were in Arizona—remove ninety percent of the sulfur dioxide from their emissions little had changed. In addition,

Arizona had yet to create plans to control the pollution from its smelters as directed by the federal government. Arizona environmentalists were focused on urban air pollution created by automobiles, but copper smelters were the largest sources of pollution in the state and the largest emitters of acid-rain-causing sulfur dioxide west of the Mississippi river. From smokestacks hundreds of feet high, they pumped more than four thousand tons of sulfur dioxide, heavy metals and other pollutants into the air every day that drifted over rural Arizona communities, farms and ranches and into Mexico causing respiratory problems and damaging crops. By 1978, five of the Arizona smelters had begun to upgrade their facilities to meet the requirements of the Clean Air Act and avoid costly fines from the Environmental Protection Agency. Two—the massive Douglas Reduction Works on the Mexican border owned by the mining giant Phelps Dodge Corporation, which emitted roughly one-quarter of the total smelter pollution in the state, and the Magma Copper Company's smelter in San Manuel—remained out of compliance and showed no sign of trying to meet the terms of the law. Phelps Dodge in particular appeared intent on using its political clout and the skill of its lobbyists and attorneys in Arizona and Washington, DC, to obtain exemptions for the Douglas smelter to avoid fines and continue to operate rather than invest millions to upgrade its almost seventy year old facility. The company reluctantly acknowledged the damage the roughly one thousand tons of sulfur dioxide its smelter emitted every day did to the land surrounding its smelter—between the 1930s and 1971 it bought “smoke rights” paying farmers and ranchers owning 112,000 acres in the valley north of Douglas and to the south in Mexico not to sue

the company for acid rain damage to their properties. But “Old Reliable,” as Phelps Dodge executives and workers called the smelter, dependably turned a healthy profit even if at the expense of the environment and health of thousands of people living around Douglas. If it was forced to spend hundreds of millions of dollars to install pollution controls, Douglas would not be profitable again for many years. Phelps Dodge’s plan was to subvert the intent of the Clean Air Act to the detriment of public health and the environment for as long as elected officials and regulators would allow. As it did, it would smelt copper with a competitive advantage over the region’s other smelters, which were investing millions of dollars in pollution abatement technologies. When it could no longer get its way with state politicians and regulators, Phelps Dodge would close the archaic smelter, leaving hundreds of southern Arizonans out of work. It was a ruthless, but economically rational, strategy for a company with a history of ironfisted corporate behavior.¹⁸⁸ The Phelps Dodge smelter had killed crops, choked residents, and ignored or perverted the rule of law of the region for decades; unless someone intervened to thwart its plans, the company would continue undermine public health, the environment, and the law in southern

¹⁸⁸ Edward Stiles and Richard E. Wilbur, “EPA To Smelters: Eight Is Enough,” *Tucson Citizen* 4 April, 1978; Jane Kay, “‘Old Smoky’ is not all that’s fuming in Douglas,” *The Arizona Daily Star* (Tucson), 14 June 1981, E1; Jane Kay, “Arizona smelters: Mount St. Helens-size issue,” *The Arizona Daily Star* (Tucson), 21 June 1981, E1; Jane Kay, “Arizona lets copper industry be its own watchdog,” *The Arizona Daily Star* (Tucson), 21 June 1981, 12 E; John Wirth argues that keeping the Douglas smelter open was never in Phelps Dodge’s long term plan and that it never intended to upgrade the facility. Wirth demonstrates that Phelps Dodge used the threat of closing the smelter and the connected loss of jobs to leverage Arizona’s congressional delegation, state regulators and administrators within the Environmental Protection Agency support continued exemptions for the smelter from the Clean Air Act allowing it to stay open for more than fourteen years after the passage of the law. John D. Wirth, *Smelter Smoke in North America: The Politics of Transborder Pollution* (Lawrence: University of Kansas Press, 2000), 135-139.

Arizona for decades to come. When government failed to act, citizens, emboldened by new environmental laws, which gave them a say in and the right to appeal environmental decisions, stepped in. SES formed part of the vanguard of this movement in Arizona to hold the smelters and government accountable to the laws, health, and environment of the people.



Phelps Dodge's Douglas Reduction Works smelter in 1972. The Douglas smelter pumped thousands of tons of sulfur dioxide and other pollutants into the atmosphere which polluted the air and land for miles around the smelter. Photograph No. 543989 (Photographer Cornelius M. Keyes); "Phelps Dodge Corp. smelter in Background, 06/1972," June 1972; Documerica Project, Records of the Environmental Protection Agency, 1944-1006, Record Group 412; [Online version, www.archives.gov, National Archives and Records Administration, 5 December 2011], National Archives at College Park, College Park, MD.

At almost the same time that the Southwest Environmental Service began to work in earnest on water issues in Southern Arizona, the group also began to venture into the arena of air quality. As with the issues surrounding water in the region, the organization initially understood air quality in relation to their overarching concerns about booming population growth and land use planning. But

like its water work, SES's air quality campaign quickly evolved in relation to a variety of developments outside the organization's control. Financial concerns prompted the organization to pursue campaign elements that could attract foundation and grant money. This caused the group to compartmentalize air quality into its own campaign, related to but separate from the group's work on land use planning. A larger catalyst, however, resulted from changes in federal air quality laws during the 1970s and requirements for Arizona, Pima County, and Tucson to create new air quality standards to bring the region into compliance with the federal Clean Air Act. In response to the processes created by the 1977 revisions to the Clean Air Act by Congress, SES's air quality campaign grew from public education initiative aimed at building awareness about the value of and threats to clean air and how to protect it in Tucson, to a focused and sophisticated effort to rein in some of the largest polluters in the country.

SES's air quality campaign—beginning with public education and empowering citizens to participate in local and national decisions regarding air quality and ending with a very technical political and legal battle which resulted in the closure of America's dirtiest copper smelters—illustrates the complexity and trajectory of many local, community-based environmental campaigns during the 1980s. Like other environmental organizations during this era, SES set out to ensure implementation and enforcement of existing laws and use citizen participation to influence decision-makers to rein in polluters. When this strategy failed to produce the desired results, SES was forced to adapt. Its campaign grew more sophisticated and technical. SES actively recruited media coverage to build

their case for closing the offending smelters and looked to other decision-making bodies for solutions. Ultimately, their campaign to clean up southern Arizona's air was won through use of the courts and administrative processes established under the federal Clean Air Act. SES's air quality campaign demonstrates the relationship between environmental laws and citizen participation, the role of the media and politics in influencing environmental decisions, and how citizens environmental groups adapted to changing regulatory and political landscapes and creatively used all means at their disposal to affect change.

From Smog to Smelters: SES's Air Quality Campaign, 1977-1981

For Southwest Environmental Service, air quality was simply a subset of its larger work on land use planning until December of 1977. But while the organization busily monitored various proposals for new suburban developments and attempted to influence county- and state- level regulations regarding growth, events in Washington, DC changed the context of its work on air quality. In 1970, Congress had passed the Clean Air Act with bipartisan support and Republican President Richard Nixon signed it into law. This success came after more than five years of persistent lobbying by environmental organizations and out of general frustration by certain members of Congress at the failure of previous federal-level remedies to air pollution. Political scientist Walter Rosenbaum argues that federal environmental laws before 1970s—the Water Quality Act of 1965 for instance or the Air Quality Act of 1967—were Congressional experiments in incrementalism. Instead of Congress legislating a

primary role for the federal government in setting standards for environmental quality and then enforcing those standards, it treated pollution as a “uniquely local problem” which could best be solved by a “partnership” between state and local governments. The deference of the federal governments to the states was a “prescription for inaction,” as few states cooperated and voluntarily created and enforced pollution abatement regulations. The rapid growth in the political strength of the environmental movement during the 1960s, the increasing public awareness of the severity of environmental degradation, and the leadership of veteran conservationists in Congress created the impetus for the passage of a new generation of federal environmental laws. The Clean Air Act of 1970, along with the landmark National Environmental Policy Act, was one of the first of many laws that mandated a new role and responsibility of the federal government in rectifying environmental problems. It made air quality a national priority, created a new national framework for setting standards for pollutants, and established strict deadlines for compliance. Under the law, which Rosenbaum identifies as “one of the longest, most complex, and most technically detailed regulatory programs ever enacted on a federal level,” the federal government was to establish national standards for air quality for major pollutants harmful to human health and the environment. The Act then directed the states to administer the program within guidelines laid out by Congress and the Environmental Protection Agency. The federal government and states were to share enforcement of the standards.¹⁸⁹

¹⁸⁹ Walter A. Rosenbaum, *Environmental Politics and Policy* 8th ed., (Washington, DC:

After six years, Congress reviewed the law and revised it in 1977 through a series of amendments. Significantly, the 1977 Clean Air Act Amendments created mechanisms for Prevention of Significant Deterioration (PSD) of air quality in areas meeting the National Ambient Air Quality Standards (NAAQS) enacted by the 1970 law and established new penalties for noncompliance with standards. But, because many states failed to meet the standards set in the law, the 1977 Clean Air Act Amendments granted extensions on standards including for pollutants emitted from automobiles under the stipulation that standards of carbon monoxide and hydrocarbons would be further tightened after 1980. In an attempt to make coal strip mining and power production more palatable to environmentalists in the midst of the energy crisis, Congress and President Carter also wrote into the amendments the New Source Review Program which required that operators of large industrial facilities—namely coal-fired power plants and oil refineries—install modern pollution control technology in new plants and when retrofitting old facilities. Due to pressures from the copper lobby and congressmen representing copper producing states, however, this provision did not extend to Arizona’s copper smelters. Instead, Congress created the Primary Nonferrous Smelter Order (NSO) system which created a process by which copper smelters built before August 7, 1977, could be exempted from complying with pollution standards in the Act as late as 1988.¹⁹⁰

Congressional Quarterly, Inc., 2010), 58; Environmental Defense Fund, “Clean Air Act Timeline,” website, <http://cleartheair.edf.org/page.cfm?tagID=60844>, accessed 20 September 2011; Rosenbaum, 192.

¹⁹⁰ Rosenbaum, 192; U.S. Environmental Protection Agency, “History of the Clean Air Act,” website, http://www.epa.gov/air/caa/caa_history.html#caa77, accessed 20 September 2011;

The Southwest Environmental Service monitored these amendments from afar for most of 1977. In December, however, when Robinson caught wind of rumors that under the amendments the federal government could withhold funding for highway and wastewater projects around Tucson—of primary concern to the organization’s land use work at the time—if the state did not enforce air quality standards, the group took notice. At that month’s meeting of the board, Robinson told the members about the amendments to the Clean Air Act. She reported her understanding that the general thrust of the amendments was that the federal government was requiring more action by the states, and that for the first time federal funding for other programs would be tied to whether states enforced federal air quality standards. She explained that each state, and regions within each state, were required to prepare a plan to achieve federal air quality standards by January 1979 and that public hearings and citizen participation were required in the crafting of the plans which ultimately would have to be approved by the Environmental Protection Agency. “Because this is an area where important decisions will be made within the next year,” she told the group, “and because extensive citizen participation is possible, it is an area where we need to become expert.” She requested that five hundred dollars be allocated from the budget to hire a part-time researcher to study the recent changes and how they might affect SES’s work. The board approved the request.¹⁹¹

Samuel P. Hays, *Beauty, Health, and Permanence: Environmental Politics in the United States, 1955-1985* (New York: Cambridge University Press, 1987), 242.

¹⁹¹ Priscilla Robinson, “Director’s Report,” 6 December 1977, Records of the Southwest Environmental Service, MS 269, Box 1, Folder 3, University of Arizona Special Collections, Tucson, Arizona, hereafter referred to as SES Records.

From early 1978 until 1979, SES's clean air work consisted primarily of studying the recent changes to federal law and identifying how the group might positively affect air quality in Southern Arizona. Specifically, Robinson and Betsy Rieke, whom she hired on an hourly basis, sought to understand what was required of the State of Arizona in terms of creating new regulations or programs to meet the new federal mandates and determine how SES might influence state agency decisions when they were made. Following its organizational philosophy, it embarked on a campaign to educate the public about air quality issues and encourage citizens to participate in any environmental decision-making process that might emerge.¹⁹²

Like other environmental groups in Tucson, SES's principal concerns had to do with urban air quality. In February, SES formed a "working group" made up of representatives from the Southern Arizona Environmental Council, Arizona Lung Association, League of Women Voters, Sierra Club, as well as a handful of other interested individuals. Robinson also travelled to Phoenix that month to meet with representatives from other groups interested in air quality to network and strategize. By March, the working group had eighteen members representing seven different organizations and was focused on addressing air quality issues associated with transportation planning. In June, SES partnered with the Arizona Lung Association and, with a small amount of funding from the EPA, organized a "Clean Air Workshop" in Phoenix modeled on the successful "Water Workshops" two years prior. It drew seventy concerned attendees. Three months later, SES

¹⁹² Priscilla Robinson, "Director's Report," 14 February 1978, SES Records, MS 269, Box 1, Folder 3;

helped organize a community-wide “Clean Air Day” at a shopping mall in Tucson sponsored by the Southern Arizona Environmental Council, Pima County Air Quality Council, and the Sierra Club. In announcing the event, SAEC’s newsletter told readers that it was organizing the event because “the environmental well being of Tucson may well depend on Tucson’s ability to meet the new federal clean air standards.” The event emphasized the effect of automobile emissions on Tucson’s air quality and taught residents how to reduce their emissions.¹⁹³

As SES became more involved in its air quality public education campaign, it was challenged to understand the scientific and technical aspects of air pollution, and of air quality laws and their enforcement. On the heels of the “Clean Air Workshop” and in the midst of internal conversations about the financial future of SES, the organization SES succeeded in getting a small grant from the EPA for a public education campaign to produce the citizens clean air handbook in conjunction with a smaller publication about smelter pollution to be produced by the Arizona Lung Association. The project required the group to delve deeper into the details of air quality. Understanding the Clean Air Act, its 1977 revisions, the standards it created and how the state and local governing bodies were implicated in their enforcement was a challenge even for technocrats trained and practiced in law, environmental management, and governance. The

¹⁹³ Priscilla Robinson, “Director’s Report,” 14 February 1978, SES Records, MS 269, Box 1, Folder 3; Priscilla Robinson, “Director’s Report,” 14 March 1978, SES Records, MS 269, Box 1, Folder 3; *Southern Arizona Environmental Council Bulletin*, Vol. 8, No. 1, September 1978, found in the Arizona Collection, Hayden Library, Arizona State University, Tempe, Arizona; hereafter, the *Southern Arizona Environmental Council Bulletin* will be referred to as *SAEC Bulletin*; Priscilla Robinson, “Director’s Report,” 20 June 1978, SES Records, MS 269, Box 1, Folder 3.

SES staff had to decipher the meanings of “attainment” and “non-attainment” areas, “stationary” and “mobile” sources of pollution, and particulates, photochemical oxidants, carbon monoxide, sulfur dioxide, and other pollutants. In addition, they had to navigate a seemingly ever deepening pool of acronyms—NAAQS (National Ambient Air Quality Standards, pronounced “knacks”), NESHAPs (National Emission Standards for Hazardous Air Pollutants—ironically, there is no record of this being pronounced “kneeshaps”), SIPs (State Implementation Plans), and NSPSs (New Source Performance Standards). If this were not enough, they had to unpack the differences between Class I, Class II, and Class III air quality areas and where the EPA had located each in the state. Their research drew them into meetings concerning the Pima County Air Quality Regulations, hearings on the EPA’s proposed boundaries for “non-attainment areas”—areas that did not meet the agency’s NAAQS and thus had to be managed differently under the Clean Air Act. They reviewed the potential impact on land use and transportation planning in Tucson of zoning Saguaro National Monument a Class I air shed, and of proposed state air quality regulations. Amidst all of this, one acronym came to stand out more than the others: “NSOs.”¹⁹⁴

In January of 1979, SES was notified that the EPA was holding a series of hearings in Tucson concerning rule-making for something called “Nonferrous

¹⁹⁴ Priscilla Robinson, “Director’s Report,” 18 July 1978, SES Records, MS 269, Box 1, Folder 3; Priscilla Robinson, “Director’s Report,” 22 August 1978, SES Records, MS 269, Box 1, Folder 3; Priscilla Robinson, “Director’s Report,” 14 November 1978, SES Records, MS 269, Box 1, Folder 3; Priscilla Robinson, “Director’s Report,” 10 October 1978, SES Records, MS 269, Box 1, Folder 3; Southwest Environmental Service, “Minutes of the Meeting of the Board of Directors,” 12 December 1978, SES Records, MS 269, Box 1, Folder 3.

Smelter Orders.” Nonferrous Smelter Orders, or “NSOs,” were a form of exemption written into the Clean Air Act Amendments of 1977 to shield existing copper smelters from penalties resulting from their inability (or unwillingness) to meet the sulfur dioxide standards established in the Act and by the EPA after 1970. Much of the popular fervor surrounding new air quality standards and enforcement mechanisms for “stationary” (industrial) sources of pollution in the Amendments revolved around emissions from new coal-fired power plants and oil refineries—a response to the plans of government and the power industry to build dozens of new major coal-fired electrical generating plants and oil refineries to combat the energy crisis. As a result, Congress created the New Source Review Program, which required new plants and refineries to incorporate the latest pollution abatement technology in their facilities. Copper industry lobbyists and politicians from copper-producing states, including Arizona’s Democratic Congressman representing Tucson and southern Arizona, Morris Udall, worked to protect the industry from new air quality regulations as the Amendments took form. Copper lobbyists from international mining corporations like Phelps Dodge, Magma, Asarco, and Kennecott argued that if they were forced to comply with the Clean Air Act standards, they could not compete with government-owned foreign competition like that of the recently nationalized mines in Chile. Fearing a loss of jobs, Udall and the Arizona delegation pushed for the exemptions. NSOs created a process that made official what had been a de facto exemption of certain copper smelters from the requirements of the Clean Air Act by the EPA’s inability to compel states to force facilities into compliance. But in

April of 1978, the EPA told the state that, after eight years of failing to comply with the Clean Air Act, it must create a plan to bring the smelters into compliance. If Arizona failed to do so, the federal government would step in. For smelters to continue to receive the exemptions, they had to apply for a Nonferrous Smelter Order by demonstrating that pollution abatement technology was either not available or too expensive. The regulations for the NSO program were promulgated by the EPA, which oversaw the states as they administered the program. If granted, the smelter could continue to operate, exempt from air quality standards, until a designated date. In 1979, the two most polluting smelters in Arizona—and potentially the entire United States—Phelps Dodge’s facility at Douglas on the Mexican border about one hundred twenty miles southeast of Tucson, and Magma’s facility at San Manuel approximately fifty miles northeast of the city—applied for NSOs. If they were granted the smelters would receive an exemption until January 1, 1983, at which time they could re-apply for a second NSO that would extend the exemption to January 1, 1988. As required by the Clean Air Act, the EPA scheduled hearings to gather public input on the regulations for issuing NSOs for Phelps Dodge’s and Magma’s applications.¹⁹⁵

¹⁹⁵ In his *Smelter Smoke in North America: The Politics of Transborder Pollution*, John Wirth provides a rough chronicle of SES’s air quality work from 1978 through 1987 derived from the “Smelter Chronology: Southwest Environmental Service Monthly Reports – 1978-1987” that Priscilla Robinson compiled in June 1988 after the smelter campaign concluded and the group disbanded. She bound the compiled Chronology in 2008. Because Wirth and I both used versions of Robinson’s “Smelter Chronology,” some of the quotes from Robinson appear in both works. My citations come directly from the “Smelter Chronology” or primary documents but Wirth is acknowledged where appropriate. Priscilla Robinson, “Smelter Chronology: Southwest Environmental Service Monthly Reports – 1978 through 1987,” 1 November 2008, author’s private collection, Tempe, Arizona, hereafter referred to as “Smelter Chronology.” Wirth, 139,

When Robinson received the notice of the upcoming hearings, she scrambled to get SES involved somehow. The Tucson-area environmental community was so focused on urban air quality, and the proposed regulations that accompanied the notice from the EPA were so technical, that she feared that if SES did not do something about it, no one would. She read the proposed rules, attempting to understand the issue as best she could, and prepared a mailing to her list of more than three hundred people interested in air quality, encouraging them to testify at the hearings or at least submit comments. At the hearings, Robinson was joined by twenty-three other speakers, seventeen of whom had been organized to attend by SES. She testified on the proximity of Douglas and San Manuel smelters to Tucson and to Saguaro National Monument, Aravaipa Canyon primitive area, and other wilderness areas eligible for designation as Class I air quality areas under the Clean Air Act, and about SES's concerns about what effect granting NSOs to Phelps Dodge and Magma would have on air quality in the region. After the hearings, she reported to the board that the EPA staff appreciated SES's work in "helping to provide some balance at the hearings."¹⁹⁶

At the hearings, she met a man named Michael Gregory from Bisbee, approximately thirty miles west of the Douglas smelter. Located in the rugged Mule Mountains just north of the U.S.-Mexico border, the town was one of the

158-165; Edward Stiles and Richard E. Wilbur, "EPA to smelters: eight is enough," *The Tucson Citizen*, 4 April 1978; Southwest Environmental Service, "Clean Air Alert," March 1979, SES Records, MS 269, Box 3, Folder 1; Priscilla Robinson, "Fact Sheet on Non-Ferrous Smelter Orders," 27 February 1979, SES Records, MS 269, box 3, Folder 1; Priscilla Robinson, interview by author, Tucson, Arizona, 1 September 2011; Priscilla Robinson, "Director's Report," 13 March 1979, SES Records, MS 269, Box 1, Folder 4.

¹⁹⁶ Priscilla Robinson, "Director's Report," 13 March 1979, SES Records, MS 269, Box 1, Folder 4; Priscilla Robinson, "Director's Report," 21 April 1979, SES Records, MS 269, Box 1, Folder 4.

capitals of the southwestern copper empire during the twentieth century. When Phelps Dodge's Lavender Pit closed in the 1970s the company moved its western region headquarters out of Bisbee. In 1979, it was in the process of transitioning from a mining town to a refuge for artists and other counter-culture types and, increasingly, tourists. Gregory alerted Robinson after the hearings that there was a group of people in Bisbee who stridently opposed Phelps Dodge being granted a continued NSO exemption. He described clouds of sulfurous smog rolling northeast from the smelter into the mountains and asthma attacks among the young, elderly, and infirm. Robinson's interest was piqued.¹⁹⁷



This pollution pictured here, produced by smelters in Globe-Miami east of Phoenix, was typical of that produced by the Douglas smelter during the 1970s. Photograph No. 546749 (Photographer Cornelius M. Keyes); "Smoke from copper smelters in the Globe-Miami area drifts toward Phoenix, 03/1973," March 1973; Documerica Project, Records of the Environmental Protection Agency, 1944-1006, Record Group 412; [Online version, www.archives.gov, National Archives and Records Administration, 5 December 2011], National Archives at College Park, College Park, MD.

¹⁹⁷ Priscilla Robinson, "Smelter Chronology"; Wirth, 115; Robinson interview, 1 September 2011.

Throughout 1979, as Robinson and Reike worked on the citizens' clean air handbook, smelter pollution continued to attract more of their attention. Although Muriel Beroza of the Arizona Lung Association was writing a smaller publication funded by the EPA specifically on smelters, the women felt that because smelters were such large producers of air pollution—the seven smelters emitted more sulfur dioxide than all of the coal-fired power plants in the Southwest combined—it was impossible to separate them from the larger air quality issues in the state.¹⁹⁸ As work on the publication and the NSO exemption progressed, the group came into contact with other groups interested in the smelter. In the fall of 1979, Clifford Smith, a retiree in McNeal twenty miles north of Douglas, who was organizing his friends in that town in opposition to EPA's approving the smelter's application for an NSO, contacted the group. Robinson shared information SES had collected on the issue with Clifford and began a relationship between the groups she hoped would prove beneficial. As a result of SES taking an early lead in the NSO issue, the Arizona Department of Health Services (ADHS) contacted the group to review the EPA's proposed regulations with regard to NSOs for Douglas and San Manuel for the department.¹⁹⁹

In December, SES was contacted by yet another concerned resident from near Douglas. Dick Kamp, who managed an auto-wrecking yard, worked part-time at the Bisbee post office, and described himself as living as a “quasi-hippy with a non-career,” approached SES about smelter smoke problems in both Arizona and Sonora, Mexico. He was concerned not only with the NSO proposal for the Douglas smelter, but with a proposal for a massive, 930-foot high smelter smokestack in Nacozari, Sonora, and the expansion of the Cananea smelter also in Sonora, Mexico. Years later, he remembered, “[t]he air quality in the area was horrid.” He proposed to Robinson that he take photos of the Douglas smelter from the ground and from the air and correlate them with emissions reported by the smelter and EPA to create information to use in the NSO process. The prospect of having an ally on the ground who could gather empirical data to use in SES's arguments against granting the NSOs immediately appealed to Robinson. The citizens' air quality handbook—officially named *Blue Skies: An Arizonan's Guide to Clean Air*—was completed and under review by the EPA by late 1979. It was not published and distributed for almost another year. Although the state, EPA, SES and other groups found it “enormously useful,” by the time of its publication SES's air quality work had decidedly turned toward reining in the pollution of Arizona's dirtiest smelters.²⁰⁰

¹⁹⁸ Jane Kay, “Arizona Smelters: Mount St. Helens-size Issue,” *The Arizona Daily Star* (Tucson), 21 June 1981, E1

¹⁹⁹ Priscilla Robinson, “Director's Report,” 11 September 1979, SES Records, MS 269, Box 1, Folder 4.

²⁰⁰ Wirth, 137; Priscilla Robinson, “Director's Report,” 13 November 1979, SES Records, MS 269, Box 1, Folder 4; Kristi Essick, “Starting Over in Later life,” *The Wall Street Journal Online*, 20 March 2011, <http://bx.businessweek.com/air-pollution/view?url=http%3A%2F%2Fmoreover.com%2Fclick%2Fhere.pl%3Fr4341484350%26f%3D9791>, accessed 21 September 2011; Robinson interview, 1 September 2011.

SES Fires Up Its Smelter Campaign

After SES made contact with Kamp, Robinson moved the focus of the group's clean air campaign toward Bisbee and Douglas. Using her skills in organizing public education events, she worked with Kamp and Gregory who soon organized the Cochise Smelter Study Group to organize a workshop on clean air, smelter pollution, and the NSO process during February of 1980 that attracted about seventy-five interested people. Robinson and Kamp started working more closely together. SES organized Kamp's photographs and information gathered into factual summaries and mailed them out to its "air quality" mailing list of more than three hundred Arizonans, encouraging them to submit comments to the EPA regarding the NSOs. The two travelled to Salt Lake City in July to testify on the EPA's proposed visibility regulations. During a labor strike at the smelters in the fall of 1980, the group worked with members of the Southern Arizona Hiking Club and Sierra Club to take "clean air baseline" photos of the Galiuro Wilderness and other areas while the smelters were idled. Phelps Dodge had already informed the EPA and the state that it would close down the Douglas smelter rather than upgrade its facilities to comply with the law if it failed to obtain an extension of its exemption from the Clean Air Act under the NSO system. Kamp remembers Robinson optimistically telling him that she was confident that by using the NSO process, the state's most polluting smelter would close within three years.²⁰¹

²⁰¹ Priscilla Robinson, "Director's Report," 12 February 1980, SES Records, MS 269, Box 1, Folder 4; Priscilla Robinson, "Director's Report," 11 March 1980, SES Records, MS 269, Box 1, Folder 4; Robinson interview, 1 September 2011; The two travelled to Salt Lake City in July to

The Southwest Environmental Service's leadership on air quality and especially the smelter issue began to attract broader attention by mid-1981. In February of 1980, Robinson was asked to take part in the Four Corners Study Information Group created under the National Commission on Air Quality by the 1977 Clean Air Act Amendments. When she attended the first meeting of the group on March 15 in Durango, Colorado, she found that she was "a national expert on smelters" as a result of her written testimony during the NSO hearings in Tucson. She continued to take part in the group, which was reviewing and advising the National Commission as it prepared its final recommendations to Congress as it considered reauthorization of the Clean Air Act scheduled for 1982. From the meetings she gleaned technical knowledge about the Clean Air Act and EPA regulations and air quality in general. "It is an excellent educational process for me," she reported to the SES board in December 1980.²⁰²

Robinson's education in air quality took a new direction the next year when SES was asked to take part in the National Clean Air Coalition. Although she was familiar with the workings of county and state administration and government in Arizona, this new experience offered Robinson a crash course in the national politics surrounding clean air issues. In March of 1981, she attended the Coalition's meeting in Washington, DC, She found the meeting informative and useful, but discovered that smelters were woefully absent from the Coalition's

testify on the EPA's proposed visibility regulations. Priscilla Robinson, "Director's Report," 8 July 1980, SES Records, MS 269, Box 1, Folder 4; Priscilla Robinson, "Smelter Chronology".²⁰² Priscilla Robinson, "Director's Report," 11 March 1980, SES Records, MS 269, Box 1, Folder 4; Priscilla Robinson, "Smelter Chronology"; Priscilla Robinson, "Director's Report," 9 December 1980, SES Records, MS 269, Box 1, Folder 4.

agenda. From her perspective, the Coalition was dominated by national groups like the Sierra Club, who were primarily interested in issues of urban air quality affecting the eastern United States. When she inquired about smelters, she was advised by other attendees to talk to Robert Yuhnke—a Boulder, Colorado-based attorney working with the Environmental Defense Fund (EDF). In the Coalition, Yuhnke was the resident expert on smelters. The two instantly hit it off and agreed to keep in touch and work together on the Douglas and San Manuel NSO issue.²⁰³

Robinson returned to Tucson after the meeting and continued to organize the local campaign with Rieke and the SES board, but she was not at home for long. After a few months in the Arizona side working with groups in Phoenix, Bisbee, and Douglas, Robinson was recruited by the National Clean Air Coalition to testify about smelter pollution before the Senate Committee on Environmental and Public Works chaired by Republican Senator Robert Stafford of Vermont as it was considering revisions of the Clean Air Act. The Coalition contacted her on June 1 to testify on June 5. She quickly gathered information from her work with the Four Corners Study Information Group and the Coalition flew her to Washington, DC. Robinson arrived to find that she was the only non-industry speaker on the panel presenting alongside representatives from ASARCO, Phelps-Dodge, Kennecott, and Newmont Mining, of which the owner owned the smelter in San Manuel, Magma Copper, was a subsidiary. Despite the unbalanced nature of the panel, Robinson reported to the SES board that “the session went well.”

²⁰³ Robinson interview, 1 September 2011; Priscilla Robinson, “Director’s Report,” 14 April 1981, SES Records, MS 269, Box 1, Folder 5; Priscilla Robinson, “Smelter Chronology”.

She returned home to find that the Reagan Administration intended to, her words, “gut” the Act, including extending the exemption of smelters from the air quality standards until at least 1993. Robinson went to work drafting a response to the Administration’s position. The clean air campaign began to dominate her work and SES’s agenda.²⁰⁴

SES Elevates the Smelter Issue In the Clean Air Debate

In the midst of these activities, Robinson realized that if SES hoped to do anything about pollution from the Douglas and San Manuel facilities, it was going to have to draw more attention to the smelter issue. Over the course of 1981, Robinson became painfully aware that Congress and the National Clean Air Coalition were ignoring the smelter issue. In Arizona, she experienced firsthand how little people understood about smelters and the kinds and amount of pollution they produced; in Washington, even committed air quality activists knew little about smelters which belched out many times more pollution than the power plants and refineries that received most of the attention. This lack of understanding undermined SES’s effectiveness. In an attempt to rectify the situation, Robinson contacted a few reporters she knew at the *Arizona Daily Star* and the *Tucson Citizen*, inaugurating what became a sustained media campaign surrounding smelters for the organization. Jane Kay, with whom Robinson had cultivated a relationship through her work on water quality and land use, wrote

²⁰⁴ Robinson interview, 1 September 2011; Priscilla Robinson, “Smelter Chronology”; Priscilla Robinson, “Director’s Report,” 10 March 1981, SES Records, MS 269, Box 1, Folder 5; Priscilla Robinson, “Director’s Report,” 14 April 1981, SES Records, MS 269, Box 1, Folder 5; Priscilla Robinson, “Director’s Report,” 14 July 1981, SES Records, MS 269, Box 1, Folder 5.

the first series of articles in the *Daily Star*. On June 14, Kay's two-page spread, "'Old Smoky' is not all that's fuming in Douglas," told the story of Frank Grisby and Clyde McGatha who farmed land near Douglas. "You should have been down here last week," she reports Grisby saying in the vivid exposé, "You couldn't even see the Mule Mountains." "When they start firing it [the Douglas smelter] at high, you can smell it at night so you can hardly breathe. Lots of times you can taste it," said McGatha. The following week, *The Arizona Daily Star* printed another Kay piece which compared copper smelting to a recent natural disaster, adding a new element to the evolving discourse about air pollution in the region: "Arizona smelters: Mount St. Helens-size issue: Acid rains bitter story told by dirty air, dead lakes." In subsequent months, the pages of the *Arizona Daily Star* and *Tucson Citizen*—the two major daily newspapers in the region—published articles tying copper mining and smelting to increased birth-defects in mining towns. Kay eventually won the prestigious Edward J. Meeman Award from the Knight Center of Environmental Journalism at Michigan State University for outstanding environmental journalism for her series on the smelters.²⁰⁵

The media campaign raised public awareness among Arizonans, but its effects were not immediately felt on state politicians or in debates over smelter

²⁰⁵ Robinson interview, 1 September 2011; Priscilla Robinson, "Smelter Chronology"; Jane Kay, "'Old Smoky' is not all that's fuming in Douglas," *Arizona Daily Star* (Tucson), 14 June 1981; Jane Kay, "Arizona smelters: Mount St. Helens-size issue: Acid rains bitter story told by dirty air, dead lakes," *The Arizona Daily Star*, 21 June 1981; Tony Davis, "Increased birth-defect study asked: High rate shown by 3 mining towns," *Tucson Citizen*, 16 March 1982; "State birth-defect rate found to be 33% over U.S. average," *Arizona Daily Star*, 17 March 1982; Kurt Pfitzer, "Air pollution here to worsen, official says," *Tucson Citizen*, 17 March 1982.

exemptions and revisions of the Clean Air Act. In September, Representative Morris Udall met with members of the Bisbee clean air group to hear their concerns about the Douglas smelter, its pending NSO application, and extending Clean Air Act exemptions for smelters. If smelters were far from the limelight in the national air quality debate, they were more than familiar to Udall. Known for his sense of humor and consensus-style of politics, the congressman was caught between his environmental ethics and the fact that Phelps Dodge and Magma were two of the biggest employers in his district. As chair of the House Committee on Interior and Insular Affairs, Udall also held significant power to influence the Clean Air Act revisions in Congress. At the meeting, Udall was unusually rude to and dismissive of the Bisbee residents, making it clear that he supported the extension of the smelter exemptions until 1993. When Robinson realized that Udall's opinion was going to be difficult to turn, she concentrated her efforts on Governor Bruce Babbitt with whom she had a better relationship. Robinson had been Babbitt's first appointment to the Arizona State Parks Board, and she had worked with his administration on water use and water quality issues. Babbitt was an easier target, but she knew that ultimately the group would have to gain Udall's support to end the smelter exemptions.²⁰⁶

Robinson further realized how difficult the political aspects of SES's campaign were going to be when she was again recruited in December of 1981 by the National Clean Air Act Coalition to testify on potential revisions to the Clean Air Act at another hearing in Washington, DC. When she arrived before the

²⁰⁶ Robinson interview, 1 September 2011; Priscilla Robinson, "Smelter Chronology"; Priscilla Robinson, "Director's Report," 8 September 1981, SES Records, MS 269, Box 1, Folder 5.

House Committee on Energy and Commerce, chaired by California Democratic Representative Henry Waxman, she found that the Coalition had failed to notify her that the committee room had been changed. She arrived late for the hearing, but still managed to testify. She attempted to shrug off what appeared to be an honest mistake on behalf of the Coalition until she realized that the national groups, particularly the Sierra Club represented by Carl Pope, had been meeting with Udall and had already agreed to the continued exemption for smelters. The Sierra Club hoped that this concession would help maintain their relationship with the congressman, who had sponsored the Alaska Lands Act in 1980, which designated millions of acres of wilderness in that state—one of their top priorities—and secure his support for the rest of the Clean Air Act.²⁰⁷

Although the trip was “fairly miserable” for Robinson, it was also instructive and ultimately beneficial. Beyond providing yet another opportunity to meet with and lobby members of the Arizona delegation, it partially revealed the complex power dynamics of the clean air debate in Washington. In addition, while in Washington, she found unlikely allies in SES’s work on the NSO issue—representatives from ASARCO which operated the Inspiration smelter in Arizona, and Kennecott, which operated a smelter across the border in New Mexico. Although the companies preferred to avoid any further regulation, they had already implemented or were adding pollution abatement technologies to their smelters to meet the requirements of the Clean Air Act. Investing in this technology put them at a significant competitive disadvantage with Phelps Dodge

²⁰⁷ Priscilla Robinson, “Director’s Report,” 8 December 1981, SES Records, Box 1, Folder 5; Robinson interview, 1 September 2011; Priscilla Robinson, “Smelter Chronology”.

and Magma if the companies continued to operate under exemptions provided by the NSO process. They offered Robinson the opportunity to tour their facilities and technical information to use in SES's work on the NSO issue and in lobbying Congress to end smelter exemptions in the Clean Air Act revisions.²⁰⁸

Collaborating with Asarco and Kennecott was one element in what Robinson would later recount as SES's strategy of building "unlikely coalitions." This unlikely coalition continued to grow in 1982 to include more radical environmentalists. On New Year's day, Robinson met with Jonathon Western, a member of Greenpeace, an international environmental organization with a history of utilizing direct action tactics in their campaigns. Western described his proposal to Robinson: a media event that involved activists climbing the smoke stack of the Douglas smelter to unfurl a publicity banner illuminating the relationship between the facility and acid rain. Robinson was intrigued by the benefit of such publicity. Acid rain had become a growing public concern during 1981 and 1982 and was attracting increasing media attention. For the most part, articles from the Associate Press stressed the danger of acid rain in the East, but newspapers in the Southwest were also beginning to cover the issue, as Jane Kay's 1981 series in *The Arizona Daily Star* on the Douglas smelter attested. At the same time, Bob Yuhnke at the Environmental Defense Fund was increasingly linking smelters to acid rain in the West in that group's air quality work. Robinson thought that the Greenpeace media event might give the issue the push it needed to awaken the National Clean Air Coalition and Arizona politicians to

²⁰⁸ Priscilla Robinson, "Director's Report," 8 December 1981, SES Records, Box 1, Folder 5; Robinson interview, 1 September 2011; Priscilla Robinson, "Smelter Chronology".

the seriousness of smelter pollution, but she worried the effect of SES's involvement with a controversial action would have on its work.²⁰⁹

Robinson therefore worked behind the scenes with Western to plan the event. Worried that the Douglas smelter was too remote from media centers and that law enforcement in Douglas “was pretty much still in a wild west mode,” she advised Greenpeace to climb the San Manuel smelter instead. She contacted Kay and Tony Davis at the *Tucson Citizen*. On the morning of February 8, Greenpeace activists David Stewart, a tree trimmer from Colorado, and Clare O'Brien, a rock climber from New Mexico climbed the thin metal ladder that clung to the side of the Magma Smelter three hundred feet off the ground and unfurled a 60 foot by 12-foot banner. To reporters, workers, and protesters looking up from below it proclaimed “For Our Children, For Our Land, For Our Future—Stop Acid Rain.” They spent a night on the stack before coming down. Magma's lawyers told reporters that the company considered the event an obvious case of trespassing and might press charges. Greenpeace representative Alfred Quarto of Seattle told reporters, “We told them we thought Magma is trespassing on clean air.” Quarto told the press that Greenpeace was not trying to shut down the smelter with the action. “We're doing this,” he said, “because we see the Reagan administration trying to weaken an already weak (environmental protection) act... We want to preserve at least what we have now.” Robinson managed the press at the event, contacting reporters in advance of the climb and

²⁰⁹ Robinson interview, 1 September 2011; Priscilla Robinson, “Smelter Chronology”; Jane, Kay. “Arizona smelters: Mount St. Helens-size issue: Acid rains bitter story told by dirty air, dead lakes,” *The Arizona Daily Star* (Tucson), 21 June 1981; Wyckoff, James. “Protesters spend night on smokestack,” *The Tucson Daily Citizen*, 10 February 1982.

directing them to Greenpeace spokespeople. She did not appear in news coverage and quietly reported the event to the SES board.²¹⁰

The Greenpeace smelter event at San Manuel was followed by a second round of hearings on Phelps Dodge and Magma's applications for continued exemptions for their smelters held in San Manuel, Phoenix, and Douglas in late February and early March 1982. These hearings were organized by the Arizona Department of Health Services (ADHS), the state agency charged with enforcing federal air quality law in Arizona. If the ADHS approved the smelters' applications they would be sent to the EPA for review. SES sent out mailings to its growing list of people interested in air quality issues notifying them about the hearings, providing information about smelter pollution, air quality standards, and enforcement, and encouraging them to testify in person or submit comments through the mail. Robinson and Kamp attended all four hearings, armed with technical information partially gleaned from Robinson's relationship with the operators of the Kennecott smelter in New Mexico and the ASARCO (Inspiration) smelter in Arizona. Although he did not attend the hearings, Robert Yuhnke of EDF also sent Robinson and Kamp his legal interpretations of the Clean Air Act and EPA rules and information from his continued research on the relationship between smelter emissions and acid rain, and he advised the two as they crafted their comments. Robinson reported that the majority of the attendees at the hearings—which included members of Greenpeace who remained in the state after the press event and “livened things up”—were opposed to the smelters

²¹⁰ “Protesters spend night on smokestack,” *The Tucson Daily Citizen*, 10 February 1982.

receiving approval of the NSOs. But despite strong local opposition, she expected ADHS to grant the NSOs. When they did, SES, EDF, and Kamp would challenge the decision, taking it to court if necessary. She was convinced that with their technical knowledge about smelters and pollution abatement technology and Yuhnke's legal ability, they could win and shut down the smelters in the next year. The truth was on their side. It was only a matter of time before it prevailed.²¹¹

Things did not unfold exactly as Robinson predicted, or as fast. The Arizona Department of Health Services did approve the NSOs for Douglas and San Manuel but the EPA's Air Quality Division did not take action on the NSOs because Arizona's sulfur dioxide emission limits were not scheduled to start until the following year, and the NSO regulations were being challenged in court by the companies that owned the smelters. EPA's delay may also have resulted from pressure by the Reagan Administration and mining interests that were actively working to weaken the Clean Air Act. While clean air advocates waited for the EPA to take action, Robinson went back to work trying to influence the ongoing congressional review of the Clean Air Act, including lobbying Representative Udall on smelter exemptions. By April of 1982, it appeared that the press coverage of the smelter issue and intensive lobbying by many of Udall's

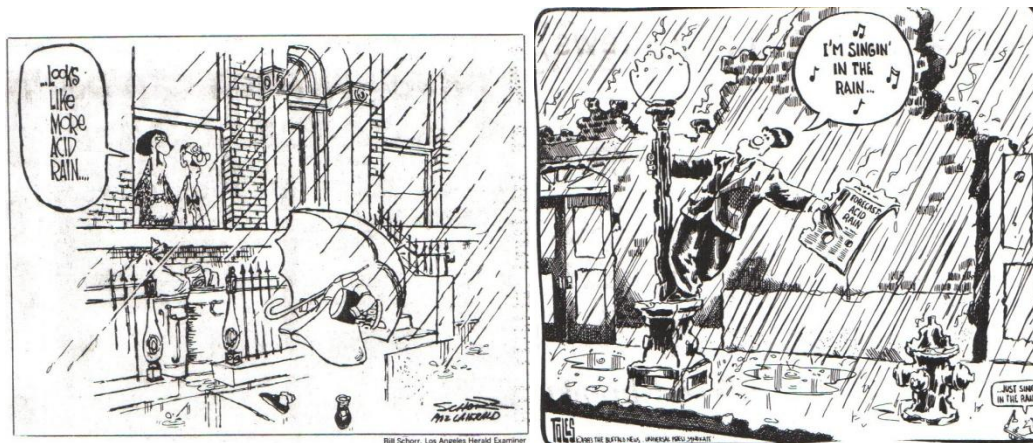
²¹¹ Wirth, 153; Priscilla Robinson, "Smelter Chronology"; Priscilla Robinson, "Director's Report," 9 February 1982, SES Records, MS 269, Box 1, Folder 5; Priscilla Robinson, "Director's Report," 9 March 1982, SES Records, MS 269, Box 1, Folder 5; Robert E. Yuhnke, Regional Counsel, Environmental Defense Fund, to Representative Morris K. Udall, 23 March 1982, Morris K. Udall Library Manuscript Collection, MS 325, Box 144, Folder 24, University of Arizona Special Collections, Tucson, Arizona, hereafter referred to as MKUP; Robinson interview, 1 September 2011; Priscilla Robinson, "Director's Report," 13 April 1982, SES Records, MS 269, Box 1, Folder 5.

supporters from Tucson were starting to turn the congressman's opinion. He received dozens of letters from constituents, many prompted by SES's mailings. Dr. Frank Lewis and his wife Udiko, for example, wrote that "[e]xtending the exemption will do nothing to aid the industry with its present financial problems." "Extension would only demonstrate that those smelters which have made no effort to comply with the goals of the Clean Air Act will be rewarded, while the people who live in the surrounding areas can continue to breathe toxic air and contend with acid rains." T. A. and G. A. Korn told Udall that extending the exemption would give smelters like Douglas and San Manuel a ten cent a ton competitive advantage over Arizona's five other smelters who complied with the law. They wrote, "What this situation says to everyone is: if you don't like the rules of the game, ignore them or make up your own rules, because the good guys always lose."²¹²

After meeting with Udall, Robinson reported to the board that "Mo" was not committed to any position, but that it was her impression that he would probably not support the copper industry's proposal to extend Clean Air Act exemptions until 1993. The apparent progress Robinson observed with Udall was accompanied by some success in persuading the National Clean Air Coalition to make the smelter issue a priority. For the duration of 1982, neither the ADHS nor the EPA gave any indication of movement on the NSO applications for the Douglas and San Manuel smelters. Despite the seemingly stalled state of this aspect of SES's work, the political component of the smelter campaign continued

²¹² Priscilla Robinson, "Director's Report," 11 May 1982, SES Records, MS 269, Box 1, Folder 5; Priscilla Robinson, "Director's Report," 28 August 1982, SES Records, MS 269, Box 1, Folder 5.

to strengthen. So did the working relationship among Robinson, Yuhnke, and Kamp.²¹³



Acid rain entered the public debate about air quality in Arizona in 1982. Cartoons like these joined articles about acid rain potentially poisoning Arizona's few lakes and streams and reporting on the Greenpeace protest and NSO process in *The Arizona Daily Star* in 1982 and 1983. "Looks like more acid rain," comic, *The Arizona Daily Star* (Tucson) 27 March 1982; "I'm singin' in the rain...", comic, *The Arizona Daily Star* (Tucson) 1 March 1983.

New Coalitions and New Dynamics In The Fight For Clean Air

SES's campaign to rein in pollution from the Douglas and San Manuel smelters entered a new phase in 1983. All of the group's work during the previous years at the local and national level to make smelter pollution part of the larger conversation about air quality culminated in new political vigor for the

²¹³Priscilla Robinson, "Director's Report," 13 April 1982, SES Records, MS 269, Box 1, Folder 5; "Looks like more acid rain," comic, *The Arizona Daily Star* (Tucson) 27 March 1982; "I'm singin' in the rain...", comic, *The Arizona Daily Star* (Tucson) 1 March 1983; Guffey, S.J. "Acid rain's damage to fragile Earth increases daily," *The Arizona Daily Star* (Tucson), 21 March 1982; Tony Davis, "Tonto Creek hatchery: Mogollon Rim fish may fall to acid rain," and "Is West a sitting duck for acid-rain damage?," *The Tucson Citizen*, 5 May 1982; "Canada may leave acid rain talks," *The Tucson Citizen*, 16 September 1982; Dr. Frank and Udiko Lewis, to Honorable Morris K. Udall, 27 March 1982, MKUP, MS 325, Box 144, Folder 24; T.M. and G.A. Korn, to Representative Morris K. Udall, 23 April 1982, MKUP, MS 325, Box 144, Folder 24. The last two citations are two of at least 12 letters Udall received from constituents in southern Arizona during March and April 1982, many referencing statistics provided by SES, which can be found in MKUP, MS 325, Box 144, Folder 24.

organization's campaign. In August of 1982, after sustained efforts by Robinson, Kamp, and Yuhnke and other groups in the West, the National Clean Air Coalition finally identified the smelter exemptions as one of the most significant challenges facing clean air proponents. When a bill supported by the Reagan administration that included amendments extending the exemption until 1993 was reported out of committee in September, the Coalition persuaded Colorado's Democratic senator Gary Hart to lead the charge against it. Supporters of extending the exemptions an additional five years argued that it would support the economies of smelter towns like Douglas and San Manuel by maintaining hundreds of jobs associated with the smelters. Opponents argued that Phelps Dodge had no intention of staying open after its exemption expired, and that continuing to grant exemptions enabled the company to operate at a competitive advantage over companies conforming to the law and to continue to degrade the environment as it did so. Environmentalists argued that Congress should not put off the inevitable; Phelps Dodge workers in Douglas should be retrained that the town and its residents could transition away from copper smelting, allowing other economic activities such as tourism to flourish. With the election looming, Congress let the bill die in the fall of 1982 only to pick it up the next year. The November 1982 elections swept a new generation of more environmentally aware Democratic representatives into office and tilted the makeup of key committees in environmentalists' favor. When the new Congress opened in January 1983, the Senate resurrected the bill as a starting point for the Clean Air Act revisions that were now a year overdue. The House—now led by Democrats—started from

scratch. However, neither side moved a bill that session, with or without the smelter exemption extension.²¹⁴

Before the new congress began, however, Robinson worked to build new coalitions and new relationships with Arizona's political leaders to advance the smelter issue. She met with representatives of the United Steelworkers union to craft a compromise on the Clean Air Act exemption extension that would extend it only to smelters that were in the process of upgrading their facilities to comply with the law by a set deadline. She then met with Arizona's Democratic Senator Dennis DeConcini and a representative of the Steelworkers to lobby for this new alternative to the exemption extension. After the 1982 elections, she met with the new Democratic Representative James "Jim" McNulty, Jr., who had successfully won election in the new fifth district representing parts of Tucson and southeast Arizona, including Bisbee and Douglas. McNulty was concerned about the smelter issue and especially the prospect of a new smelter being built across the border in Nacozari, Sonora, without air pollution controls. This larger smelter, in combination with an existing smelter at Cananea, not only threatened Arizona jobs by undercutting production costs at a time when copper prices were painfully low, but also threatened to emit thousands of tons of smelter pollution that would drift into Arizona. Best of all for SES, McNulty's district was carved out of a portion of Udall's former district and Udall had been an unreliable ally on the smelter pollution issue. After 1982 he no longer represented the Bisbee and

²¹⁴ Priscilla Robinson, "Smelter Chronology"; Priscilla Robinson, "Director's Report," 28 August 1983, SES Records, MS 269, Box 1, Folder 5; Priscilla Robinson, "Smelter Chronology"; "Hart times and smelters," *The Arizona Daily Star* (Tucson), 4 April 1982, C2; Priscilla Robinson, "Director's Report," 9 November 1983, SES Records, MS 269, Box 1, Folder 5.

Douglas areas where hundreds of mining jobs depended on extending the smelter exemptions. In McNulty, clean air proponents had a new champion in Congress.²¹⁵

As Robinson worked to cultivate new relationships with Arizona's Congressional delegation, she also broadened SES's coalition. In early January 1983, Robinson met with Carol Taylor, an economist at the University of Arizona specializing in copper mining, to discuss the economics of mining and modernizing smelting facilities to comply with the Clean Air Act. She used the information she gained from Taylor as she continued to foster a relationship with the Steelworkers and the Inspiration Copper Company, a subsidiary of ASARCO that was in the process of modernizing its smelter at Hayden, Arizona, to comply with the Clean Air Act. Inspiration agreed to support the Steelworkers' proposal to limit extension of the Clean Air Act exemption for smelters that were in the process of upgrading to meet the law's air quality standards. In the meantime, Robinson continued to lobby within the National Clean Air Coalition to ensure its support for cleaning up the southern Arizona smelters. In January of 1983 at a meeting of the Southwest Regional Conservation Committee of the Sierra Club in Oracle, she persuaded the committee to pass a resolution urging the national office of the Sierra Club in Washington, DC, to pressure the Coalition to take a strong position on western clean air issues including smelters. In its 1983 briefing

²¹⁵ Robinson interview, 1 September 2011; Priscilla Robinson, "Director's Report," 9 November 1982, SES Records, MS 269, Box 1, Folder 5; Priscilla Robinson, "Director's Report," 8 February 1983, SES Records, MS 269, Box 1, Folder 5.

book, the Coalition opposed any extension of smelter exemptions beyond the already legislated limits of December 1987.²¹⁶

Robinson continued to lobby on the smelter issue as Congress considered revisions to the Clean Air Act in 1983, but again no action was taken that year. As it was amended in 1977, the Act was stronger than anything that had been proposed in the 1982 and 1983 re-authorizations. The Reagan Administration and its allies in Congress sought assiduously to weaken environmental regulations at the behest of business groups, so environmentalists were playing a defensive game in the 1980s. For example, the 1977 Clean Air Act only provided up to ten years of smelter smoke exemptions, establishing a deadline of December 1987 for smelter emissions compliance. The re-authorization bills in 1982 and 1983 included additional extensions to 1993. For environmentalists concerned with smelters, failing to pass a re-authorization of the Act was preferable to passing a weaker law that extended the exemptions. The Clean Air Act, as amended in 1977 remained in effect.²¹⁷

The smelter campaign got a boost from an unlikely source in early 1983: Mexico. In January, the United States and Arizona received confirmation that the government of Mexico had applied to the World Bank and Inter-American Development Bank for a loan to finance the construction of a new, massive smelter in the copper mining town of Nacozari and expand the existing smelter at

²¹⁶Priscilla Robinson, "Director's Report," 11 January 1983, SES Records, MS 269, Box 1, Folder 5; Priscilla Robinson, "Director's Report," 8 February 1983, SES Records, MS 269, Box 1, Folder 5.

²¹⁷Priscilla Robinson, "Director's Report," 12 April 1983, SES Records, MS 269, Box 1, Folder 5; Priscilla Robinson, "Director's Report," 11 October 1983, SES Records, MS 269, Box 1, Folder 5.

Cananea, Sonora, southwest of Douglas. Not only would the new smelters create competition for Arizona copper companies, but they would operate without the regulations provided by the Clean Air Act and Arizona environmental quality laws and without any requirements for pollution abatement technology. The new and expanded smelters would more than double the air pollution that naturally drifted into southern Arizona, creating what critics labeled the “Gray Triangle.” With all three smelters running in this border region, residents of the triangle could expect their air to be clogged with up to 2,700 tons a day of sulfur dioxide and particulates—more than three times as much pollution as spewed from the Douglas smelter alone and roughly twenty times as much as was emitted by the massive coal-burning Navajo Generating Station in northern Arizona that produced enough electricity for roughly two million homes.²¹⁸

Despite the fact that hundreds of thousands of tons of harmful sulfur dioxide and other pollutants had drifted south from the Douglas smelter, situated blocks from the U.S.-Mexico border, onto Mexican farms, ranches and communities for decades, Arizonans cried out against the patent unfairness of foreigners polluting the southern part of the state. Environmentalists, organized labor, the smelter corporations, and politicians of all stripes united in opposition to the loan to Mexico, but were largely helpless to do anything about it. With aerial photographs and research provided by Kamp, the new Arizona congressman, Jim McNulty led the charge against the proposed new smelter in

²¹⁸ Wilbur, Richard E. “Copper firms’ profits plunge in Arizona,” *The Tucson Citizen*, 5 May 1981; Robinson interview, 1 September 2011; Priscilla Robinson, “Smelter Chronology”; Wirth, 177; Priscilla Robinson, “Director’s Report,” 14 June 1983,” SES Records, MS 269 Box 1, Folder 5.

Nacozari. Robinson helped to organize a hearing and press conference for the congressman in May that included interested representatives from every facet of copper mining, smelting, and air quality. She characterized the hearing as “a big love in.” McNulty and Senator DeConcini called for congressional hearings on the issue.²¹⁹

The “Mexican affair” advanced SES’s work on smelters on several fronts. To begin with, it helped the group broaden and strengthen its growing coalition. It bolstered the growing relationship between organized labor and environmentalists involved with the smelter issue. Kamp threw much of his energy and the resources into fighting the “Gray Triangle” directly. SES members wrote letters to the Arizona congressional delegation in opposition to the Mexican smelters, but Robinson mostly kept SES out of the fight. Instead, the group attempted to focus the resentment of Arizona politicians, environmentalists, organized labor, and corporations toward the Mexican smelters on Douglas and San Manuel. SES, the EDF, and Kamp’s SCEP could stand with smelter workers in opposition to the Mexican smelters while they advocated for the installation of pollution abatement technologies on the Douglas and San Manuel smelters that created work for unionized workers, kept the smelters open, and cleaned up the air in the places where workers and their families lived. The Mexican affair further endeared the environmentalists to the smelter companies that were already making strides to comply with the Clean Air Act. Moreover, the populist nature

²¹⁹ Wilbur, Richard E. “Copper firms’ profits plunge in Arizona,” *The Tucson Citizen*, 5 May 1981; Robinson interview, 1 September 2011; Priscilla Robinson, “Smelter Chronology”; Wirth, 177; Priscilla Robinson, “Director’s Report,” 14 June 1983,” SES Records, MS 269 Box 1, Folder 5.

of the issue cemented the relationship between SES, EDF, and SCEP and McNulty and DeConcini. The issue also added fuel to environmentalists' campaign against the NSOs for Douglas and San Manuel as activists like Kamp and Michael Gregory raised the specter of having three, massive, unregulated, polluting smelters in an area of about a thousand square miles. McNulty and DeConcini publicly articulated their opposition to the construction of any Mexican smelters. They argued that projects in Sonora would undercut American business and pollute Arizona's environment, and demanded that any new smelters built near the border employ the latest pollution abatement technologies. As they argued against the Mexican smelters they were forced into taking the same position in regard to Douglas and San Manuel; why should American smelters be allowed to pollute Arizona's environment while unfairly undercutting Arizona smelters that complied with the law? Governor Babbitt also adopted this position, but, recognizing that Douglas had been polluting Sonora for decades, cast the issue in terms of reciprocity between Mexico and the United States. Babbitt argued that Arizona could not expect Mexico to act to protect American interests if the U.S. would not act to prevent the pollution of Mexico by Douglas.²²⁰

SES's campaign was further buoyed when, just a month after the "big love in" of environmentalists, unions, mining companies and politicians, unionized

²²⁰ Priscilla Robinson, "Director's Report," 8 February 1983," SES Records, MS 269 Box 1, Folder 5; Priscilla Robinson, "Director's Report," 12 April 1983," SES Records, MS 269 Box 1, Folder 5; Priscilla Robinson, "Director's Report," 10 May 1983," SES Records, MS 269 Box 1, Folder 5; Wirth, 179; Richard Kamp, "Time short to stop impeding smelter menace," *Herald-Dispatch and Bisbee Review* (Bisbee, Arizona), 23 October 1983; Priscilla Robinson, "Smelter Chronology".

Phelps Dodge copper workers around the state went on strike. The conflict began with negotiations over a three-year contract between the United Steelworkers and Arizona's mining companies. All of Arizona's copper mining companies—Asarco, Inspiration, Magma, and Kennecott—accepted the union's offer except Phelps Dodge, which claimed that with the prolonged slump in copper prices, it could not afford to accede the Union's demands. At one minute after midnight on July 1, thousands of workers in at Phelps Dodge operations in Ajo, Bisbee, Douglas, and Clifton-Morenci walked off the job in strike. As Barbara Kingsolver so vividly described in her *Holding the Line: Women in the Great Arizona Mine Strike of 1983*, the situation quickly escalated into one of the ugliest conflicts between corporations and workers in the late twentieth century. It ended only after Governor Bruce Babbitt, at the request of Phelps Dodge, controversially called in the Arizona National Guard to remove strikers who physically shut down the mines at Clifton and Morenci. Mother nature also intervened in the form of a catastrophic flood that wiped out one-third of the workers' homes in Clifton.²²¹

The tactics employed by strikers, the callous corporate behavior of Phelps Dodge, and the apparent collusion of the state government with the company were all enormously unpopular with Arizonans and ruptured the relationship between Phelps Dodge and Arizonan politicians. Since the early 1900s, the corporation had flexed its muscle throughout the state with campaign contributions and the

²²¹ Thomas Sheridan, *Arizona: A History* (Tucson: University of Arizona Press, 1997), 324; Wirth, 117; See Barbara Kingsolver, *Holding the Line: Women in the great Arizona Mine Strike of 1983* (Ithaca: Cornell University Press, 1989).

promise of jobs and economic development. The strike forced politician like Bruce Babbitt and Morris Udall who had tried to protect and promote the copper industry—and Phelps Dodge in particular—as one of the economic mainstays of the state to go against one of the fundamental elements of their base: organized labor. As the strike progressed, public sentiment mostly fell with the workers. Bruce Babbitt resented the position he was thrust into by the company and completely distanced himself from Phelps Dodge to rebuild his relationship with organized labor in advance of his eventual presidential campaign. He directed the Arizona Department of Health Services to enforce water and air quality laws pertaining to the company with unprecedented vigor. Within a year, Udall, who had done everything in his power to shield the copper industry from environmental regulations during the depression of copper prices in the early 1980s, finally committed himself to ending the exemption for Phelps Dodge’s Douglas smelter. The strike, coupled with the Mexican smelter issue, changed the political dynamic of the campaign against extending the Clean Air Act exemptions for the Douglas and San Manuel Smelters.²²²

SES’s work during 1982 and 1983 paid off in 1984. “In retrospect,” Robinson wrote in 1988, “1984 was a turning point year...we moved from the defensive to the offensive.” The year was marked by a general shift in the

²²² In April of 1984, the Arizona Department of Health Services denied Phelps Dodge’s application for a renewal of its operational permit for the company’s Morenci smelter in 1984. The Department cited that Phelps Dodge had 17 violations of ambient air quality standards in the first six months of 1984 alone. Phelps Dodge appealed the Department’s decision to the state Air Pollution Control Board. SES, at the advice of EDF and the Arizona Center for Law in the Public Interest, intervened in the appeal in opposition to Phelps Dodge but the company withdrew its appeal four days before the June 18, 1984 hearing. Priscilla Robinson, “Smelter Chronology”; Priscilla Robinson, “Director’s Report,” 12 June 1984, SES Records, MS 269, Box 1, Folder 6; Priscilla Robinson, “Director’s Report,” 10 July 1984, SES Records, MS 269, Box 1, Folder 6.

political landscape surrounding the smelter issue against extending exemptions for smelters from the Clean Air Act. The Mexican smelter issue continued to color the NSO debate in Arizona as did the national fervor surrounding acid rain. Bob Yuhnke, together with fellow EDF colleague Michael Oppenheimer, formed a “western acid rain road show” which they presented at various venues across the country and eventually used to publish a factsheet for the organization and an article in *Science*. To Robinson’s gratification, Yuhnke made his first trips to Arizona that year to testify in a second round of Non-Ferrous Smelter Order (NSO) hearings in Tucson. While he was in the state, Yuhnke also took the opportunity to give his western acid rain presentation at a meeting of Robinson, a representative of the United Steelworkers, and Representative Udall. At that meeting, whether as a product of Yuhnke’s persuasiveness or the quiet pressure of the Steelworker representative—whom Robinson remembers remained silent during the entire meeting—Udall conceded for the first time that Phelps Dodge and Magma should not get extensions beyond December 1987 in revisions to the Clean Air Act that were still winding through Congress. Yuhnke also showed the presentation to Governor Babbitt who, by mid-1984, was more than enthusiastic about going after Phelps Dodge over its failure to comply with air quality laws. All of these developments boded well for SES and clean air advocates in 1984. From this already strengthened position, however, SES, EDF, and Kamp’s SCEP initiated a new tactical move.²²³

²²³ Priscilla Robinson, “Smelter Chronology”; Michael Oppenheimer, Charles B. Epstein, and Robert E. Yuhnke, “Acid Rain, Smelter Emissions, and the Linearity Issue in the Western United States,” *Science*, 30 August 1985, 859-862.

Moving to the Offensive: Citizens Use The Courts

While attending the Western Acid Rain Conference in Gunnison, Colorado, in July of 1984, Robinson met with Yuhnke, a presenter at the conference, to discuss the smelter campaign. Yuhnke explained to Robinson that he thought that after working on the smelter issue for more than five years the Environmental Defense Fund, Southwest Environmental Service, and Smelter Crisis Education Project were finally ready to file a lawsuit. “I was delirious with joy,” Robinson wrote later of her reaction to the news. When Robinson and Kamp first testified on at the NSO hearings for Phelps Dodge and Magma, Robinson predicted that the NSO process would spell the end for the smelters—if the Arizona Department of Health Services (ADHS) and EPA granted the NSOs for the smelters, the environmentalists would challenge the decision and, she believed, they would win. But the swift conclusion that Robinson envisioned was thwarted by the EPA, which was practically standing still on the NSO applications. Phelps Dodge and Magma were allowed to continue to pollute beyond the specifications of the Clean Air Act while the EPA considered their NSO applications. In Robinson’s view, “the whole thing was headed toward a vast legal tangle and it was time for us to sue to push the thing along.”²²⁴

Yuhnke’s lawsuit indicted Phelps Dodge and Magma Copper Company for failing to comply with the state’s plan to implement sulfur dioxide standards under the Clean Air Act. If the smelters had received final approval of their NSO applications from the EPA, they would have been exempt from the sulfur dioxide

²²⁴ Priscilla Robinson, “Smelter Chronology”; Robinson interview, 1 September 2011.

standards until 1983 and potentially 1988. But until the EPA acted, the smelters operated in a kind of legal limbo. Citizens' ability to review or appeal the EPA decision hinged on EPA action. The lawsuit would force the EPA to act. Once the agency did so, citizens could appeal the decision in the courts. At a bare minimum, the smelters would be forced to cleanup or close down by January 1, 1988, at the very latest.²²⁵

On November 28, the suit was filed in federal district court in Tucson. The plaintiffs were the EDF, Priscilla Robinson, and Dick Kamp. Robinson and Yuhnke organized a press conference about the suit. "This is not an attack on the entire copper industry," Robinson told the press. "There are seven smelters in Arizona and five of them have either completed their modernization or will be within a matter of months," she explained, "...these are the only two Western smelters that are continuing to operate and have not met the emission standards."²²⁶

With their legal challenge slowly working its way through the federal court in Tucson and Phelps Dodge and Magma's NSO applications still tied up by the EPA, Robinson, Yuhnke, and Kamp aimed their efforts toward continuing to sway the opinion of politicians and the public against the offending smelters. Throughout 1985, negotiations continued between the United States, Mexican,

²²⁵ Priscilla Robinson, "Director's Report," 14 August 1984, SES Records, MS 269, Box 1, Folder 5; Priscilla Robinson, "Director's Report," 19 September 1984, SES Records, MS 269, Box 1, Folder 5.

²²⁶ Priscilla Robinson, "Director's Report," 13 November 1984, SES Records, MS 269, Box 1, Folder 5; Priscilla Robinson, "Director's Report," 11 December 1984, SES Records, MS 269, Box 1, Folder 5; Priscilla Robinson, "Smelter Chronology"; Robinson interview, 1 September 2011; Wirth, 154; Ellen Ridge, "Environmental tiff over copper," *The Modesto Bee*, 30 December 1984, F-4; "Environmentalists Seek Smelter Cleanup: Suit Adds to Copper Firms' Woes," *The Los Angeles Times*, 7 January 1985.

and Arizona state governments and the World Bank and the Inter-American Development Bank concerning the new and expanded Mexican smelters. In March, SES, EDF, and SCEP learned that the EPA was moving toward an agreement with Mexico in which the Mexican smelters would be allowed to operate without air pollution controls until 1987 in exchange for the Douglas smelter continuing to operate out of compliance with the Clean Air Act until the same year. The environmentalists and Representative Dennis DeConcini opposed this plan because they believed that once the plants began operation without air pollution controls, it would be very difficult to force them later to comply with standards. At the same time, the Arizona Department of Health Services began considering the renewal of the operating permit for Phelps Dodge's Douglas smelter. The renewal process gave the groups and concerned citizens the opportunity to comment on the renewal and demand that the smelter comply with the Clean Air Act. The two processes happening at once provided SES and its allies the opportunity to elevate the issue further in the minds of the public, politicians, and administrators.²²⁷

Kamp, who had already been working to explicate the potential dangers to air quality posed by three "uncontrolled" smelters operating in the "Gray Triangle," jumped on this development. For the remainder of the year, from April 1985 into 1986, every time he discussed the Mexican smelter issue he tied the need for the Nacozari smelter and Cananea expansion to include pollution controls to the need for Douglas to comply with air quality laws or shut down.

²²⁷ Priscilla Robinson, "Smelter Chronology".

The newly-elected Arizona Republican Congressman Jim Kolbe understood the great concern over the Mexican smelter issue amongst his constituency. Like McNulty before him and DeConcini, his understanding of the Mexican smelter issue was tied to the Arizona smelters. If he called on Mexico to build a modern, cleaner smelter, he had to condemn the Douglas smelter and support its closure if it did not modernize. Robinson, Kamp and Yuhnke decided that SES, which was increasingly tied up in issues of water quality, could best use its talents in lobbying Governor Babbitt in the hope of convincing him to deny Phelps Dodge's pending permit. They reasoned that if the state denied the renewal, EPA would be encouraged to take a stronger stand in negotiations with Mexico about the Nacozari and Cananea smelters. As Robinson reflected "It was a lovely strategy in every way, and a truly virtuoso performance by Dick."²²⁸

The governor's office did not deny Phelps Dodge's permit renewal for the Douglas smelter during 1985. Instead, the ADHS issued the permit in August with a list of conditions designed to force Phelps Dodge to modernize its smelter and move toward compliance with the law. Phelps Dodge appealed the decision to the Air Pollution Control Board. SES, EDF, SCEP, and members of the Bisbee group which had resurrected the name GASP (Groups Against Smelter Pollution) from a 1970s era environmental organization based in Tucson intervened on behalf of the department in the appeal. The governor's strategy worked in leveraging increased political opposition to the continued exemption of the Douglas smelter from air quality regulations. Babbitt directed the Arizona

²²⁸ Priscilla Robinson, "Smelter Chronology"; Priscilla Robison, "Director's Report," 18 April 1985, SES Records, MS 269, Box 1, Folder 7.

Department of Health Services to enforce air quality laws on the state's smelters more vigorously. Equally important, after years of lobbying and volumes of correspondence from constituents opposing exemptions from the Clean Air Act for the Douglas smelter, SES finally made real progress with Representative Morris Udall. Robinson met with Babbitt in September of that year and asked the governor to contact Udall about the Mexican smelter issue and the Douglas permit. Udall agreed with Babbitt that, as part of the international agreement with Mexico concerning the Nacozari and Cananea smelters, the Douglas smelter would have to clean up or close. Within three months, a bipartisan group of congressman and senators including Arizonan Representatives Jim Kolbe and John McCain, signed a letter encouraging the EPA to work with Mexican officials on a policy that would consider the Douglas smelter emissions together with the pollution from the Nacozari and Cananea smelters and give the agency the power to shut down the Douglas smelter if it failed to meet clean air standards in two years. Udall and DeConcini did not sign the letter but supported the idea in letters of their own.²²⁹

As Kamp and Robinson worked in Arizona, Yuhnke decided to shift his strategy. The environmental lawyer was quickly becoming something of a celebrity in air quality activist circles for his work on acid rain in the West and his pending lawsuit to force EPA action on the Douglas and San Manuel NSOs. In late 1985, he changed direction from stressing the danger of acid rain resulting

²²⁹ Wirth, 128; Tom Shields, "Environmentalists get OK to voice objection at PD smelter hearing," *The Tucson Citizen*, 16 November 1985; Priscilla Robinson, "Smelter Chronology"; Joe Burchell, "Lawmakers hope to give EPA power to close PD," *The Arizona Daily Star* (Tucson), 7 December 1985.

from smelters to emphasizing the health risks of sulfur dioxide to asthmatics. This added a new dimension to the campaign: beyond harm to the natural environment caused by the acid rain produced by sulfur dioxide in the atmosphere, he argued that the smelter was a tangible danger to public health. At the Air Pollution Control Board Hearing concerning Phelps Dodges' appeal of the ADHS's recent decision on the operating permit for the company's Douglas smelter, Yuhnke argued that EDF ought to be granted intervener status to help defend "the people whose lives are being crippled" by smelter pollution. The message was intended to resonate with the public and politicians but it had its greatest effect on EPA administrators. On December 6, he and the EDF joined seven states and four other environmental organizations in filing suit against the EPA for failing to establish standards to protect the health of asthmatics—much of the data used in the lawsuit which alleged that the existing standard was inadequate to protect the health of sensitive individuals as required by law, came from the Douglas area. Yuhnke's emphasis on asthma put further pressure on the EPA to take action toward closing the Douglas smelter. Governor Babbitt also increased pressure on the agency when he threatened in early 1986 to sue Phelps Dodge or the EPA if they failed to act to protect asthmatics.²³⁰

²³⁰ Priscilla Robinson, "Smelter Chronology"; Tom Shields, "Environmentalists get OK to voice objection at PD smelter hearing," *The Tucson Citizen*, 16 November 1985; Priscilla Robinson, "Director's Report," 19 December 1985, SES Records, MS 269, Box 1, Folder 7; Howard Fischer, "Babbitt wants PD smelter restricted if emissions are hurting asthmatics," *The Arizona Daily Star* (Tucson), 13 February 1986.

The Douglas Smelter Closes, Citizens Claim Victory

By the beginning of 1986, all of the pieces were in place for the final round between environmentalists and the Douglas and San Manuel Smelters but there was little for anyone other than the lawyers to do but wait. Robinson spent most of her time working with the governor's office and the Arizona legislature on the Arizona Environmental Quality Act. When she could, she worked with Kamp writing letters or lobbying on the Mexican smelter issue.²³¹

Then, without announcement and with little fanfare, on July 10, 1986, the acrid yellow-brown smoke that had poured from the Douglas smelter's six hundred foot stacks for seventy four years ceased. Yuhnke's lawsuit still sat in the federal district court in Tucson; although they were considering it, the ADHS and Babbitt had yet to deny Phelps Dodge's 1986 operating permit; the EPA still had not issued its decision on the smelter's NSO applications. In the most anticlimactic of endings, the smelter closed because the extensions of the stay of enforcement of the Clean Air Act granted by the EPA while it considered the NSO application simply ran out. However, this situation was precipitated by the actions of clean air advocates. EPA either had to act on the NSO application, pending for the better part of six years or extend the stay. The motion, filed by Yuhnke earlier that year, argued that the continued stays of the law, pending determination of the NSO application, were illegal. It forced the EPA to act on the NSO, either grant another stay, which would require them to go into federal court and respond to Yuhnke's motion, or do nothing. EPA chose the last option.

²³¹ Priscilla Robinson, "Smelter Chronology"; Robinson interview, 1 September 2011; Priscilla Robinson, "Director's Report," 20 February 1986, SES Records, MS 269, Box 1, Folder 8.

Hounded by continual bad press and financial difficulties, Phelps Dodge did what it had promised to do for years: close the smelter and put roughly three hundred people out of work in a town of fifteen thousand.²³²

Phelps Dodge justified its decision based on economics, but the closure of the smelter was a huge victory for advocates of clean air who prevented the company from continuing to profit at the expense of the environment and public health into the 1990s. The company recognized that without an extended stay or the exemption provided by the NSO, it would have to operate at a dramatically reduced capacity to avoid exceeding air quality standards or accrue hundreds of thousands of dollars in fines from the EPA. Operating at quarter capacity undermined any kind of economy of scale for “Old Reliable” and drove production costs above those of other smelters including the company’s Clean Air Act compliant smelter at Playas, New Mexico. After the closure, the state, EPA, and Phelps Dodge entered a consent decree—an agreement filed in federal district court—on July 29 which stipulated that the company could reopen its smelter and operate it at a reduced rate so that it did not violate air quality standards under the Clean Air Act without incurring penalties before it closed permanently on January 15, 1987. SES, EDF, and SCEP, filed to become partners in the consent decree. Although the state would not settle the issue of the San Manuel NSO for another year, that smelter was eventually also forced to shut down and modernize to comply with the Clean Air Act under a similar consent decree between the state

²³² Wirth 135-139; Priscilla Robinson, “Smelter Chronology”; Priscilla Robinson, “Director’s Report,” 30 July 1986, SES Records, MS 269, Box 1, Folder 5.

and Magma Copper Company. This battle for clean air in Arizona had been won. For environmentalists, all that remained was the celebration.²³³

Bob Yuhnke flew into Tucson from Boulder, Colorado on an unusually snowy evening the night of January 16, 1987. Robinson met him and the two waited in vain at the airport for a few other activists to arrive—the freak storm had grounded them elsewhere. The friends then drove through the storm to Bisbee. When they arrived after 10 p.m., the party was already well underway. Robinson kept the celebration—which purportedly involved the consumption of a good deal of alcohol and marijuana—out of her reports to the SES board. They partied late. The next morning was still overcast, the sky heavy with winter. Yuhnke, Robinson, and Kamp pulled themselves together and made their way through the windy, icy Bisbee streets and the haze of hangovers down to Douglas and the smelter, covered with a fresh blanket of white snow. The smelter was quiet, its stack cold. A photographer from Tucson, took pictures of the three embattled activists. Robinson wrote that she thought they “looked confused but happy.” Although the Magma NSO still remained to be wrapped up, Yuhnke took a prolonged sabbatical. The campaign, which Robinson described as “three people without a net,” and “the most fun and scariest” of her life, was over. Kamp continued to organize on air quality and other environmental issues in the

²³³ Wirth 135-139; Priscilla Robinson, “Smelter Chronology”; Priscilla Robinson, “Director’s Report,” 30 July 1986, SES Records, MS 269, Box 1, Folder 5.

Southwest. Robinson returned home to Tucson. Less than a year later, Southwest Environmental Service closed its doors.²³⁴



Priscilla Robinson, Robert Yuhnke, and Richard Kamp, looking “confused but happy” standing in front of the “cold” smokestacks of the closed down Douglas Reduction Works smelter, January 17, 1987. Private collection, Priscilla Robinson, Tucson, Arizona.

A Bitter Consequence of Success

The closure of Southwest Environmental Service was as much a surprise to those involved in environmental issues in Tucson and Arizona as was the shutdown of the Douglas smelter. The group had played a pivotal role in the writing of the Arizona Environmental Quality Act in 1986 and in shutting down the largest single sources of air pollution in the Southwestern United States. Administrators from state and federal agencies, politicians from Pima County to Washington, DC, and environmental activists at all levels respected Robinson and

²³⁴ Robinson interview, 1 September 2011; Priscilla Robinson, “Smelter Chronology”; “Clean Air Costly for Arizona Town: Closure of Copper Smelter Will Slash Jobs, Tax Revenue,” *The Los Angeles Times*, 5 January 1987; Wirth, 163, 194.

her staff as an effective voice and force for environmental protection. But what made the group so successful—its concentration on two of the state’s largest environmental issues and insistence on engaging the technical elements of those issues—also contributed to its closure. Such technical work required expertise acquired over years of working with agencies and committees. Other staff members—Barbara Tellman, Victoria Dahl, Betsy Rieke—supplemented Robinson’s work, but Robinson bore the brunt of it, including writing grants and soliciting funds. From the early 1980s through early 1987, as Robinson became increasingly involved with the water quality and smelter fights, the time she could devote to organizational development declined. SES did not consider what to work on after its two primary campaigns ended. When the group won both in a relatively short amount of time, it was left without clear direction and without a compelling issue to pitch to funders. Although it received some financial support from individual benefactors, it never developed an alternative solution to its reliance on foundation or agency grants. During 1987, it accelerated its grassroots fundraising, soliciting money from supporters through mailings, but this effort proved too little too late. When its grant proposals were turned down by four foundations in late 1987 and early 1988, Robinson acknowledged the obvious. On March 31, 1988, even as Robinson continued to monitor a handful of local environmental issues around Tucson concerning air quality, water quality, and wilderness, she wrote a letter to SES’s contributors and supporters. “We have come a long way together,” she began, and then she listed off the many accomplishments their contributions had enabled over the group’s history: in

addition to passage of Arizona Environmental Quality Act and achieving one-hundred percent compliance with the Clean Air Act by Arizona copper smelters, she touted the creation of Catalina State Park, the implementation of Household Hazardous Waste Collection Days in 1987, passage of conservation easement legislation in 1986, Sole Source designation for the Tucson Aquifer in 1984, cleanup of Sabino Creek from 1977 to 1983, and a variety of public education campaigns having to do with land use, clean water, and clean air. “When SES closes its doors on March 31, we can all feel a great deal of pride in our accomplishments.” The organization then disbanded.²³⁵

Conclusion

Despite dire predictions by Douglas locals and Phelps Dodge that the town would collapse if the company followed through on its threat to close the smelter, five years after the giant smokestacks went cold and were toppled, the town appeared to be on the rebound. Indeed, census figures showed that only a little under four hundred people left the city between 1980 and 1990. By 1992, the Chamber of Commerce reported that the population was actually growing, as the town developed into a major supplier of goods and services for its booming Sonoran sister-city, Agua Prieta, and a tourist destination. Although the historic Gadsden Hotel and Douglas’s downtown built during the copper-mining heyday of the early twentieth century harkened back to the town’s beginnings, in the 1990s it thrived as Agua Prieta, bolstered by the location of U.S. factories

²³⁵ Priscilla Robinson, “Director’s Report,” 19 November 1987, SES Records, MS 269, Box 1, Folder 9.

(“maquiladoras”) in the Mexican city, grew to 80,000 residents. With the region’s open desert vistas unobscured by smelter smoke, Arizona newspapers touted the historic town as a picturesque gateway to Mexico for tourists and the drive from Tucson to Douglas as scenic. “The smoke and steam wafting from the company’s ore processing smelter was said to be the most scenic view around, because it meant jobs,” said one article. Instead, much like its neighbor Tombstone that became a mecca for tourists looking to experience the Old West, Douglas proved “too tough to die.”²³⁶

As for SES, Priscilla Robinson applied the skills she had acquired during her nearly fourteen years working on environmental issues in southern Arizona to other environmental campaigns, including working with mining companies to find more efficient and environmentally sound ways to mine in the state. Other employees went on to work for progressive and environmental causes across the country and for the Arizona Democratic Party. Through its staff and members and environmental victories, SES’s legacy rippled through Arizona environmental and progressive politics and its cleaner air and water into the twenty-first century. Additionally, its experiences offer lessons for those interested in environmental activism and solving environmental problems.²³⁷

The Southwest Environmental Service, from its inception in 1975 to its closure in 1987, demonstrates the ways in which citizen activists engaged environmental issues in the decade after passage of landmark environmental laws

²³⁶ “Phelps Dodge topples Douglas smokestacks,” *Arizona Daily Star* (Tucson), 19 January 1991; Keith Ray, “Visit Douglas and get Agua Prieta as a bonus,” *Arizona Daily Star* (Tucson), 1 May 1992.

²³⁷ Robinson interview, 1 September 2011.

at the federal and state levels. While its story and organizational structure is unique, its tendency to gravitate toward the technical aspects of environmental decision-making and work to gain a voice in the inner-circle of that decision-making was typical of local, community-based environmental activists during this era. But, whether as a logical evolution of activists' work in relation to an increasingly technical regulatory landscape or a product of Robinson's preference for using science and reason to address what she viewed as threats to quality of life, community well-being, and good governance, it is important to note that the group's successes were not scientific. Like other local and community-based environmental organizations, their ability to learn how to, and then, influence environmental decision making was central to their success. When science and reason failed to produce results, Robinson targeted politicians using traditional means of persuasion in a democratic society—pressure from constituents who framed arguments based on fairness and justice. Robinson understood that environmental issues are political issues that can be addressed by democratic means.

The filing of the lawsuit in 1984 represented the apex of SES's involvement in the technical aspects of environmental advocacy and a progression in SES's work to assert the rights of citizens to participate in environmental decision making. When the organization first engaged the air quality issue, it did so with the aims of educating the public and encouraging citizens to take part in the administrative processes created by environmental laws to influence environmental decisions. As the air quality campaign became more focused, not

only on smelters, but specifically on the legal processes by which smelters were regulated or exempted from regulation, SES's work became more technical. Robinson, her staff, and the SES board continued to educate Arizonans about the issue and encourage them to testify at hearings, submit comments to agencies, and write their elected officials, but this part of the campaign took a back seat to the group's increased involvement in the very specialized activities of affecting federal legislation and suing the smelters in court for failing to follow the citizens' laws. As with its work on water, this represents a logical response by Robinson and the organization to the nature of environmental decision making in the 1980s—an era when citizens responded to laws that had already been passed and attempted to enforce or improve them. This reflected Robinson's view expressed in a 2011 interview that “organizations that formed to pass laws [were] not suited to enforce them because the issues are highly technical.” Engaging the technical sides of environmental protection was yet another tool Robinson and SES, and many other environmental groups during this era, added to their repertoire. The Northern Plains Resource Council also understood using the courts as part of their larger efforts to affect change by giving citizens an increased role in environmental decision making. Citizens' environmental groups came to view appealing to the judicial branch as part of the democratic process. American government was made up of a system of checks and balances between three equal branches of government—if the other two failed to address environmental degradation and abuse of the public interest by private entities, then they could appeal to the third. The lawsuit filed by the Environmental Defense Fund,

Robinson, and Dick Kamp—the first in SES’s history—opened a new chapter in SES’s work on environmental issues. It complemented the group’s growth in public credibility and political influence during the mid 1980s. SES used the courts alongside traditional citizen organizing toward that end.

At the same time that SES was learning how to effect environmental change while sustaining a non-profit organization, members of another local, community-based group two thousand miles to the east and very different in structure and composition, were also learning how to adapt to a changing political and regulatory landscape to protect their land, water, health and quality of life.

CHAPTER 8

CITIZEN ENVIRONMENTAL ACTIVISM IN APPALACHIA: SAVE OUR CUMBERLAND MOUNTAINS

On a cold night in January, 1972, dozens of people crowded into the desks of one of the classrooms in the elementary school in the small eastern Tennessee town of Lake City, approximately thirty miles north of Knoxville. The surrounding ridges of the Cumberland Mountains stood watch as husbands and wives, teachers, and retired and currently-employed coal miners discussed the issue that brought them all together: coal mining. Lake City, and eastern Tennessee in general, was more than familiar with coal mining. Since the late nineteenth century, it had been the economic life-blood of the region. Small hamlets made up of miners and their families were scattered throughout the region's haunts and hollows. In some cases, clusters of iconic Tiger Lilies or Mimosa trees—non-native ornamental plants transplanted by homesteading and coal-mining families in the nineteenth century—provided the only hints of their existence. Old cemeteries, often overgrown in the temperate, moist climate, kept silent record of their descendants going back two and three generations. Occasionally, clusters of tombstones recorded in cold objective fashion great tragedies associated with mining like the Fraterville mine disaster of May 19, 1902, in which a buildup of methane gas exploded, killing 216 miners, or the

Cross Mountain mine explosion of December 9, 1911 which killed eighty four men and boys.²³⁸

Residents of the region knew well the history of coal mining in eastern Tennessee—the disasters, the labor struggles of the 1890s—and they were proud of their heritage. The coal mining that they were meeting to discuss on this winter night, however, was not the underground variety with which they were intimately familiar. This night, they were concerned with coal strip mining—in name, the same practice that was then prompting ranchers, farmers, and environmentalists in Montana to join together in forming the Northern Plains Resource Council. However, different geography, climate, and history of land use and ownership in the region made strip mining in Appalachia a very different animal than what it was in Montana.

In the 1960s and early 1970s, changes in technology and demand of coal prompted a shift in coal mining in Appalachia from traditional underground mining with all of its various safety, health, labor, and environmental issues to strip mining. By 1966, the proportion of coal produced by strip mining had risen to roughly one-fifth of the total in the region, and it was predicted to increase. By the 1970s, Tennessee's biggest buyer of coal, the Tennessee Valley Authority (TVA), was mostly dependent on strip-mined coal. Strip mining presented a direct challenge to underground coal mining and the workers and families that depended on it. Underground mining, in which miners would find a vein of coal

²³⁸ Chad Montrie, *To Save the Land and People: A History of Opposition to Surface Coal Mining in Appalachia* (Chapel Hill: University of North Carolina Press, 2003), 128; Department of the Interior, Appalachian Regional Commission, *Study of Strip and Surface Mining in Appalachia: An Interim Report to the Appalachian Regional Commission (June 1966)*, 8.

and then follow it either down into the ground or horizontally into a mountainside was inherently dangerous work. Mine shafts could collapse, methane and other gasses from the coal seams could cause asphyxiation or deadly explosions, and coal dust caused long term problems such as coalworker's pneumoconiosis or "black lung," which led to many premature deaths among miners.²³⁹

Due to these dangers and harsh working conditions, Tennessee miners, who had migrated to the region in the decades after the Civil War, fought hard-won battles against mine owners and state politicians in the 1890s and early twentieth century to unionize the mines, and they had continued to struggle to improve their working conditions into the mid-twentieth century. Tennessee passed right-to-work legislation in 1947—unless a mining company had a contract to supply coal to a consumer who stipulated that it be mined by union labor, most of the new underground and strip mines after mid-century were open-shops employing non-union labor. Strip mining threatened underground miners' work opportunities and challenged the few existing unions to maintain and improve safe working conditions. The new strip mines tended to employ far fewer workers—maybe one-tenth of what a comparable underground operation employed. Because it required fewer employees who were non-union, strip mining was more economical for mine owners, allowing them to undercut the prices of their underground competition. Despite labor union gains made before the 1950s, by the early 1970s, only one underground mine still operated under a

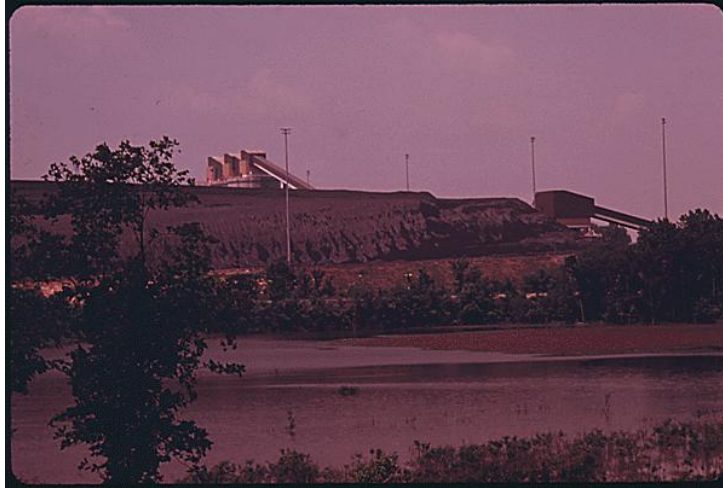
²³⁹ Montrie, 128; Department of the Interior, *Study of Strip and Surface Mining in Appalachia*, 8; Maureen O'Connell and Boomer Winfrey, interview by author, Lake City, Tennessee, 11 June 2010.

union contract. For the retired unionized underground miners, strip mining presented a direct threat to the jobs of their sons and to the advances in workplace safety, wages, and benefits unionized underground miners had made in the past seventy years. It also threatened their communities.²⁴⁰



Coal miner deep underground in a three-foot shaft typical of non-unionized underground coal mines in Tennessee. Photograph No. 556514 (Photographer Jack Corn); “Miner Lee Caldwell, on a self-propelled roof bolting machine in a mine in the Tennessee Consolidated Coal Company near Jasper and Chattanooga, 08/1974,” August 1974; Documerica Project, Records of the Environmental Protection Agency, 1944-1006, Record Group 412; [Online version, www.archives.gov, National Archives and Records Administration, 5 December 2011], National Archives at College Park, College Park, MD.

²⁴⁰ Ibid.



Photograph No. 556504 (Photographer Jack Corn); “This pile of coal contains part of the one million tons kept on hand by the Tennessee Valley Authority Steam Plant at Cumberland City, Tennessee near Clarksville...It is the largest type steam plant and one of the most modern in the world, 07/1974,” July 1974; Documerica Project, Records of the Environmental Protection Agency, 1944-1006, Record Group 412; [Online version, www.archives.gov, National Archives and Records Administration, 5 December 2011], National Archives at College Park, College Park, MD.

While they fought to protect their jobs and their ability to organize for better wages and working conditions, many miners still lived on land that was owned by coal companies. During labor struggles, coal companies were known to intimidate workers by threatening and, at times, carrying out evictions. Since most land near the coal fields was owned by the companies, miners and their families were left vulnerable to such tactics. When strip mining began, this history of land ownership played out in two ways. Firstly, when a strip mine was proposed for land on which miners and their families lived—sometimes for generations—they had little legal recourse to prevent their dislocation. Unlike their rancher or farmer counterparts in the West who owned their surface property and fought the mining companies by asserting constitutional protections of private

property, residents of the coal mining communities of eastern Tennessee simply had to get out of the way.²⁴¹

The history of landownership further compromised residents' security when strip mining in an adjacent area—on, for example, a steep slope directly above their home—spilled over onto the land on which they lived. When mine tailings cascaded down through a small subsistence farm or house, occupants had few protections under the law; the mining company owned the property and often the buildings on it. Strip miners hastily deposited “overburden,” or the soil removed from above the coal seams, on the slopes below the mines which had been cleared of trees prior to mining. These slopes often ranged in steepness from twenty to over forty degrees. During prolonged periods of rain, the overburden became saturated, heavy and viscous and could break through the poorly built earthen dams intended to hold it back. It then rushed in great mud and rock avalanches through county roads and other infrastructure and into the homes of residents below.²⁴²

The most tragic of these events occurred in February 1972 in Logan County, West Virginia, when a Pittston Coal Company coal slurry impoundment dam, certified “satisfactory” by a federal mine inspector just four days prior, burst, unleashing a flood of 132 million gallons of waste water, mud and debris cresting over thirty feet high, on the residences of roughly 5,000 people in Buffalo Creek Hollow below. One hundred twenty five were killed, more than 1,100 were injured, and over 4,000 were left homeless. Similar smaller incidents occurred in

²⁴¹ O'Connell and Winfrey interview, 11 June 2010.

²⁴² Ibid.

northeastern Tennessee. In one event, a flood caused by the collapse of the walls of a strip-mine pit ripped through the home of Effie Birchfield in Stonyfork, killing five members of her family and leaving only her and her son alive. In another event in Lake City in 1969, a man driving his truck across a bridge near town was killed as he was hurled, truck, bridge and all, into a torrent resulting from a breeched impoundment upstream. In April of 1972, a flood of water, mud, and trees swept through Lick Fork in Campbell County, destroying the home of Alonzo Norman. In the West, strip mining caused conflicts over property ownership, competing ideas about land use and aesthetics, and possible degradation of water and air quality. In the narrow valleys of Appalachia, it was an imminent safety hazard.²⁴³



Aftermath of the Buffalo Creek Hollow disaster, Saunders, West Virginia.
Source: West Virginia Division of Culture of History, website,
<http://www.wvculture.org/history/buffcreek/buff1.html>, accessed 9 December 2011.

Although strip mining was a relatively new activity in the 1960s, the federal government was already taking notice of its impact on Appalachia by

²⁴³ Kai T. Erikson, *Everything In Its Path: Destruction of Community in the Buffalo Creek Flood* (New York: Simon & Schuster, 1976), 28-32; "Lawsuit of the Month: Beech Groove Tragedy has yet to be settled in Courts," *The S.O.C.M. Sentinel*, 31 October 1973; "Flood Hits Lick Fork," *The S.O.C.M. Sentinel*, 28 April, 1972.

1966. By that year, the Department of the Interior reported that eight hundred thousand acres had already been disturbed by strip mining coal. These disturbances resulted in the pollution of streams by acid generated by exposure of sulfide-rich earth to the elements by mining and by sediment that washed down from the mines. In addition to stream degradation, the Department described “massive slides along outcrops, destruction of forests, damage to watersheds, thousands of acres of land isolated or made hazardous by highwalls, wasted natural resources, health and safety hazards, and impaired aesthetic and economic values.” Secretary of the Interior Stewart Udall recommended that if the coal mining states failed to remedy this problem “within a reasonable period of time,” Congress should step in to “protect the public interest.”²⁴⁴ Despite the Secretary’s urgings, however, the federal government failed to act to rein in strip mining for another decade.

The January 1972 meeting in Lake City was not the first time that members of the communities of the coal mining region of eastern Tennessee had come together to discuss problems of health, safety, land ownership, and apparent injustices stemming from the control of the region’s land and resources by coal companies. In the previous decade, residents of some of Tennessee’s poorest counties and medical and nursing students from the Vanderbilt University Student Health Coalition, led by Professor Bill Dow, organized a series of community health fairs and opened sorely needed health clinics to provide people living in isolated places basic health care and health education. In the process, they

²⁴⁴ United States Department of the Interior, “Study of Strip and Surface Mining in Appalachia: An Interim Report to the Appalachian Regional Commission,” 30 June 1966.

uncovered in the coal-producing counties of northeastern Tennessee a degree of poverty, malnutrition, and poor health unrivaled in the state. Dow and his students wondered how the region that was richest in the state in mineral wealth could contain the poorest people. Possibly inspired by the attempts of the anti-strip mining group Save Our Kentucky to reform property taxes in that state to make coal mining companies pay taxes commensurate with the value of their property, the Vanderbilt students began to investigate the relationship between land ownership and tax assessment so as to determine who was actually paying taxes in this part of Tennessee. They found that the largest landowners, a handful of large, out-of-state and multinational coal companies who owned roughly one-third of all the land in Campbell, Anderson, Scott, Claiborne, and Morgan Counties, were paying less than four percent of the property taxes, and that the counties' residents, who owned only a fraction of the land were paying the lion's share of the taxes that supported not only public schools and other services, but also the roads and other infrastructure on which the coal companies depended. According to Tennessee's state constitution, all minerals were supposed to be assessed in property tax assessments. The researchers found that instead of paying taxes on their mineral properties, the companies had apparently been making generous contributions to the campaign funds of the county tax assessors—an elected office in Tennessee—and thus avoiding assessment of much of their mineral wealth. Using a Tennessee tax law that allowed residents to appeal a neighbor's property taxes, thirteen petitioners—local residents who had been involved in the health clinic and education program—appealed various

coal companies' property tax assessments in 1971. In November 1971, the State of Tennessee tax assessment board sided with the petitioners and re-assessed the coal companies' taxes in eastern Tennessee. This contrast between the poverty in their communities and the wealth being hauled out of the region in coal trucks radicalized many of the region's residents in the 1960s. By the time of the state assessment board's decision, several hundred residents from the coal counties of northeastern Tennessee had signed additional petitions calling for the coal companies to pay their fair share of taxes. The introduction of strip mining and its challenges to unionized underground coal mining and community health and safety thus added to an evolving critique of land ownership, poverty, social services and general fairness. This was the climate in which the concerned residents met in Lake City on that cold January night in 1972.²⁴⁵

The meeting included people representing a wide range of interests and opinions concerning coal strip mining. There were people who had witnessed firsthand the dangers of strip mining when their homes, or the homes of relatives or neighbors, had been damaged or destroyed by floods and landslides of overburden. Predictably, these attendees were ardently opposed to strip mining.

²⁴⁵ O'Connell and Winfrey interview, 11 June 2010; The collaboration of anti-poverty and anti-strip mining work in Appalachia was not unique to eastern Tennessee. Chad Montrie observes similar collaboration in Kentucky during the 1960s and John M. Glen argues that anti-poverty workers associated with the Appalachian Volunteers funded as part of the federal government's War on Poverty were an essential element of organized resistance to strip mining in Appalachia. Montrie, 86, 101; John M. Glen, "Like a Flower Slowly Blooming: Highlander and the Nurturing of an Appalachian Movement," and Bill Allen, "Save Our Cumberland Mountains: Growth and Change Within a Grassroots Organization," both in *Fighting Back in Appalachia: Traditions of Resistance and Change*, ed. Stephen L. Fisher (Philadelphia: Temple University Press, 1993), 35 and 85; Colman McCarthy, *Disturbers of the Peace: Profiles in Nonadjustment* (Boston: Houghton Mifflin Company, 1973), 163.

The meeting included retired union underground miners, some of whom had sons who were employed by the strip mining companies but who opposed the strippers because they employed few workers and because they were non-union. Their rhetoric revolved around issues of jobs, wages, and benefits but their arguments also included implicit concerns about the deterioration of their communities. There were “valley people” from towns like Lake City, Caryville, or Jacksboro—store owners or teachers or other people not directly involved in mining, but who feared what strip mining would mean for their communities. And there were miners, some of whom worked for the strip mining companies and came to speak in favor of strip mining, and others who wondered about the job prospects associated with strip mining or worried about the threat it presented to underground mining.²⁴⁶

Despite divergent interests, the meeting stayed peaceful. J. W. Bradley of Petros, a charismatic character who had worked in the underground mines and was an outspoken critic of strip mining, emerged as a clear leader in facilitating a productive conversation about the concerns of the people in the meeting. He welcomed the opinions of all the people in the meeting and then, as he sensed the sentiment of the group moving one direction or another, called for a simple vote of all present on what course of action to take. In this dramatic demonstration of direct democracy in which all people at the meeting were allowed one vote, whether they opposed strip mining or supported it, the majority of those present decided a course of action. Those who supported the expansion of strip mining

²⁴⁶ O’Connell and Winfrey interview, 11 June 2010.

lost the simple election; the group decided that they would oppose strip mining and begin to work to mitigate the problems associated with existing operations. As Chad Montrie observes in his study of strip-mining opposition in Pennsylvania, Ohio, Kentucky, and West Virginia, attendees articulated opposition to strip mining for environmental and conservation reasons like their urban and suburban middle-class environmentalist counterparts—for the damage it would do the natural beauty and ecological integrity of the region and the waste of valuable minerals and timber. But their most passionate arguments revolved around the threat of stripmining to homesteads and of jobs. Once the group decided to oppose strip mining, twelve of the people present voted to form an organization and elected J. W. Bradley its first president. According to Montrie, this small charter membership included “two young miners recently fired for signing UMW union cards, several working men employed in Oak Ridge plants, a former county weight inspector who quit his job in protest against the failure to prosecute overweight coal trucks, a local college student, a community worker, and several local women.” In this way, a democratic, grassroots community organization was born in Lake City, Tennessee. Bradley proposed that they hold a contest among the new members to choose a name of the new organization. By their next meeting, they had made their decision. As the charter members hailed from the five coal producing counties that accounted for eighty percent of the coal mined in Tennessee—Campbell, Claiborne, Morgan, Anderson, and Scott Counties, which either straddled or included parts of the Cumberland Mountains, a range in the southeastern section of the Appalachia Mountains—they called

their group “Save Our Cumberland Mountains.” Within a few weeks, Bill Dow had found two young organizers, Vanderbilt students Heleny Cook and Jane Sampson, both in their early twenties, to assist the organization on a quasi-volunteer basis. Dow was able to provide money for about half of their expenses through Vanderbilt’s rural health initiative; Save Our Cumberland Mountains “passed the hat” at its meetings to make up the rest.²⁴⁷

Saving the Cumberlands from Strip Mining: the 1970s

Over the next few years, Save our Cumberland Mountains (SOCM or “Sock’em”), became more sophisticated in its organization and its tactics. It grew quickly from its twelve charter members in January 1972 to 400 members two years later. The staff remained mainly volunteer until the group obtained its first source of outside funding in the form of two grants from the Episcopal Church and the Unitarian Universalist Youth Project in 1973. Early organizational efforts exhausted SOCM’s first two organizers, who left the state and were replaced by two local young men, Johnny Burrell and Charles “Boomer” Winfrey. Winfrey was paid a meager \$250 a month from those first grants. With these financial resources, SOCM also hired their first full-time organizer, a young high school history and social science teacher from east St. Louis, Missouri, named Maureen O’Connell. While working in Louisville, Kentucky, in the early 1970s, O’Connell had become familiar with the organization and its members by spending her summers in the Cumberland Mountains. In May of 1972, SOCM

²⁴⁷ O’Connell and Winfrey interview, 11 June 2010; Montrie, 4, 186; Allen, 87.

formalized and voted on a group constitution and by-laws, but it maintained its grassroots democratic character under the leadership of Bradley who acted as a de facto staff director in addition to president. Group decision making, regarding everything from tactics to hiring and paying staff people, were made by simple votes of the members present at the monthly meetings which were moved from town to town during the 1970s in an attempt to incorporate the interests of the group's expanding membership in all of its geographic areas. This form of decision making led to inconsistent positions. In one instance in October of 1973, members sympathetic to organized labor at a meeting in Marion County voted to donate half of SOCM's funds to support a Unite Mine Workers strike in Kentucky. The next month, when SOCM's meeting was held in the southern part of their territory where members were less sympathetic to unions. The members present rejected a motion to support a local strike in spirit. During the group's first five years, its dedication to democratic practice also led to a lack of turnover in leadership as the membership was content to continue nominating and voting for J.W. Bradley to serve as SOCM's president.²⁴⁸

²⁴⁸ O'Connell and Winfrey interview, 11 June 2010; Allen, 68.



J. W. Bradley speaking at a “Deep Mine Benefit” in the mid-1970s. Private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee.

During that decade, the group achieved several notable successes.

Building on the state property tax assessment victory of late 1971, SOCM organized campaigns to hold coal mining companies accountable for the damages they caused to the rural communities of Campbell, Anderson, Scott, Morgan and Claiborne Counties. The organization tended to link health and safety with economic and environmental issues, arguing that coal companies had an obligation to behave responsibly toward residents, communities, and workers. To this end, they worked with the Tennessee Citizens for Wilderness Planning to promote a ban on strip mining in the state in 1972. The Tennessee General Assembly, had passed a strip mine regulation and reclamation law in 1967 with the intent of keeping track of the new strip mines and preventing unregulated “wild cat” mining and the devastating damage it caused to hillsides and the valleys, streams, and communities below, but it was largely watered down from

its original intent by coal mining interests. The law allowed mining on slopes steeper than twenty degrees, which contributed to massive and deadly landslides. Dependent on self-reporting by coal mining companies and enforcement by political appointees with very little transparency or opportunity of public oversight, it was largely toothless. By 1972, the inadequacy of the 1967 law was obvious to anyone concerned with strip mining in Tennessee.²⁴⁹

In the minds of SOCM's members and the Tennessee Citizens for Wilderness Planning, so little of the coal country of eastern Tennessee was less than twenty degrees steep that strip mining was not practical. At most, it represented a fraction—some estimates were as low as four percent—of the total coal mining possibilities in the state; the damage it caused undermined its relatively small positive economic impact in terms of new jobs and economic development compared to underground mining. These were the basic arguments offered by State Senate sponsor William Bruce, a Democrat from Memphis and House sponsors Democrat W. J. “Willie Neese” of Paris and Democrat Keith Bissell, Jr. of Oak Ridge when they introduced Senate Bill 1707 and House Bill 2038. The ban, embodied in these pieces of complementary legislation, failed to make it out of committee in 1972 but the issue did not go away. In the next two sessions (1973-1974 and 1975-1976), the ban was reintroduced in various forms. SOCM also eagerly supported attempts by Representative Ken Hechler, a Democrat of West Virginia, to ban strip mining at the federal level and members made numerous trips to Washington DC with the help of the Washington-based

²⁴⁹ O'Connell and Winfrey interview, 11 June 2010.

Environmental Policy Center organized by Louise Dunlap, to testify and lobby on this issue after 1972. Congressional support for Hechler's strip mining ban reached unprecedented support in 1971, numbering seventy three co-sponsors from twenty four states in strong support. The bill fell victim to pressure from coal companies and the United Mine Workers, who hoped to unionize new strip mines outside Tennessee . Understanding the popular sentiment toward strip mining, both lobbied for some form of strip mine regulation as an alternative. Hechler reintroduced the ban in 1973, but although the ban remained popular, it failed to reach the floor for a vote.²⁵⁰

As they had in Montana, however, the proposed bans articulated the extreme side of a negotiation for legislators, activists, and coal companies. While SOCM and other groups advocated for a ban, they were able to effect the passage of other coal strip mine regulation laws, including the Tennessee Surface Rights Act in 1977, which required the consent of surface owners in split-estate situations before their surface property could be strip mined. They also worked with the consortium of similar groups from Appalachia and the West directed by the Environmental Policy Center in Washington, DC, to help pass the 1977

²⁵⁰ Ibid.; Tennessee General Assembly, *Senate Journal of the Eighty-Seventh General Assembly of the State of Tennessee*, convened at Nashville, Tennessee, Monday 7 February 1972, "Biographical Sketches of the members of the Senate of the Eighty-Seventh General Assembly," (Berkeley: University of California Press, 1973) ; Tennessee General Assembly, "Tennessee House of Representatives 87th General Assembly," website, <http://www.capitol.tn.gov/house/archives/87GA/Members/Members.htm>, accessed 29 April 2011; Billy Christopher, "'Save Our Cumberland Mountains' To Washington," *The S.O.C.M. Sentinel*, 28 April 1972; "Congressional Round-Up," *The S.O.C.M. Sentinel*, August 1972; "Washington Trip to Lobby Success," *The S.O.C.M. Sentinel*, October 1972; Montrie, 140; The Library of Congress THOMAS, "Bill Summary & Status 93rd Congress (1973-1974) H.R. 15860," <http://thomas.loc.gov/cgi-bin/bdquery/D?d093:5:./temp/~bd1s4r:@@L&summ2=m&/home/LegislativeData.php?n=BSS;c=93>, website, accessed 12 October 2011.

Surface Mine Control and Reclamation Act, although last minute compromises on wording that allowed strip mining on slopes that were steeper than what SOCM and other Appalachian groups sought to prohibit prompted the organization to retract its official support for the law just before it passed. Reflecting the group's continued linking of the social, economic, and environmental issues associated with strip mining, SOCM advocated for and helped pass the Tennessee's first severance tax on coal which levied a 10 cent tax on each ton of coal mined and provided roughly a million dollars each to the coal producing counties to be used for road maintenance, stream improvement, and education.²⁵¹

Besides working to pass legislation, SOCM engaged in a number of strategies to hold coal companies and government accountable to the people and communities of the coal producing counties. Building on the 1971 study of land ownership and taxation in the five coal-producing counties of northeastern Tennessee, the group was able to win a subsequent ruling by the state tax assessment board that mineral tracts had to be assessed as part of land value for purposes of taxation. Their campaign to keep the coal companies and regulators accountable extended to prodding state agencies to enforce of Tennessee's 1967 strip mine law and its amendments. As part of this effort, SOCM published a study of strip mine regulation enforcement and mine compliance in the late

²⁵¹ O'Connell and Winfrey interview, 11 June 2010; Save Our Cumberland Mountains, "The Era of the '70's – A few Highlights," October 2007, unpublished document, private collection, Statewide Organizing for Community Empowerment, Lake City, Tennessee; Drew Von Bergen, "Appalachian People Speak At Strip Mine Hearings," *The Middlesboro Daily News* (Kentucky), 18 April 1973.

1970s.²⁵² They also attempted to use the courts to hold coal companies and government accountable to existing laws. In the fall of 1972, the group joined Tennessee Citizens for Wilderness Planning, Save Our Kentucky, the Sierra Club, and the Environmental Defense Fund in filing its first lawsuit against the Tennessee Valley Authority, arguing that as a publicly-supported utility, the TVA needed to complete environmental impact statements for each of their long-term contracts for strip-mined coal. In their words, the members of SOCM sought to use the lawsuit to remind TVA, which purchased one-half of all strip-mined coal in the state, “that it must be responsible to the citizenry of the Tennessee Valley,” and consider the social, economic, and environmental costs of its coal purchases to the communities of northeastern Tennessee. This lawsuit was ultimately unsuccessful; first-president Bradley understood the need for the group and its members to have qualified legal representation but also that it was very difficult to find attorneys in the coal counties that did not have ties to the coal industry.²⁵³ In response, SOCM formed in late 1973, the East Tennessee Research Corporation, a public-interest law firm funded by a grant from the Ford Foundation, to carry out its legal work. Its handful of lawyers and staff remained busy exploring new ways to use existing laws to combat strip mining until the foundation funding dried up in 1978. By the end of the 1970s, SOCM had

²⁵² Save Our Cumberland Mountains, “The Era of the ‘70’s – A few Highlights,” unpublished document, private collection, Save Our Cumberland Mountains, Lake City, Tennessee, October 2007; “Severance Tax Passed,” *The S.O.C.M. Sentinel*, 28 April 1972; O’Connell and Winfrey interview, 11 June 2010.

²⁵³ “Conservation Groups Sue TVA for Ecology Report,” *The Kentucky New Era* (Hopkinsville), 24 October 1972; “TVA Suit Filed,” *The S.O.C.M. Sentinel*, October 1972; “Another Whitewash for TVA,” *The S.O.C.M. Sentinel*, August 1973.

learned to use environmental laws passed earlier in the decade including the National Environmental Policy Act and Surface Mine Control and Reclamation Act to defeat several proposed mining plans, including AMAX Coal Company's massive plan to mine 20,000 acres on the Cumberland Plateau roughly eighty miles southwest of SOCM's original territory.²⁵⁴

Growing Out and Growing Up: New Issues, New Strategies, and Organizational Development

As their first decade drew to a close, SOCM had diversified geographically to begin organizing in the coal fields of the Cumberland Plateau. It had also begun to diversify its issues and was commencing work on environmental and health hazards associated with toxic waste dumping. As the group grew, it took stock of its past and prepared for the future. In response to apparent member and staff burnout—fewer members attending monthly membership meetings, overcommitted staffers and high turnover—members organized SOCM's first leadership retreat in August 1979 which provided a day of structured discussions about the organization itself, how to build its strength, identify “winnable” issues, and recruit members and funding to maintain an effective and powerful organization including a paid staff. It took another year until November 1980 for the retreats to begin to bear fruit. From the retreats came a series of grassroots fundraising events. SOCM also increased its work with other similar organizations in the region and nationally. Like Northern

²⁵⁴ Allen, 87, 89; “Wanted: Paralegal and Secretary for New Law Office,” *The S.O.C.M. Sentinel*, July 1973; Fisher, 87.

Plains, it worked with other groups concerned with coal strip mining to advocate federal strip mining legislation and then became one of the founding groups in the national Citizens Coal Council to help coordinate the efforts of many local and regional grassroots groups on national coal issues. “We accidentally did a few things right,” Maureen O’Connell, recalled decades later about the group’s growth and its instinctive sense that SOCM should be a member-run organization.²⁵⁵



Maureen O’Connell at SOCM strategy meeting, early 1980s. Private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee.

In the 1980s, SOCM continued its work on its bedrock issues—coal strip mining, reclamation and coal company tax policies. They researched landownership and taxation for the state’s sixteen coal producing counties and published a study demonstrating that despite the tax reforms of the 1970s, coal companies still paid less than their share of taxes. SOCM used the study to support its work in the central and south eastern part of the state in the Cumberland Plateau. It won a precedent-setting court ruling that prohibited the

²⁵⁵ O’Connell and Winfrey interview, 11 June 2010;; Allen 93; Montrie, 191.

mining of coal seams laced with toxic heavy metals that would degrade water quality in the state unless the coal companies had a proven-effective plan for handling the toxic by-products of mining. SOCM also successfully advocated for legislation in the State Assembly that rectified the “split estate” situation in certain parts of the state so that surface properties and mineral properties were reunited. In addition to their mining work, they engaged with oil and gas development in eastern Tennessee, preventing the permitting of toxic and hazardous waste facilities in the rural and often economically-depressed parts of the state, and began to oppose the construction of giant landfills for out-of-state urban waste.²⁵⁶

While SOCM cultivated new county-based chapters and sought new issues threatening health, the environment, and communities, the group also began to shift its tactics. During their first decade, the members of SOCM, primarily from the five coal-producing counties north of Knoxville, tended to rely on three primary forms of action to address their concerns. Firstly, they sought to research their present situation. SOCM members asked, “who was mining where? Do they have permits? Where will they mine next? Who owns what land and what taxes do they pay? Can we make them at least pay their fair share of taxes to compensate for the damage they’re doing? Can we stop them?” Local residents instinctively sensed that they needed to know as much as they could about the situation and so they went to work researching these questions. Once their

²⁵⁶ Save Our Cumberland Mountains, “The Era of the ‘80’s – A few Highlights,” unpublished document, private collection, Save Our Cumberland Mountains, Lake City, Tennessee, October 2007; O’Connell and Winfrey interview, 11 June 2010.

research was complete, they advertised their results in newspaper articles and at the State Assembly, convinced that “the truth” would force lawmakers to resolve the injustices in the mountains and valleys of northeastern Tennessee. SOCM’s second strategy was to seek legislative solutions to the problems associated with coal strip mining. It proposed a ban in 1972 and 1973, and lobbied for amendments to the ineffective 1967 Tennessee strip mine reclamation law, and passage of a federal strip mine regulation and reclamation law. Except for the ban, SOCM promoted increased citizen access to, and participation in, environmental decision-making as part of the solution alongside requirements for permits, monitoring by state and federal agencies, and specific standards for what lands could be strip mined and how land must be reclaimed when mining was finished. Although they found that just providing “the truth” to decision makers did not in itself lead to change, their organizing and lobbying efforts proved successful with the passage of a number of laws in Tennessee and the passage of the federal Surface Mine Control and Reclamation Act of 1977. When they could not stop a proposed project by passing a law or by other means, they appealed to the courts.

By the 1980s, due in part to their efforts and the efforts of environmental organizations across the country but especially bipartisan support for environmental legislation by Congress and presidents Nixon and Carter during the previous decade, the rules of the game had changed. Most basically, the passage of the National Environmental Policy Act (NEPA) in 1970 gave citizens a voice in reviewing and contesting any development that was likely to have a significant

impact on the “human environment.” This measure provided groups like SOCM with new means of monitoring environmental issues in Tennessee and also new venues for organizing public participation and events for members. NEPA provided a level of disclosure that had not existed in the 1960s and by the mid-1970s, SOCM was learning how to use the information uncovered in the NEPA process to challenge projects. They could also organize their members to write comments critiquing a proposed development and turn out at public hearings in large numbers to make their opinions heard. NEPA was not a voting process or a popularity contest and agency officials claimed that they made their decisions based on hard science and not the number of comments or passion of commentators. But for people who drove from all over the state to speak their mind, testifying was a powerful experience; it could be cathartic and also incredibly empowering. After the passage of the federal Surface Mine Control and Reclamation Act (SMCRA) in 1977, all applications for permits to strip mine prompted the NEPA review process. Any proposed strip mine ensured that the federal Office of Surface Mining or state Department of Environment and Conservation conduct a lengthy project social and environmental impact assessment which provided multiple opportunities for public comment. NEPA also provided citizens with the ability to appeal decisions when they felt that government agencies had illegally granted a permit. By 1980, SOCM was learning to play by these new rules, which increased access of citizens to

information and the decision-making process and the ability to challenge those decisions. They began applying those lessons to issues other than strip mining.²⁵⁷



SOCM members pack a hearing in the early 1980s. Private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee.

As a result, their activities looked much different in the 1980s and 1990s than they did in the 1970s. Chad Montrie argues that after the passage of SMCRA, SOCM's primary activities were concerned with enforcement of the law. In the early 1980s, the group monitored and documented the inability of the Tennessee Department of Environment and Conservation adequately to enforce the amended Tennessee strip mine reclamation law and the federal Surface Mine Control Reclamation Act. Their findings prompted the federal Office of Surface Mining to take over jurisdiction of strip mine regulation and reclamation from the state agency under provisions in SMCRA in 1984. This was an embarrassment to state politicians but resulted in more rigorous regulation and permitting of mining in the state. When a new strip mine was proposed for an area on the Cumberland Plateau known as Rock Creek, SOCM creatively used the untested "Lands

²⁵⁷ *National Environmental Policy Act of 1969*, U.S. Code, Vol. 42, sec. 4321-4347.

Unsuitable for Mining” provision in the new SMCRA law that had been added to the legislation to prevent strip mining in Montana’s Custer National Forest. The provision allowed citizens to petition the federal OSM to prohibit mining on a large portion of the land in the Rock Creek proposal because it had significant environmental, scenic, or cultural values and was “unsuitable for mining.” In 1987 their petition was successful. SOCM pioneered the use of the “Lands Unsuitable for Mining Petition” (LUMP) and used it more extensively than any other group in the country in the following decades. These strategies, which were heavily reliant on staff expertise rather than member involvement, challenged the organization’s grassroots foundation, forcing it to develop new means of recruiting new members, keeping them involved, and cultivating new leadership. Rule-making hearings are not as alluring as mass protests or marches outside the state capitol. The group had to learn how to create opportunities for member participation in ways that furthered its campaigns. In addition, the group’s holding industry and government regulators accountable—a strategy that evolved organically in SOCM’s early battles—had become more sophisticated and effective by the 1980s. Finally, SOCM applied what it had learned to challenge successfully air, water, and facility construction permits for toxic and hazardous waste facilities.²⁵⁸

²⁵⁸ Montrie, 190; “U.S. to Police Coal Strip Mines in 2 States,” *The Los Angeles Times*, 7 April 1984, A10; *Surface Mine Control and Reclamation Act*, U.S. Code, Vol. 30, sec. 25, 1272; Save Our Cumberland Mountains, “The Era of the ‘80’s – A few Highlights,” unpublished document, private collection, Save Our Cumberland Mountains, Lake City, Tennessee, October 2007; O’Connell and Winfrey interview, 11 June 2010.

Whereas in the 1970s the group primarily advocated new laws and occasionally used the courts to enforce the law, in the 1980s and 1990s, their strategies diversified. In addition to older tactics, they used the citizen participation provisions of the environmental protection laws passed in the 1970s to protect the environment, health and safety of their communities. As their membership, issues and tactics evolved, SOCM's leaders also made structural changes to the organization. After a period of experimentation, SOCM adopted a new decision-making structure. They tempered the inconsistency of making decisions "town meeting" style at monthly membership meetings by simple voice vote by creating a board made of members representing each of the organization's county-based chapters and four permanent committees—finance, personnel, membership, and legislative. County chapters, organized once a county contained twenty or more members, still organized their own monthly meetings but organization-wide decisions were made by bi-monthly meetings of the board according to strict adherence to democratic principles. General membership meetings took place twice a year. SOCM also determined that the group as a whole, rather than just the new chapters that joined SOCM during the decade, would be a multi-issue organization. New issues could be proposed by chapters to become official issues of the larger organization entitled to requisite organizational resources including paid staff work and volunteer time. If more than one chapter was working on a particular issue, the chapters could petition the board, which would consider the issue according to a series of criteria: did it fit SOCM's mission and goals? Was it "winnable"? Did it build the organization in

terms of membership, financially, or in political power? If the issue met these standards, it might become an official SOCM issue.²⁵⁹

As a result, SOCM by the 1990s was working on a number of issues by the 1990s ranging from coal mining to oil and gas development to the building of toxic and hazardous waste facilities, the clear-cutting of forests, pesticide spraying, protecting the health and rights of temporary workers, and “anti-racism campaigns” to try to build coalitions with Tennessee’s African American population. This diversity of issues caused new chapters to emerge in new parts of the state and new standing committees, which added more people to the group’s board. By 1992, the number of chapters had grown from four to twelve, increasing board membership from eleven to nineteen, while the number of standing committees jumped from four to ten. As SOCM’s third decade got underway, its membership numbered roughly 1,500 families strong. Along with these changes, the board developed the organization’s first five-year, long-range plan and its first major fundraising campaign. Like the Northern Plains Resource Council, it expanded its scope beyond Tennessee and helped form the Southern Empowerment Project to train new organizers to work in similar groups and Community Shares, a federation of Tennessee-based community groups formed to raise funds cooperatively through voluntary payroll deductions to address social, economic, and environmental issues in the state. While attempting to remain as

²⁵⁹ Save Our Cumberland Mountains, “The Era of the ‘80’s – A few Highlights,” unpublished document, private collection, Save Our Cumberland Mountains, Lake City, Tennessee, October 2007; O’Connell and Winfrey interview, 11 June 2010.

close to its democratic roots as possible, SOCM became more institutionally formal and professional.²⁶⁰



The “Under 30 crowd” in the annual tug-of-war with other members and staff at a SOCM annual meeting in the early 1980s. Maureen O’Connell is third in line. Private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee.

Conclusion

At first glance, Save Our Cumberland Mountains looks like a representative example of a membership-based environmental or conservation organization that travelled the trajectory of the environmental movement from the 1970s to the early 2000s. In the 1970s, it formed to address dangers associated with an industrial activity. To remedy the situation, SOCM sought legislative solutions—first to ban strip mining altogether and when that was unsuccessful, to regulate it to mitigate its most egregious effects. During the 1970s and 1980s, the

²⁶⁰ Save Our Cumberland Mountains, “The Era of the ‘80’s – A few Highlights,” unpublished document, private collection, Save Our Cumberland Mountains, Lake City, Tennessee, October 2007; Allen, 85, 94, 95; Montrie, 191.

group grew geographically and numerically and as it did, it expanded the kinds of issues it worked on. In response to its larger membership and more expansive ambitions, SOCM necessarily institutionalized and professionalized aspects of its operation. It moved from a potentially temporary “single-issue” grassroots group concerned with banning strip mining, to a more permanent “multi-issue” organization. SOCM integrated its environmental work with capacity-building efforts to increase its power in environmental decision making and to ensure its endurance beyond immediate issues whether they were satisfactorily resolved or not.

Like most citizens’ environmental organizations, however, SOCM’s work was about more than just environmental concerns. In their activities, they retained an almost instinctive sense that environmental issues were really issues of justice and democracy and that the best way to solve them involved allowing the citizens who would be affected to have a say in those decisions. This sense was not atypical—it was shared by other citizens groups including the Northern Plains Resource Council and, to a degree, the Southwest Environmental Service, and it was both implicit and explicit in the organizing strategies of hundreds of local and community-based groups around the nation in the last decades of the twentieth century. But whether as a result of its rural and working-class roots or conscious decisions of leaders within the organization, SOCM’s emphasis on justice, fairness, and realizing a purer ideal of democratic governance caused the organization more to clearly articulate an understanding of the connectedness of social justice, environmental protection, and democratic action.

In the last decade of the twentieth century, scholars identified the emergence of a new movement that recognized that environmental degradation and toxic contamination disproportionately affected people of color and the poor, and that a community's success in rectifying these issues often depended on the race and class of those affected. These emerging groups combined environmental concern with a simultaneous commitment to social justice and racial and class equity. In some cases, environmental justice activists and scholars leveled criticisms against the mainstream environmental movement, whose memberships tended to be white and middle class, for ignoring or neglecting the environmental issues affecting the nation's most vulnerable members in favor of protecting wilderness and wildlife or for advocating policies at the expense of racial minorities and the economically depressed. But the divisions between the environmental and environmental justice movements articulated by scholars such as Robert Bullard and Sylvia Washington blur when examining community-based, local environmental organizations.²⁶¹

Observers, reviewing SOCM's work in the 1990s, might be quick to label the organization an "environmental justice" group, and, in fact, this observation is justified. In the 1980s and 1990s the group fought the siting of toxic waste facilities in predominantly rural, economically depressed parts of Tennessee, a

²⁶¹ Joni Adamson, Mei Mei Evans, and Rachel Stein, eds., *The Environmental Justice Reader: Politics, Poetics & Pedagogy* (Tucson: University of Arizona Press, 2002), 4; See Robert Bullard, *Dumping in Dixie: Class, Race, and Environmental Quality* (Boulder: Westview Press, Inc., 1990), David Naguib Pellow and Robert J. Brulle, *Power, Justice, and the Environment: A Critical Appraisal of the Environmental Justice Movement* (Cambridge: MIT Press, 2005), and Sylvia Washington, *Packing them in: an Archaeology of Environmental Racism in Chicago, 1865-1954* (Latham, MD: Lexington Books, 2005).

typical environmental justice campaign, and its membership included a great number of working class people. But the reality was more complicated.

As historians such as Adam Rome and Robert Gottlieb have demonstrated, late twentieth-century movements for social justice and environmental protection share common roots. In his 2003 article “Give Earth a Chance”: The Environmental Movement and the Sixties,” Rome argues that the popularity and explosion of environmentalism on the cultural and political scene in the 1960s was due to “the intersection of the revitalization of liberalism, the growing discontent of middle-class women, and the explosion of student radicalism and counterculture protest.” Liberal intellectuals, he argues, coupled protecting and improving environmental quality with other goals for bettering American society. Middle-class women—exemplified by SOCM’s Maureen O’Connell—elevated the issue at the grassroots sometimes alongside their work to achieve gender equality. Student activists in the youth movement bundled environmental problems into their critique of capitalism and the Vietnam War. As a result, environmental protection became a component of “the counterculture movement.” Gottlieb cites the civil rights movement of the 1950s and 1960s as providing a living example of the “beloved community”—a society free of racism—for a generation of student activists who made up the New Left. Many of these activists remained committed to environmental protection and went on to work on environmental issues in the decades following the 1960s. At a basic level, this connection was demonstrated by many of the Sierra Club’s tactics in the late 1960s which Gottlieb describes as “protectionist equivalents of civil rights and

antiwar sit-ins and protests.” This is not to say that the relationship between the environmental movement and other social movements including feminism and civil rights was not strained, but it evolved within a common intellectual milieu, shared many progressive commitments, and used many of the same tactics. For many activists, issues of social justice and environmental protection were complementary aspects of “the movement.”²⁶² Likewise, working class people concerned about the effects of strip mining on their communities in eastern Tennessee in the 1970s saw environmental protection, social justice, and democratic participation as interconnected.

Although SOCM’s articulation of the connectedness of social, economic, and environmental justice issues became more overt in the last years of the twentieth century, the group does not represent an outlier in the study of environmental groups during the postwar era. To understand where SOCM fits in the history of citizens’ environmental activism—indeed to understand any citizens’ environmental organizations in the late twentieth century—requires an expanded definition of environmentalism that recognizes the close relationship between justice, democracy, and environmental protection in the minds of environmental activists in the last decades of the twentieth century. A more expansive understanding of environmentalism that considers the environment as interrelated with society and culture holds the potential to describe the lived experience of citizen activists better and explain areas of consensus and

²⁶² Adam Rome, “‘Give Earth a Chance’: The Environmental Movement and the Sixties,” *Journal of American History*, 90 (Sept. 2003), 525–54, pp. 527, 551, 553; Robert Gottlieb, *Forcing the Spring: The Transformation of the American Environmental Movement*, revised edition (Washington DC: Island Press, 2005), 81.

collaboration among diverse groups and across issues. Most American environmentalists in the twentieth century were not scientists or lawyers; they interpreted threats to their health, their families, their land and water in ways that made sense to them within the social, cultural, and political contexts of their lives. SOCM's members, like many other citizens concerned with environmental issues, understood highly technical and scientific concerns of mine reclamation, water quality, air quality, and toxicity in terms of rights, fairness, and their ability to participate in environmental decisions. The fact that SOCM began to identify itself as a "social, economic, and environmental justice group" in the early 2000s reflects more a reaction to a larger discourse about the environmental and environmental justice movements that emerged in the 1990s than a change in its tactics or goals. While they focused much of their attention on non-environmental, justice issues in the 1980s and 1990s, like other citizens' environmental organizations they continued to frame environmental issues in terms of fairness and enabling citizens to influence the decisions which affected their health and quality of life and that of their families and their communities. SOCM demonstrates the common overlap between the mainstream environmental movement and the environmental justice movement.

During the 1990s, SOCM was involved with a myriad of campaigns. Two of these, however—the fight to stop the construction of massive "mega-landfills" in economically depressed areas of rural Tennessee to house garbage from urban centers outside the state, and the campaign to stop the construction of a coal strip mine on the edges of a scenic state park on the Cumberland Plateau—demonstrate

how the group blended its focus on justice and public participation in environmental decision making to protect and improve the natural and human environment within the changing legal and political landscape of the era. These two campaigns offer snapshots of the intricacies of grassroots environmental organizing and offer glimpses into the connections between traditional environmental issues and those considered under the purview of environmental justice.

CHAPTER 9

DUMPING IN TENNESSEE

Americans produced a lot of trash in the late twentieth century. By the mid-1980s, Americans were producing more than 260 million tons of garbage annually—more than a ton per person per year and nearly ten times as much per capita as Canada, the world’s second highest waste producing nation.²⁶³

Population growth, economic expansion, and the revolution in the production and marketing of consumer goods following World War II resulted in a very real problem of what to do with all of the trash. States with large urban populations were vexed to find new locations to inter their solid, hazardous, and medical wastes. Enterprising waste management companies offered an attractive solution to eastern cities like Chicago, New York, and Atlanta, and to communities in rural areas linked by rail or highway to the metropolises. Their idea: to open enormous “state-of-the-art” landfills in the rural parts of Tennessee and other isolated rural places and import the waste there. Since most of the proposed receiving areas were economically depressed, the landfills would create jobs and be a boon to local economies. Moreover, Tennessee and its landfill counties

²⁶³ Portions of this chapter of the dissertation also appear in the article “Power to the People: Grassroots Advocacy for Environmental Protection and Democratic Governance in the Late 20th Century,” co-authored with Paul Hirt and included in the forthcoming anthology, *The Politics of Hope* edited by Michael Eagan and Jeff Crane and published by the University of Colorado Press; From “Table 4, PER CAPITA HAZARDOUS WASTE GENERATION OF SELECTED COUNTRIES,” n.d., no author, solid waste research, private collection, Statewide Organizing for Community Empowerment, Lake City, Tennessee, cited as from Harvey Yackowitz, “Harmonization of Specific Descriptors of Special wastes Subject to National Controls of Eleven OECD Countries,” in *Transformation Movements of Hazardous Wastes*, Organization for Economic Cooperation and Development, Paris, France, 1985, p. 53.

would reap tax revenues and “impact fees,” surplus money to help pay for basic services including roads, health clinics, and education. At a large scale, the landfills seemed a logical solution to a very serious problem. The big cities outside of Tennessee would have a solution to their trash problem, the shareholders of multinational and publicly-traded companies like Waste Management, Inc., and Browning-Ferris Industries, Inc. would profit from handling the trash, and the State of Tennessee and a few fortunate counties would enrich their public coffers. To many in the state in the early 1990s, landfills were a “win-win” proposition.

The only problem was that in the late 1980s and early 1990s, landfill operators in Tennessee did a poor job keeping track of their facilities and regulators were lax in enforcing Tennessee’s already weak waste management and environmental laws. Citizens were forced to engage directly with both to address serious pollution problems. In 1990, two Save Our Cumberland Mountains members traced a “trail of garbage” a mile up the Tennessee River to a collapsing 100-foot side-wall of the county landfill in Witt, east of Knoxville, in Roane County. After discovering the source of the trash, they met with the head of the regional division of the state Solid Waste Management Agency, Jack Crabtree, who acknowledged water pollution problems stemming from the landfill and advised people not to eat fish from the river. To raise public awareness of the issue, SOCM members in Roane County posted signs along the river stating that the fish were unsafe to eat, which attracted coverage from local television news stations. They followed this action with a protest on the road to the landfill on

March 27. SOCM then organized a protest at the Division of Solid Waste Management office in Knoxville in May. About forty residents including pregnant women, great-grandmothers, and a teenager dressed as Mother Nature “with tire tracks smeared across her blue and white dress,” picketed in objection to the lack of enforcement of waste management laws at the Witt landfill, which had been cited for over 125 violations since 1982, and to proposals for new landfills in Roane County and the abandoned old strip mine pits of Anderson County. After congregating with signs outside, they then walked into the building to present a bottle filled with polluted green water to regional manager Jack Crabtree. Singing a variation of a Civil Rights-era standard, the demonstrators who hailed primarily from Hamblen, Roane, and Anderson Counties sang, “We are fighting for our rivers, we shall not be moved.” SOCM member Gerry Bellew accused the state agency of failing the citizens of the state: “We have seen garbage left uncovered for months, black water running from landfills and trash scattered along county roads,” she said. “The law is written to protect the citizens,” Bellew said, and insisted that the agency should stop issuing new permits to landfills until the issues were resolved. Guy Collins, Hamblen County Commissioner and chairman of the county landfill board, asked Crabtree why the state had failed to take action against the operators of the Witt landfill. The protest elevated the issue in the press and led to local results. The Roane County Commission soon adopted a zoning ordinance to stop a private commercial landfill in April 1990 and accelerated its efforts to rectify issues with its own troubled waste dump. But at the state level, the protest resulted in little more than

a verbal assurance by Crabtree that the solid waste division would continue working with the counties to enforce the law and that new landfills would be “state-of-the art.”²⁶⁴

For many residents of small towns like Oliver Springs in Campbell County in the coal fields of northeastern Tennessee, or in Hamblen or Roane Counties near Knoxville, the assurances from waste management companies and the state that new landfills would not pollute their land, water, and communities were far from convincing. The proposed construction of “mega-landfills” hundreds of acres in size, sometimes sited on lands previously disturbed by strip mining, meant much more than increased revenue for their counties and the state. Of course, it meant millions of tons of garbage being trucked into their communities, some of it hazardous—a nuisance at its most benign, and a real danger to the water quality and health of residents at its worst. In addition, the landfills meant increased traffic; dozens of garbage and semi-trucks a day made rural roads more dangerous and expedited the decay of existing roadways, increasing repair costs and causing traffic delays. If that were not enough, the siting of the landfills and incinerators could depress property values in the receiving communities and permanently retard the development of other sorely needed economic activities. The waste management companies chose impoverished and sparsely populated areas as possible sites for landfills, because

²⁶⁴ “Roane County SOCMs Win Victories in Landfill Fight,” *The SOCM Sentinel*, May 1990, private collection, Statewide Organizing for Community Empowerment, Lake City, Tennessee ; Duncan Mansfield, “East Tennessee Residents Picket Over Landfills,” *The Greenville Sun* (Tennessee), 10 May 1990; Betsy Kauffman, “Protesters accuse state of landfill laxity,” *The Knoxville News-Sentinel*, 10 May 1990.

the land was cheap and because these areas were starved for economic activity, even if it was processing and storing the nation's garbage. Many concerned residents argued that the landfills were patently unfair and unjust. Why should the residents of other states get to dump their waste on rural Tennesseans just because they were poor? And why should a few giant waste management corporations be allowed to pollute rural communities for profit?

The out-of-state waste issue arrived in Tennessee in the midst of what historians of American environmentalism identify as the "toxics movement." Rachel Carson first alerted Americans to the insidious nature of chemical contamination and its danger to the environment in her landmark *Silent Spring* in 1962. It was not until the late 1970s, however, that Americans realized the full threat of industrial wastes and chemicals wastes to human health. The 1978 exposé of the wholesale poisoning of the Love Canal neighborhood of Niagara Falls, New York by the Hooker Chemical Company opened a new era in the public's awareness of industrial pollution. Love Canal, and revelations of other toxic disasters, prompted the federal government to take decisive action. In some cases, the federal Environmental Protection Agency evacuated residents of polluted communities, bought their homes, and paid to relocate them to safer locales. In 1980, the federal government enacted the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) providing funds through a new "super fund" and directing the Environmental Protection Agency to clean up sites contaminated with hazardous and toxic substances. In 1990, Robert Bullard revealed in *Dumping in Dixie: Race, Class, and*

Environmental Quality that African American and poor communities in the South were especially likely to be exposed to toxic pollution during the postwar era. Further, he demonstrated that, as a consequence of the environmental movement's and federal government's recognition of the dangers of toxic waste, polluters increasingly, and sometimes illegally, shifted their dumping of hazardous materials away from white and more affluent areas to minority and economically depressed communities—the people with the least economic and political power to defend themselves. This revelation ushered in the environmental justice movement.²⁶⁵ It was within this context that citizens interpreted proposals to dump garbage and hazardous wastes from far away urban areas on Tennessee's rural and working class communities.

Citizens had good reason to distrust the waste management companies and state regulators. Members of Save Our Cumberland Mountains organized to fight the landfills using the democratic tools they had struggled to acquire in the previous decades. In response, waste management companies and their allies worked to remove these tools, first by trying to repeal county government's ability to deny new landfills and then by trying to alter provisions within Tennessee's waste management laws to concentrate environmental decision making in the hands of the waste management industry and politically-appointed

²⁶⁵ See Rachel Carson, *Silent Spring* (New York: Houghton Mifflin, 1962); Lois Marie Gibbs, *Love Canal: And the Birth of the Environmental Health Movement* (New York: Island Press, 2010), Robert Emmet Hernan, *This Borrowed Earth: Lessons from the Fifteen Worst Environmental Disasters Around the World* (New York: Palgrave Macmillan, 2010), Joni Adamson, Mei Mei Evans, and Rachel Stein, *The Environmental Justice Reader: Politics, Poetic, and Pedagogy* (Tucson: University of Arizona Press, 2002), David Naguib Pellow and Robert J. Brulle, *Power, Justice, and the Environment: A Critical Appraisal of the Environmental Justice Movement* (Cambridge: MIT Press, 2005), and *Dumping in Dixie: Race, Class, and Environmental Quality* 3rd ed. (Westview Press, 2000).

government bureaucrats. In response, SOCM found itself, once again, fighting to protect the environment and human health while at the same time defending and advancing the ability of citizens to participate in the decisions that affected their health, environment, and quality of life. For the organization's members, these two battles were one and the same, and they pursued them with vigilance and persistence.

SOCM takes on Out-of-State Waste

As the decade of the 1990s opened, “out-of-state” waste quickly became a salient issue for thousands of residents living in rural areas of Tennessee. In May of 1989, in an attempt to attract waste management companies, and supported by groups such as the Tennessee Association of Businesses, the Tennessee General Assembly repealed a part of Tennessee’s solid waste laws that required local approval of hazardous waste landfills, incinerators, storage and treatment facilities in an effort to streamline permitting and construction of new waste management facilities. Supporters of the provision argued that the its repeal was necessary to prevent other states—specifically Alabama and South Carolina—from refusing to accept Tennessee waste in reprisal for Tennessee local governments using the local approval law, or “local veto,” to block the importation of their waste. Further, in April of 1989, the Tennessee Attorney General claimed that the local veto represented an unconstitutional delegation of power by the legislature to county and municipal bodies. The General Assembly reluctantly repealed the local veto under the stipulation that the state Solid Waste Control Board, made up of political appointees and administered by the state Department of Health and

Environment, would create new regulations for the siting of waste facilities. Local control was not completely lost, however. During debate of the bill, Democratic Representative Doug Jackson of Dickson County led Assemblymen from districts confronting new landfills in successfully amending so that local governments in counties and unincorporated municipalities that did not already have zoning in place to deal with landfills—that is, most of the state’s rural areas—retained the final say over landfill permitting and siting decision until the Solid Waste Control Board established the new rules and regulations stipulated in the law.²⁶⁶

In June of that year, the Solid Waste Control Board’s Division of Hazardous Waste held a meeting in Nashville to gather input from interested parties about possible new regulations. According to the accounts of attendees, about half of those present were concerned citizens or representatives from environmental groups. When the draft regulations were issued roughly six weeks later on August 9, citizens and environmentalists found few, if any, of their recommendations included. As required by the Tennessee Hazardous Waste Management Act of 1977 and the Uniform Administrative Procedures Act, the

²⁶⁶ Tennessee Association of Businesses, testimony before the Tennessee Department of Health and Environment, Division of Solid Waste Management, Knoxville, Tennessee, 7 September 1989, private collection, Statewide Organizing for Community Empowerment, Lake City, Tennessee; Charles W. Burson, Attorney General, “Opinion No. 89-56, Constitutionality and Applicability of T.C.A. 68-46-108,” 17 April 1989, Nashville, Tennessee; The Alabama Legislature passed a bill that banned the importation of waste from states that similarly ban out-of-state wastes in 1989. The South Carolina legislature considered a similar bill at the same time; *Hazardous Wastes Management and Minimization Act, Code of Alabama* 22, sec. 30, 11 (1989); Gerald E. Ingram, Division of Solid Waste Management, to Recipient, memorandum, SUBJECT: Proposed Regulations and Public Hearings, 11 August 1989, private collection, Statewide Organizing for Community Empowerment, Lake City, Tennessee; *The Jackson law, Tennessee Code Annotated* 60, sec. 211, 701 (1989).

Department of Health and Conservation scheduled three public hearings to be held in September in Nashville, Knoxville, and Jackson, to gather citizen input on the proposed regulations before making the rules permanent. Feeling ignored and outraged, members of SOCM and other groups interested in the rule-making process, redoubled their efforts to turn out citizens to these hearings.²⁶⁷

In preparing for the rule-making hearings, the SOCM staff and members articulated arguments against the construction of massive commercial landfills on grounds of basic justice and fairness, and called for rules that maximized the involvement of local residents who would be most affected by the construction of waste management facilities in decisions regarding their siting and permitting. Dr. Michael Crist, a public school administrator from Dickson County, cited the dangerous nature of the wastes as a primary concern. Crist wrote a letter to *The Tennessean* of Nashville explaining that the proposed rules permitted known cancer-causing agents and other hazardous materials, including substances such as polychlorinated biphenyl (PCBs), Agent Orange, and industrial wastes containing lead and other heavy metals, as close as 200 feet to flowing streams, within 500 feet of scenic, cultural, and recreational areas, and within 1000 feet of private drinking water wells and 2000 feet of public drinking water wells. Crist echoed a common sentiment of local people feeling helpless against the forces of capital: “Commercial waste means out-of-state waste,” he wrote, and once commercial

²⁶⁷ Save Our Cumberland Mountains, “How These Regulation Hearings Came About,” internal document, private collection, Statewide Organizing for Community Empowerment, Lake City, Tennessee, n.d.; Gerald E. Ingram, Division of Solid Waste Management, to Recipient, memorandum, SUBJECT: Proposed Regulations and Public Hearings, 11 August 1989, private collection, Statewide Organizing for Community Empowerment, Lake City, Tennessee.

waste facilities are located within Tennessee, “waste-as-a-commodity cannot be regulated or prevented from coming into Tennessee anymore than the State or a citizen’s group could prevent a certain type of automobile from being shipped to Tennessee from Detroit.” “Commercial,” he insisted, “also means for profit, and the operators of these facilities are certainly not going to turn away business, regardless of its source or life-endangering characteristics.” In turning out members to testify, SOCM provided literature that echoed Crist’s concerns but emphasized further the injustice of the decision-making process embodied in the proposed rules. “Those MOST AT RISK are CONSULTED LEAST!” insisted one of their informational fliers. “This is our land,” it continued, “we have the right to be heard, to be in on decisions that affect how we will live, what environment our children will be raised in, what dangers they will be exposed to.” As with almost all the literature SOCM generated surrounding the issue, the flier emphasized the unfairness of other states dumping their garbage in Tennessee.²⁶⁸

Citizen testimony at the hearings reiterated these themes. In their written testimony for the Knoxville hearing on September 7, SOCM members Paul and Sylvia Morrill of Fairfield Glade emphasized the injustice of the legislative action which, in their opinion, “deprived local citizens in their communities throughout the state of the democratic veto power or control of the waste dumps.” In addition, they contended that the proposed rules allowed too many loopholes for

²⁶⁸ Dr. Michael Crist, to the editor of *The Tennessean*, 28 August 1989, private collection, Statewide Organizing for Community Empowerment, Lake City, Tennessee; Save Our Cumberland Mountains, “We the people say,” informational flier, 1989, private collection, Statewide Organizing for Community Empowerment, Lake City, Tennessee; “Let your voice be heard,” informational flier, 1989, private collection, Statewide Organizing for Community Empowerment, Lake City, Tennessee.

managers of waste facilities to operate without accountability to the state or residents. As they interpreted the draft regulations, the Morrills' complained that they relied "too much on the operator's answers to information," and thus "neglect[ed] the safety of the citizenry." Finally, the Morrill's called for increased transparency to help citizens understand what exactly was being proposed. They encouraged the Solid Waste Control Board to include in their regulations a summary of the number of dumps already in the state in 1989, exactly how many new facilities were being proposed, who were to operate these proposed facilities, the reasons for building new facilities, and scientific assessments of their safety. Longtime SOCM member Betty Anderson of Knoxville charged during the September 7 hearing in that city that the proposed specifications for how far waste facilities must be built from drinking water supplies were inadequate and unfair. "Many rural people have no other source of water than their well or spring...Their loss would be very serious...Many of them do not have the resources to sue." In her testimony, SOCM supporter Carol J. Spiller, Ph.D., argued for involving local communities in the waste management facilities siting decisions. She referenced to a recent report to the Massachusetts Hazardous Facility Site Safety Council which stressed the importance of local "host community" and "abutting community(ies)" influence in the siting process, and compensation to residents for losses. Spiller also recommended that Tennessee consider adopting stronger regulations than the federal government with regard to waste management because the Massachusetts report found that such regulations inspired greater public confidence and credibility. Lastly, she

cited recommendations from the Massachusetts report that “exclusionary criteria” prohibiting the building of facilities in certain areas “make facility siting easier because they remove the potential objection that a proposed project is on a physically inappropriate site.”²⁶⁹

Supporters of the proposed rules, such as the Tennessee Association of Businesses which claimed to represent more than 1000 businesses in the state, characterized the testimony landfill opponents as subverting the intent of the 1989 repeal of the local veto. They objected to proposals to ban the building of waste management facilities near scenic, cultural or recreational areas, fault areas, wetlands, or floodplains. The business group testified that waste management proposals advocated by citizens and environmental groups went “far beyond what is required to provide protection to human health and the environment.” As an alternative, the business community advocated “site-specific” and “case-by-case” review of siting criteria and “responsible management.” Citizens chafed under these recommendations, fearing that proponents wanted to create a siting and permitting process controlled by business people with direct financial interests in building commercial waste facilities and government-appointed bureaucrats tied to those interests. They continued to stress issues of fairness—ensuring local

²⁶⁹ Paul and Sylvia Morrill, to Representatives of the Tennessee Division of Solid Waste Management, 20 September, 1989, private collection, Statewide Organizing for Community Empowerment, Lake City, Tennessee; Betty Anderson, testimony before the Tennessee Department of Health and Environment, Division of Solid Waste Management, Knoxville, Tennessee, 7 September 1989, private collection, Statewide Organizing for Community Empowerment, Lake City, Tennessee; Carol J. Spiller, Ph.D., “WRITTEN COMMENTS REGARDING THE PROPOSED HAZARDOUS WASTE FACILITY SITING REGULATIONS, Submitted as part of the public hearing process held by the Division of Solid Waste Management, Tennessee Department of Health and Environment, September 5, 6, 7,” 25 September 1989, private collection, Statewide Organizing for Community Empowerment, Lake City, Tennessee.

resident participation in environmental decision making by making the process of siting and permitting waste management facilities transparent and accessible to the public. In the end, more than 400 people attended the hearings, 100 people speaking on the proposed rules with the great majority opposing the draft regulations. In response, the Solid Waste Control Board scrapped their draft regulations, substituting draft regulations from the federal Environmental Protection Agency without re-soliciting public input as required under Tennessee law. This decision not to hold hearings on the substitute regulations drew appeals from the Tennessee Environmental Council and SOCM.²⁷⁰

The 1989 repeal of the “local veto” and rule-making hearings and proposed solid and hazardous waste facilities in various rural counties galvanized local populations. Citizens organized themselves in a variety of community-level groups. Organizations like “Citizens Against Pollution,” based in Humphreys County west of Nashville—the site of ten sanitary and industrial landfills—and “Stop Trashing out Premises” (STOP) in Union City in northwestern Tennessee, emerged in response to the threat. In the eastern part of the state, many concerned residents were already members of Save Our Cumberland Mountains, which quickly took up the cause. In the fall of 1989, the prospect of importing thousands of tons of “out-of-state” waste had emerged as a serious issue among SOCM’s members. After due consideration, the board elected to make it one of

²⁷⁰ Tennessee Association of Businesses, testimony before the Tennessee Department of Health and Environment, Division of Solid Waste Management, Knoxville, Tennessee, 7 September 1989, private collection, Statewide Organizing for Community Empowerment, Lake City, Tennessee.

SOCM's campaigns. By January 1990 it had named a "Toxics Committee" to address solid, hazardous, and medical waste issues.²⁷¹

The thirteen-member Toxics Committee, assisted by a paid SOCM organizer, first met on January 13, 1990. Their work was infused with the language of citizenship, including rights, justice, and responsibility. One of the basic problems that they identified was that the waste management industry, rather than the state, was responsible for monitoring its own activities. In addition, they argued that the state had as yet only offered "band-aid" solutions to the problems of landfills; it had failed to question whether it was in the interests of Tennessee to accept waste flows from outside the state; it had not addressed the lack of enforcement of existing waste management and water and air quality laws, and it had no remedy for the absence of institutions that allowed citizens a voice in siting and permitting decisions. SOCM's general solutions, far from the technical prescriptions that someone involved in the siting or regulation of waste facilities might have proposed, revolved around massive campaigns to educate the public and actions to hold the industry and government accountable to the "citizens."²⁷²

²⁷¹ "AN UPDATE ON THE PRIVATE DUMP ISSUE IN HUMPHREYS COUNTY," Citizens Against Pollution, Waverly, Tennessee, n.d., Private Collection, Statewide Organization for Community Empowerment, Lake City, Tennessee; "Group fights landfill expansion," *The Commercial Appeal* (Memphis), 26 August, 1993; "Toxics Committee off and Running," *The S.O.C.M. Sentinel*, January 1990.

²⁷² Ibid.

The Fight for Local Control, “Environmental Justice,” and the “Right to Say ‘No’”

When it appeared that federal and state authorities were not inclined to act quickly enough to stop the importation of garbage, SOCM pursued local solutions. They pressured county commissioners to set fees on imported waste to discourage dumping in those counties, employing “people power” by organizing dozens and sometimes hundreds of citizens to turn out for county commission and town council meetings to testify and lobby. SOCM based this local aspect of their campaign—fighting landfills county by county by promoting greater authority for town councils and county commissions to regulate activities within their jurisdictions—on what became known as the “Jackson law.” Because the Department of Health and Environment’s Solid Waste Control Board failed to enact new rules fulfilling the requirements of the 1989 solid waste management law, local governments representing counties and unincorporated municipalities retained their power to approve or deny proposed new landfills and landfill expansions . To SOCM members, county commissioners, and legislators debating the issue in Nashville, this law became simply known as the “Jackson law” after its 1989 legislative sponsor Doug Jackson. As the law was written, local governments did not automatically gain the authority granted by the legislation; they had to vote to “opt in” to enjoy the local control it provided. The law also included an expiration date of July 1, 1991. SOCM saw great potential in the “Jackson law,” but also worried about its limitations.²⁷³

²⁷³ The “Jackson law” was incredibly complicated in its legal application. One of the best descriptions of the history of the law, the State Assembly’s extension of its expiration date first to

In Campbell County, concern over a landfill proposed for an abandoned coal strip mine near the community of Wooldridge prompted dozens of residents to join SOCM in mid-1990. This provided the group its first opportunity to test the law's utility. In August, after learning about the possibilities of the "Jackson law" at one of their first meetings, the local chapter commenced a campaign gathering 800 signatures on petitions asking the Campbell County Commission to adopt or "opt in" to the law. SOCM also lobbied individual commissioners, providing each with a copy and summary of the law, and ran public service announcements on local radio stations. About thirty SOCM members attended the county commission meeting in August. Led by local resident Connie McNealy, they testified about the dangers of massive landfills for water quality and about the inadequacy of government regulation of such facilities. They insisted that it was incumbent upon counties to protect themselves because the state and federal governments, unduly influenced by urban areas and corporate lobbyists, failed to do so. The commission voted unanimously to opt into the "Jackson law" at its

1994, then to 1995, and finally its removal of an expiration date altogether, comes from a court case that originated in 1992 when waste management company Profill Development, Inc. applied for a permit to build a new landfill in Fayette County from the Tennessee Department of Environmental Conservation. It took more than three years of back and forth between the company and the Department before for the Department declares Profill's application complete and begin the permitting process. Before it did, however, the Department received a notice that Fayette County had "opted in" to the "Jackson law" in 1995 and ceased its permit review. Profill then sued the Department; part of the suit questioned the constitutionality of the "local veto." In 1997, the Davidson County Chancery Court sided with the Department, intervener Western Teseans for Clean Water and Environment, and upheld the "Jackson law" and the ability of local governments to approve or deny landfill proposals. See *Profill Development, Inc. v. Dills*, 95-1748-III (Davidson County Chancery Court, 1997).

September meeting. Soon after, Campbell County refused to allow the construction of the contentious landfill.²⁷⁴

Following its success in Campbell County, the group went on to organize members in other counties to persuade their local governments to opt to be covered by the “Jackson law.” Members in Oliver Springs at the intersection of Anderson, Roane and Morgan counties northeast of Knoxville, opposed a new landfill proposed by Remote Landfill Services, Inc., and successfully convinced the commission of Anderson County to adopt the law and then sue to enjoin Remote from commencing construction of the landfill without county approval—a suit they won on January 29, 1990, resulting in the permanent halting of construction of the landfill until it obtained the approval of the Anderson County Commission. SOCM then successfully convinced the Morgan County Commission to also opt into the law.²⁷⁵ This was yet one more local manifestation of the group’s dedication to ensuring that citizens had a say in decisions that would affect their communities, the health of their families, and the quality of their environment. In their efforts to address the mega-landfill issue at the statewide level, they would operate on the same philosophical basis.

²⁷⁴ “Campbell County Chapter Gains Great New Members and Several New Issues in One Community,” *The SOCM Sentinel*, July 1990, 2; “Campbell County Chapter victorious with Jackson law,” *The SOCM Sentinel*, September 1990, 11.

²⁷⁵ “Oliver Springs victory: County holds firm,” *The SOCM Sentinel*, December 1990, 1,2; The Campbell County Commission sued Remote Landfill Services and its partner Chambers Development Corporation on December 12, 1990 for violating the Tennessee Sanitary Landfill Areas Act after Remote proceeded to bulldoze portions of the Cumberland Trail which ran across the proposed landfill area despite the Commission disapproving of the construction of the landfill under its authority it granted by the “Jackson law,” “Landfill Case Goes To Trial,” *The SOCM Sentinel*, January 1991, 9, 10; “Yeah... We Won!,” *The SOCM Sentinel*, January 1991, 11; “Oliver Springs Celebrates victory,” *The SOCM Sentinel*, February 1991, 1, 7.

In tandem with their county-by-county campaign SOCM crafted legislative solutions to the problem of solid and hazardous waste management. At a meeting of the State Senate Energy and Environment Committee at Cove Lake State Park in Caryville approximately thirty miles north Knoxville in October of 1990, SOCM members from the Morristown, Campbell County, Roane County, and Oliver Springs chapters called on the legislature to “give us local control of our own counties and what comes in, stop out-of-state waste from coming into Tennessee, improve enforcement of current laws and regulations, and impose stiffer fines on violators.” Attendees offered the committee possible ways to achieve these objectives. Those testifying included a University of Tennessee professor who worked with the university’s Waste Management Institute, and Peggy Douglas, a representative of the Tennessee Environmental Council, who described options available for Tennessee to restrict out-of-state waste without violating the U.S. Constitution’s interstate commerce clause. Speakers also included Ruth Neff from the State Planning Office who spoke about possible new laws that would allow the Division of Solid Waste to have access to a waste facility operator’s past history and compliance reports as part of permitting decisions. Assistant Commissioner of Health and Environment Wayne Scharber testified about the importance of citizen participation in solid waste management processes.²⁷⁶ The prescriptions they offered at this October meeting—the ability of Tennessee to restrict out-of-state waste and to review a permit applicant’s past compliance with the laws of Tennessee or other states, and ensuring that citizens

²⁷⁶ “State hears from SOCM about waste,” *The SOCM Sentinel*, December 1990, 8-9.

played a vital role in decisions regarding the siting and permitting of waste facilities—became the basic themes for SOCM’s legislative work on the issue.

Publicity surrounding and public opposition to proposals for new landfills and the General Assembly’s attempts to deal with the waste issue catapulted out-of-state waste to such an enormous issue that in 1991 Tennessee’s Governor, Ned McWherter, made it a top priority for his administration. In advance of the 1991 Assembly, SOCM drafted language for a waste management bill, solicited Assemblymen from the most affected areas to introduce it, and cultivated relationships with a variety of allies including the Tennessee Environmental Council, the Sierra Club, and other citizens’ organizations and local governments. SOCM also attempted to influence McWherter as the governor’s office wrote its own waste management bill. SOCM advocated legislation that would: provide citizen’s a right to appeal permitting decisions; extend the expiration date of the “Jackson law” from July 1, 1991, to July 1, 1995; expand the “Jackson law” to include all counties regardless of whether they had adopted landfill zoning regulations or not; and provide the authority of the “Jackson law” to local governments immediately without each county having to “opt in.” In addition, SOCM supported new fees on waste facility permit applicants to pay for enforcement, requiring applicants to provide public notice fourteen days before applying, changing the Solid Waste Board to include citizen members, and restricting the role of Board members who had significant economic interests in the permits being considered. The Administration agreed to consider these proposals if SOCM could gain the support of county governments for the

provisions. SOCM then embarked on a successful campaign to drum up the endorsements of the state's county commissioners. But the Administration balked. SOCM members lobbied assemblymen fervently in Nashville to amend the bill to include their provisions—in some instances they had face to face contact six or seven times with the same senator or representative. In the end, McWherter's "Comprehensive Solid Waste Management Plan" included little that SOCM proposed. It did, however, extend the termination date of the "Jackson law." The only other proactive SOCM-supported legislation that passed in 1991 was the so-called "bad boy" law drafted by the Tennessee Environmental Council. The "bad boy" law prohibited any waste management company from obtaining a permit to open and operate a landfill under the governor's comprehensive plan if it had a record of environmental violations in Tennessee or another state. In their lobbying and testimony before subcommittees of the Assembly, SOCM members talked about such "bad boys" as "corporate criminals," and framed their arguments in the language of justice and responsibility. SOCM members were also successful in opposing a series of bills introduced by Senator James Kyle, a Democrat and attorney from Memphis, that sought to restrict the rights of local governments to set fees for imported solid wastes and to terminate the "Jackson law."²⁷⁷

SOCM's legislative agenda, although it did not ban out-of-state waste or impose any new environmental regulations, was vigorously opposed by the waste

²⁷⁷ Ibid.; "SOCM's Legislative Efforts End After Roller Coaster Ride," *The SOCM Sentinel*, June 1991, 5, 6, 7; *Senate Journal of the Ninety-seventh General Assembly of the State of Tennessee*, convened at Nashville, Tuesday, January 14, 1992, Second Regular and First Extraordinary Sessions, (Berkeley: University of California Press, 1993).

management industry and legislators who saw economic opportunity in the proposed landfills. In hearings before the Tennessee Senate Natural Resources Committee which was considering both the SOCM and governor's bills in March of 1991, Sandy Johnson of the Tennessee Association of Businesses, insisted that any new laws "create mechanisms for scientific and technical reasoning to be the major source of authority in siting landfills" rather than the concerns or opinions of residents. Johnson, which claimed that her organization represented more than 100 manufacturers in the state comprising slightly more than half of all the waste that made its way into non-industrial landfills, argued that the creation of regional "solid waste authorities" which would coordinate waste management decisions among a variety of local governments, would provide yet another hoop to jump through in what was an "already near-impossible task." Further, she argued that because manufacturers represented more than half of the waste produced, the solid waste board ought to represent manufacturers proportionally by including more representatives from industry in its membership, even though those representatives might not live anywhere near the site of a proposed landfill.²⁷⁸

SOCM achieved few of its legislative goals in 1991. Other than the extension of the expiration date of the "Jackson law" to June 30, 1994, and passage of the "bad boy" law, SOCM was unable to expand the ability of citizens to participate in or appeal permitting decisions for solid waste facilities and the membership of the Solid Waste Board remained unchanged. Two decades of

²⁷⁸ Sandy Johnson, Tennessee Association of Businesses, testimony to the Tennessee Senate Energy and Natural Resources Committee, Solid Waste Subcommittee, Tennessee General Assembly, 11 March 1991, 12:35 p.m., Tape 1, Tennessee State Library and Archives, Nashville, Tennessee.

lobbying the General Assembly, however, had taught them the sometimes frustrating lesson that passing legislation often took multiple sessions and to be patient. Through a series of articles in the SOCM newsletter and workshops, the Toxics Committee and county-level chapters spent the months leading up to the next legislative session educating themselves on what the Administration's bill, passed in mid-1991, actually did and how they might use it in their continued work on the issue. Although their pro-active solid waste management bills had died in 1991, in the second part of the 97th General Assembly during 1992, they successfully helped to kill attempts by Browning Ferris Industries to weaken parts of the comprehensive solid waste law that had passed the previous year including provisions designed to further reduce local controls for counties. As they did this, they evaluated their legislative efforts during the General Assembly in 1991, worked to build momentum for the next session, and continued their efforts to advance the power of residents to influence landfill permitting decisions in their communities.²⁷⁹

By the eve of the 93rd session of the General Assembly, the Toxics Committee had refined the language of its proposed legislation. For the 1993-1994 session, SOCM combined its demands for local control and citizen approval of landfills and importation of garbage from out of state into a single flagship bill with three main provisions. First, it sought to strengthen the "bad boy" law

²⁷⁹“SOCM Members discuss Solid Waste Plans at daylong workshop put on by Toxics committee,” *The SOCM Sentinel*, February 1992, 11; Save Our Cumberland Mountains, “1991 Annual Report,” private collection, Statewide Organizing for Community Empowerment, Lake City, Tennessee, 12-13; “SOCM’s WIN LEGISLATIVE FIGHT,” *The SOCM Sentinel*, May 1992; Landon Medley, interview by author, Spencer, Tennessee, 23 June 2010.

Tennessee passed in 1991 by leaving less discretion to the state Commissioner of Environment and Conservation to decide what constituted a bad “pattern of performance” on the part of a landfill operator seeking a permit. The proposed bill would define specifically what constituted bad behavior. Second, the bill authorized a citizen referendum by which citizens could decide whether to allow a landfill in their community or to allow an existing landfill to expand if the proposed landfill accepted more than 10,000 tons of waste a month, changed the kinds of waste it received, or expanded by more than ten percent. Finally, the bill provided citizens the right to appeal solid waste permits just as they could other permitting decisions regarding air and water quality and strip mining.²⁸⁰

SOCM’s work on this bill in the 93rd General Assembly marked a turning point in how the organization understood and publicly explained its work. In introducing their bill, SOCM utilized a term that was becoming increasingly popular in the world of environmental and social activism in the late 1980s and early 1990s to describe how they understood the solid and hazardous waste issue in the state: “environmental justice.” Maureen O’Connell, who served as executive director of the organization during the period, remembers that the organization may have first come into direct contact with the term while working with a predominantly African-American group on toxic waste issues in western Tennessee in 1991. She recounts that “environmental justice” seemed to

²⁸⁰ “SOCM Drafts Bill to Stop Out-of-State Waste,” *The SOCM Sentinel*, November-December 1992, 18; Maureen O’Connell, interview by author, Lake City, Tennessee, 25 June 2010; “1993 Environmental Justice Bill: SOCM Works To Stop Corporate Criminals and Out-of-State Waste,” *The SOCM Sentinel*, January 1993, 1-2, private collection, Statewide Organizing for Community Empowerment, Lake City, Tennessee.

permeate conversations regarding waste issues in the early 1990s. In introducing and explaining the proposed legislation to SOCM members, the January 1993 issue of *The SOCM Sentinel* described the issue in terms of justice. It asked readers whether a company that contaminated a community's water supply, or had been repeatedly convicted of federal crimes, or had been repeatedly found to have illegally dumped hazardous waste into a landfill should be allowed to operate a waste facility in the state. Justice had always been at least implicitly wrapped up in how SOCM members understood and described environmental issues, but the explicit use of the phrase "environmental justice" with regard to the waste issue indicated a transition in how the organization understood itself and its work. Its 1993 waste management bill would be known as the "Environmental Justice Bill" and subsequent legislative proposals in later sessions to address out-of-state waste would carry the same moniker. By the end of the decade, SOCM had clarified its mission to reflect its dedication to advocating social, economic, and environmental justice.²⁸¹

The "Environmental Justice Bill of 1993" was the embodiment of an organizational philosophy that insisted that the best natural resource decisions should involve all interested parties and that citizens should have a right to participate in those decisions. But, by July of 1993, the bill had met the same fate as its predecessors. A 3-3-1 vote in the Senate Energy and Natural Resources

²⁸¹"SOCM Drafts Bill to Stop Out-of-State Waste," *The SOCM Sentinel*, November-December 1992, 18; Maureen O'Connell, interview by author, Lake City, Tennessee, 25 June 2010; "1993 Environmental Justice Bill: SOCM Works To Stop Corporate Criminals and Out-of-State Waste," *The SOCM Sentinel*, January 1993, 1-2, private collection, Statewide Organizing for Community Empowerment, Lake City, Tennessee.

Committee kept it from advancing any further, and SOCM's Toxics Committee was already preparing to try again in the next session, strategizing how to influence the rule-making process that was being promulgated for the 1991 "bad boy" law which had yet to be enforced by the Tennessee Department of Environment and Conservation. With the legislative defeat barely over, the Toxics Committee was brainstorming how to turn people out for the public rule-making hearings.²⁸²

While they were navigating the legislative maze in Nashville, SOCM members were also working with similar groups in other rural states to introduce and pass a federal bill that would enable states to prohibit the importation of waste from outside their borders. In September of 1991, the SOCM Board endorsed federal legislation written by the Western Organization of Resource Councils (WORC), a consortium of similar citizens' conservation organizations in the Plains and Rocky Mountain states (that grew, coincidentally, out of Montana's Northern Plains Resource Council). In a 1991 edition of *The SOCM Sentinel*, the bill was described by one of its authors, Will Collette of WORC, in patriotic terms as advancing freedom. "Some people call it a nimby [not in my backyard] thing to say 'no' to waste from outside your community," Collette wrote. "Instead, we consider Not In My Backyard to be another term for democracy... The right to say no is a bedrock grass-roots principle."²⁸³

²⁸² "1993 Environmental Justice Bill: SOCM Works To Stop Corporate Criminals and Out-of-State Waste," *The SOCM Sentinel*, January 1993, 1-2, private collection, Statewide Organizing for Community Empowerment, Lake City, Tennessee.

²⁸³ "Freedom: The Right To Say No," *The SOCM Sentinel*, November/December 1991, 4, 5.

For the next four years, SOCM incorporated the federal “Right To Say NO” bill into its campaign to prevent the importation of solid, hazardous and biomedical wastes from out-of-state through an assertion of the rights of citizens to participate in the decisions that affect their communities. In 1994, WORC and the groups supporting the legislation were able to pass what they considered a strong bill out of the Energy and Commerce Committee in the House of Representatives. The “State and Local Government Interstate Waste Control Act of 1994,” H.R. 4779, sponsored by Representative Rick Boucher, Democrat of West Virginia, maintained the ability of states to prohibit out-of-state garbage and preserved local, community-level approval for new landfills. The Senate bill, sponsored by Senator Max Baucus, Democrat of Montana, was weaker, but still included much of what the groups wanted, including provisions that enabled states to control the flows of trash across their borders. Both bills required public hearings or public comment before local governments could approve the building of a landfill. In varying degrees, both defined a role of local governments in determining whether they would allow the importation of waste, and both expanded the ability of state governors to ban the importation of waste, but only with the approval of local governments. The House bill included a bad actor provision similar to what Tennessee passed in 1991; the Senate bill did not. When the Senate bill stalled, SOCM and the other groups flooded the mailboxes and voicemails of senators with letters, faxes, and phone calls asking to move the bill. Both bills made it through both houses before dying in the last hours of the 1994 Congressional session. The next year, the groups got an earlier start, “flying

in” citizen lobbyists to Washington, DC This time they were a bit more successful as the Senate passed a limited bill by a vote of 94-6 on May 18. SOCM and WORC then tried to push a stronger bill through the House. They relied on “action alerts” to keep members informed on the progress of legislation and call them to action. Ultimately, opponents’ arguments against the bill—that it violated the interstate commerce clause of the Constitution and that it imposed unnecessary and onerous regulations on the industry—led to the same fate as SOCM’s legislative proposals in Tennessee.²⁸⁴

A Seat at the Table

When their efforts failed to produce strong laws at either the state or federal level, SOCM members pursued yet another course grounded in the grassroots philosophy of the organization. After the passage of the “bad boy” law in 1991 and extension of the Jackson law, members worked to monitor existing landfills, monitor the enforcement activities of the Tennessee Department of Conservation and Environment, and participate in the state rule-making processes to make sure the new laws were enforced.

In 1992, SOCM employed a practice they had learned in their battles against the coal strip mining companies in the previous decades: it commissioned

²⁸⁴ Sara Kendall, Western Organization of Resource Councils, to People interested in Right to Say No, Memorandum, 19 June 1995, private collection, Statewide Organizing for Community Empowerment, Lake City, Tennessee; “Right to Say No Federal Bill Update,” 9 September 1994, no author, private collection, Statewide Organizing for Community Empowerment, Lake City, Tennessee; “Comparison of Right to Say ‘No’ Bills,” n.d., private collection, Statewide Organizing for Community Empowerment; “Action Alert,” Western Organization of Resource Councils, n.d., private collection, Statewide Organizing for Community Empowerment, Lake City, Tennessee.

and published its own independent studies of solid waste, landfills, and enforcement (“or lack thereof,” in their words) in the state. During the 1970s and 1980s they had developed this tactic as a way to understand what was actually happening in the coal mining counties—how much land coal companies owned, how much they paid in property taxes and the proportion of their taxes compared to that paid by residents who did not own mining companies or mines, which mines had permits, and how effectively the state was enforcing its laws. They then used the study to rally public opposition to strip mining or support for regulation and to prompt state action. As they had with the coal mining taxation and enforcement studies, SOCM utilized the skills and labor of its members and staff.²⁸⁵

While they conducted the study, they continued to elevate the issue through creative direct actions. To illuminate what they considered a lack of enforcement of the “bad boy” law by the Department of Environment and Conservation and its commissioner J. W. Luna, they held a “mock trial” at Legislative Plaza in Nashville on March 1, 1994. About forty SOCM members participated in the event. Standing in front of an easel that included a state map with 24 dump trucks scattered across it representing a proposed landfill or landfill expansion, Janice Morrissey of Roane County articulated the group’s position: “the citizens of this state are under siege from the waste industry, and the Department of Environment and Conservation has done nothing to protect us

²⁸⁵ “Landfill Enforcement in Tennessee, A Study of Enforcement of Regulations Governing Class I Solid Waste Disposal Facilities in Tennessee,” report, Save Our Cumberland Mountains, Lake City, Tennessee, 1 November 1995.

from this siege.” State officials cited revisions to Tennessee’s waste management laws made in the last three General Assembly sessions to assure citizens that they were more protected than they had ever been from the dangers associated with landfills. Rose Ingram of Oliver Springs was not convinced. “We have been fighting an unneeded private megadump for more than four years,” she told reporters. She pointed to repeated violations by the company that had taken over the proposed landfill from Remote Landfill Incorporated, Chambers Development Corporation in West Virginia and Pennsylvania and called on Commissioner Luna to intervene to enforce the “bad boy” law. Chambers, which operated landfills in thirteen states and was under investigation by the federal Security and Exchange Commission, dismissed the event as just another example of “NIMBYism,” but SOCM kept up the pressure.²⁸⁶



“Oliver Spring Chapter members meet with governor’s representatives urging the ‘bad boys’ law should be enforced.” Private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee.

²⁸⁶ Anne Paine, “Landfill foes judge state as lax,” *The Tennessean* (Nashville), 2 March 1994.



“Action and press conference highlighting problems of illegally dumped waste in Greene Co., 1993.” Private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee.

After three years, the group released a report of its findings. According to the SOCM’s newsletter, the study was conducted by the members of the Toxics Committee because of the “[h]undreds of complaints from citizens about problems at landfills in their communities, and countless horror stories of the state’s refusal to take any action against the operators.” The report—fifty five pages long without appendices—reflected the group’s dedication to holding government and industry accountable to residents. Alvin Miller, member from Greene County in the far eastern part of the state, wrote in the introduction of the report, “They [the state] have good guidelines...If they went by the rules, there wouldn’t be much problem...Restrictions are no good unless somebody enforces them.” The study found that the existing laws were basically sound but that they were not being adequately enforced. It identified four problem areas: inconsistent or only partial enforcement of state regulations, poor agency record keeping that was often inaccessible to enforcement staff and citizens, enforcement policies that

were unclear for industry, agency officials and citizens, and a lack of effective fines to act as deterrents to breaking the law.²⁸⁷

Prompted by the findings and allegations of lax state enforcement in SOCM's publicized study, the Tennessee Department of Environment and Conservation agreed to meet with SOCM members on February 9, 1996. According to SOCM Toxics Committee members Janice Morrissey, Todd Shelton, and Ethel and Clyde Spiller, the state officials listened attentively and conceded that many of SOCM's findings were correct including inconsistent enforcement practices, poor communication among the offices, lack of public accessibility to information, and inadequate record keeping. The department staff agreed with the SOCM members that there was a need to formalize policy, but maintained that the department did a better job than the SOCM study indicated. But because record keeping was so bad, there was no way for the citizen-researchers to know this. By the end of the meeting, the Department and SOCM had agreed to a detailed list of commitments for progress, a timeline for accomplishing them with specific dates and benchmarks, and scheduled a follow-up meeting later that year to assess progress.²⁸⁸

The state agreed to direct its inspectors to document the reasons why they deemed violations minor or serious enough to warrant some type of enforcement

²⁸⁷ "Solid Waste Study Released! Toxics Committee Set to Meet with D.E.C Officials," *The SOCM Sentinel*, November/December 1995; "Landfill Enforcement in Tennessee, A Study of Enforcement of Regulations Governing Class I Solid Waste Disposal Facilities in Tennessee," report, Save Our Cumberland Mountains, Lake City, Tennessee, 1 November 1995.

²⁸⁸ "Solid Waste Study Released! Toxics Committee Set to Meet with D.E.C Officials," *The SOCM Sentinel*, November/December 1995, 5, private collection, Statewide Organizing for Community Empowerment, Lake City, Tennessee; "SOCM Wins Major Improvements In Landfill Enforcement!: Toxics Committee Meets with D.E.C. Deputy Commissioner Wayne Scharber and Other Officials, Wins Concessions," *The SOCM Sentinel*, January/February 1996, 1, 4.

activity and to require that they indicate a date when the violation would be corrected. SOCM agreed to providing the state with information on which field offices it found the most “citizen-friendly” in their accessibility and record-keeping so the state could begin to make all of their field offices more accessible. In addition, the Director of the Solid Waste Division agreed to meet with field office managers to address inconsistencies in record keeping and enforcement at the office, but also at the level of individual inspectors and to create a certification process for landfill operators and educational program for inspectors. Finally, the state agreed to begin implementing a comprehensive inspection records program by July of 1996 that would summarize inspection and enforcement information and the resolution of violations in an accessible computer database.²⁸⁹ All of these agreements served to make information more accessible to citizens so that they could more easily hold the state and waste management companies accountable and prevent pollution from landfills. As pleasantly surprised as SOCM members were with the outcome, they understood that these agreements were only the beginning. Over the next several months, the organization expanded the size of its enforcement campaign, disseminating the findings of its solid waste study and monitoring the Department of Environment and Conservation to make sure it followed through on its promises.²⁹⁰

In August of 1996, members of SOCM’s Toxic Committee again met with the Tennessee Department of Environment and Conservation to review progress

²⁸⁹ Save Our Cumberland Mountains, “UPDATE: SOCM LANDFILL ENFORCEMENT STUDY AND FOLLOWUP, April 15, 1996,” private collection, Statewide Organizing for Community Empowerment, Lake City, Tennessee.

²⁹⁰ Ibid.

in the implementing of the commitments that it made earlier that year. SOCM found that some of the commitments were indeed in the works, while others were moving along more slowly. The state had begun creating its certification process for landfill operators and was close to implementing its inspector training program to standardize enforcement procedures. When SOCM members complained that citizens were still having trouble gaining access to information despite promises by the department that it would information more available, the director of the Department committed to fixing the problem. Disappointingly, the inspection record database was far from complete. The meeting ended with renewed commitments by the state to complete what it had agreed to in February and an invitation for SOCM members to present their concerns about citizen access to information to a field office managers meeting. The Toxics Committee members were pleased with the tenor of the meeting but feared that all of the changes they had worked to achieve might simply be cosmetic. “I think it’s a really good first step that we’re having these conversations,” said Janice Morrissey and she added, “It’s something that we’re not in the habit of doing, and something they’re not in the habit of doing either.” Morrissey worried, though, “I hope it makes a difference to the whole enforcement effort, that it’s not just fiddling around with paperwork.” The only way to ensure that these changes had real effects on enforcement of landfills and made tangible improvements to the environment depended on whether SOCM members and other citizens remained involved in monitoring the agency and ensuring progress occurred at the local level. The Toxics Committee, according to the organization’s newsletter, had

“forced important changes and given local people the tools to achieve better enforcement at landfills in their area,” but it was up to citizens to “make it happen.”²⁹¹

Conclusion

By the end of 1996, SOCM’s campaign to prevent the importation of out-of-state waste and the construction of mega-landfills had transitioned from an intense, multi-front battle into a cooler scenario in which citizens took an active role in monitoring and supporting state regulation and holding landfill operators accountable to the people and existing laws. Other, more pressing, issues—the prospect of housing radioactive waste in Roane County west of Knoxville, clear cutting forests, the organization’s new campaigns to “dismantle racism,” and a proposed major strip mine on the Cumberland Plateau—soon overtook the threat of out-of-state waste, and the organization’s energies were directed elsewhere. Without passing any of their flagship legislation that would have given citizens an expanded and decisive role in permitting decisions for landfills or the state or local governments the “right to say NO” to out-of-state garbage, it is difficult to declare their campaign a clear-cut victory for the organization. If their goal was a revolution in solid waste management and democratic participation, then they enjoyed at best only minor success. But if their goal was simply to stop the mega-landfills that threatened their communities and maintain or expand the ability of citizens to participate in landfill siting decisions, then the campaign was a

²⁹¹ “Landfill Enforcement Reform Progressing: Toxics Committee Hold Second Meeting with TDEC,” *The SOCM Sentinel*, September/October 1996, 8, 9.

substantial success. In the legislature, their preservation and extension of the ability of local governments to veto landfill permits proved vital in allowing citizens to determine what happened in their communities. In addition, the passage of the “bad boy” law and its enforcement by SOCM members kept the most irresponsible landfill operators out of the state. Opponents of SOCM’s proposed legislation argued that the kinds of public notice and citizens’ appeal provisions the group proposed in the legislature would “shut down the industry” in Tennessee. It appears that it took even less than that—by the end of the 1990s, few of the mega-landfills had materialized and the multinational waste management corporations had abandoned their grandiose proposals. Citizen monitoring of industry and government agencies, which increased enforcement of existing laws at the local level and use of the “Jackson law,” had proved effective. SOCM members, through a vigorous commitment to grassroots democracy, had formalized their roles as citizen-guardians of the “people’s” interest in solid waste management. After using every strategy they could dream up to influence landfill permitting at every level, citizens had succeeded at achieving increased power in the decision-making process.²⁹²

Part of reason for the outcome of SOCM’s campaign to stop out-of-state waste might be attributed to the diffuse nature of the issue. Environmental decision making regarding waste issues, with its multiple venues including the legislature, state agencies and county commissions and multiple and confusing laws and regulations made the issue, like the refuse it concerned, messy. When

²⁹² O’Connell interview; Medley interview; Franz Raetzer, interview by author, Harriman, Tennessee, 1 July 2010.

SOCM was forced to consider the threat of a major coal strip mine proposed for the Cumberland Plateau which mined through the most toxic and acid-producing coal seam in the state with dire consequences for the region's water quality and a beloved and scenic state park, the outcome was very different.

CHAPTER 10
SAVING FALL CREEK FALLS:A CASE STUDY IN ADAPTATION AND
INNOVATION

The campaign to stop out-of-state waste in Tennessee required Save Our Cumberland Mountains to creatively draw from its two decades of experience to pressure local, state, and federal decision makers. Imagining a solution to the threat imported waste and mega-landfills posed to the land, water, and quality of life in rural and working-class communities challenged SOCM members and leaders to navigate a complex web of local ordinance and state and federal laws and to identify key players in waste management decisions and then employ a variety of tactics in influencing them. In the process, SOCM advanced its organizational philosophy that citizens ought to have a say in environmental decisions. In the end, however, the group did not achieve a decisive victory it sought. Instead, its efforts raised the issue in the minds of the public, policy makers and regulators, and elevated the credibility of the organization until SOCM gained new power to evaluate waste management proposals and hold state regulators accountable to protect citizens' water, land, air, and communities.

As SOCM members fought this decade-long battle, other issues came to the fore. When new coal strip mines were proposed for the Cumberland Plateau, SOCM reflected on its campaign to stop out-of-state waste. Its leadership recognized the potential of local organizing but realized that it was going to have to do more much more than monitor the Tennessee Department of Environment

and Conservation and the federal Office of Surface Mining and hold the agencies accountable to state and federal mining laws. Even with increased public oversight and citizen participation, federal and state coal mining and reclamation laws had largely failed to prevent the degradation of streams on the Cumberland Plateau during the 1980s. If they wanted to prevent long-term damage to streams, public and private lands and wells, the new strip mines had to be stopped. Halting the construction of a massive 18,000 acre coal mine that threatened Fall Creek Falls State Park on the Cumberland Plateau depended on SOCM's ability to blend many of the organizing techniques and strategies it had cultivated in its previous twenty years with new strategies and new energy. The campaign to persuade the federal government to save Fall Creek Falls by designating it unsuitable for coal mining marks a turning point in SOCM's larger project to increase citizen involvement in the decisions that affected their environment and communities and a case study in how citizens' groups adapted to the regulatory and political landscape of the 1990s.

Post-SMCRA Opposition to Strip-mining on the Cumberland Plateau

In many ways, SOCM members were better prepared to fight coal strip mines than to fight out-of-state waste, which was a good thing because proposals for new strip mines in Tennessee returned with a vengeance in the 1990s. SOCM's experience with strip-mining in the 1970s prepared them well to take on new coal mine challenges in the 1990s. By that decade, strip-mining had become somewhat old hat for the organization. During the 1970s, this makeshift

conglomeration of retired coal miners, wives of coal miners, teachers, and other local residents in the Tennessee coal fields tread unfamiliar ground to rein in the abuses of largely unregulated strip mining and its associated dangers to the health and livability in the region. During the transition period from underground mining of coal seams to large-scale surface strip-mining, SOCM became the citizen group most involved in pushing both the State of Tennessee and, more successfully, the federal government to regulate the practice and post-mining land reclamation. But getting stronger Tennessee surface mining laws and the federal Surface Mining Control and Reclamation Act (SMRCA) did not end the threat, and many SOCM members felt that the federal law was not stringent enough to prevent the kind of landslides and degradation that characterized strip mining before 1977, and that the State of Tennessee was ineffectual in enforcing the law. SOCM maintained that it was not opposed to all strip mining, but to strip mining where consequences were environmentally and socially damaging—on slopes steeper than twenty degrees that were prone to landslides, or in areas that would likely result in acid-mine drainage, for instance. As an alternative, the group advocated increased underground coal mining which still produced the majority of coal in the state. SOCM insisted that it considered new strip mining proposals on a case by case basis. But because most of the coal mining regions of the state were either steeper than twenty degrees or included acid-producing ore bodies, SOCM tended to oppose the majority of new strip mining proposals in the state during the 1970s and 1980s.

In 1974, AMAX Coal , Incorporated applied for a permit to build one of the largest coal strip mines ever proposed for the region on the Cumberland Plateau—a four hundred foot thrust of earth running north to south between Nashville and Knoxville. The proposed 20,000 acre mine would cut across multiple watersheds and through three streams and was adjacent to the state park, a natural scenic area beloved by Tennesseans for its lakes, streams, and waterfalls including Fall Creek Falls, the tallest waterfall east of the Rocky Mountains. SOCM had little presence in this part of the state, but organizers Maureen O’Connell and Charles “Boomer” Winfrey found local residents looking for help and eager to organize. With the help of O’Connell and Winfrey, residents like Linda and Larry Smotherman, James and Lucille Shockley, Joel Chandler, and Alta Moffitt of Piney, and Lewis McDowell and his family in Cagle, who had lived and worked on farms and in the mines in the region for generations, formed the Concerned Citizens of Piney. They sought help from allies in the Hamilton County chapter of the Sierra Club and the local chapter of the League of Women Voters to oppose the mine and eventually became an official chapter of SOCM. SOCM was successful in using the National Environmental Policy Act and new water quality laws in Tennessee to thwart AMAX’s plans arguing that the proposed mine, which would cut through the Sewanee coal seam—an iron pyrite-rich ore body that was prone to significant acid-mine drainage problems—would permanently damage the region’s water quality with unacceptable consequences for both residents and the environment.²⁹³

²⁹³ Linda and Larry Smotherman, interview by author, Spencer, Tennessee, 1 July 2010; Mauren

In the mid-1980s, RITH Energy Incorporated proposed yet another mine on the plateau. Though smaller than AMAX's, RITH's proposal also relied on mining through the acid-producing Sewanee coal seam. The threat of polluting the Plateau's streams combined with RITH's irresponsible blasting and mining practices which damaged the homes and wells of adjacent landowners, and their alleged use of intimidation against local landowners, attracted new opposition from people like David Hardeman and Wanda and Mike Hodge of the Graysville-area who joined SOCM. Their complaints finally resulted in RITH being shut down by court-order for repeatedly violating water quality standards and prohibitions against blasting after dark. Galvanized by the fight with RITH, Hardeman, the Hodges and their neighbors were ready when General Minerals applied for a permit to mine on Rock Creek on the Plateau in 1988.

Although any new coal strip mine was subject to the federal Surface Mine Control and Reclamation Act and Tennessee mining and reclamation laws and would be regulated to a degree unprecedented before 1977, citizens argued that the geology of the Cumberland Plateau made water quality degradation a certainty and reclamation extremely difficult. They contended that the benefits of strip mining on the Plateau were not worth the costs, and that new strip mines should not be allowed. To this end, SOCM and its local chapter in the region proposed using a provision in the federal SMCRA law as yet untested in Tennessee.

During the passage of SMCRA, western anti-strip mining interests were able to

O'Connell, interview by author, Lake City, Tennessee, 25 June 2010; "Beulah Simmons, mother of Lucille Shockley, dies after long illness," *The SOCM Sentinel*, March 1992, 19; Charles "Boomer" Winfrey, interview by author, Lake City, Tennessee, 17 June 2010.

get a provision attached to the law that allowed the federal Office of Surface Mining (OSM) to declare certain lands unsuitable for mining. Montana ranchers and environmentalists had originally advocated the inclusion of the “lands unsuitable for mining petition” (LUMP) provision in SMCRA to allow the OSM to declare the Custer National Forest off limits to mining. They argued that its value as grazing land, a source of reliable, clean surface water, and its scenic and recreational qualities as wilderness far surpassed any mineral wealth that could be mined from this national forest in the southeastern part of Montana . The LUMP had not been considered for Appalachia, yet the first successful petition to declare lands off-limits to mining was in Mississippi—not Montana. SOCM organizer Don Barger hypothesized that it could be used on the Cumberland Plateau. SOCM’s “Strip Mine Committee” argued that the beauty of the region and its high value for agriculture and recreation, and the apparent impossibility of mining through the Sewanee coal seam without permanently damaging these values, surely made the Rock Creek watershed a “land unsuitable for mining.” In the end, SOCM’s petition, bolstered by a prolonged campaign by the organization to build local and congressional support for the designation and by sightings of Golden Eagles—a recovering endangered species—in Rock Creek Gorge, proved at least partially convincing. In 1987, the federal Office of Surface Mining (OSM) decided on a “partial designation” of the Rock Creek Gorge area as “unsuitable for mining” with the other half of the petition area being temporarily withheld from mining pending further water quality studies. The group also succeeded in applying the same strategy to a proposed mining area in Campbell

County north of Knoxville. By the end of the 1980s, the LUMP process seemed to provide a valuable strategic option for SOCM and its chapters when confronted by the threat of new strip mines.²⁹⁴

By the early 1990s, the residents of the Cumberland Plateau and SOCM were harried by repeated proposals by coal companies to mine on the Cumberland Plateau. Until then, SOCM's work fighting individual proposals on the Plateau had proved to be resource- and time- intensive and failed to stop strip mining through the acid-producing Sewanee coal seam. As new mines were proposed, acid mine drainage seeped from mines deemed "reclaimed" by OSM and state officials coloring the water rusty-red and killing aquatic life in streams on the Plateau. Acid mine drainage proved to be pernicious problem and a poignant reminder of the dangers of stripping in the region. Building on the successful RITH ruling, SOCM pressured the Knoxville Field Office of the federal Office of Surface Mining to investigate water quality issues associated with Skyline's Gladys Fork mine. In 1990, OSM found Skyline to be producing acid mine drainage and required the company to submit a toxic materials handling plan explaining how they intended to rectify the issue. Over the next two years, Skyline failed to submit the required plan and, after receiving multiple "Notice[s] of Violations" from OSM, was issued a "Cease Order" by the agency effectively shutting down the mine. In July 1992, however, the Washington, DC, office of OSM ordered the Knoxville Field Office to approve Skyline's experimental toxic

²⁹⁴ David Hardeman, interview by author, Graysville, Tennessee, 23 June 2010; Wanda Hodge, interview by author, Graysville, Tennessee, 1 July 2010; Mauren O'Connell, interview by author, Lake City, Tennessee, 25 June 2010.

material handling plan and enter into “Interim Temporary Relief” with the company that would allow it to continue operation so long as a public hearing was held on the issue and the operation did not present a significant and imminent threat to human health or the environment. The “Interim Temporary Relief” order from the Washington office was predicated on the assumption that the OSM director Harry Snyder appointed under the administration President George H.W. Bush, would approve Skyline’s toxic materials plan.²⁹⁵

When environmental reporter Keith Schneider of *The New York Times* visited the Cumberland Plateau in late fall of that year to investigate enforcement of SMCRA by OSM he was appalled. After viewing acid mine drainage from mined lands certified “reclaimed” by the agency and water pollution below coal mines in the region, he declared to David Hardeman and other SOCM members who accompanied him on the tour, “I’ve travelled all over the country doing environmental stories, and this is the worst I’ve seen.” Schneider’s investigation revealed that OSM Director Snyder had systematically interfered with the enforcement efforts of the regional OSM staff. A Bush administration political appointee, Snyder appeared more committed to facilitating coal mining than to meeting the OSM’s mandate to ensure that mining did not unduly damage the environment or public health. In June of the next year, under guidance of a new administration, OSM finally decided to simply give up on forcing Skyline to

²⁹⁵ “OSM plays politics with Tennessee water; SOCMs protest,” *The SOCM Sentinel*, September 1992, 4, the apparent grammatical mistake in this article citation from an article in the SOCM Sentinel comes from the primary source—in publications, SOCM often referred to SOCM members as “SOCMs”; “Wildcatting? OSM Allows Mining Without Permit,” *The SOCM Sentinel*, November/December 1992, 4.

rectify its acid mine drainage problems. Being allowed to continue mining throughout the controversy, Skyline's mining at Gladys Fork was nearly complete. Clearly, the best work and dedication of citizens to ensure enforcement of surface mining and water quality laws was only as effective as the political climate allowed; it did not guarantee the protection of the land and water. If SOCM were to prevent the Cumberland Plateau from being incrementally strip mined, its streams destroyed and natural and scenic qualities degraded, the group would have to employ a different strategy.²⁹⁶



Two tailings ponds at the Gladys Fork mine, July 1992. The red/brown pond is full of acid-mine drainage which threatened to seep into area streams and water supplies. Private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee.

²⁹⁶ "New York Times Visits SOCM," *The SOCM Sentinel*, November/December 1992, 4; Keith Schneider, "U.S. Mine Inspectors Charge Interference By Agency Director," *The New York Times*, 22 November 1992; "Skyline Coal Company Hearings End When OSM Gives Up the Fights," *The SOCM Sentinel*, July/August 1993, 4.



Big Brush Creek runs red with acid-mine drainage from the Gladys Fork Mine, July 1992. Private collection, Statewide Organizing for Community eMpowerment, Lake City Tennessee.

As the slow regulatory drama of Gladys Fork played out, the South Cumberland Chapter of SOCM and the organization’s Strip Mine Committee realized the need to move their campaign in a new direction. Maureen O’Connell remembers that at a meeting of the Chapter and the Strip Mine Committee at the Cagle home of member Laura Dees in Sequatchie County in early 1992, the group decided to change course in their strategy against Skyline and proactively petition OSM to declare the watersheds feeding Fall Creek Falls State Park as “lands unsuitable for mining.” It had partially worked for Rock Creek, and SOCM hoped it could make it work for Falls Creek. This strategy held certain advantages for the organization over its conventional tactics. Unlike successfully appealing a mining permit or persuading OSM to enforce water quality and reclamation laws, having a place designated “unsuitable for surface coal mining” had a degree of permanence—mining companies could not simply amend their plans of

operations to correct deficiencies as they could with mining permits. After months of gathering scientific information about the risk of water quality degradation from acid mine drainage caused by strip mining on the Cumberland Plateau, reviewing state and federal environmental laws and their enforcement, and having the petition vetted by legal and mining experts, the group submitted the LUMP to OSM on July 8. According to OSM rules concerning lands unsuitable petitions, the agency was required to respond within thirty days. After several delays, the agency finally responded to SOCM on October 22, 106 days after the petition was submitted. Under normal circumstances, OSM would write the petitioners and indicate whether the petition was complete and that the agency was beginning to fully consider its merits, or that it was incomplete and that the petitioners needed to provide more information. Instead, OSM rejected the petition as “frivolous,” explaining that it disagreed with the petitioners’ allegations. SOCM’s petition was quashed, possibly victim of the same political forces that had undermined SMCRA enforcement in the Gladys Fork controversy. SOCM was not to be stopped, however. Instead, the group revised its petition and waited to resubmit it until after the inauguration of newly elected president Bill Clinton in January 1993. With a new Clinton-appointed director of OSM, SOCM hoped to receive a more favorable response.²⁹⁷

The petition sought to protect roughly 30,000 acres of the Cumberland Plateau and the Fall Creek watershed. But petitioning for a “lands unsuitable” designation did not, in and of itself, make the Fall Creek LUMP campaign unique.

²⁹⁷ “OSM Calls Petition to Protect Fall Creek Falls State Park Area ‘Frivolous,’” *The SOCM Sentinel*, November/December 1992, 2.

Except for the change of administration, there was little reason to believe that the Fall Creek Falls petition would be any more successful than previous petitions. If they were lucky, SOCM members might achieve a partial designation as they had for Rock Creek. What made the campaign significant was that it began in the midst of a transition within SOCM itself. The group's decision to re-submit the Fall Creek Falls petition to the new Clinton administration in 1993 came during a time in which SOCM was re-evaluating its environmental and organizational strategies. Both developments profoundly shaped the campaign and its prospects for success. The campaign to designate the 30,000 acres surrounding Fall Creek Falls as lands unsuitable for mining built on all of the knowledge and experience the organization and its membership had accrued since its inception and marked yet another evolutionary step in how SOCM and its members affected environmental decision making in Tennessee by promoting citizen participation.

SOCM Adapts and Innovates: The Major Media Campaign

Before the South Cumberland Chapter and Strip Mine Committee had decided to pursue a lands unsuitable petition for the Fall Creek Falls area, SOCM members and staff had already begun to notice a change in how the media and public perceived the organization. SOCM had grown since the early 1970s in a variety of ways, including an increase in members, the kind and number of issues it worked on, and the geographic area it covered. By the early 1990s, it had more members working on more issues than ever before. In addition to coal strip mining and reclamation and solid and hazardous waste, SOCM worked on

pesticide use, clear-cutting of Tennessee's remaining old-growth timber, fair taxation, the rights of temporary workers, and an ambitious campaign to combat racism within the state. Yet despite all of their work and their presence in the legislature, it seemed increasingly difficult for the group to attract media attention. Early organizer Boomer Winfrey, who left the group to pursue a journalism career in 1983, remembers that during the 1970s, SOCM did not have to work very hard to attract media coverage: "Strip mining was sexy, we were the only game in town, we were the go-to-group the news media was always looking to talk to." But by the late 1980s and early 1990s, the group's media attention seemed to stagnate. According to Winfrey, who was then working as a newspaper editor in LaFollette County in eastern Tennessee, strip mining had become old news, and the group was not working on as many high-profile issues as it had been during its first decade.²⁹⁸

SOCM's board hypothesized that their inability to attract media attention had a direct bearing on their ability to pass legislation or affect decision makers. Additionally, they correlated their lack of a positive media presence and relatively few high-profile "wins" in the late 1980s and early 1990s with a lack of growth in new members. In response, they started planning media training events in the hope of bolstering the group's political clout and attracting more members. They utilized the knowledge and experience of Winfrey who, by the 1980s, was something of an expert on SOCM and journalism in the region. In October of 1993, the Roane County Chapter, which had been active opposing a series of

²⁹⁸ Boomer Winfrey, interview by author, Lake City Tennessee, 17 June 2010.

proposed toxic waste incinerators in their region, hosted Winfrey for a training session on how to attract better media attention and promote SOCM's message and campaigns through the newspapers. At the meeting, the members learned tips for writing effective letters to the editor, for meeting with editors to court media attention, to develop relationships with reporters, and to promote the credibility of the organization.²⁹⁹

The next month, SOCM's dedication to cultivating the media moved one step further. On November 6, the SOCM "Growth Committee"—formed in 1990 to research and implement plans to increase the group's membership by the year 2000—hosted media consultant Jane Wholey to teach members about how to engage the media effectively as part of their campaigns. Wholey, a journalist working with the Piedmont Peace Project based in Kannapolis, North Carolina, devoted time to teaching the group about attracting positive media attention and identifying which parts of their campaigns were newsworthy. She devoted the bulk of her seminar, however, to a ground-breaking idea for the organization—how to plan and embark on a "media campaign." To borrow Maureen O'Connell's description, SOCM had "accidentally done some things right" in their first decades and benefitted from positive media exposure. But Wholey encouraged the group to view the group's relationship to the media differently. Instead of viewing the media as responding to what the group was doing and hoping to obtain adequate coverage—that is, inviting reporters to press conferences, informing media outlets of their work through press releases, and

²⁹⁹ "Roane County Chapter Learns about 'Tricks of the Media Trade,'" *The SOCM Sentinel*, October 1993, 6, 7.

submitting letters to the editor—Wholey’s media campaigns were sophisticated, strategic endeavors, which conceived of media attention as a powerful component of influencing decision makers. As she described it, “A major media campaign is using a lot of media opportunities in an orchestrated way to call attention to one campaign; it is thinking through all the ‘windows of opportunity’ for media to advance the issue and culminate in one big event with supporting activities.” In Wholey’s media campaigns, every aspect of an issue campaign had to be considered in terms of what kind of media attention it might receive. She therefore prodded the group to think beyond simple press conferences or press releases and lining up quality testimony at public hearings and instead toward planning coordinated activities that attracted media attention. She encouraged SOCM to choose one of their issues and develop a major media campaign to support it. If members committed themselves to this, she would return and help SOCM strategize and plan the campaign. SOCM thereafter agreed to commence one “major media campaign” every year until the end of the decade.³⁰⁰

Enthusiasm for a media campaign grew within the organization over the next few months. In April 1994, SOCM members Betty Anderson and Mary Dennis Letsch and staff person Shelley Wascom joined members of seven other social change and environmental organizations from the South at a three-day training held at the Highlander Center in New Market, Tennessee, and run by the

³⁰⁰ “Jane Wholey Teaches SOCMs How to be more Media Conscious,” *The SOCM Sentinel*, November/December 1993, 9; Boomer Winfrey, interview by author, Lake City Tennessee, 17 June 2010; “Media Consultant Jane Wholey Helps SOCM Plan Media Campaign,” *The SOCM Sentinel*, November/December 1994, 14; “Jane Wholey Returns to Help SOCM with Media Plans,” *The SOCM Sentinel*, October 1994, 6.

New World Foundation. Taught by Denise Mitchell and Gwen McKinney, Washington, DC-based media consultants who specialized in working with social change groups, the workshop focused on planning and conducting strategic communications campaigns, including how to plan media actions and how to frame the group's issue in interviews and during debates. The workshop was scheduled to be the first in a series sponsored by the foundation. Anderson, Letsch and Wascom brought back lessons from the workshop to SOCM, which was about to choose that year's media campaign. When Jane Wholey returned to Tennessee in October of 1994 to help SOCM with its media strategy, the organization chose the Fall Creek Falls "lands unsuitable" petition as its first major media campaign. The South Cumberland Chapter's Fall Creek Falls petition, which had languished for the better part of 1993 and 1994, now became SOCM's primary campaign and part of the organization's experimental new strategy.³⁰¹

Once the group declared the Fall Creek Falls LUMP campaign its main organization-wide issue for 1995, the Cumberland Plateau Chapters (South Cumberland, Bledsoe, Sewanee, Rhea, and White/Cumberland) and the Strip Mine Committee and members of the board and staff went to work brainstorming different elements of the campaign and activities. As they had in the past, they identified who made the decisions that affected the outcome of their campaign—the "targets" with capacity to deliver on the group's goals—and the people who

³⁰¹ "SOCM Members Join with Others to Learn More about Media Campaigns," *The SOCM Sentinel*, April 1994, 5; "Media Consultant Jane Wholey Helps SOCM Plan Media Campaign," *The SOCM Sentinel*, November/December 1994, 14.

had access to these targets or could apply political pressure to them. Using techniques SOCM had developed since the early 1970s and those it learned and borrowed from other grassroots environmental and civil rights organizations over the years, organizers methodically guided members through a series of meetings in which they identified their goals and objectives and came up with an evolving “map” of power brokers. At the center of the map, which resembled a spider web or bicycle wheel with a center hub and spokes radiating outward, they placed the entity that would ultimately decide the fate of their LUMP: the Office of Surface Mining within the federal Department of the Interior. But, because agencies are made of human beings who can be influenced and held accountable, they attached specific names to these targets—in the OSM in 1995, that person was Robert Uram. Uram’s boss was the Secretary of the Interior appointed by President Bill Clinton, former Arizona Governor Bruce Babbitt. Although Uram made the decision for the agency, Babbitt could make the ultimate decision, and as a political appointee he was vulnerable to political pressure from a variety of directions including directly from President Clinton and his Vice President, Albert Gore, Jr., a native Tennessean. To Babbitt in the center of their map, they drew lines from Clinton and Gore and from members of Tennessee’s congressional delegation. From members of Tennessee’s congressional delegation, the spokes radiated out to various county commissions, chambers of commerce and from those entities to individuals or groups that could influence those bodies. SOCM strategists then brainstormed a list of allies—other environmental and social change groups within the state and region and nationally but also community

groups. This was a diverse list that included groups like the Alliance for Native American Indian Rights in Tennessee, the Tennessee office of the Nature Conservancy, and League of Women Voters chapters across the state.³⁰²

Once they had identified their “targets,” the group then created a multi-level plan for influencing each. This included a sustained local campaign to generate thousands of signatures from across the state in support of the “lands unsuitable” petition, to influence chambers of commerce and county commissions in the towns and counties near the petition area to endorse the campaign. They hoped to use these endorsements to influence Tennessee’s congressional delegation and Vice President Gore to support the petition and then pressure the director of OSM and Secretary Babbitt directly to decide in favor of the organization. Complementing this campaign was a series of planned meetings between SOCM members and Tennessee’s congressional representatives and Senators Bill Frist and Fred Thompson. SOCM members also met with representatives of OSM at the Knoxville field office. To bolster their arguments, the group employed an economist at the University of Tennessee to calculate the economic impact of tourism and recreation in the Fall Creek Falls State Park area to underscore the potential losses should the streams feeding the falls and the lands adjacent to the park become degraded from mining. Lastly, SOCM leaders crafted individual plans for turning out people to testify at the various hearings associated with the LUMP process and its requisite environmental impact statement (EIS) should the OSM find the petition complete and begin its

³⁰² Anne, to Gil, Memorandum RE: Follow-up on some Fall Creek allies, 24 July 1996, private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee.

consideration. They considered each element in terms of how it helped them achieve not only their short-term goal of protecting the Fall Creek Falls watersheds but how it grew the organization's strength to affect decision making in the state.³⁰³

Incorporating the lessons SOCM leaders had learned from consultant Wholey and from the New World Foundation media training, they considered each element of the campaign in terms of opportunities to achieve positive media attention that might be used to spread their message about the issue, attract support, and leverage influence with decision makers. To this end, they assigned a "media subcommittee" to work specifically on this part of the campaign including visible media events in Knoxville and other cities, proactive meetings with editorial boards, appearances on local talk shows, attracting investigative news stories from local television channels and national outlets including the Public Broadcasting Service (PBS), and turning public hearings into orchestrated media events. By the middle of 1995, they were ready to put the plan into action.³⁰⁴

"Bruce Babbitt: Don't Let The Falls Down": the Fall Creek Falls LUMP Campaign

On July 14, 1995, together with the group Tennessee Citizens for Wilderness Planning (TWCP) and forty-nine individual citizens, SOCM filed their revised 1992 Fall Creek Falls State Park LUMP with the OSM. They

³⁰³ "Sample Local Organizing Plan—LUMP/Media Campaign," no author, n.d., private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee.

³⁰⁴ CITATION

coordinated press releases to accompany the filing that framed the petition as yet one more attempt in a twenty-year struggle to save Fall Creek Falls from strip mining and other industrial development and succeeded in getting some coverage in local newspapers. Once the LUMP was accepted on October 5 as complete after some minor technical corrections, OSM began plans for a public “scoping” period including a hearing to listen to what issues the public felt the OSM ought to consider in its deliberations.³⁰⁵

Following the guidance of Wholey, SOCM initiated plans to get the media interested in the scoping process and OSM hearings to elevate the campaign in public discourse. The Strip Mine Committee and Plateau chapters began work on turning out as many people at the hearings as possible. To that end, they held press conferences in Knoxville and Chattanooga to educate the public about the issue and the LUMP and to encourage them to attend the scoping hearing scheduled for November 16 at the park or to submit comments. They cast their message in simple terms: Tennesseans’ beloved Fall Creek Falls State Park, the most visited state park in Tennessee, was under assault from strip mining companies, and SOCM, Tennessee Citizens for Wilderness Planning (TCWP), and forty-nine other concerned citizens had petitioned the federal government to save it. At the press conferences held the week before the scheduled hearing, members of SOCM and TCWP gave presentations on the park, including pictures of the Falls, strip mines near the petition area, and polluted streams resulting from

³⁰⁵ Save Our Cumberland Mountains, “A rough chronology of the LUMP for Fall Creek Falls State Park,” internal document, n.d., private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee; “Glen Himebaugh, “SOCM petitions OSM To Halt Strip Mining in Fall Creek Falls,” *LaFollette Press* (Tennessee), 20 July 1995.

acid mine drainage, maps, and charts illustrating the possible economic effects to park revenues if the Fall Creek Falls watershed was mined. When the Republican-controlled Congress and the Democratic President failed to come to an agreement on the federal budget that fall and the government “shut down” furloughed the OSM staff, the hearing was delayed until December 5. The petitioners took the postponement in stride. SOCM achieved encouraging coverage of the press conferences on local television stations and in local newspapers, which they attributed to generating many calls from people interested in the issue in the weeks that followed. The extra three weeks gave the group even more time to organize for the hearing.³⁰⁶

When the hearing was finally held, more than 150 people attended. Of those, SOCM reported that at least 110 were SOCM members or supporters of the petition and roughly forty-five opposed the petition. SOCM reportedly “made the hearing room into ‘our’ space,” showing up early enough to take the first ten to fifteen rows of seats and wearing SOCM T-shirts and bright green buttons reading “Save the Park: SOCM.” Of the people who actually had a chance to speak, twenty-two supported the LUMP; six opposed it. Prior to the hearing, SOCM’s Strip Mine Committee and staff had compiled a series of talking point for members to use in preparing their statements. They emphasized that scoping comments should be directed toward the economic impact of Fall Creek Falls

³⁰⁶ Willis L. Gainer, Supervisor, Permitting Team, Knoxville Field Office, United States Department of Office of Surface Mining, to Lisa Breedlove, 30 October 1995, private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee; “Momentum Builds Anyway—SOCM members more committed than ever to turn out!,” *The SOCM Sentinel*, November/December 1995, 8; Randall Higgins, “Strip mining Buffer asked near park,” *The Chattanooga Times*, 14 November 1995.

State Park and Natural Area, including the amount of money invested by the State, counties and businesses in making the area “Tennessee’s Premier State Park”; the economic impact of tourism on the State and the Plateau region and how this important sector of the economy depended on “clear acid-free streams”; the importance of both the watershed and the “viewshed” to the continued viability of the state park; and the effect of mining on property values and drinking water systems. Second, they advised supporters to stress that the OSM examine whether strip mines that cut through the acid-producing Sewanee coal seam could ever truly be reclaimed, and that a study conducted by SOCM in the presence of OSM officials found that eighty-three percent of “reclaimed” sites were generating acid mine drainage at the time of the hearing. Third, they encouraged supporters to query what the impact of strip mining was on the hydrologic balance of the region—specifically, whether mining and blasting would disrupt the quantity and quality of underground water sources and if acid mine drainage would make its way directly into the Fall Creek watershed and the streams that feed the Falls. Other lesser issues included the potential impact of mining noise on park visitors and the importance of the Park and Natural Area as a biological refuge as the surrounding areas became developed.³⁰⁷

³⁰⁷ Save Our Cumberland Mountains, “Scoping Points,” internal document, n.d., private collection, Statewide Organizing for Community Empowerment, Lake City, Tennessee.



SOCM members filled the LUMP scoping hearing donning buttons expressing their support for protecting Fall Creek Falls State Park from strip mining. Private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee.

SOCM's turnout and preparation worked. While coloring their testimonies with descriptions of their personal connections to the Park, members remained "on message" throughout the hearing. Emphasizing the importance of the petition area as a special place, Brian Paddock of Cookeville explained, "It's where I had my first date with my wife." The testimony of fellow Cookeville resident Mary Mastin echoed Paddock's. She told the hearing, "Fall Creek Falls is truly one of the most beautiful places I've seen in probably forty to forty-five states I've been in...Fall Creek Falls can rival any of the national parks I've been too." Member and Cumberland County Commissioner Dr. Donathan Ivey, expanded on the importance of the park as an attraction for tourists and its significance to the region's economy. He testified, "In the last few years our motels have increased, our restaurants are increasing...I think the reason we have

been successful is because we have been very careful to protect our environment.” Mike Hodge of Bledsoe County acknowledged opposition to the petition—“We recognize the immediate impact of the local mine workers and sympathize with them.” But he stressed the how important protecting the park was to the region’s economy and the transitory nature of coal mining. He told the packed hearing room, “Paychecks are spent, coal is burned, natural resources are exhausted, the electricity will be used, the acid mine drainage cannot be prevented...But the beauty of Fall Creek Falls State Park will be forever if we protect it by granting this Lands Unsuitable Petition.” As the hearing ended, it was clear that SOCM and the other petitioners had succeeded in making an otherwise mundane, regulatory process into a rally for their cause and a media event. Newspapers and local television crews from across the state reported on the hearing and on the enthusiasm of the LUMP supporters in a way that was difficult for OSM officials or elected officials in the state to ignore.³⁰⁸

Publicity for the LUMP in late 1995 generated some opposition to the petition. Opponents, including landowners within and near the petition area, commented during the scoping period about their fears that designating the land unsuitable for mining would affect their ability to sell or use their lands for coal mining. Robert and Marlin Haston who owned and farmed about 1,000 acres in the proposed petition area wrote OSM that they supported protecting the park but

³⁰⁸ “SOCM Packs Scoping Hearing on Fall Creek Falls,” *The SOCM Sentinel*, January/February 1996, 1, 7, 8, 9; Tom Charlier, “Citizens debate Mining,” *Dunlap Tribune*, 14 December 1995; Tom Charlier, “Does Park Need Mining Buffer Zone?,” *Bledsonian Banner*, 14 December 1995; Tom Charlier, “Waterfall Watchdogs seek mine-free zone for Fall Creek Park,” *Commercial Appeal* (Memphis), 15 January 1996.

felt that the petition would unfairly dictate what landowners could do and could not do on their property. Cumberland Plateau resident Gail Hicks echoed the Hastons' sentiments and added that he "did not believe any extremist group should have the right to oppose any property owner's decision on deciding what they cannot do with their land." Hicks also stressed the economic importance of coal mining to the region and believed it could be done in an environmentally-safe manner as regulated by OSM. Bowater Newsprint, which owned several hundred acres within the petition area, and the J. M. Huber Corporation, which owned 38,000 acres that could be designated unsuitable for mining, opposed the LUMP as a violation of private property rights protected by the Fifth Amendment of the U.S. Constitution. Though both companies used their property primarily for timber harvesting, Huber argued that it had purchased the land with the intention of mining coal and drilling for oil or gas on the property. The Sequatchie County Commission lent its voice to the debate when in November of 1995, it passed a resolution officially opposing the LUMP. The resolution underscored the importance of coal mining to the county's economy, explaining that the Skyline Coal Company produced approximately 500,000 tons of coal annually, generated about sixty jobs in the region, paid \$1.9 million in salaries, \$620,000 in taxes, \$588,000 in third party payments, and \$11 million for supplies to local vendors. The Sequatchie Valley Planning and Development Agency echoed the commission's opposition and reiterated the economic effects of designating the watershed unsuitable for mining.³⁰⁹

³⁰⁹ Robert C. Haston Jr., and Marlin S. Haston, to Office of Surface Mining Permitting Team, 8
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All of the opponents' comments reflected a confidence that federal strip mining regulations would prevent any significant environmental damage resulting from mining in the region. Bledsoe County Executive Bill Wheeler was so opposed to the LUMP that he refused to allow SOCM members to meet with Tennessee Congressman Zach Wamp in the Bledsoe County Court House—a publicly owned building—to discuss the petition. He told the SOCM staff member organizing the meeting, “You can’t meet in my Court House, you can’t meet in Pikeville and you can’t meet in Bledsoe County...If you want to talk to Zach Wamp, you can do it in Van Buren County.” Ultimately, Wamp’s staff was able to secure the Court House as a meeting place, but the incident indicates the depth of local opposition to the LUMP.³¹⁰

The most directly-affected stakeholder, the Skyline Coal Company which operated mines on the Plateau and proposed to mine 18,000 acres in the Fall Creek Falls watershed, realized that it could no longer rely on an industry-friendly Office of Surface Mining under the Republican administration to reject the

January 1996, private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee; Gail Hicks to Willis Gainer, Office of Surface Mining Permitting Team, 28 November 1995, private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee; R.K. Hamilton, Bowater Newsprint, to Willis Gainer, Office of Surface Mining Permitting Team, 19 December 1995, private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee; John B. Henricksen, Division Minerals Manager, Huber Wood Products, to Willis L. Gainer, Office of Surface Mining, 8 January 1996; Sequatchie County Commission, “RESOLUTION OF THE COUNTY COMMISSION OF SEQUATCHIE COUNTY, TENNESSEE, IN OPPOSITION TO ANY ACTION OF THE OFFICE OF SURFACE MINING AND RECLAMATION AND ENFORCEMENT TO DECLARE SURFACE MINING ILLEGAL IN THE FALL CREEK FALLS STATE PARK AREA,” RESOLUTION NO. 354, 20 November 1995, private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee.

³¹⁰ Billy Frank Wheeler, Board Chair, Sequatchie Valley Planning and Development Corporation, to United States Department of the Interior, memorandum, 5 December 1995, private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee; “Bill wheeler tries to KO LUMP in a Single, Futile Blow,” *The SOCM Sentinel*, March/April 1997, 9.

petition as the agency had done in 1992. Following the December 1995 scoping hearing, it intervened officially with the OSM against the LUMP on January 26, 1996. In addition, Skyline, Huber and other industrial stakeholders worked with Republican Senators Orrin Hatch of Utah and Paul Coverdell of Georgia to introduce two bills that would guarantee that companies like Skyline and Huber could sue states or federal agencies in federal court for hundreds of millions of dollars in “takings” when their businesses were negatively affected by the passage of new environmental regulations or standards. If passed, the laws would greatly complicate the ability of states or the federal government to pass and enforce regulations meant to protect the environment. SOCM realized the dangers of Skyline’s intervention and the “takings” issue. Their solution was to undermine Skyline’s support by winning over as many decision makers within the state, congress, and federal agencies as possible so that the opposition was effectively neutralized by the sheer popularity of the LUMP.³¹¹

To this end, SOCM kept up the pressure throughout early 1996, putting into action its local campaigns to persuade the various Cumberland Plateau county commissions to endorse the LUMP. This involved each county-level chapter identifying which members of the commissions were supportive of the

³¹¹ U.S. Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, *Final Fall Creek Falls, Tennessee Petition Evaluation Document/Environmental Impact Statement*, vol. 1, (Washington DC: Government Printing Office, 2000), vi, hereafter referred to as “Final Fall Creek Falls LUMP EIS”; Annetta Watson, Don Barger, Steve Taylor, to Strip Mine Committee, memorandum, Re: Analysis of LUMP Campaign, 27 August 1996, private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee; “Action Alert,” *The SOCM Sentinel*, anniversary edition, July 1997, 3; Govtrack.us, “S.1256: Citizens Access to Justice Act of 1997,” website, <http://www.govtrack.us/congress/bill.xpd?bill=s105-1256>, accessed 11 July 2011; U.S. Government Printing Office, “S.1204 (IS) – Property Owners Access to Justice Act of 1997,” website, <http://www.gpo.gov/fdsys/pkg/BILLS-105s1204is>, accessed 11 July 2011.

petition, which were steadfastly opposed, and, most importantly, which they thought they could lobby to their side. At each chapter meeting, members would report on their reconnaissance since the last meeting—the results of their meetings with various commissioners—and the chapters would come up with plans for further persuading the needed swing votes. The goal of this part of the local campaign was to have a commission member introduce a resolution endorsing the LUMP and then have the commission adopt the resolution so that the petitioners could use the resolutions to convince Tennessee’s congressional delegation of overwhelming local support for the petition in order to leverage their support in applying pressure to OSM and Babbitt.³¹²

SOCM coupled this part of their campaign, with a concerted media blitz directed by the Media Subcommittee. Between the spring of 1996 and late summer, petition-supporters maintained near-constant presence in the small newspapers that served the counties in the petition area. Articles appeared in the *Crossville Chronicle* detailing the Cumberland County Commission’s vote to endorse the Fall Creek Falls LUMP. The *Cookeville Herald Citizen* reported “Fight on to protect Fall Creek Falls,” and similar articles appeared in the *Monroe County Advocate/Democrat*, Sparta’s *The Expositor*, Livingston’s *Overton County News*, Jamestown’s *Fentress Courier*, and the *Dunlap Tribune*. The petitioners also attracted attention from the state’s larger daily newspapers. In August, *The Tennessean* from Nashville headlined an article with the question, “Is plateau’s

³¹² “LUMP Campaign Update 10/24/95: Strategy decisions made at last strip mine committee meeting and progress,” no author, 24 October 1996, private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee.

beauty suitable for mining?” Knoxville’s *News-Sentinel* described the issue in the petitioners’ terms that same month: “Fall Creek falls watershed at risk from strip-mining,” while the *Chattanooga Free Press* reported that “Two Heritages Clash in Strip Mining Dispute.” In addition to obtaining press targeting readers and elected officials in the Cumberland Plateau, the group focused on the news outlets in its traditional area of support. They cultivated relationships with reporters and editors in the coal producing counties of northeastern Tennessee in the hopes of achieving positive press to inform their base, attract new members, and possibly generate additional letters to the newspaper editors, Cumberland-area county commissioners and other elected officials, OSM, and Tennessee’s congressional delegation.³¹³

In addition to its sustained media campaign, SOCM went to work recruiting the assistance of other organizations that might be able to help pressure local, county, and state elected officials on behalf of the LUMP. They reconnected with their traditional allies including other environmental

³¹³ Tom Mills, “County commission votes against strip mining,” *Crossville Chronicle*, 28 May 1996; Glenn Himebaugh, “Fight on to protect Fall Creek Falls,” *Cookeville Herald Citizen*, 17 July 1996; Steve Tayler, “Maurer joins group to save the beauty of state park,” *Monroe County Advocate/Democrat*, 7 July 1996; Steve Taylor, “SOCM petitions to protect Fall Creek Falls State Park,” *The Expositor* (Sparta), 4 July 1996; Steve Taylor, “environmental group Fights Mining near Fall Creek Falls State Park,” *Overton County News* (Livingston), 3 July 1996; Anne Paine, “Is plateau’s beauty suitable for mining?,” *The Tennessean* (Nashville), 4 August 1996; Ina Hughes, “Fall Creek falls watershed at risk from strip-mining,” *The Knoxville News-Sentinel*, 19 August 1996; Van Henderson, “Two Heritages Clash in Strip Mining Dispute,” *The Chattanooga Free Press*, 6 August 1996; Anne Paine, “SOCM members battle to preserve state’s best-known park from mining,” *LaFollette Press*, 1 August 1996; Anne Paine, “Fall Creek Falls State Park could be threatened by coal strip mining plans,” *Dayton Herald News*, 24 July 1996; Glenn Himebaugh, “Two join here in support of protecting Fall Creek Falls,” *Independent Herald* (Oneida), 11 July 1996; Glenn Himebaugh, “Claiborne man trying to save park from irreversible damage,” *Claiborne Press*, 10 July 1996; Glenn Himebaugh, “Citizens group supports preservation of Fall Creek Falls State Park,” *Fentress Courier* (Jamestown), 17 July 1996; Save Our Cumberland Mountains, “Fall Creek Falls Media Bibliography, 1995-1996,” internal document, private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee.

organizations like the state and local chapters of the Sierra Club and the Tennessee Wildlife Resource Agency, and social change groups with whom they had worked in the past like the Just Organized Neighborhood Area Headquarters (JONAH), a predominantly African American citizens group working in western Tennessee. They also focused on groups operating near the petition area like the Cumberland Recycling Partners based in Crossville. They attributed these partnerships to leveraging enough votes within the Cumberland County Commission to persuade that body to pass a county-level resolution opposing strip mining in the Fall Creek Falls watershed on May 20, 1996 and join White County, which had passed a resolution the previous September, supporting the LUMP. The Cumberland County Commission decision provided SOCM with momentum in their local campaign. By August, the group had succeeded in persuading the Sparta-White County Chamber of Commerce to endorse the petition, and they were actively lobbying all of the county commissions in the region.³¹⁴

³¹⁴ “Lands Unsuitable Petition Picks Up More Supporters,” *The SOCM Sentinel*, September/October 1995, 8; “SOCM Networks With Other Groups to Protect Park,” *The SOCM Sentinel*, May/June 1996, 5; “Cumberland County Passes Resolution Opposing Stripmining in Fall Creek Watershed,” *The SOCM Sentinel*, May/June 1996, 5; Cumberland County Commission, Resolution No. 596-11, Cumberland County Board of Commissioners, “Resolution of the Cumberland County, Board of Commissioners to urge the Office of Surface Mining to rule in favor of the petition to prohibit ‘Strip Mining’ of coal within the Fall Creek Falls Watershed,” 20 May 1996, private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee; Wallace G. Austin, President, Sparta-White County Chamber of Commerce, to Willis Gainer, Director, Knoxville Field Office, Office of Surface Mining, 28 August 1996, private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee.



SOCM member attending and testifying before the Putnam County Commission in support of the LUMP, 1996. Private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee.

All aspects of the campaign—attracting allies, gaining the support of local elected officials and bodies, achieving positive media coverage—received a boost at the end of August when SOCM conducted its most daring and high profile media event of the campaign. According to the detailed media campaign plan the group’s Media Subcommittee had constructed, their three-month media blitz that began in earnest in May of 1996 was to culminate in a major press event—a gathering of petition supporters and a press conference at Fall Creek Falls State Park to be held on a landing overlooking the scenic and threatened falls. Leading into the last week in August, SOCM members and staff focused on turning out members, prepping speakers and contacting the press about the event and turning out more letters to the editor. In their dealings with the press, they promoted a recently released study of the economic impacts of strip mining on the Fall Creek

Falls region completed by member Anne Mayhew, Professor of Economics and History at the University of Tennessee, at the request of SOCM.³¹⁵

All of the organizing paid off. On the day of the event, August 31, Labor Day, dozens of supporters showed up to the Falls overlook. The podium was set up to allow the media to capture the planned speakers—leaders of SOCM and its chapters, local residents, members of local chambers of commerce, county commissioners and other community leaders—and a view of the 256-foot Falls that they sought to save from running red with mining pollution. SOCM staff and members had worked hectically the week leading up to the event to attract as many reporters as possible. The day of the rally, reporters from multiple newspapers, television and radio stations including those in Chattanooga, Nashville, Knoxville and many smaller communities showed up to cover the event.³¹⁶

³¹⁵ Anne Mayhew, Ph.D., “Possible Impact of Surface Mining on Use and Economic Benefits of Fall Creek Falls State Park,” (Knoxville: University of Tennessee, 1996); Save Our Cumberland Mountains, “Fall Creek Falls Media Bibliography, 1995-1996,” internal document, private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee.

³¹⁶ “SOCM Delivers Powerful Media Message about Fall Creek Falls Petition,” *The SOCM Sentinel*, September/October 1996, 1, 11-18; Save Our Cumberland Mountains, “Fall Creek Falls Media Bibliography, 1995-1996,” internal document, private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee.



SOCM president Wanda Hodge speaking at the press conference at Fall Creek Falls State Park, August 31, 1996. Private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee.

Although the media components of the event had been well orchestrated by the staff, the speeches reflected the citizen leadership of SOCM and the campaign. SOCM President and local resident Wanda Hodge welcomed everyone to the press conference then was followed by Strip Mine Committee member Annetta Watson who described the need for the petition. Watson described in colloquial terms the toxic nature of the Whitwell shale associated with the Sewanee coal seam, how it could color Fall Creek and its tributaries red and kill aquatic life. She was followed by Landon Medley, past-SOCM president and life-long resident and former commissioner of Van Buren County where most of the park is located. Medley explained the LUMP in terms of citizens protecting their public lands, environment, and quality of life. He told the crowd “Over the years, the Park has faced many dangers: from local forest fires, flooding from timber cutting outside the park’s boundaries, poor rainfall, land

development, and strip mining.” “Each time” he continued, “citizens in the area have stood up to these dangers...I am proud of being part of the people who have petitioned to declare the watershed unsuitable for mining.” Medley was followed by speakers from three of the county commissions in the region who supported the LUMP, Rita Pruitt, owner of a local bed and breakfast and President of the Van Buren County Chamber of Commerce who announced that the Chamber had endorsed the petition, and Yvonne Seperich of Fairfiled Glade, who reported that the Cumberland Chamber of Commerce had recently voted to support the petition. Jean Cheney (also a SOCM member) spoke on behalf of Tennessee Citizens for Wilderness Planning and Marcus Keyes, Co-coordinator of the Justice, Peace, Integrity of Creation office of the Catholic Diocese of Knoxville finished up the presentation by speaking on behalf of Bishop Anthony O’Connell of Knoxville, who had sent a letter to OSM in support of the LUMP.³¹⁷

After the last speaker left the podium, the crowd and journalists gasped as volunteers across the canyon unfurled a one hundred by fourteen foot red and white vinyl banner down next to the falls reading “BRUCE BABBITT, DON’T LET THE FALLS DOWN.” This powerful visual component of the event was the culmination of this stage of the campaign’s media strategy. It had been planned with media consultant Jane Wholey, and took the combined efforts of more than twenty volunteers to execute, including members of the East Tennessee Cave Rescue Team. While many within SOCM were aware that it was planned,

³¹⁷ “SOCM Delivers Powerful Media Message about Fall Creek Falls Petition,” *The SOCM Sentinel*, September/October 1996, 1, 11-18; Save Our Cumberland Mountains, “Fall Creek Falls Media Bibliography, 1995-1996,” internal document, private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee.

the banner drop carried an element of surprise for journalists and park officials. Maureen O’Connell remembered that the park superintendant supported the LUMP and had approved of SOCM’s proposal for the press event but that, fearing that the park would not allow them to drape a banner down next to the falls, the group had remained purposely ambiguous about the details of the rally. It worked. Pictures of the banner accompanied articles and news stories across the state. SOCM produced postcards with a picture of the banner next to the falls pre-addressed to the Secretary of Interior’s office in Washington, DC, and then organized members and other supporters to mail hundreds of the postcards with personal messages supporting the LUMP to Babbitt. As the campaign progressed, the banner carried significant popular appeal and political capital—so much so, that they successfully super-imposed Tennessee Governor Don Sundquist’s name in place of Babbitt’s and used it to influence the Governor.³¹⁸

³¹⁸“SOCM Delivers Powerful Media Message about Fall Creek Falls Petition,” *The SOCM Sentinel*, September/October 1996, 1, 11-18; Save Our Cumberland Mountains, “Fall Creek Falls Media Bibliography, 1995-1996,” internal document, private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee.



Private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee.

The media campaign in the spring and summer of 1996 and the rally at the Falls catapulted the Fall Creek Falls LUMP campaign into a new stage. The banner drop caused a media buzz that resulted in a series of articles and editorials in papers across the state describing the event and detailing the issue and the LUMP. In addition, SOCM members were interviewed on various radio and television shows about the campaign to “Save Fall Creek Falls” for the next two weeks. On September 17, Secretary of the Interior Bruce Babbitt met with members of SOCM’s Strip Mine Committee and Karen Peterson, executive

director of Tennessee Citizens for Wilderness Planning, at Cumberland Gap National Historical Park near Middlesboro, Kentucky. Babbitt was in Kentucky to announce his signing of an order designating the six square-mile Fern Lake watershed in the north central portion of Claiborne County in northeastern Tennessee as unsuitable for coal strip mining. The City of Middlesboro and the National Parks Conservation Association had filed the petition to designate the watershed because of Fern Lake's importance as the primary drinking water supply for the town of Middlesboro, Kentucky, and for its Coca-Cola bottling plant. To Babbitt, SOCM member Annetta Watson described the similarities between the issues associated with the Fern Lake area and the Fall Creek Falls area and explained the further complexities of their LUMP having to do with acid mine drainage, sedimentation, loss of fisheries, and loss of revenue generated by the park. She requested that the Secretary ensure that OSM undertook a quality environmental impact analysis for Fall Creek Falls as it had for Fern Lake. While she was talking to Babbitt, she gave him a press packet from the August 31 event at the state park and showed him a picture of the banner carrying his name. The group's newsletter reported that the Secretary seemed to listen and exhibited concern. The next month, members of the Strip Mine Committee managed to schedule a meeting with the new director of OSM, Kay Henry, when she visited Chattanooga to kick off OSM's "Clean Streams Initiative"—a multi-state endeavor aimed at preventing, and correcting the problems of mine-created water pollution including acid mine drainage. As they did during the meeting with

Babbitt, the SOCM members emphasized the need for a quality environmental impact statement.³¹⁹

Between the closing of the scoping period in spring of 1996 and the completion after much delay of the draft EIS in May of 1998, SOCM maintained a multi-tiered campaign to keep the issue in the news, win allies who might influence decision makers, and defuse opponents. With all of their new found political capital, SOCM continued its local campaigns to persuade the remaining county commissions of the Cumberland Plateau area to endorse the petition, but they also initiated their campaign to grow political support within the state's congressional delegation. At a meeting in August of 1996 with Democratic Congressman Bart Gordon of the state's 6th district in north central Tennessee, SOCM members from the district found the congressman generally supportive of protecting the Fall Creek Falls watershed, but tepid on supporting the LUMP. After the publicity surrounding the Fall Creek Falls press event, the continued presence of the issue in the media, and support of Cumberland Plateau-area local governments, Gordon became a steadfast champion of the Fall Creek Falls petition. By the beginning of the next year, Gordon was explicitly opposed to Skyline's proposals to mine on the plateau and wrote letters to Babbitt encouraging OSM to designate the land unsuitable for mining. Democratic congressmen Bob Clement of the state's 5th congressional district serving

³¹⁹ Annetta Watson, "Interior Secretary Babbit [sic] Meets with SOCM and TCWP at Cumberland Gap National Historic Park," *The SOCM Sentinel*, September/October 1996, 2, 4; "SOCM Members Meet Acting OSM Director," *The SOCM Sentinel*, September, October 1996, 4.

Nashville and middle Tennessee also took up the fight on behalf of saving Fall Creek Falls.³²⁰

In Gordon and Clement, the petitioners found champions within Tennessee's congressional delegation. In addition, they also successfully attracted the support, or at least neutralized the opposition, of most of the state's congressmen and senators, regardless of their political party. As Democrats, Gordon and Clement were more ideologically aligned with SOCM and its allies in the LUMP campaign but SOCM members did not rule out the possibility of attracting the support of Republicans whom they did not normally consider allies. Their local campaign to gain the endorsement of county commissions and chambers of commerce convinced Republican Senators Fred Thompson and Bill Frist that the petitioners could not be written off as environmental extremists and that the Fall Creek Falls issue deserved some attention. Both agreed to have at least members of their staff meet with representatives from SOCM and TCWP in Tennessee. Thompson was initially lukewarm to the idea of the petition but did contact OSM on behalf of petitioners in February of 1997 to encourage the

³²⁰ "Draft Environmental Impact Study on LUMP Delayed," *The SOCM Sentinel*, May/June 1997, 6; "The Environmental Impact Study for Protecting Fall Creek Falls State Park Set for Release on May 1," *The SOCM Sentinel*, March/April 1998, 2; "SOCM Shucked," *The SOCM Sentinel*, September 1996, 24; Representative Bart Gordon, 6th District, Tennessee, to Dr. Katherine Osburn, 22 January, 1998, private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee; Representative Bart Gordon, 6th District, Tennessee, to Bruce Babbitt, Secretary of the Interior, 8 June 1998, private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee; Representative Bob Clement, 5th District, Tennessee, to Gil Hough, Save Our Cumberland Mountains, 18 June 1998.

agency to give the LUMP its full consideration. The senator followed up on the process a year later.³²¹

SOCM's campaign to attract political support accelerated in 1998 when it succeeded in persuading Republican Governor Don Sundquist and the State of Tennessee to endorse the petition. As 1997 was coming to a close, SOCM's Strip Mine Committee met to brainstorm possible strategies and activities to advance the LUMP campaign in the next year. Through a series of small-group sessions, they contemplated how to gain the governor's support. They planned additional media events about the petition and ways to keep it in the press and a postcard mailing campaign to flood the Governor's office with postcards from supporters that included the picture of Fall Creek Falls with their "Don't Let the Falls Down" banner. They sent Sundquist a copy of the economic impact study completed by Anne Mayhew, Professor of Economics and History at the University of Tennessee and asked him for a face-to-face meeting with members of the Strip Mining committee. To accompany this, they met with and lobbied the director of the Tennessee Department of Environment and Conservation in the hope of gaining the agency's support and enlisting it to influence the governor. They also commenced a "faxathon" inundating Sundquist's office with faxes from petition supporters, a "canoeathon"—a seventy-two-hour canoe relay fundraising event which attracted local press—and, on June 11, a rally in Knoxville's Market

³²¹ Senator Fred Thompson, Tennessee, to Gil Hough, Save Our Cumberland Mountains, 21 February 1997 private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee; Senator Fred Thompson, Tennessee, to Kathy Karpan, Director Office of Surface Mining Reclamation and Enforcement, U.S. Department of Interior, 7 July 1998, private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee.

Square at which they dropped another 100-foot banner down the side of a building, imploring the Governor to save Fall Creek Falls. As publicity surrounding the draft EIS increased in the summer of 1998 including the state's major newspapers endorsing the petition, the Governor's office announced its support for protecting the Fall Creek Falls State Park and watershed from strip mining. In its official comments to the draft EIS in July, the Governor's office stressed that OSM make its decision regarding the LUMP "based upon sound science and technical merit, recognizing that actions affecting private property rights must be made using due process and fundamental fairness," but the comments detailed the State's understanding of the economic impact of tourism from the petition area and emphasized its preference for prohibiting strip mining in the Fall Creek Falls watershed. After Sundquist made his support official, Frist agreed to support the LUMP and made the non-committal promise to "do something if the issue came to the Senate floor," an unlikely event since the LUMP decision-making process lay completely within the OSM and Department of the Interior. At a minimum, however, Frist did not actively oppose the petition. The petitioners were more successful with Republican congressman Zach Wamp of Tennessee's third district who represented much of the coal-mining region of eastern Tennessee and SOCM's traditional base of support. After multiple meetings and heavy lobbying, Wamp agreed to contact OSM and relay pertinent information about the progress of the Fall Creek Falls LUMP to SOCM and TCWP in 1997. Like Frist, he was influenced by the endorsement of Governor

Sundquist—Wamp came out in absolute opposition to mining in the Fall Creek Fall watershed in 1998.³²²

SOCM's final political "target," a committed environmentalist many assumed would be an easy ally to attract to their cause, was Tennessee's former congressman and senator serving as Vice President, Albert Gore, Jr. SOCM contemplated that the Vice President was in an ultimate position of power to influence the Secretary of the Interior and OSM—his support was crucial to their campaign. Enlisting Gore's assistance, however, proved to be more difficult than they originally imagined. SOCM had little success gaining access to the Vice President. During the summer of 1998, as OSM was taking comments on the draft EIS which, despite SOCM's campaign and widespread support for protecting the petition area from strip mining, rejected the LUMP in favor of mining as its preferred alternative, members of the Strip Mine Committee met with members of Gore's staff in Washington but the meeting seemed to accomplish nothing. After the comment period on the draft EIS had ended and the OSM was weighing all of the comments they received at hearings and through

³²² "SOCM Members Meet with Federal and State Officials," *The SOCM Sentinel*, Anniversary Edition (July) 1997, 11; "Fall Creek Falls media event is held in Knoxville," *The SOCM Sentinel*, July/August 1998, 5; "Save Fall Creek Falls from mining damage," *The Tennessean* (Nashville), 5 June 1998; Justin P. Wilson, Deputy to the Governor for Policy, to Ms. Beverly Brock, Supervisor, Technical Group, Knoxville Field Office, Office of Surface Mining, 28 July 1998, private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee; Senator Bill Frist, to Ms. Beverly Brock, Supervisor, Technical Group, Knoxville Field Office, Office of Surface Mining, 29 July 1998, private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee; Senator Bill Frist, to Ms. Amy S. Mondloch, Save Our Cumberland Mountains, 5 November 1998, private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee; Representative Zach Wamp, 3rd District, Tennessee, to Gil Hough, Save Our Cumberland Mountains, 17 February 1997, private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee; Representative Zach Wamp, 3rd District, Tennessee, to Glen Barton, President, Save Our Cumberland Mountains, 26 October 1998.

the mail, SOCM attempted to contact Gore again. The great majority of EIS comments staunchly opposed to OSM's preferred alternative of allowing strip mining in the petition. Many, including those from the Tennessee Department of Environment and Conservation, many from Tennessee's congressional delegation, and the comments from Governor Sundquist, alleged that the EIS had been inadequately prepared and suggested possible legal action if the agency decided to allow strip mining. In response, OSM's Knoxville field office director Beverly Brock promised to commence a new EIS with a final decision by January 2000. SOCM and the other petitioners continued their wait and intensified their campaign to attract Gore's help in influencing OSM's decision.³²³

By April of 1999, as OSM worked to complete its revised EIS, SOCM attempted again to schedule a meeting with Gore to ask him to support protection of the petition area to OSM and possibly accelerate the review process. They thanked the Vice President for his service to the state of Tennessee and the nation and his commitment to environmental protection. "We are confident that you, as a native Tennessean, appreciate this beautiful park which is home to the tallest waterfall east of the Rocky Mountains," their letter dated April 17 stated. The Vice President's office informed SOCM that, unfortunately, Gore could not make space in his schedule to meet with the group. In August, they requested the help of ally Representative Bart Gordon, who represented Gore's former district in lobbying the Vice President, but to no avail. Finally, in September of 1999,

³²³ "Hey Al, What About Tennessee?," *THE SOCM Sentinel*, March/April 1999, 7; Fall Creek Falls: The Continuing Story," *The SOCM Sentinel*, September/October 1998, 6; "Fall Creek Falls EIS Comment Period Opens, Again," *The SOCM Sentinel*, January/February 1999, 4.

frustrated by what seemed to be bureaucratic foot-dragging on behalf of OSM and desperate to leverage some kind of movement, members of the Strip Mine Committee decided to give Gore, who was actively mobilizing his campaign for the Democratic Presidential nomination for the 2000 election, a push. On September 17, they sent a press release to the state's major news outlets entitled "Group Questions Gore's Commitment to the Environment." In the press release, SOCM member Katherine Osburn is quoted saying "Mr. Gore has expressed concern about environmental issues world wide... This is his home... We've just been left to wonder why doesn't he help us here at home?" SOCM coupled the press release with a postcard campaign that lasted into early 2000 and resulted in the Vice President's office receiving more than 3,000 postcards from SOCM members and other concerned citizens urging his support for the Fall Creek Falls LUMP.³²⁴

SOCM and the petitioners were vindicated in February of 2000 when OSM's final revised EIS reversed the agency's position from two years prior and recommended the protection of 62,000 acres from mining within the Fall Creek Falls watershed—24,000 acres short of the petitioners requested 86,000 acres but more land than the petitioners had originally requested to be declared unsuitable for mining in 1992. It was the largest amount of land ever protected by a LUMP

³²⁴ Landon Medley, Chair, Strip-Mining Issues Committee, Save Our Cumberland Mountains, to Representative Bart Gordon, 13 April 1999, private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee; Landon Medley, Chair, Strip-Mining Issues Committee, Save Our Cumberland Mountains, to Vice President Al Gore, 1 April 1999, private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee; Save Our Cumberland Mountains, "Group Questions Gore's Commitment to the Environment," press release, 17 September 1999, private collection, Statewide Organizing for Community eMpowerment, Lake City, Tennessee; "Saving Fall Creek Falls: Could It Be the Final Countdown?," *The SOCM Sentinel*, September/October 1999, 11.

in the United States up to that time. The release of the final EIS opened a ninety-day public comment period in which citizens and stakeholders could attempt to influence the agency before its final decision, but the petitioners declared the new EIS a victory. SOCM and the other petitioners quickly organized citizens to submit comments supporting the preferred alternative and its protection of the entire 86,000 acres and began to organize a press event at Fall Creek Falls State Park to coincide with Secretary of the Interior Bruce Babbitt's announcement of his decision tentatively scheduled for May 25. They did not hear directly from Vice President Gore, but when Babbitt announced his decision to declare all 86,000 acres proposed in the EIS's preferred alternative as "lands unsuitable for the strip mining of coal" to a jubilant crowd of more than 120 petition supporters on June 17, he relayed to SOCM president and Cumberland Plateau resident Wanda Hodge that the Vice President had called him personally before he made his decision that Spring. According to Hodge, Babbitt said that Gore called his office and told the Secretary that he had grown up playing in the streams that fed Fall Creek Falls and that he wanted the Secretary to protect it. Possibly reluctant to publicly support the Fall Creek Falls LUMP during his presidential bid, Gore's last minute support was possibly decisive. The intense pressure SOCM placed on their usual ally no doubt moved the Vice President in its direction.³²⁵ Fall Creek Falls was saved.

³²⁵ Final Fall Creek Falls LUMP EIS, xxv; "SOCM Celebrates Fall Creek Falls Victory!," *The SOCM Sentinel*, May/June 2000, 1, 2; Pam Sohn, "Fall Creek Falls Gets Mining Reprieve," *Chattanooga Times*, 9 June 2000, A1, A8; Wanda Hodge, interview by author, Graysville, Tennessee, 1 July 2010.

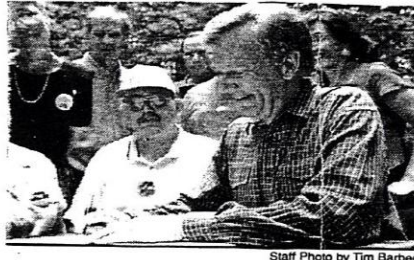
Metro/Region

CHATTANOOGA TIMES • CHATTANOOGA FREE PRESS

SUNDAY, JUNE 18, 2000

“Today is a great day to be alive in Tennessee. It is the highlight of 25 years of struggle by citizens to protect Fall Creek Falls.”

— Landon Medley



Secretary of the Interior Bruce Babbitt signs a guarantee against strip mining of more than 61,000 acres around Fall Creek Falls as members of the Save Our Cumberland Mountains watch.

Falls

Strip-Mining Ban Signed

Source: “Strip-mining Ban Signed,” *Chattanooga Times*, 18 June, 2000.

Conclusion

While the SOCM Strip Mine Committee vowed to continue to protect the remaining 24,000 acres within the Fall Creek Fall Watershed not included in Babbitt’s decision, his visit to Fall Creek Falls State Park and the associated press conference at the same overlook in which the group almost four years prior dramatically kicked off their campaign, marked an end to their efforts.

Depending on how one measured it, the struggle to save Fall Creek Falls had lasted between ten and twenty five years. The LUMP decision effectively ended the possibility of coal mining through the acid-producing Sewanee coal-seam and with it the possibility of mining on most of the Cumberland Plateau

protecting the watershed of Fall Creek Falls and the rural landscape of the region. With the decision, SOCM achieved what it had been working toward since the late 1970s when it began fighting the proposed AMAX mine. The Fall Creek Falls campaign also served its purpose of building the organization's power to affect change by attracting new members and elevating the credibility of the group in the popular mind of Tennessee. Between 1995 and 2000, roughly 1000 new members joined the organization increasing the membership from about 3000 to 4000 individuals—an average net growth of ten percent a year. But the successful campaign to save Fall Creek falls from strip mining was more than just another victory in the group's long list of achievements over its thirty-year history.³²⁶

The Fall Creek Falls major media campaign reflected the ability of the organization to adapt to the changing political and regulatory landscape at the end of the twentieth century. Beyond anecdotes from SOCM veterans like Boomer Winfrey that it was harder to get media attention in the 1990s than it was in previous decades, real changes in the environmental regulatory framework and environmental politics made it difficult for citizens' organizations to achieve the same kinds of success they had experienced in the 1970s. From the mid-1960s and into the late 1970s, environmental activists rode the national popularity of environmental issues to influence the passage of new environmental reforms at the state and federal level that protected human health, air, water, and land. Many of these laws required citizens' input in environmental decisions which gave

³²⁶ Save Our Cumberland Mountains, "2000 SOCM Annual Report," private collection, Statewide Organizing for Community Empowerment, Lake City, Tennessee.

citizen activists public venues in which to make their voices heard. Newspaper reporters devoured stories of citizens protesting strip mines or the contamination of their neighborhoods by industrial pollution or testifying at congressional hearings. Over the next decade, environmental groups tended to professionalize in response to the new regulatory landscape created by these laws and attempts to subvert or weaken them during the Reagan administration. The new laws of the 1970s spawned volumes of new agency rules and a growing collection of court precedents which required dedication, and often a law degree, to untangle.³²⁷ Citizens groups like SOCM had to learn how to navigate this new playing field. The media continued to follow environmental issues but tended to be increasingly attracted to the showy responses of activists to the anti-environmental initiatives of the era. They covered important legal cases involving interpretation and enforcement of environmental laws but rarely reported on the technical happenings of agency rule-making where much of the work to make tangible improvements to the environment took place. Partly because it was in these venues that SOCM and other environmental organizations increasingly focused their efforts by the 1990s, the groups did not receive the kind of media attention they took for granted in previous decades. Declining media exposure translated into less public recognition and membership recruitment and consequently less

³²⁷ For an overview of the development of environmental policy in the post-WWII decades, see Samuel P. Hays, *A History of Environmental Politics Since 1945* (Pittsburgh: Univ of Pittsburgh Press, 2000)); Richard N. L. Andrews, *Managing the Environment, Managing Ourselves: A History of American Environmental Policy*, 2nd ed. (New Haven: Yale University Press, 2006); and a recent study by Karl Brooks, *Before Earth Day: The Origins of American Environmental Law, 1945-1970* (Lawrence: University Press of Kansas, 2009).

political power. When SOCM's leadership sat down to evaluate the organization and craft its first long-range plan in 1990, they recognized this stagnation. The ability to innovate and adapt would prove to be one of SOCM's great strengths as it entered its fourth decade and the twenty first century.

As it had with various strategies over three decades of organizing trial and error, SOCM added the "major media campaign" to its organizing repertoire, but the media campaign was not just another strategy. It represented a very well-orchestrated part of their broader project to reallocate power in American society by expanding citizen participation in the decisions that affected their lives, health, and communities. Although the media had been used to influence political decisions since at least the invention of the printing press, and was a vital component of environmental campaigns throughout the history of the movement, SOCM's incorporation of the media campaign in its work represented an evolution for the organization. It reflected recognition by SOCM's leadership and staff that the political and regulatory landscapes had changed. They realized that if citizens were going to maintain and increase their influence in the decisions regarding their environment, they had to imagine new forms and venues of citizen participation. The qualified victory of their campaign to stop out-of-state waste had shown that the traditional means of achieving their goals—passing legislation at the state or federal level—no longer seemed to work. Citizens could organize to enforce existing laws through monitoring and holding regulators accountable—and SOCM continued this activity—but this could not be their primary tactic if their goal was increasing citizens' ability to affect political decisions about the

environment. They had to imagine new ways to influence those decisions and to expand their people power in the process. The media campaign provided one important new way.

The way in which SOCM adopted the media campaign and applied it to their organization reveals how the organization understood the strategy in relation to its philosophy and long range goals of empowering citizens to influence the decisions that affected their health, environment, and quality of life. The media campaign required SOCM's leaders and members to think differently about attracting media attention, how media attention related to their ability to influence decision makers, and how it translated into political power. But SOCM began its consideration of the media campaign strategy in relation to organizational development, including membership recruitment and leadership cultivation. Thus, they continued an evolving tradition begun in the 1970s of members acting as spokespeople for the organization and creating campaign elements that relied on volunteer work rather than professional expertise. The staff helped guide the campaign, but evincing the ideals of participatory democracy which grounded the organization from the beginning, all decisions were made by the members. The proposal to strip mine 18,000 acres adjacent to Fall Creek Falls State Park and citizens reactions to it in the 1990s were not in and of themselves much different than they might have been in the 1970s. Citizens demanded that they have a say in the decisions that would affect their environment, health, and quality of life and that industry and government be accountable to the people. But whereas, in the 1970s they organized to press lawmakers to pass reforms to protect their

environment and communities, in the 1990s, they organized to use the media to pressure bureaucrats and elected officials to use existing laws to do the same.

SOCM realized the value of the media campaign to its organization and larger goals before the Fall Creek Falls issue was even settled. Already by the late 1990s, it was applying the media strategy to its other campaigns to prevent the clear cutting of Tennessee's forests, the siting of toxic waste incinerators in rural communities, and their work to effect a more progressive tax structure and improve working conditions for temporary workers. SOCM became a founding member of the Community Media Organizing Project with six other similar organizations in the South, and Boomer Winfrey began to serve as a consultant for other social change and environmental groups on how to use media effectively to win their campaigns. As SOCM entered its next decade, it applied what it learned from Fall Creek Falls to its new campaigns to address social—including racial—economic, and environmental injustice. For a group that always viewed democratic and environmental reforms as part as the same movement toward the realization of participatory democracy, the media strategy, like lobbying for citizen participation provisions in the landmark environmental laws of the 1970s and then expanding that participation through persistently monitoring decision makers and holding them accountable during the following decades, was the next step toward that goal. As the new century opens and citizens' access to global networks of people and information becomes increasingly ubiquitous, one can only guess where citizens groups like SOCM will find their next innovations.³²⁸

³²⁸ Charles "Boomer" Winfrey, interview by author, Lake City, Tennessee, 17 June 2010.

CHAPTER 11

EPILOGUE AND CONCLUSION

Save Our Cumberland Mountain's victory in the Save Fall Creek Falls campaign brought tangible environmental protection to a beloved state park and the watershed that fed it. The success did more, however, than protect water quality, habitat for rare and threatened species of fish, birds, and other animals, recreational opportunities for Tennesseans and the rural character of the Cumberland Plateau. In many ways, it was a turning point for an organization that had travelled the course from a radically democratic grassroots volunteer group to a more sophisticated and professional advocate and organizer of citizen participation in decisions in the public's interest. In achieving the Lands Unsuitable for Mining decision for Fall Creek Falls State Park, SOCM demonstrated to decision-makers and to itself that it could still make substantive and important gains in the ability of citizens to protect the environment and their communities. SOCM applied the lessons and momentum from its successful Fall Creek Falls campaign to its other initiatives. In the 2000s, it tackled mountain-top removal coal strip mining and in 2010 took part in another Lands Unsuitable Petition, supported by the State of Tennessee, that proposed to protect 67,000 acres of ridgelines in the Cumberland Mountains, SOCM's original homeland.³²⁹

³²⁹ Statewide Organizing for Community eMpowerment, "Supporting the Cumberland Area Lands Unsuitable for Mining Petition," website, <http://www.socm.org/index.cfm/pageId/97/Cumberland%20Area%20Lands%20Unsuitable%20for%20Mining%20Petition/>, accessed 15 November 2011.

Southwest Environmental Service advanced the ability of citizens to participate in environmental decision-making to protect and improve water and air quality in southern Arizona during the 1980s using different tactics than SOCM. But it similarly demonstrated the continued pertinence and potency of citizen environmental activism. The group dissolved after its victories in 1988, but its legacy remained in Arizona's clean water and cleaner air and the continued activism of its staff and board members who went on to work on different causes with other citizens groups. Priscilla Robinson, who was admittedly never "anti-mining," used her expertise and connections from her work on water and air quality issues to work as an environmental consultant to mining companies seeking more environmentally-sound mining practices. Others remained active in environmental and other progressive advocacy in southern Arizona into the twenty first century.³³⁰

During the 1980s and 1990s, the Northern Plains Resource Council grew in every direction—geographically, in terms of members and issues, and in organizational sophistication. As it did, it confronted the difficulties inherent in organizing diverse groups of people with sometimes divergent interests to fight new gold mines or prevent the foreclosures of family farms but it also had to learn how to continue to effect change in the regulatory and political environments of the 1980s and 1990s. By the 2000s, Northern Plains had refined an organizing model that combined volunteer citizen activism with professional expertise and

³³⁰ Priscilla Robinson, interview by author, 1 September 2011, Tucson, Arizona; John D. Wirth, *Smelter Smoke in North America: The Politics of Transborder Pollution* (Lawrence: University of Kansas Press, 2000),158.

orchestrated campaigns employing interconnected legal, media, legislative, and direct action components. Coal strip mining remained a core issue for the organization at the beginning of the twenty-first century. Continued proposals for new strip mines and new coal-fired power plants and synthetic fuel plants designed to turn coal into diesel or jet fuel prompted NPRC veterans like Ellen Pfister and Wally McRae to lament that even if the *North Central Power Study* was shelved in the 1970s, it was slowly becoming a reality in the early 2000s. Despite these dire observations, the reality is much different. Only one of the proposed coal-fired plants imagined by the *Study* was ever built. New strip mines were proposed in the 2000s but the bulk of NPRC's coal work concerned protecting existing coal mine reclamation laws and regulations from being weakened at the request of coal companies and ensuring that coal companies reclaimed mined lands according to state and federal laws. The group's most daunting challenge in the 2000s came from proposals to drill tens of thousands of wells in eastern Montana to mine methane gas from the coal seams—a proposal that simultaneously threatens to drain precious aquifers used for cattle and human consumption while flooding rare streams with millions of gallons of water too full of sodium and other salts to use for irrigation. As the climate change advocacy organization “350.org” organized rallies at the nation's capitol in 2011 to protest the mining of Canadian tar sands for oil and the building of the Keystone XL pipeline from Alberta to the Gulf Coast in Texas to transport the product, NPRC organized landowners in northeastern Montana to protect their property from the pipeline and oppose the development. After almost forty years, Northern Plains

remains an organized defender of the environment and citizens rights to affect decisions regarding the land, water, air, and quality of life in Montana.³³¹

Despite the continuing challenges citizen activists faced, community-based environmental organizations proved they could adapt and remain effective at addressing environmental threats and keep government somewhat accountable to the public's interest. As the modern environmental movement matured and became more mainstream, citizens groups like SOCM, SES, and NPRC confronted the difficulties of attracting media attention, navigating increasingly technical regulatory and administrative systems of resource management, and a prolonged political backlash against the environmental initiatives of the 1960s and 1970s. The tactics that they pursued to address environmental threats in the 1970s—primarily proposing and influencing the passage of protective laws—produced fewer results in the decades that followed. Citizens found themselves instead defending the laws that had already passed and learning how to use them to protect their land, air, water, and health. They asserted the rights of citizens to take part in environmental decisions using citizen participation provisions written into the bedrock environmental laws of the 1970s; through professionalization, the courts, or creative use of the law and people power, they expanded citizens' abilities to affect environmental decisions. By the beginning of the twenty first century, their strategies and tactics may have looked different than they did in the

³³¹ Ellen Pfister, interview by author, Billings, Montana, 14 November 2009; Wallace McRae, interview by author, Billings, Montana, 13 November 2009; Northern Plains Resource Council, "Coal Bed Methane," website, <http://www.northernplains.org/the-issues/coal-bed-methane/>, accessed 15 November 2011.

1970s, but they were underlaid by the same basic assumptions about proper governance and citizens' rights and responsibilities.

Interpretation of Findings

This study set out to examine how everyday Americans understood and addressed environmental issues in the last decades of the twentieth century. I built it around observations that despite the scientific nature of environmental issues, citizens tended to understand threats to land, air and water quality, health and quality of life in non-scientific terms. Indeed, they interpreted environmental issues as matters of governance and pollution or degradation as a failure of government to protect people and their environment. This tendency seemed most apparent at the local level. Citizen activists explained coal company proposals to strip mine through private and public land and disrupt the hydrologic balance that supported vital springs and streams as patently unfair. They argued that companies should not profit at the expense of the public interest. Rather than recruiting waste management companies to dump the garbage from the nation's cities in impoverished, rural communities, government should protect those areas and their residents. To address these concerns, citizens formed groups that advocated laws to direct government to protect the public interest. In an attempt to keep government agencies accountable to the people and allow citizens to influence environmental decision making, those laws included provisions requiring transparency in decision making, citizen participation, and providing Americans the right to appeal government decisions and sue. The laws were built

around the assumption that informed citizens were the people best able to make decisions affecting the public's interest.

Activists soon realized, however, that their struggles to protect or improve the environment did not end with the passage of laws; meaningful change required citizens' persistent attention to the actions of government and industry to make sure that the laws were enforced. In addition, citizen activists were forced to learn how to use the laws that had been passed to influence environmental decisions. Although some embraced the technical and scientific aspects of environmental issues, most citizens understood threats to land, air, water, health and quality of life in democratic terms. Maximizing citizen participation in environmental decision making appeared to be the best tactic for protecting the public interest and the environment. Activists' emphasis on democratic participation in environmental decision making was specific to the second half of the twentieth century and was bolstered by the reform movements that sought to open up government, expose secrets, ensure transparency and accountability, and give more "power to the people," during the 1960s and the popularity of environmental concern after that decade. If, as Riley Dunlap and Angela Mertig argue, environmental protection was so widespread in the 1970s, defending and advancing public participation and citizen influence in decision making proved a more viable and effective strategy than it may have in earlier decades when government policy and corporate behavior focused on maximizing economic productivity and raising American's consumption-based standard of living. Environmentally concerned Americans recognized that, as Bob Dylan sang in

1964, “the times they are a changin.” Americans perceived the limits of industrialization, economic growth, and consumption of the postwar era and demanded change. They realized that to affect that change they need to reform American society and its relationship to the environment. Activists familiar with the other social movements of the era saw empowering the voices and concerns of environmentally aware Americans as the best way to accomplish this. As environmental activist and author Edward Abbey wrote in the late 1970s, “the best cure for the ills of democracy is more democracy.”³³²

The members of the Northern Plains Resource Council, Southwest Environmental Service, and Save Our Cumberland Mountains followed this pattern of thought and behavior. Some, like SES, realized the need to engage the technical and scientific aspects of environmental protection sooner than others and bolstered their arguments about citizens participating in environmental decisions by becoming self-trained experts on land use and water and air quality. At the other end of the spectrum, SOCM relied more on the appeal to the “local knowledge” of its members and arguments for fairness and democratic participation in environmental decision making. Whereas Priscilla Robinson endeavored to understand the Clean Air Act and air pollution and worked her way into leadership positions on boards and coalitions considering the issue, SOCM continued to organize protests against out-of-state waste outside (and sometimes

³³² See Adam Rome, “‘Give Earth a Chance:’ The Environmental Movement and the Sixties,” *The Journal of American History* 90 (September, 2003), 525-554; Riley E. Dunlap and Angela G. Mertig, *American Environmentalism: The U.S. Environmental Movement, 1970-1990* (Washington, D.C.: Taylor and Francis Inc., 1992); Edward Abbey, *The Journey Home: Some Words in Defense of the West* (Berkeley: University of California Press, 1977), 230.

inside) the offices of the Tennessee Department of Conservation. NPRC trod a kind of middle ground weaving together the experience and expertise of members and staff into campaigns that employed both citizen experts, lawyers, staff and participation in government boards and commissions and organizing direct actions. Like SOCM, Northern Plains remained highly democratic in its internal organizational structures, but, like SES, it tended to rely more on staff expertise in its campaigns.

The degree to which each group employed “people power” versus technical expertise correlated closely with the internal structures of each group. SES was guided by the goal of educating citizens to take part in environmental decisions, but it was organized from the beginning with a strong executive director who guided the decisions of a volunteer board that was made up of mostly well-educated professionals. Although Robinson and members of the board referred to the groups’ supporters as “members,” the group had no official system of membership. Decisions about the organization and its work were made by the board and were heavily influenced by Robinson. The centralized decision-making structure enabled the group to respond quickly as issues arose and required the staff, which served as lobbyists and spokespeople for SES, to learn the science and law of environmental protection and to professionalize. Thus, SES came to be viewed by agency officials and elected officials as a valuable source of information on environmental issues and obtained seats at decision-making tables. SES continued to organize citizens to influence environmental decisions but by the 1980s, it understood itself as something of an expert advocate

for the public interest. NPRC and SOCM organized from a more grassroots base of farmers, ranchers, and working-class people, who understood little about the workings of politics or the science of environmental issues, but felt intuitively that there was strength in numbers—if enough people yelled loud enough, someone in government would listen. Although they sought help from anywhere they could find it, they organized their groups according to the ideal that the local residents who were threatened by industrial developments were the best spokespeople for the organization and that these people, who had the most at stake, ought to direct the actions, and tactics of the groups. Members of Northern Plains and Save Our Cumberland Mountain viewed democracy as broken and their groups as small-scale experiments in participatory democracy that could serve as surrogates for the failing state and vehicles for resurrecting and realizing democratic ideals.³³³ Each group’s privileging of local knowledge and evolving understandings of the relationship between member participation, recruitment, and retention translated into tactics that emphasized citizen leadership and participation. Their rallying cry was “they have money,” referring to their polluting adversaries, and “we have people.” In the end, each configuration of organizational structure and strategy yielded results and proved effective in inserting the public interest in to environmental decision making.

³³³ Newsletters produced by both Northern Plains Resource Council and Save Our Cumberland Mountains throughout the 1970s, 1980s, and 1990s, contain articles which articulate an understanding of environmental issues as part of the failure of democratic institutions to work together and their tendency to be perverted, in the view of the activists, by corporate interests, lobbying, and money. The articles offered members opportunities to correct failed democratic institutions.

Both citizen expertise and people power appeared to have their advantages and disadvantages. Acting as citizen experts proved to be an efficient means of effecting change in the short-term for groups like SES but detracted from building sustainable community-based organizations that could continue to prosper after their key campaigns ended. Effectively employing people power took a tremendous amount of time and energy from volunteer and paid organizers and, because of the radically democratic decision-making structure of groups like NPRC and SOCM, they could be slow to respond to new threats or opportunities. But, their structures, which required the recruitment of new members and cultivation of new leaders also contributed to their long-term sustainability. Their success on individual campaigns, however, appeared to depend less on their structures and more on their ability to adapt their strategies to the political, regulatory and social conditions as they changed between the 1970s and 2000.

What the histories of all three of these groups demonstrate is the persistence of the democratic argument in how citizens understood and sought to solve environmental issues. Even when SES was at its apogee as an expert representative of the public interest in suing the Phelps Dodge and Magma Copper for failing to meet the sulfur dioxide requirements of the Clean Air Act, Robinson still understood her activities as part of SES's goal of advancing citizen participation in decisions concerning air quality, public health, and the rule of law. NPRC and SOCM institutionalized interpretations of environmental issues in which participation became a long term goal on par with environmental protection—even if they failed to achieve their immediate environmental

objective, they were not defeated if they upheld the ability of citizens to affect decisions regarding land, air, water, health and their communities in the future. SOCM expanded this vision of civil society to other issues of concern to Tennesseans including equitable taxation, fair working conditions for temporary workers, and combating racism. This has important implications for several areas of American history, environmental history, and studies of sustainability.

In terms of the history of the American environmental movement and environmentalism, this study complicates and extends the observations of Samuel Hays, Adam Rome, and Robert Gottlieb. It supports Hays's findings about the shift that occurred in the 1970s in the way government agencies made environmental decisions, the proliferation of local community-based organizations formed to address local problems, how citizens groups learned that government agencies often had to be nudged and cajoled to enforce the law, and how citizens confronted the technical and scientific aspects of environmental issues.³³⁴ It adds to these revelations about citizens' groups by showing the processes by which they developed citizen expertise and the many tactics they pursued to address environmental issues and how those tactics differed over time and between groups.

This study complicates the work of both Hays and Rome who cite the beginnings of the American environmental movement with the affluence and change in consumption of the urban and suburban middle class in the decades after World War II. Hays does recognize that acceptance of environmental values

³³⁴ Samuel P. Hays, *Beauty, Health, and Permanence: Environmental Politics in the United States, 1955-1985* (Cambridge: Cambridge University Press, 1987), 131-134, 62-63.

varied, with Americans in the coastal cities expressing a concern for the environment before those in the interior, Midwest, and South.³³⁵ The emergence of the local environmental movement in southern Arizona and the Southwest Environmental Service very much follows this model. Northern Plains and Save Our Cumberland Mountains, however, challenge it. While what were becoming mainstream popular environmental values influenced the cultural conversations in which ranchers and retired coal miners considered the threats of strip mining to their homes and environments, they became polarized by threats to their private property and, in some cases, their lives or those of their families. Samuel Hays argues that Americans became more concerned with “quality of life” in the postwar decades and that a clean and healthful environment and scenic places in which to recreate were essential to that quality of life; the people who formed NPRC and SOCM did not understand their concerns in these terms. Strip mining represented real threats to their ability to make a living, way of life, and safety. In this way, members of NPRC and SOCM more resemble the working class people of Love Canal in 1978 or Memphis, Tennessee, in the 2000s who organized to protect themselves from toxic contamination. They are more similar to what scholars label “environmental justice” groups in the 1990s (as has already been mentioned, SOCM began to officially describe itself as a “social, economic, and environmental justice” organization in 2008). It would be easy simply to label Northern Plains and Save Our Cumberland Mountains as such, but to do so would miss the point. Because they did not form in the same fashion as Southwest

³³⁵ Hays, 3-4.

Environmental Service, or countless other citizens environmental organizations that followed the pattern observed by Hays and Rome, and because they resemble in some respects groups commonly understood as environmental justice organizations, does not make them wholly different from other environmental groups. NPRC and SOCM—and potentially many environmental justice organizations—are united with SES and other citizens groups by their tendency to interpret environmental issues as matters of fairness and justice and their preference for seeking democratic means to solve them.

To again quote Robert Gottlieb, “environmentalism is a complex set of movements with diverse roots, with the capacity to help facilitate profound social change.” To understand how citizens’ groups relate to the mainstream environmental movement and the American democratic tradition, and to begin to build bridges across the racial and class divides that have separated the environmental justice movement from the mainstream movement requires this expanded definition of environmentalism. In his 2003 article “‘Give Earth a Chance:’ The Environmental Movement and the Sixties,” Rome reveals the common roots of the environmental movement in the social movements of the 1960s tied to the Civil Rights, Anti-war, New Left, and Feminist movements. As it mainstreamed—in fact as all of these movements mainstreamed—the environmental movement moved farther from the progressive roots it shared with these other movements. Calls for justice and participatory democracy united activists on the left during the 1960s. By the 1980s and 1990s, these demands were tempered in the activities of professionalized, mainstream environmental

groups. Where it remained potent was with citizen activists who drew on ideals of good government and democracy to address threats to their land, water, air, health, and communities.³³⁶

The experiences of citizens' environmental organizations, represented here in case studies of NPRC, SES, and SOCM, demonstrate the close connections Gottlieb and Rome observe between environmentalism and other social movements and the complexity of environmentalism itself as it was embraced by everyday people. Perhaps the clearest examples of these connections and complexity was exhibited in the experiences of women in all three groups. In all three cases, women rarely explicitly connected their activism with a larger goal of obtaining equality for women, but SES's Priscilla Robinson, SOCM's Maureen O'Connell, and many of the women of NPRC understood their work on environmental issues as directly connected to efforts to advance equality for women and democratic governance. O'Connell quietly advanced these goals in her activism by seeking out women to join and become leaders in SOCM. Her actions, and those of volunteer activists like Bettie Anderson and Connie White and others, subtly challenged the patriarchy of small-town Appalachian society. Robinson came by political activism as an advocate for women's reproductive rights. At SES, she exclusively hired women and supported them as they developed into experts in environmental policy and organizing citizens for change. The women of Northern Plains, like Anne Charter, Ellen Pfister, Carolyn

³³⁶ Robert Gottlieb, *Forcing the Spring: The Transformation of the American Environmental Movement*, rev. ed. (Washington D.C.: Island Press, 2005), xv; Adam Rome, "'Give Earth a Chance: The Environmental Movement and the Sixties,'" *The Journal of American History* 90 (September, 2003), 525-554.

Alderson, Anne McKinney, Charter's eventual daughter in law Jeanne Hjermsstad, and others often shrugged off suggestions that they were advancing women's issues and explained their activism as an extension of their work on their ranches and farms. Although not the subject of this study, many of these women were also involved with the League of Women Voters and participated in the campaign to pass the Equal Rights Amendment and other women's issues during the last decades of the twentieth century.

These women's activism generally supports the observations of historians Glenda Riley, Vera Norwood, and others who argue that women had a different relationship with environmental issues than men and that women involved in environmental work mixed the gender ideology of the twentieth century with their work in the public arena to protect their home, widely conceived. Even Robinson, who seemed consciously to reject the gendered language of "protecting home" or appeals to sentimentality in her work, acknowledged the presence of gender considerations in her activities. Recognizing that she was often the only woman in meetings concerning land use planning, water or air quality issues, she purposely wore clothes that would not attract attention and admitted to purposely hiring women in hopes of molding them into experts and community leaders. She tended to view environmental issues affecting southern Arizona possessively and felt obligated to take part in every decision regarding air, water, and quality of life in the region and to assist others in their efforts to protect their southern Arizona

“home.” Perhaps this is why Governor Bruce Babbitt referred to Roberson in 1988 as “the Den Mother of Arizona environmentalists.”³³⁷

All of this provides an example of the complex ways in which Americans understood and addressed environmental issues. It illuminates how citizens understood environmental issues as issues of fairness, justice, and governance. Though threats to and degradation of water, air, land, and quality of life filled a distinct niche in the spectrum of public goods problems—health care, social welfare, poverty, etc.—Americans approached problem-solving of all of these in a similar way. This realization can contribute to efforts to solve global environmental problems and achieve sustainability—local, regional, national, and world systems that provide the necessities for human life without sacrificing the ability of the planet to continue to provide essential resources for the future and social justice. It changes the frame of the conversation about environmental issues.

At their core, environmental problems are issues of human behavior and governance. The democratic argument cannot be ignored in the twenty-first century as the global population grows beyond seven billion raising issues of natural resource depletion and climate change to the top of the international environmental agenda. Scholars and managers concerned with sustainability acknowledge that ecological and social systems are inextricably linked and must be managed jointly by effective democratic governance supported by meaningful

³³⁷ Glenda Riley, *Women and Nature: Saving the “Wild” West* (Lincoln: University of Nebraska Press, 1999), xiii; Vera Norwood, *Made from this Earth: American Women and Nature* (Chapel Hill: University of North Carolina, 1993), 153, 170, xiv, 148; Wirth, 154.

public participation. There are no technological fixes that will ensure sustainable, environmentally responsible, and socially just communities and nations. On a daily basis, humans manage a complex socio-ecological system and only strive for “sustainability” as a work in progress. We develop human institutions to manage our world and ourselves. Citizens in democratic societies therefore play a particularly critical role in making sustainability regimes work. NPRC, SES, and SOCM provide examples of citizens engaging democratic institutions to solve environmental problems that can inform future sustainability initiatives.

Limitations and Suggestions for Further Research

As with any study that extrapolates general findings from a few representative case studies, this one has its limitations. The most obvious of which is the question of just how representative NPRC, SES, and SOCM are of community-based or citizens environmental organizations in the United States between the early 1970s and 2000. Even though great attention was paid to choosing representative groups to profile—one rural, one urban and middle-class, one small-town and working class, one in the Rocky Mountain West, one in the Southeast, and one in the Southwest, one radically democratic in structure, one more professional, and one that reflects aspects of both—they are only three organizations. Thousands of community-based and grassroots environmental organizations formed across the country during this period. Obviously, a study that incorporated more examples—perhaps one from the urban working class, one from the Northeast and Northwest, one representing predominantly people of

color—would further illuminate these processes and either bolster or revise my findings extrapolated from these three cases. Theorists of community organizing like Wade Rathke, who organized the Association of Community Organizations for Reform Now (ACORN) would likely find the absence of an urban working class group in the study a notable shortcoming.

What tied the Northern Plains Resource Council, Southwest Environmental Service, and Save Our Cumberland Mountains and their work together, across geography, class, tactics, and time, was a commitment to advancing citizens' ability to take part in the decisions that affected their environments, health, and lives. Regardless of the limitations inherent in comparing three case studies, the experiences of the three groups revealed here illustrate the potency of the democratic impulse in understanding and addressing environmental issues. This impulse is widespread and deserves more attention from scholars than it has received to date. Much detail and insight remains to be revealed regarding the depth, pervasiveness, and character of this current in other organizations, in other places, and at other times.

A second limitation of this study is my heavy reliance on primary sources produced by the groups themselves and oral histories from the activists involved. I favored these sources because they gave an indication of how the activists themselves viewed environmental issues and what they themselves thought they were doing. But relying too heavily on sources from the activists risks limiting the perspective of the study. One of my primary concerns was to investigate how citizens understood environmental issues and how they sought to solve them and

their tendency to promote citizen participation as a primary means for addressing threats to land, air, water, health and quality of life. Thus, investigating the materials that activists produced and recounting their stories was logical. An evaluation of the potency of citizen participation in affecting tangible environmental change would require a more in-depth examination of the records of government regulators and polluters. The abilities of citizen environmental organizations to achieve tangible environmental change seem apparent in the case studies presented here—only one major coal-fired power plant was built in Montana instead of forty, the closure of the Phelps Dodge smelter in Douglas, the preserving of the Fall Creek watershed from strip mining. Certainly other forces at play deserve additional examination before a strong causal argument can be made. However, I primarily sought in this study to make sense of how Americans understood and addressed environmental issues rather than evaluate the effectiveness of citizen activism in rectifying threats to air, water, land, and quality of life. An investigation into the effectiveness of the strategies and tactics of citizens groups in addressing environmental issues would be a logical and complementary corollary to this study.

In closing, the experiences of citizen activists and the organizations they formed to address threats to air and water quality, land, public health, and quality of life in the late twentieth century requires us to refocus our ideas about environmentalism and the environmental movement and its relationship to American history and civil society in general. Citizen activists aligned their environmental work with concerns about their communities, the health of their

families, their ability to make a living, and also abstract ideas about nation, citizenship, the proper function of government, fairness and justice. In this, they were not unlike activists concerned with other issues—civil rights, feminist, and social justice activists of the postwar era, and environmental justice advocates of the 1980s and 1990s. As they engaged the environmental decision making processes provided by law, many began to view their work in relation to the struggles of others fighting similar battles and understand threats to their homes as part of global systems of environmental, economic, and social injustice. In this, environmental activism was often transformative. As it transformed citizen activists, those activists sought to transform environmental decision making by asserting their right to know about pollution, to be protected from it, and to take part in the decisions affecting their lives and communities. Environmental reform at the local level became one of the leading edges of an increasing democratization of American society. As we enter a new century and millennium fraught with the daunting prospects of growing global population, finite resources, and a warming planet, the relationship between democratic participation and environmental management will be tested. But community-based, citizen activists will likely remain, standing in the middle, holding both together in the name of justice. It is their land; they have the right to be heard.

REFERENCES

Primary Sources

Books/Reports:

- Bass, Thomas. "Moving Gary Indiana to the Great Plains: The Oil Companies Head for the Prairies." *Mother Jones Magazine*, July 1976, 34.
- Charter, Anne Goddard. *Cowboys Don't Walk: A Tale of Two*. Billings, MT: Western Organization of Resource Councils, 1999.
- Jacobsen, Sally. "The Great Montana Coal Rush," *Science and Public Affairs: Bulletin of the Atomic Scientists* 29 (April 1973): 37-42.
- Mayhew, Dr. Anne. "Possible Impact of Surface Mining on Use and Economic Benefits of Fall Creek Falls State Park." Knoxville: University of Tennessee, 1996.
- Oppenhiemer, Michael, Charles B. Epstein, and Robert E. Yuhnke. "Acid Rain, Smelter Emissions, and the Linearity Issue in the Western United States." *Science*, 30 August 1985, 859.
- Parfit, Michael. *Last Stand at Rosebud Creek: Coal, Power, and People*. New York: E.P. Dutton, 1980.

Interviews:

- Alderson, Jeanie. Interview by author, 13 November 2010, Billings, Montana. Digital recording. Author's private collection, Tempe, Arizona.
- Breitbach, Tom. Interview by author, 3 August 2010, Breitbach ranch near Circle, Montana. Digital recording. Author's private collection, Tempe, Arizona.
- Charter, Steve and Jeanie. Interview by author, 13 November 2010, Billings, Montana. Digital recording. Author's private collection, Tempe, Arizona.
- Hardeman, David. Interview by author, 23 June 2010, Graysville, Tennessee. Digital recording. Author's private collection, Tempe, Arizona.
- Hodge, Wanda. Interview by author, 1 July 2010, Graysville, Tennessee. Digital recording. Author's private collection, Tempe, Arizona.

- McRae, Wallace. Interview by author, 13 November 2009, Billings, Montana. Digital recording. Author's private collection, Tempe, Arizona.
- Medley, Landon. Interview by author, 23 June 2010, Spencer, Tennessee. Digital recording. Author's private collection, Tempe, Arizona.
- O'Connell, Maureen. Interview by author, 25 June 2010, Lake City, Tennessee. Digital recording. Author's private collection, Tempe, Arizona.
- O'Connell, Maureen and Charles "Boomer" Winfrey. Interview by author, 11 June 2010, Lake City, Tennessee. Digital recording. Author's private collection, Tempe, Arizona.
- Pfister, Ellen. Interview by author, 14 November 2009, Billings, Montana. Digital recording. Author's private collection, Tempe, Arizona.
- Raetzer, Franz. Interview by author, 1 July 2010, Harriman, Tennessee. Digital recording. Author's private collection, Tempe, Arizona.
- Robinson, Priscilla. Interview by author, 1 September 2011, Tucson, Arizona. Digital recording. Author's private collection, Tempe, Arizona.
- Smotherman, Linda and Larry. Interview by author, 1 July 2010, Spencer, Tennessee. Digital recording. Author's private collection, Tempe, Arizona.
- Sweeney, Pat. Interview by author, 2 August 2010, Billings, Montana. Digital recording. Author's private collection, Tempe, Arizona.
- Tellman, Barbara. Interview by author, 1 September 2011, Tucson, Arizona. Digital recording. Author's private collection, Tempe, Arizona.
- Waller, Helen. Interview by John Smillie, Billings, Montana, 21 August 2009. Digital recording. Western Organization of Resource Councils, Billings, Montana.
- Waller, Helen and Gordon. Interview by author, 3 August 2010, Waller ranch near Circle, Montana. Digital recording. Author's private collection, Tempe, Arizona.
- Winfrey, Charles "Boomer." Interview by author, 17 June 2010, Lake City, Tennessee. Digital recording. Author's private collection, Tempe, Arizona.

Yarger, Charlie. Interview by author, 3 August 2010, Yarger ranch near Circle, Montana. Digital recording. Author's private collection, Tempe, Arizona.

Periodicals:

Arizona Daily Star (Tucson). January 1975-April 1988.

Arizonans for Water Without Waste Newsletter (Tucson). 1966-1982.

Chattanooga Times. 14 November 1995-9 June 2000.

Great Falls Tribune (Montana). 19 June 1971-16 May 1973.

Knoxville News-Sentinel. 10 May 1990-19 August 1996.

LaFollette Press (Tennessee). 20 July 1995-1 August 1996.

Los Angeles Times. 7 January 1985-5 January 1987.

SOCM Sentinel (Newsletter of Save Our Cumberland Mountains, Lake City, Tennessee). April 1972-July 2000.

Southern Arizona Environmental Council Bulletin (Tucson). 1973-1986.

The Arizona Republic (Phoenix). 1983-1984.

The Billings Gazette (Montana). 1971-1980.

The Phoenix Gazette. 1983-1984.

The Plains Truth (Newsletter of the Northern Plains Resource Council, Billings, Montana). June 1972-December 1980.

The Tennessean (Nashville). 4 August 1996-5 June 1998.

Tucson Citizen. 1975-1988.

Government Documents:

Burson, Charles W., Attorney General. "Opinion No. 89-56, Constitutionality and Applicability of T.C.A. 68-46-108," 17 April 1989. Nashville, Tennessee.

- Hazardous Wastes Management and Minimization Act, Code of Alabama 22* (1989).
- Montana. Constitutional Convention Editing & Publishing Committee. *Montana Constitutional Convention, 1971-1972: Verbatim Transcript*. Helena: Montana Legislature and Montana Legislative Council, 1981.
- Montana. Legislative Assembly. House of Representatives. *House Journal of the Forty-third Legislative Assembly of the State of Montana, 1973-1974*. Berkley: University of California Press, 1974.
- Montana. Legislative Assembly. Senate. *Senate Journal of the Forty-third Legislative Assembly of the State of Montana, 1973-1974*. Berkley: University of California Press, 1974.
- Montana. *The Major Facility Siting Act. Montana Code Annotated*. 2009.
- Montana. *The Montana Strip and Underground Mine Reclamation Act, Montana Code Annotated*. 2009.
- National Environmental Policy Act of 1969, Statutes at Large 42* (1970).
- Tennessee. General Assembly. Senate. *Senate Journal of the Eighty-Seventh General Assembly of the State of Tennessee, 1972*. Berkley: University of California Press, 1973.
- Tennessee. General Assembly. Senate. *Senate Journal of the Ninety-seventh General Assembly of the State of Tennessee, 1992*. Berkley: University of California Press, 1993.
- United States Department of the Interior. Bureau of Reclamation. *North Central Power Study, phase 1, (October 1971), by the Coordinating Committee, North Central Power Study*. Washington, D.C.: 1971.
- United States Department of the Interior. Office of Surface Mining Reclamation and Enforcement. *Fall Creek Falls, Tennessee Final Petition Evaluation Document Environmental Impact Statement, vol. 1. (February 2000)*. Washington D.C.: 2000.
- United States Department of the Interior. *Study of Strip and Surface Mining in Appalachia: An Interim Report to the Appalachian Regional Commission (30 June 1966)*. Washington, D.C., 1966.

Manuscript Collections and Unpublished Documents:

AWWW: Arizonans for Quality Environment Newsletter. University of Arizona Library Special Collections, Tucson, Arizona.

Louise Cross Papers. Montana Historical Society Research Center and Archives, Helena, Montana.

Montana Legislature (43rd: 1973-1974) records. Montana Historical Society Research Center and Archives, Helena, Montana.

Morris K. Udall Library Manuscript Collection. University of Arizona Library Special Collections, Tucson, Arizona.

Records of Save Our Cumberland Mountains. Private collection. Statewide Organizing for Community Empowerment, Knoxville, Tennessee.

Records of the Northern Plains Resource Council. Private collection. Northern Plains Resource Council, Billings, Montana.

Records of the Tennessee General Assembly, 1796-[ongoing]. Tennessee State Library and Archives, Nashville, Tennessee.

Robinson, Priscilla. "Smelter Chronology: Southwest Environmental Service Monthly Reports – 1978-1987," 1 November 2008. Private collection of Priscilla Robinson, Tucson, Arizona.

Southern Arizona Environmental Council records. Arizona Collection, Hayden Library, Arizona State University, Tempe, Arizona.

Southwest Environmental Service records. University of Arizona Library Special Collections, Tucson, Arizona.

Secondary Sources

Books/Dissertations/Reports:

Abbey, Edward. *The Journey Home: Some Words in Defense of the West*. Berkeley: University of California Press, 1977.

Abbott, Carl. *The Metropolitan Frontier: Cities in the Modern American West*. Tucson: University of Arizona Press, 1998.

- Adamson, Joni, Mei Mei Evans, and Rachel Stein, eds. *The Environmental Justice Reader: Politics: Poetics & Pedagogy*. Tucson: University of Arizona Press, 2002.
- Andrews, Richard N. L. *Managing the Environment, Managing Ourselves: A History of American Environmental Policy*, 2nd ed. New Haven: Yale University Press, 2006.
- Bailyn, Bernard. *The Ideological Origins of the American Revolution*. Cambridge: Belknap Press, 1967.
- Bevington, Douglas. *The Rebirth of Environmentalism: Grassroots Activism From the Spotted Owl to the Polar Bear*. Washington D.C.: Island Press, 2009.
- Blum, Elizabeth D. *Love Canal Revisited: Race, Class, and Gender in Environmental Activism*. Lawrence: University of Kansas Press, 2008.
- Boylan, Anne M. *The Origins of Women's Activism: New York and Boston, 1797-1840*. Chapel Hill: University of North Carolina Press, 2002.
- Brooks, Karl Boyd. *Before Earth Day: The Origins of American Environmental Law, 1945-1970*. Lawrence: University of Kansas Press, 2009.
- Bullard, Robert D. *Dumping in Dixie: Class, Race, and Environmental Quality*. Boulder: Westview Press, Inc., 1990.
- Carson, Rachael. *Silent Spring*. New York: Houghton Mifflin, 1962.
- Del Mar, David Peterson. *Environmentalism*. Harlow, UK: Pearson Education Limited, 2006.
- Dunlap, Riley E. and Angela G. Mertig, eds. *American Environmentalism: The U.S. Environmental Movement, 1970-1990*. New York: Taylor and Francis, 1992.
- Edgerton, Keith. "Bridging Ideology in Rural America: The Northern Plains Resource Council, 1971-1975." Billings: University of Montana-Billings, 2002.
- Egan, Michael and Jeff Crane. *Natural Protest: Essays on the History of American Environmentalism*. New York: Routledge, 2009.
- Erikson, Kai T. *Everything In Its Path: Destruction of Community in the Buffalo Creek Flood*. New York: Simon & Schuster, 1976.

- Feldman, David Lewis, ed. *The Energy Crisis: Unresolved Issues and Enduring Legacies*. Baltimore: Johns Hopkins University Press, 1996.
- Ferguson, Cody and Paul W. Hirt. "Power to the People: Grassroots Advocacy for Environmental Protection and Democratic Governance in the Late 20th Century." In *The Politics of Hope*, ed. Michael Eagan and Jeff Crane. Boulder: University of Colorado Press, forthcoming.
- Fisher, Stephen L., ed. *Fighting Back in Appalachia: Traditions of Resistance and Change*. Philadelphia: Temple University Press, 1993.
- Flores, Dan. *The Natural West: Environmental History of the Great Plains and Rocky Mountains*. Norman: University of Oklahoma Press, 2003.
- Fox, Stephen. *The American Conservation Movement: John Muir and His Legacy*. Madison: University of Wisconsin Press, 1985.
- Fritz, Harry W. "The Origins of Twenty-first-Century Montana." *Montana: the Magazine of Western History* 42 (Winter of 1992): 77-81.
- Fritz, Harry W. and William E. Farr. *Montana: Land of Contrasts*. USA: Windsor Publications, 1984.
- Frome, Michael. *The Battle For the Wilderness*. New York: Praeger Publishers, 1974.
- Gibbs, Lois Marie. *Love Canal: And the Birth of the Environmental Health Movement*. New York: Island Press, 2010.
- Gordon, Linda. *The Great Arizona Orphan Abduction*. Cambridge: Harvard University Press, 1999.
- Gottlieb, Robert. *Forcing the Spring: The Transformation of the American Environmental Movement*, rev. ed. Washington D.C.: Island Press, 2005.
- _____. "The Next Environmentalism: How Movements Respond to the Changes That Elections Bring—From Nixon to Obama." *Environmental History* 14 (April 2009): 298-308.
- Harvey, Mark T. *A Symbol of Wilderness: Echo Park and the American Conservation Movement*. Albuquerque: University of New Mexico Press, 1994.

- _____. *Wilderness Forever: Howard Zahniser and the Path to the Wilderness Act*. Seattle: University of Washington Press, 2005.
- Hays, Samuel P. *A History of Environmentalism Since 1945*. Pittsburgh: University of Pittsburgh Press, 2000.
- _____. *Beauty, Health, and Permanence: Environmental Politics in the United States, 1955-1985*. New York: Cambridge University Press, 1987.
- _____. *Conservation and the Gospel of Efficiency: The Progressive Conservation Movement, 1890-1920*. Cambridge: Harvard University Press, 1959.
- Hernan, Robert Emmet. *This Borrowed Earth: Lessons from the Fifteen Worst Environmental Disasters Around the World*. New York: Palgrave Macmillan, 2010.
- Hirsch, Richard F. *Power Loss: The Origins of Deregulation and Restructuring in the American Electric Utility System*. Cambridge: MIT Press, 2002.
- Hirt, Paul W. *Conspiracy of Optimism: Management of the National Forests since World War Two*. Lincoln: University of Nebraska Press, 1994.
- Hirt, Paul W., Annie Gustafson, and Kelli Larson. "The Mirage in the Valley of the Sun." *Environmental History* 13 (July 2008): 482-514.
- Hurley, Andrew. *Environmental Inequalities: Class, Race, and Industrial Pollution in Gary, Indiana 1945-1980*. Chapel Hill: University of North Carolina Press, 1995.
- Kerber, Linda. *Toward an Intellectual History of Women: Essays*. Chapel Hill: University of North Carolina Press, 1997.
- Kingsolver, Barbara. *Holding the Line: Women in the Great Arizona Mine Strike of 1983*. Ithaca: Cornell University Press, 1989.
- Kraft, Michael E. *Environmental Policy and Politics*. New York: Pearson Longman, 2007.
- Lazarus, Richard J. *The Making of Environmental Policy*. Chicago: University of Chicago Press, 2004.
- Logan, Michael F. *Fighting Sprawl and City Hall*. Tucson: University of Arizona Press, 1995.

- _____. *The Lessening Stream: An Environmental History of the Santa Cruz River*. Tucson: University of Arizona Press, 2002.
- Lovins, Amory B., Imran Sheikh, Alex Markevich. "Nuclear Power: Climate Fix or Folly?" Boulder: Rocky Mountain Institute, 2009.
- Malone, Michael P., Richard R. Roeder, and William L. Lang. *Montana: A History of Two Centuries*, rev. ed. Seattle: University of Washington Press, 1991.
- Merrill, Karen R. *The Oil Crisis of 1973-1974: A Brief History with Documents*. Boston: Bedford/St.Martins, 2007.
- McCarthy, Colman. *Disturbers of the Peace: Profiles in Nonadjustment*. Boston: Houghton Mifflin Company, 1973.
- McCoy, Drew R. *The Elusive Republic: Political Economy in Jeffersonian America*. Chapel Hill: University of North Carolina Press, 1980.
- McDonald, Verlaine Stoner. *Red Corner: The Rise and Fall of Communism in Northeastern Montana*. Helena: Montana Historical Society, 2010.
- Melosi, Martin. *Coping with Abundance: Energy and Environment in Industrial America*. Philadelphia: Temple University Press, 1985.
- Montrie, Chad. *To Save The Land and People: A History of Opposition to Surface Coal Mining in Appalachia*. Chapel Hill: University of North Carolina Press, 2003.
- Mundinger, John and Todd Everts. *A Guide to the Montana Environmental Policy Act*, rev. Helena, MT: Legislative Environmental Policy Office, 1998.
- Norwood, Vera. *Made from this Earth: American Women and Nature* (Chapel Hill: University of North Carolina, 1993.
- Nye, David E. *Consuming Power: A Social History of American Energies*. Cambridge: MIT Press, 1998.
- Pearson, Byron E. *Still the Wild River Runs: Congress, the Sierra Club, and the Fight to Save Grand Canyon*. Tucson: University of Arizona Press, 2002.
- Pellow, David N., and Robert J. Brulle. *Power, Justice, and the Environment: A Critical Appraisal of the Environmental Justice Movement*. Cambridge: MIT Press, 2005.

- Reisner, Marc. *Cadillac Desert: The American West and Its Disappearing Water*. New York: Penguin Books, 1986.
- Riley, Glenda. *Women and Nature: Saving the "Wild" West*. Lincoln: University of Nebraska Press, 1999.
- Rome, Adam. *Bulldozer in the Countryside: Suburban Sprawl and the Rise of American Environmentalism*. Cambridge: Cambridge University Press, 2001.
- _____. "Give Earth a Chance: The Environmental Movement and the Sixties." *The Journal of American History* 90 (September 2003), 525-554.
- Rosenbaum, Walter A. *Environmental Politics and Policy* 8th ed. Washington, D.C.: Congressional Quarterly, Inc., 2010.
- Sanders, Elizabeth. *Roots of Reform: Farmers, Workers, and the American State 1877-1917*. Chicago: University of Chicago Press, 1999.
- Schwab, Jim. *Raising Less Corn and More Hell: Midwestern Farmers Speak Out*. Urbana: University of Illinois Press, 1988.
- Scott, Douglas W. "A Wilderness-Forever Future: A Short History of the National Wilderness Preservation System." Washington, D.C.: Pew Wilderness Research, 2001.
- Sheridan, Thomas. *Arizona: A History*. Tucson, University of Arizona, 1997.
- Speece, Darren. "From Corporatism to Citizen Oversight: The Legal Fight Over California Redwoods, 1970-1996." *Environmental History* 14 (October 2009): 705-736.
- Stoll, Steven. *U.S. Environmentalism since 1945: A Brief History with Documents*. Boston: Bedford/St. Martin's, 2007.
- Stradling, David. *Smokestacks and Progressives: Environmentalists, Engineers, and Air Quality in America, 1881-1951*. Baltimore: The Johns Hopkins University Press, 1999.
- Switzer, Jacqueline Vaughn. *Environmental Politics: Domestic and Global Dimensions*. Belmont, CA: Thomson Wadsworth, 2004.
- Thomas, Blakemore E. and Don R. Pool. "Trends in Streamflow of the San Pedro River, Southeastern Arizona, and Regional Trends in Precipitation and

Streamflow in Southeastern Arizona and Southwestern New Mexico.”
Professional paper 1712. Reston, Virginia: U.S. Geological Survey, 2006.

Toole, K. Ross. *Montana: An Uncommon Land*. Norman: University of Oklahoma Press, 1959.

_____. *The Rape of the Great Plains: Northwest America, Cattle and Coal*. New York: Little, Brown, and Co., 1976.

Vietor, Richard H.K. *Energy Policy in America Since 1945: A Study of Business-Government Relations*. New York: Cambridge University Press, 1987.

Washington, Sylvia H. *Packing Them In: an Archaeology of Environmental Racism in Chicago, 1865-1954*. Latham, MD: Lexington Books, 2005.

Watson, Harry L. *Liberty and Power: The Politics of Jacksonian America*. New York: Hill and Wang, 1990.

Wiebe, Robert H. *The Search for Order, 1877-1920*. New York: Hill and Wang, 1967.

Wirth, John D. *Smelter Smoke in North America: The Politics of Transborder Pollution*. Lawrence: University of Kansas Press, 2000.

Websites:

Environmental Defense Fund, “Clean Air Act Timeline,” Website.
[Http://cleartheair.edf.org/page.cfm?tagID=60844](http://cleartheair.edf.org/page.cfm?tagID=60844).

Govtrack.us, “S.1256: Citizens Access to Justice Act of 1997,” Website.
[Http://www.govtrack.us/congress/bill.xpd?bill=s105-1256](http://www.govtrack.us/congress/bill.xpd?bill=s105-1256).

Montana Department of Environmental Quality, “Climate Change & Water,” Website.
[Http://deq.mt.gov/ClimateChange/NaturalResources/Water/WaterUses.mcp](http://deq.mt.gov/ClimateChange/NaturalResources/Water/WaterUses.mcp).

Montana State Library Natural Resource Information System, “Montana Average Annual Precipitation, 1961-1990,” Website.
[Http://nris.mt.gov/gis/gisdatalib/downloads/precip.gif](http://nris.mt.gov/gis/gisdatalib/downloads/precip.gif).

Northern Plains Resource Council, “Coal Bed Methane,” Website.
[Http://www.northernplains.org/the-issues/coal-bed-methane/](http://www.northernplains.org/the-issues/coal-bed-methane/).

Pima Association of Governments, "Population estimates," Website.
[Http://www.pagnet.org/RegionalData/Population/PopulationEstimates/tabid/582/Default.aspx](http://www.pagnet.org/RegionalData/Population/PopulationEstimates/tabid/582/Default.aspx).

Statewide Organizing for Community eMpowerment, "Supporting the Cumberland Area Lands Unsuitable for Mining Petition," Website.
[Http://www.socm.org/index.cfm/pageId/97/Cumberland%20Area%20Lands%20Unsuitable%20for%20Mining%20Petition/](http://www.socm.org/index.cfm/pageId/97/Cumberland%20Area%20Lands%20Unsuitable%20for%20Mining%20Petition/).

"STRIPMINE.ORG" Website. [Http://www.stripmine.org/forms/tripmine1.xls](http://www.stripmine.org/forms/tripmine1.xls).

Tennessee General Assembly, "Tennessee House of Representatives 87th General Assembly," Website.
[Http://www.capitol.tn.gov/house/archives/87GA/Members/Members.htm](http://www.capitol.tn.gov/house/archives/87GA/Members/Members.htm).

The Library of Congress, Thomas, "Search Bill Summary & Status, 93rd Congress (1973-1974)," Website. [Http://www.thomas.loc.gov/cgi-bin/thomas](http://www.thomas.loc.gov/cgi-bin/thomas).

The Library of Congress, Thomas, "Search Bill Summary & Status, 95th Congress (1977-1978)," Website. [Http://www.thomas.loc.gov/cgi-bin/thomas](http://www.thomas.loc.gov/cgi-bin/thomas).

United States Energy Information Administration, "Existing Generating Units in the United States by State, Company, and Plant, 2003," Website.
[Http://www.eia.gov/cneaf/electricity/page/capacity/capacity.html](http://www.eia.gov/cneaf/electricity/page/capacity/capacity.html).

United States Energy Information Administration, "Table 8.4a Consumption for Electricity Generation by Energy Source: Total (All Sectors), 1949-2000," Website. [Http://www.eia.gov/totalenergy/data/annual/txt/ptb0804a.html](http://www.eia.gov/totalenergy/data/annual/txt/ptb0804a.html).

United States Energy Information Administration, "Total Energy," Website.
[Http://www.eia.gov/totalenergy/data/annual/index.cfm](http://www.eia.gov/totalenergy/data/annual/index.cfm).

United States Energy Information Administration, "U.S. Nuclear Statistics," Website.
[Http://www.eia.gov/cneaf/nuclear/page/operation/statoperation.html](http://www.eia.gov/cneaf/nuclear/page/operation/statoperation.html).

United States Environmental Protection Agency, "History of the Clean Air Act," Website. [Http://www.epa.gov/air/caa/caa_history.html#caa77](http://www.epa.gov/air/caa/caa_history.html#caa77).

United States Environmental Protection Agency, "Summary of the Clean Water Act," Website. [Http://www.epa.gov/lawsregs/laws/cwa.html](http://www.epa.gov/lawsregs/laws/cwa.html).

United States Government Printing Office, "S.1204 (IS) – Property Owners Access to Justice Act of 1997," Website.
[Http://www.gpo.gov/fdsys/pkg/BILLS-105s1204is](http://www.gpo.gov/fdsys/pkg/BILLS-105s1204is).

U.S. Climate Data, "US Climate Data," Website.
[Http://www.usclimatedata.com/climate.php?location=USMT0064.](http://www.usclimatedata.com/climate.php?location=USMT0064)

