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Regional Oral History Office  
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University of California  
Berkeley, California

Sierra Club Oral History Series

John Zierold

ENVIRONMENTAL LOBBYIST IN CALIFORNIA'S  
CAPITAL, 1965-1984

With Introductions by  
Leo McCarthy  
and  
Michael McCloskey

An Interview Conducted by  
Ann Lage  
in 1984

Underwritten by  
The National Endowment for the Humanities  
and the Sierra Club

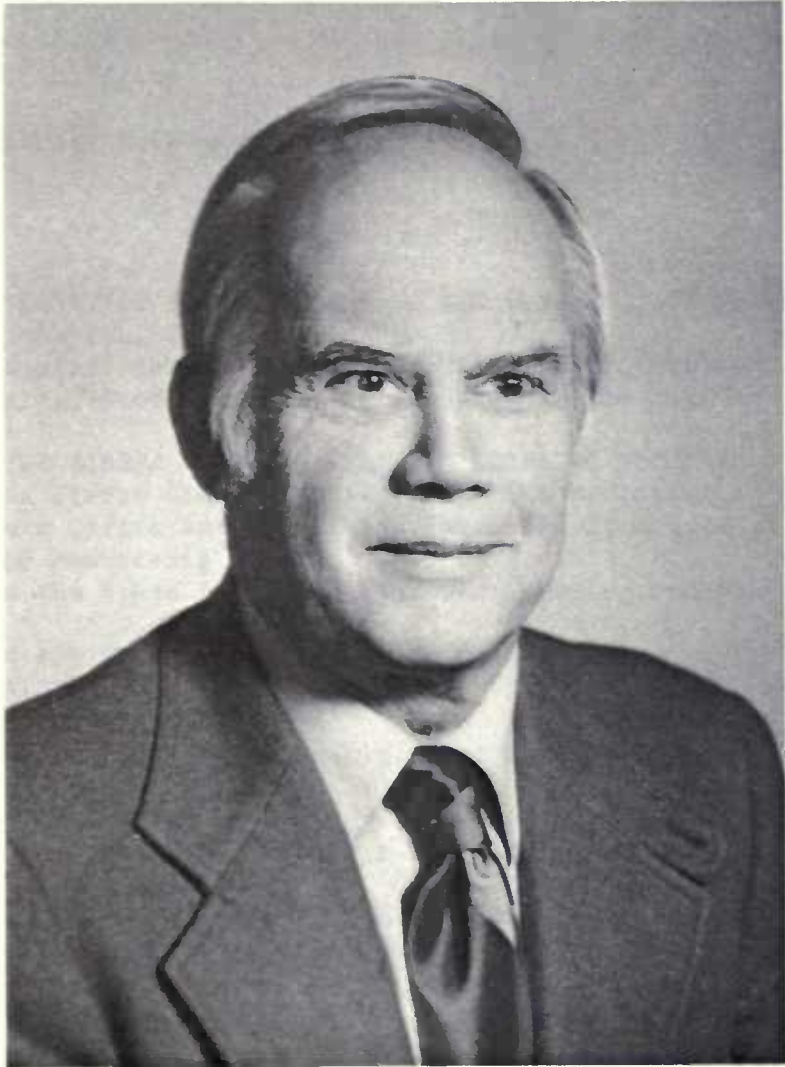
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JOHN ZIEROLD

1983



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## PREFACE

## The Oral History Program of the Sierra Club

In fall 1969 and spring 1970 a self-appointed committee of Sierra Clubbers met several times to consider two vexing and related problems. The rapid membership growth of the club and its involvement in environmental issues on a national scale left neither time nor resources to document the club's internal and external history. Club records were stored in a number of locations and were inaccessible for research. Further, we were failing to take advantage of the relatively new technique of oral history by which the reminiscences of club leaders and members of long standing could be preserved.

The ad hoc committee's recommendation that a standing History Committee be established was approved by the Sierra Club Board of Directors in May 1970. That September the board designated The Bancroft Library of the University of California at Berkeley as the official depository of the club's archives. The large collection of records, photographs and other memorabilia known as the "Sierra Club Papers" is thus permanently protected, and the Bancroft is preparing a catalog of these holdings which will be invaluable to students of the conservation movement.

The History Committee then focused its energies on how to develop a significant oral history program. A six page questionnaire was mailed to members who had joined the club prior to 1931. More than half responded, enabling the committee to identify numerous older members as likely prospects for oral interviews. (Some had hiked with John Muir!) Other interviewees were selected from the ranks of club leadership over the past six decades.

Those committee members who volunteered as interviewers were trained in this discipline by Willa Baum, head of the Bancroft's Regional Oral History Office and a nationally recognized authority in this field. Further interviews have been completed in cooperation with university oral history classes at California State University, Fullerton; Columbia University, New York; and the University of California, Berkeley. Extensive interviews with major club leaders are most often conducted on a professional basis through the Regional Oral History Office.

Copies of the Sierra Club oral interviews are placed at The Bancroft Library, at UCLA, and at the club's Colby Library, and may be purchased for the actual cost of photocopying, binding, and shipping by club regional offices, chapters, and groups, as well as by other libraries and institutions.

Our heartfelt gratitude for their help in making the Sierra Club Oral History Project a success goes to each interviewee and interviewer; to everyone who has written an introduction to an oral history; to the Sierra Club Board of Directors for its recognition of the long-term importance of this effort; to the Trustees of the Sierra Club Foundation for generously providing

the necessary funding; to club and foundation staff, especially Michael McCloskey, Denny Wilcher, Colburn Wilbur, and Nicholas Clinch; to Willa Baum and Susan Schrepfer of the Regional Oral History Office; and last but far from least, to the members of the History Committee, and particularly to Ann Lage, who has coordinated the oral history effort since September 1974.

You are cordially invited to read and enjoy any or all of the oral histories in the Sierra Club series. By so doing you will learn much of the club's history which is available nowhere else, and of the fascinating careers and accomplishments of many outstanding club leaders and members.

Marshall H. Kuhn  
Chairman, History Committee  
1970 - 1978

San Francisco  
May 1, 1977  
(revised May 1979, A.L.)

#### PREFACE--1980s

Inspired by the vision of its founder and first chairman, Marshall Kuhn, the Sierra Club History Committee continued to expand its oral history program following his death in 1978. With the assistance of a grant from the National Endowment for the Humanities, awarded in July 1980, the Sierra Club has contracted with the Regional Oral History Office of The Bancroft Library to conduct twelve to sixteen major interviews of Sierra Club activists and other environmental leaders of the 1960s and 1970s. At the same time, the volunteer interview program has been assisted with funds for training interviewers and transcribing and editing volunteer-conducted interviews, also focusing on the past two decades.

With these efforts, the committee intends to document the programs, strategies, and ideals of the national Sierra Club, as well as the club grassroots, in all its variety--from education to litigation to legislative lobbying, from energy policy to urban issues to wilderness preservation, from California to the Carolinas to New York.

Together with the written archives in The Bancroft Library, the oral history program of the 1980s will provide a valuable record of the Sierra Club during a period of vastly broadening environmental goals, radically changing strategies of environmental action, and major growth in size and influence on American politics and society.

Special thanks for the project's later phase are due to Susan Schrepfer, co-director of the Sierra Club Documentation Project; Ray Lage, cochair of the History Committee; the Sierra Club Board and staff; members of the project advisory board and the History Committee; and most importantly, the interviewees and interviewers for their unfailing cooperation.

Ann Lage  
Cochair, History Committee  
Codirector, Sierra Club Documentation  
Project

Oakland, California  
April, 1981

March 1988

## SIERRA CLUB ORAL HISTORY SERIES

Regional Oral History Office

(Interviews conducted by the Regional Oral History Office,  
University of California at Berkeley.)

Single-Interview Volumes

- Adams, Ansel. Conversations with Ansel Adams. 1978, 768 pp.  
(On photography and conservation.)
- Berry, Phillip S. Sierra Club Leader, 1960s-1980s: A Broadened Agenda, A Bold Approach. 1988, 149 pp.
- Brower, David R. Environmental Activist, Publicist, and Prophet. 1980, 320 pp.
- Colby, William E. Reminiscences. 1954, 145 pp.  
(An interview with Sierra Club secretary and director, 1900-1946.)
- Leonard, Richard M. Mountaineer, Lawyer, Environmentalist, two volumes. 1975, 482 pp.
- Livermore, Norman B., Jr. Man in the Middle: High Sierra Packer, Timberman, Conservationist, and California Resources Secretary. 1983, 285 pp.
- McCloskey, Michael. Sierra Club Executive Director: The Evolving Club and the Environmental Movement. 1983, 279 pp.
- Siri, William E. Reflections on the Sierra Club, the Environment, and Mountaineering, 1950s-1970s. 1979, 296 pp.
- Stegner, Wallace. The Artist as Environmental Advocate. 1983, 49 pp.
- Wayburn, Edgar. Sierra Club Statesman and Leader of the Parks and Wilderness Movement: Gaining Protection for Alaska, the Redwoods, and Golden Gate Parklands. 1985, 525 pp.
- Zierold, John. Environmental Lobbyist in California's Capital, 1965-1984. 1988, 202 pp.

Multi-Interview Volumes

Building the Sierra Club's National Lobbying Program, 1967-1981. 1985,  
374 pp.

Evans, Brock. "Environmental Campaigner: From the Northwest Forests to the Halls of Congress"

Tupling, W. Lloyd. "Sierra Club Washington Representative"

Pacific Northwest Conservationists. 1986, 281 pp.

Dyer, Polly. "Preserving Washington Parklands and Wilderness"

Goldsworthy, Patrick D. "Protecting the North Cascades, 1954-1983"

Sierra Club Leaders I, 1950s-1970s. 1982, 433 pp.

Hildebrand, Alexander. "Sierra Club Leader and Critic: Perspective on Club Growth, Scope, and Tactics, 1950s-1970s"

Litton, Martin. "Sierra Club Director and Uncompromising Preservationist, 1950s-1970s"

Sherwin, Raymond J. "Conservationist, Judge, and Sierra Club President, 1960s-1970s"

Snyder, Theodore A., Jr. "Southeast Conservation Leader and Sierra Club President, 1960s-1970s"

Sierra Club Leaders II, 1960s-1970s. 1985, 296 pp.

Futrell, J. William. "'Love for the Land and Justice for Its People': Sierra Club National and Southern Leader, 1968-1982"

Sive, David. "Pioneering Environmental Lawyer, Atlantic Chapter Leader, 1961-1982"

## SIERRA CLUB HISTORY COMMITTEE ORAL HISTORY SERIES

(Interviews conducted by volunteers for the Sierra Club History Committee.)

Single-Interview Volumes

Clark, Nathan. Sierra Club Leader, Outdoorsman, and Engineer. 1977,  
147 pp.

Robinson, Gordon. Forestry Consultant to the Sierra Club. 1979, 277 pp.

Multi-Interview Volumes

The Sierra Club Nationwide I. 1983, 257 pp.

Forsyth, Alfred. "The Sierra Club in New York and New Mexico"

McConnell, Grant. "Conservation and Politics in the North Cascades"

Ogilvy, Stewart M. "Sierra Club Expansion and Evolution: The Atlantic Chapter, 1957-1969"

van Tyne, Anne. "Sierra Club Stalwart: Conservationist, Hiker, Chapter and Council Leader"

The Sierra Club Nationwide II. 1984, 253 pp.

Amodio, John. "Lobbyist for Redwood National Park Expansion"

Jones, Kathleen Goddard. "Defender of California's Nipomo Dunes, Steadfast Sierra Club Volunteer"

Leopold, A. Starker. "Wildlife Biologist"

Miller, Susan. "Staff Support for Sierra Club Growth and Organization, 1964-1977"

Turner, Tom. "A Perspective on David Brower and the Sierra Club, 1968-1969"

Sierra Club Reminiscences I, 1900s-1960s. 1974, 212 pp.

Farquhar, Francis. "Sierra Club Mountaineer and Editor"

Hildebrand, Joel. "Sierra Club Leader and Ski Mountaineer"

Robinson, Bestor. "Thoughts on Conservation and the Sierra Club"

Rother, James E. "The Sierra Club in the Early 1900s"

Sierra Club Reminiscences II, 1900s-1960s. 1975, 177 pp.

Bernays, Philip S. "Founding the Southern California Chapter"

Bradley, Harold C. "Furthering the Sierra Club Tradition"

Crowe, Harold E. "Sierra Club Physician, Baron, and President"

Dawson, Glen. "Pioneer Rock Climber and Ski Mountaineer"

Hackett, C. Nelson. "Lasting Impressions of the Early Sierra Club"

Sierra Club Reminiscences III, 1920s-1970s. 1984, 264 pp.

- Clark, Lewis. "Perdurable and Peripatetic Sierran: Club Officer and Outings Leader, 1928-1984"
- Eichorn, Jules. "Mountaineering and Music: Ansel Adams, Norman Clyde, and Pioneering Sierra Club Climbing"
- Eloesser, Nina. "Tales of High Trips in the Twenties"
- Kimball, H. Stewart. "New Routes for Sierra Club Outings, 1930s-1970s"
- LeConte, Joseph. "Recalling LeConte Family Pack Trips and the Early Sierra Club, 1912-1926"

The Sierra Club and the Urban Environment I: San Francisco Bay Chapter City Outings. 1980, 186 pp.

- Colgan, Patrick. "Just One of the Kids Myself"
- Hall, Jordan. "Trial and Error: The Early Years"
- LaBoyteaux, Duff. "Towards a National Sierra Club Program"
- Sarnat, Marlene. "Laying the Foundations for ICO"
- Zuni, George. "From the Inner City Out"  
and Sierra Club Outreach to Women
- Burke, Helen. "Women's Issues in the Environmental Movement"

The Sierra Club and the Urban Environment II: Labor and the Environment in the San Francisco Bay Area. 1983, 167 pp.

- Jenkins, David. "Environmental Controversies and the Labor Movement in the Bay Area"
- Meyer, Amy. "Preserving Bay Area Parklands"
- Ramos, Anthony L. "A Labor Leader Concerned with the Environment"
- Steele, Dwight C. "Environmentalism and Labor Ally"

Sierra Club Women I. 1976, 71 pp.

- Bade, Elizabeth Marston. "Recollections of William F. Bade and the Early Sierra Club"
- Evans, Nora. "Sixty Years with the Sierra Club"
- Praeger, Ruth E. "Remembering the High Trips"

Sierra Club Women II. 1977, 152 pp.

- Farquhar, Marjory Bridge. "Pioneer Woman Rock Climber and Sierra Club Director"
- LeConte, Helen. "Reminiscences of LeConte Family Outings, the Sierra Club, and Ansel Adams"

Sierra Club Women III. 1983, 173 pp.

- Christy, Cicely M. "Contributions to the Sierra Club and the San Francisco Bay Chapter, 1938-1970s"
- Goody, Wanda B. "A Hiker's View of the Early Sierra Club"
- Horsfall, Ethel Rose Taylor. "On the Trail with the Sierra Club, 1920s-1960s"
- Parsons, Harriet T. "A Half-Century of Sierra Club Involvement"

(Southern Sierran interviews conducted by students in the  
California State University, Fullerton, Oral History Program.)

Southern Sierrans I. 1976, 178 pp.

- Chelew, J. Gordon. "Reflections of an Angeles Chapter Member, 1921-1975"  
Jones, E. Stanley. "Sierra Club Officer and Angeles Chapter Leader, 1931-1975"  
Jones, Marion. "Reminiscences of the Southern California Sierra Club, 1927-1975"  
Pepper, Dorothy. "High Trip High Jinks"  
Searle, Richard. "Grassroots Sierra Club Leader"

Southern Sierrans II. 1977, 207 pp.

- Amneus, Thomas. "New Directions for the Angeles Chapter"  
Charnock, Irene. "Portrait of a Sierra Club Volunteer"  
Johnson, Olivia R. "High Trip Reminiscences, 1904-1945"  
Marshall, Robert R. "Angeles Chapter Leader and Wilderness Spokesman, 1960s"

Southern Sierrans III. 1980, 250 pp.

- Bear, Robert. "Desert Conservation and Exploration with the Sierra Club"  
Johnson, Arthur B. "Climbing and Conservation in the Sierra"  
Poland, Roscoe and Wilma. "Desert Conservation: Voices from the Sierra Club's San Diego Chapter"





## INTRODUCTION--by Leo McCarthy

In the late sixties and early seventies, concern for the environment was viewed as a pastime for the privileged. There were only two positions on an environmental issue--pro-environment or pro-jobs. Few understood the environment and the economy could be compatible. The Sierra Club needed a spokesperson in Sacramento who knew how to convey that message.

The club found that person in John Zierold. John made it a lot easier for elected officials to publicly support environmental bills and causes. Look at today's political scene and you'll find many conservatives who are "against toxic contamination" and "in favor of protecting our coastline." Only those whose experience spans the last twenty years can appreciate how great a change in perception and political positioning has occurred. Every environmentalist officeholder owes John a debt of thanks.

John made it respectable to be an environmentalist. He did it through competent lobbying and by taking the California environmental movement into the political arena in a serious way. John saw how clout shapes public policy. He made environmental issues into the big stick they constitute in today's elections.

John and I worked closely on a number of key bills. From protecting the coast to preventing the siting of additional nuclear power plants, John rolled up his sleeves, sifted through the details, and played a role in resolving these issues.

Before John turned up as a legislative advocate for the Sierra Club, environmentalists practically worked out of a shoebox with a shoestring budget. They didn't do much to influence the votes cast by legislators.

John put in place a sophisticated, well-funded lobbying effort. He got back three dollars in environmental protections for every one dollar the club spent to finance his operation. He opened the doors for the multitude of environmental lobbyists who have followed in his footsteps.

John is a personal friend, someone I'm proud to know. He certainly influenced my views on the environment, and he helped me create the consensus that protected our resources while producing future jobs for

citizens. For those of us struggling to save the environment in sometimes stormy political seas, John was there to show us the way. All of us owe him a great debt of gratitude.

Thanks, John, and may your successors rise to the standards you consistently set.

Leo McCarthy  
Lieutenant Governor of California

28 October 1987  
Sacramento, California

## INTRODUCTION--by Michael McCloskey

Some might view John Zierold's bravura performance for almost twenty years as the Sierra Club's chief lobbyist in Sacramento as an idiosyncratic event--as something born of special circumstance that is not likely to ever recur in anything like that form.

And in some ways that may be true. He brought special talents to bear at a key moment of history. He was there at the outset when the environmental movement took its first major state by storm beginning in the mid-sixties.

And he was the ultimate "insider"; he had an instinct for finding sympathetic figures in the legislature whose careers he helped advance, and who, in turn, helped him advance our agenda. He had a feel for the "game of politics" as it was played in the California legislature. Not only could he count votes, he knew how to think ahead in a chess game of many parts, weighing the impact of one move on another, preparing back up plans, and finding a variety of reasons for members to vote with us.

For well over a decade, those he cultivated, and was close to, were powers in one house or the other in the California legislature. On environmental matters, John Zierold was possibly as powerful as anyone in the legislature. He helped speakers get elected and groomed a succession of chairmen of the Natural Resources Committee of the Assembly.

And in the period between the mid-sixties and the mid-seventies, California became the leader among the states environmentally, and much of the leadership for this came from the legislature. The next decade, however, saw the California legislature change, as many of the leaders who advanced the environmental agenda moved to higher office, died, or retired. As the legislature became less sympathetic, John had to conduct a long rearguard action to defend the gains of the prior decade. For the most part, he acquitted himself well in a less fulfilling task, but clearly the times were changing.

Some felt that the club's lobbying had to grow beyond the talents of one man--that we had to find a way to involve our grassroots more in pressing legislators to vote our way. They felt we had to build an institutional apparatus to lobby (and indeed John himself argued for doing this in a different sense through becoming involved locally in electing more sympathetic candidates).

But at the national level, the Sierra Club has evolved in just this direction. We are most noted for our ability to mobilize our constituency to put pressure on members of Congress to vote our way. However, ironically, we have lost our ability in the federal government to play much of an "insider's game." We are less and less able to do what John Zierold

did so well. While the times and circumstances are different, nonetheless this oral history is more than instructive in enabling one to see what a thoroughly competent insider can do as a lobbyist.

John did it all: he covered the legislature, he lobbied the agencies, he dealt with commissions, he closeted himself with the governor and his aides, he organized locally, spoke to the press, and coordinated with club leaders. He dealt with the merits, he dealt with the politics, he dealt with the short-term and dealt with the long-term.

He wrestled with the tradeoffs between "getting it all" and over-reaching that could come back to haunt you. He wrestled with his conscience over serving his client and being faithful to his own judgments about the best course to take. He tried to put his work in a larger context of public service and to see it in a philosophical sense, and by and large he succeeded.

He is a pragmatist with a deep sense of moral responsibility and a code of ethics. And he has a marvelous record of accomplishments. His account of these years in convincing evidence that we shall not easily find a John Zierold again, but we should try. His years stand as a model for what we need to continue to try to do on a wider scale.

Michael McCloskey  
Chairman, Sierra Club

22 March 1988  
Washington, D.C.

## INTERVIEW HISTORY

The Sierra Club's efforts to influence state and national legislation through direct lobbying of Congress and the California legislature date back to its founding in 1892. John Muir, William Colby, and other early members considered the protection of wilderness and parks as central to Sierra Club purposes. From 1907 to 1913, Muir and Colby directed extensive lobbying efforts in Congress in their unsuccessful attempt to prevent the destruction of Hetch Hetchy Valley in Yosemite National Park. The board dispatched the young Francis Farquhar to Washington to lobby for the creation of Sequoia National Park in the 1920s. In the 1930s, Ansel Adams and Joel Hildebrand worked to persuade congressmen and Department of Interior officials to design a wilderness park in the Kings Canyon region of the Sierra. And in the 1950s, David Brower brought the club to national attention again with his forceful lobbying in Congress against dams in Dinosaur National Monument.

The establishment of a professional lobbying staff, however, did not occur until the 1960s, when Executive Director Brower hired William Zimmerman to represent club interests in Washington. He was followed in 1967 by Lloyd Tupling and then by Brock Evans. These years of Building the Sierra Club's National Lobbying Program are documented in the Sierra Club Oral History Series in an oral history volume of that title, with interviews of Tupling and Evans.

California was the first state in which the Sierra Club established a full-time professional lobbying office. In 1966, the club helped fund the Planning and Conservation League's office in Sacramento, and John Zierold was hired as the first full-time lobbyist for the environment in a state capital. In 1970, the Sierra Club opened a Sacramento office and hired Zierold to lobby full-time for the club and its California chapters. This oral history interview with John Zierold documents the work of the environmental lobby in Sacramento from 1965 to the year of his retirement in 1984.

There is considerable written material available for research on the environmental issues John Zierold dealt with in Sacramento. The Planning and Conservation League newsletters outline the issues pursued in the early years. Two studies by the University of California's Institute of Governmental Studies provide a detailed look at the course of California's coastal planning legislation in the 1960s and '70s. Capitol Calendar, a weekly summary of legislation prepared for club activists by the Sacramento Office of the Sierra Club informs in depth about legislative efforts in the 1970s. California Journal also has good coverage of environmental issues in Sacramento. Aside from these published works, the Sierra Club papers in The Bancroft Library provide additional source material.

How, then, was the oral history to be focused to supplement and provide a guide to the written record? It was decided to discuss key issues such as coastal protection, forest practices legislation, water, energy, and defense of the important California Environmental Quality Act. The focus was not to be on details but on developing a picture of how the Sierra Club lobbying effort functioned and how it developed during Zierold's fourteen years at the helm. We were interested in illustrating how the club worked with the legislative leadership, with the three gubernatorial administrations during these years, with other conservation organizations, and with industry and labor representatives. Since our project dealt also with the Sierra Club as an institution, we asked Zierold to demonstrate how decisions were made within its complex organizational structure and how the club staff in Sacramento worked with the club's California volunteer leadership and serviced the grass-roots membership.

Zierold was interviewed in his Sacramento Office during six sessions from February to April of 1984. He spoke articulately and with his characteristic wit and erudition. Perhaps because of his planned retirement at the end of 1984, the interview has a reflective tone, even though conducted very much in the midst of active lobbying efforts. Zierold's subsequent editing of the transcripts of the interviews was completed in Asheville, North Carolina, where he is living an active retirement life teaching, consulting, and traveling with his wife, Mary. In his review of the transcript he edited lightly and for clarity and accuracy alone, preserving the conversational tone and understanding that the oral history was not the place for the carefully crafted writing evident in his Sierra Club columns. The interview tapes are on deposit in The Bancroft Library.

John Zierold has a keen understanding of the workings of California government and of the sometimes equally byzantine Sierra Club organization. His perceptions, his recollection of behind-the-scenes legislative history, and the ethical framework he brings to his remarks make this a valuable oral history for students of California politics as well as environmental issues and organizations.

The respect earned by John Zierold during his years in Sacramento was made apparent when, on the occasion of his retirement, he was asked to address the California Senate, an honor seldom bestowed on a legislative lobbyist. Zierold's work, though carried out in a vastly different world, has continued in the tradition of Muir, Colby, Farquhar, Adams, and Brower.

Ann Lage, Project Director  
Sierra Club Oral History Series

1 March 1988  
Regional Oral History Office  
486 The Bancroft Library  
University of California at Berkeley

## I LEGISLATIVE LOBBYIST FOR THE PLANNING AND CONSERVATION LEAGUE

[Interview 1: 3 February 1984]##

Founding of the PCL, 1965

Lage: Your first work lobbying for the environment, I guess, was with the Planning and Conservation League. Do you want to begin by telling us how the league was founded?

Zierold: The first work wasn't precisely the Planning and Conservation League. More accurately, it was for the California Roadside Council. I had been an attaché of the California Senate in 1962 and in 1963, as a kind of holding action. Marking time, if you will, before going to Brazil to do economic feasibility studies and a kind of high-level lobbying with the Brazilian government for the Hughes Aircraft Company. But because there was pending unrest in Brazil over the way in which President Joao Goulart was running the country, I was advised by a young naval officer, whose father was chief of staff in the army and who later became president, not to go there but to spend a year or so here while Brazil changed its government.

I was a good friend of Senator Fred Farr, probably the first environmental legislator in California. He arranged for me to be kind of a consultant-administrative assistant combination for him in the California State Senate while I waited.

During that time I became acquainted with Helen Reynolds, who was president, founder, and major force in the California Roadside Council, an organization that was devoted to cleaning up unsightly billboards on California highways. Fred carried legislation for

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##This symbol indicates that a tape or a segment of a tape has begun or ended. For a guide to the tapes see page 183.

Zierold: her. It was unsuccessful. Nevertheless, I really developed an enormous admiration for Helen Reynolds and an abiding interest in other conservation matters that I had come to learn about in the course of that service with the California State Senate.

In 1964, when the Brazilian government did change hands and the chief of staff in the army, Castello Branco, was installed as president, I went down there to do various policy consulting work for American interests, and at the same time got involved with lobbying in California for the California Roadside Council. I was handsomely paid by the Hughes Aircraft Company for the work done in Brazil. So I felt that I had the opportunity to use some of those gains, none ill-gotten, to get a lobbying program started for the California Roadside Council. That was the beginning.

In 1965 we held a meeting, Helen Reynolds and I, with Assemblyman Edwin Z'berg who was chairman of the Assembly Natural Resources Committee, not only about the billboard legislation which we were attempting to get passed, but also other environmental measures such as planning for land use, the preservation of Lake Tahoe from runaway development, and certain timber harvesting practices.

Lage: Who brought up these concerns--Helen Reynolds?

Zierold: Helen Reynolds, to some extent, and I, to some extent, but mostly Edwin Z'berg, who felt that environmentalists ought to organize more effectively in their self-interest. The way to do that was to establish a professional lobby and provide a reasonable amount of money for the conduct of its efforts up here.

We met in the living room of my apartment at a place called the Fuller House, where Glenn Andersen, then lieutenant governor, lived, and others who were active in politics. We had some liquid refreshment and did a good deal of philosophizing, as you might expect. The result was the formation of the Planning and Conservation League, again with Helen Reynolds being the person with the reputation in the environmental community to bring together others to become members of the board of directors and to go out and seek contributions from like-minded people to get the effort started. That was 1965.

Lage: Who else was at the meeting?

Zierold: William D. Evers, Jr., an attorney in San Francisco who was particularly active in efforts to stop runaway development at Lake Tahoe. Helen Reynolds, Edwin Z'berg, Jim Pardau, who was Ed's chief committee consultant at that time. I'm not sure whether there were any others at that first meeting; I don't believe so. The Planning and Conservation League was essentially a San Francisco organization.



Lage: Was Helen Reynolds a San Franciscan?

Zierold: Helen Reynolds was from San Francisco. Bill Evers was with Martin, Pettit, and Evers. Others were William Stockwell, an architect. Nathaniel Owings was on the original board of directors. It was made up of attorneys and planners, for the most part. Either architects or planners. Those people who saw the need for better land-use planning.

Lage: And individuals rather than organizations. Is that right?

Zierold: Individuals rather than organizations. The coalition ultimately, over the next couple of years, was built on a statewide basis, and many member organizations signed up. They weren't particularly active, but they contributed financial support and were generally sympathetic to the goals of the Planning and Conservation League. It was more the personality and the reputation of the original board of directors that made the thing go. Ultimately, it was expanded to bring in people from Los Angeles, and over the next five or six years it functioned, I think, quite effectively.

That was the beginning. The Sierra Club contributed support through hiring me as a consultant; not as a lobbyist because they were not permitted to have a lobbyist at that time. They still were at swords' points with the Internal Revenue Service on how much activity in the influence of governmental policy constituted what IRS called "substantial" activity. That was a very loose term and one which the IRS applied rather selectively. In some cases, they were generous in permitting work without calling it substantial.

On the other hand, when the Sierra Club led the fight to prevent the damming of the Grand Canyon, the IRS withdrew the club's 501(c)(3) status and would not allow membership to the club to be tax deductible. So there was much uncertainty, and it was difficult for the Sierra Club to make a direct contribution to the Planning and Conservation League as a member organization. But it was permitted to hire me as a consultant to advise them on the status of legislation and make reports to the board of directors as to what was happening in Sacramento. That was more a reportorial/consultant task, I suppose, than it was in any way lobbying. Lobbying with the Sierra Club did not begin until 1970, when the club was permitted to retain a lobbyist because its status had changed to 501(c)(4).

Lage: Did California Tomorrow have any input into Planning and Conservation?

Zierold: Yes, it did. Sam Wood and Alf Heller were both active in establishing the goals of the Planning and Conservation League and in giving it credibility, especially in the planning field. They had written California Going, Going in 1964.

Lage: Sixty-two.

Zierold: Sixty-two it was. You're better prepared than I am for this interview.

Lage: So statewide planning was one of the goals of the PCL?

Zierold: Yes. And Alf Heller, of course, is still every bit as devoted to it as he was then. That was an excellent document, one which awakened people to the need for planning. And at that time in the Pat Brown administration there was really a department of planning, headed by Bill Lipman. A relatively thick document on California planning needs was produced but never distributed because by the time it came from the printer, Pat Brown was defeated by Ronald Reagan. There was less concern over land-use planning in the Reagan administration, as you might expect, than there was in the Brown administration.

#### The League against the Heavily-Financed Private Interests

Lage: How did things operate under the league? How did the lobbying effort get going?

Zierold: It was slow to achieve any successes, obviously. Being new, our first attempts were not only disappointing but very frustrating. The major legislation that we carried was a package of timber harvesting bills. Ed Z'berg established a subcommittee of the assembly resources committee. The subcommittee was chaired by Charles Warren, then a young assemblyman from southern California. The hearings that the subcommittee conducted were thorough and examined all of the phases of timber harvesting that people were concerned about--the cut-and-run tactics of some of the timber operators, the stream degradation, the refusal of the timber industry to restock after cutting, and concern over virtually no public participation either on the state Board of Forestry or on the district advisory committees.

So a package of probably nine measures altogether--nine or ten, I can't remember which--was introduced. All the bills were really carried by Charles Warren, who was admirably efficient as a presenter, I always thought. They cleared the Assembly Natural Resources [Planning and Public Works] Committee, cleared the assembly, and went over to the senate where they were sent not to

Zierold: the Natural Resources Committee, which would have been a logical referral of that bill for purposes of policy considerations, but to what was called then the Governmental Efficiency Committee, a name which really refines the art of casuistry. In one sense it was efficient, but only efficient in the service of those people who were very strongly business-oriented and anti-environmental. The entire package of measures was sent to what is called "interim study." Interim study is a polite term for execution. None of these bills would ever see the light of day if those people had their way. Senator Randolph Collier from the north coast was the person most particularly responsible for ill treatment of the legislation.

The Reagan administration supported much of it, thanks to Ike Livermore, who was at that time secretary for resources. He made, I believe, his first appearance before a senate committee in support of resource management bills. I'm sure that he was somewhat surprised at the ruthlessness with which they dispatched these measures. One in particular stands out for me as descriptive of their entire approach in that Governmental Efficiency Committee. There was a bill to require that the district advisory committees meet at least once a year. Not an unreasonable request.

Lage: These are the district committees that advise about logging practices?

Zierold: What are now called the district technical advisory committees [DTAC]. That bill was sent to interim study as well. The fact that the committee could do this with a straight face, I guess, is a tribute to their aplomb and to the way in which they can pretend that they're making an objective study of a very complicated issue, which is ostensibly the reason why things are sent to interim for study. When the legislature adjourns, there follows what's called an interim period during which time they can hold hearings around the state and take testimony from the public and then come back and deal with the issue in the following year.

Lage: So it's very nobly put together.

Zierold: That is what they would have everybody believe. That was the kind of thing that we were faced with. It happened in other areas as well. Land-use planning on a statewide basis was something that we attempted to pass during those early years. We always could move the bill out of the assembly because the assembly was very sensitive to environmental issues and responsive to environmentalists. The senate was, of course, the opposite-- dominated greatly by rural interests, either timber or cattlemen or agricultural interests, and by oil companies and others. No matter what we did we were always bumping up against a coalition of adversaries.

Zierold: Here was the Planning and Conservation League. If it worked on billboard legislation it would have to deal with the trucking industry and the general contractors. First of all, of course, the outdoor advertising companies. AAA [American Automobile Association]. None of those people had any real concerns with outdoor advertising, with billboards. But Senator Randolph Collier was the person who always killed this legislation. And he would call what people referred to as "Randy's Road Gang" because they were the people who profited from the building of the California freeway system. Randolph Collier was called the father of the freeway system in California. They were in his debt in many ways. The Division of Highways, for example, would always oppose billboard legislation.

Lage: They didn't receive any monetary benefit?

Zierold: Not that one could determine, no. There was no reason why they should have opposed it. But nevertheless they did.

So, we would always be set against not just one but probably five or six heavily financed interests on almost anything we did. On Lake Tahoe, where the gambling casinos in Nevada wanted to see more motels and housing built on the California side, again, the construction industry, the building trades, the operating engineers, the real estate brokers--at least a half dozen or more major financial interests would be arrayed against the Planning and Conservation League, with very little money, one lobbyist--myself--and no staff. It didn't deter us, naturally. But the beginning was not an instant success. It was rather, I think, an experience that hardened our resolve because we don't easily surrender to this kind of intimidation.

#### Decision Making, Fund Raising, and Lobbying in The League

Lage: How did the decisions get made in the Planning and Conservation League on strategy and so forth?

Zierold: At the board of directors meeting every Monday morning in San Francisco, to begin with. That carried over for a number of years, until the late 1960s and early '70s when Richard Wilson, from Covelo, became president of the Planning and Conservation League. It took on a slightly different method. And, of course, by that time there were people on the board from southern California, and southern California interest groups.

Most of the Planning and Conservation League's decisions were made at an annual meeting with a legislative workshop when the general goals were set. The first major one was in Santa Barbara

Zierold: in 1969, after the oil spill, the blowout at platform A. And they were held from time to time at UCLA or in San Francisco, or UC Berkeley. But then the implementation of those goals was something that was dealt with on a weekly basis every Monday morning in the conference room of Bill Evers's law firm. That was the beginning of the environmental lobby. It was the first one in the United States to function at a state capital.

Lage: Even though you hear others making the claim.

Zierold: Oh, sure. There's always the possibility that someone can point out the technical error of our ways because, perhaps, some kind of lobby existed at some point in some state capital. And therefore, technically, we're not the first. But I think it's fair to say that this was the first in terms of organizing a coalition of citizens to sponsor legislation.

Lage: Did legislators themselves continue to be active in the league, advising?

Zierold: Yes, not to be active in the league, but to advise. They would come to the annual legislative workshop, make presentations, comment on the desirability of certain legislation, chances for passage, where we might effectively spend our time and efforts.

Lage: So in a sense, you think some of them were looking for support?

Zierold: Oh, yes. They felt the same way we did, whether it came to management, or forest practices, or land use, or stricter controls on air pollution. All of those things were objectives shared by many people, including legislators. They wanted a lobby to help move the bills. The more pressure we could bring on the legislature, the better their chance of getting the bills passed.

Lage: During that time was really when the interest in the environment publicly was increasing dramatically. And yet you ran into the same logjams in the legislature.

Zierold: Well, that's because it's not a seamless relationship between public opinion and representative government. In other words, the legislature in Sacramento, or the Congress in Washington, doesn't necessarily mirror public concerns. Overwhelming public support for something is not a guarantee of its passage.

Lage: I found this copy of the PCL press release, "A Dozen Murders Solved."

Zierold: Yes, I remember this and was displeased with it because I felt that it was inflammatory.

Lage: Who would have put that out, then?

Zierold: Someone in the Planning and Conservation League in San Francisco did this, even though it shows the Planning and Conservation League's office on Twelfth Street [in Sacramento]. I think it was some press agent who was hired. I believed it was released out of San Francisco, even though it says from PCL in Sacramento. I thought it was hyperbolic and inflammatory. The idea of the major killers is an approach not worthy of an organization like the Planning and Conservation League.

Lage: Does that kind of thing do damage with the people you're trying to influence?

Zierold: Yes. With some, of course, it wouldn't make any difference. They would be against us no matter what. But certainly to call Robert Lagomarsino a major senate accomplice was offensive. The same was true of Stephen Teale. Bob Lagomarsino carried legislation on the inventory of state waterways. He had been the kind of person who served as an effective chairman of the Senate Natural Resources Committee. And while he was conservative, to suggest that he was an accomplice in some conspiracy, which was really the tone of this document, was offensive to him. And it was offensive to me.

This was 1970, the year that I became a full-time lobbyist for the Sierra Club.

Lage: I had the impression that it was put out just around the time you made the move.

Zierold: It was put out shortly before. [pause] There is not necessarily a connection.

Lage: Could you comment in a general way on what you might have learned from those years with the Planning and Conservation League? What did that experience give you that you took to the Sierra Club?

Zierold: Keep your head down and your spirits up, I guess. I don't know. None of this was unexpected. I can't say that I went in starry-eyed and left disillusioned, that is to say, at the end of the session in 1967. It wasn't unexpected. It was something that any competent observer of politics in Sacramento would know.

Lage: You hadn't done lobbying like this before?

Zierold: Sort of like that. Yes, I had. Having worked in the California State Senate, it was very apparent to me that the committees made decisions well in advance of the hearings because they already were lobbied by the various interests. If you wanted to get a bill passed you had to start early. That's true of many different kinds of activities. If you want to be successful have a good

Zierold: beginning. What did Plato say? The most important part of the work is the beginning. Although Horace said it better. He said, "He who has begun well has half the job done." That's true of lobbying.

It's necessary to try and meet with every member of the committee who is going to cast a vote on a bill and persuade them that your position is the correct one. Watching government work, it's obvious that methods of persuasion vary. Some are persuaded by logic, others are not. Others are persuaded by comity, or cronyism, or philosophical consanguinity, or sad to say, shared economic interests in one way or another.

However, I can state this non-slanderously, or non-libelously if it's printed, that the most elegant train of syllogisms drawn before a committee may not persuade people to vote for your position, if their minds are already made up, if their minds are logic-tight compartments, unsullied by a simple objective thought; if they are going to vote one way because it best serves the interests of those who support them at campaign time. That hasn't changed. I wasn't surprised. I didn't learn this dramatic lesson. It was something that I already knew.

But I also knew that the way to bring the legislature to book, call the legislature to account for failure to do certain things that it ought to, was not accomplished by documents such as this [the "Dozen Murders Solved"]. Confrontation can be successful when there is a clear record of wrongdoing or gross impropriety, such as James Watt exhibited so often. But this document is not based on that sort of evidence. And it was not based on any knowledge at all of the people who voted one way or the other on these measures. It was done as a fundraising piece. That may have served a short-term objective, but it resulted in some harm. It made some of our friends, or people who were persuadable, who could be moved off the fence to one side or the other, think that we were not acting in good faith.

## II GENESIS OF THE SIERRA CLUB'S SACRAMENTO LOBBYING PROGRAM

Moving to the Sierra Club: Working with Mike McCloskey

Lage: We're going to talk about how you came over to the Sierra Club, why you left Planning and Conservation League. And then maybe talk in general about what the setup was in the Sierra Club, the goals, long-range planning.

##

Zierold: Moving from the Planning and Conservation League to become full-time lobbyist for the Sierra Club was not a spur-of-the-moment decision. It was something I had discussed with Mike McCloskey over a period of time, perhaps a year in advance of the decision. For the most part it was predicated on my being much closer to the Sierra Club and its program than to the Planning and Conservation League. I thought that for my own professional development as a lobbyist, if you want to call it that, as well as for an institutional view more symmetrical with my individual ideas than was the case with the Planning and Conservation League, a move to the Sierra Club was more or less in order, if it was thought to be in order by the club.

And fortunately, the working relationship I had with Mike McCloskey was very satisfactory. It was more than congenial, I think. We tended to think along the same lines about political strategy. I think we both had a sufficiently worldly view of the legislative process to deal with it effectively. There were no personality conflicts between us, at least not in my view. I'm sure in Mike's view it was the same. I really enjoyed the opportunity to work on a larger, more elevated scale than was possible with the Planning and Conservation League.

Lage: Are you talking about the breadth of the issues they were--?



Zierold: The breadth of the issues and also the long-standing reputation of the Sierra Club and the political clout that it had through its membership. The Planning and Conservation League had a very small membership of perhaps six thousand individual members. There were also groups that belonged. But I don't think it would be accurate to say that the Planning and Conservation League really represented the individual members of those various constituent groups.

Lage: It sounds like the Trustees for Conservation that the club tried to set up on a national level, and it never really got going.

Zierold: That perhaps would be a good parallel. That's true. Also I really felt that [in the Sierra Club] more attention was paid to acquisition of parks, to clean air, to forest practices than was the case with the Planning and Conservation League. So, it was a logical move.

Lage: Was it Mike that you would always work with?

Zierold: Always.

Lage: Even before he was executive director?

Zierold: Yes. Mike started as, I guess, assistant conservation director or conservation director under Dave Brower not long before, or perhaps even shortly after, I started with the Planning and Conservation League. Then he drew up the agreement with me to act as consultant.

I was very impressed by the first work we shared. It was on Lake Tahoe, and we were moving legislation to create the Tahoe Regional Planning Agency. The fear on the part of environmentalists was that Ronald Reagan would not sign a bill with satisfactory provisions for membership on that Tahoe Regional Planning Agency. The majority really would fall to local government representatives from the Tahoe area, with only maybe one or two members from the general public. So there would always be a voting majority for local government, which was clearly dedicated, if not addicted, to runaway growth.

Mike's solution was just a joy, really. He said, "Why don't we create a California Tahoe Regional Planning Agency, which would insulate us from a combination of local government in California and local government in Nevada." And the California Tahoe Regional Planning Agency would govern the California side by means of an oversight function and, in a sense, a veto authority over what would be done in TRPA.

Zierold: It was a very effective solution. We worked it into the legislation carried by Ed Z'berg. A decision was made that Ronald Reagan's insistence on a local government majority would have to prevail, but this was the way that we could protect ourselves. It worked. We did get it created and signed that way. While we still had some problems with the membership on the California side, nevertheless it did, to a considerable degree, help at times of difficulty with TRPA.

It indicated to me that here was someone in the Sierra Club who really was possessed of innovative ability and someone that I would enjoy working with more closely, much more agreeable to me personally than the Planning and Conservation League--which is not to denigrate people in the Planning and Conservation League. Frankly, Helen Reynolds is one of the most splendid, noble persons I've ever met. But there is a difference between that and work in the halls of the legislature. And I truly love Helen Reynolds. I wouldn't want any mistaken impression about having lower esteem [for PCL leaders] than for those in the Sierra Club. It wasn't that kind of evaluation on my part. There were some other considerations that aren't really necessary to go into.

#### The Sacramento Office and the Club's Volunteer Structure

Zierold: In many ways, working for the Sierra Club meant a more complicated, time-consuming, and perhaps cumbersome decision-making process because the club's volunteer structure makes the decisions for Sierra Club policy in California. It wasn't something that Mike McCloskey and I together were to work out, either with an initiative on my part and clearing it with Mike or Mike saying, "I think it ought to be done this way or that way." Instead, we got our general policy direction and goals and priorities from the volunteer leadership, and then it was up to me to find a way to bring those to positive account, to make a reality out of the concept, if possible.

Lage: Is this something you learned along the way or was it spelled out when you came on board that this was the way the office functioned?

Zierold: A little of both, actually. The club's first efforts were not fully organized in the way that they are now. Lowell Smith, who was at that time chairman of the Northern California Regional Conservation Committee, also served as head of the California Legislative Committee and appointed its members. While it represented both northern and southern California, in the early years northern California volunteer leadership carried more of the load. And Lowell was a very hard worker.

Zierold: My wife to this day remembers that Lowell would start calling at seven in the morning. And he would call me at the office or at the legislature if he could find me there. In the evenings when I came home, the calls would start coming in at about seven. He would also be on the phone as late as one in the morning, which is something one had to accept because Lowell was a physicist at that time with Lockheed corporation and did most of his work before office hours or after them. And he truly loved it. He carried a far greater burden than one ought to.

It was less efficient that way. But without Lowell Smith and others like him, the volunteers wouldn't have been organized and they wouldn't have had a procedure that they recognized, understood, and supported. It helped make the lobbying program here a success because, without their participation, it would not have been possible for us to organize chapter action programs to bring pressure on the legislature or individual members.

Lage: So you had that additional help now.

Zierold: Yes. The Planning and Conservation League had no such resource to draw on. The Sierra Club, of course, had and will have.

Lage: Is that a more valuable resource than support in developing policy?

Zierold: Yes. Definitely.

Lage: So that function was in place at that time.

Zierold: There were some labor pains and birth trauma, I thought, but--

Lage: I would think being called at one o'clock in the morning might be one.

Zierold: Fortunately, my wife is an extraordinary woman who understood all of that, although she has absolutely no interest in politics, at all. Oh, I shouldn't say none whatsoever. But it is a small, carefully reasoned and self-contained interest in politics. She is much more interested in literature and art and music.

In fact, when someone asks her if she has read a story about some political event or some impending political doom, by Sacramento standards, she most likely hasn't read it and doesn't say anything to those people, but always reminds me that the reason she doesn't know about it is because she gets the news from poetry. She quotes William Carlos Williams to the effect that people die every day for the lack of knowing what is found there. I think that describes her well. She is sensitive and can put things in perspective, though she found it at times really irksome and frustrating. The penalty we paid was that it was not time that we could spend together, which was penalty enough.

Servicing the Membership

- Lage: What kind of matters would a volunteer be getting back to you about? Would it be some urgent legislation in process at the time?
- Zierold: I don't know whether one could call it urgent legislation. Again, it's necessary to be very careful about how this is said. In many cases, it's urgent only to them. It's urgent, insofar as their definitions go. I think that almost any land-use issue, or the intent of a local government to cut an old oak tree down, or what to do about offshore drilling, or an international law of the sea conference, even though we have no responsibility for that here, were the subjects of calls at all hours. That's what one is here for.
- Lage: Looking for your advice, as well as--?
- Zierold: Advice, or help because, like it or not, one has to accept the fact that being an instrument of the Sierra Club policy in Sacramento is to be available to people. That's why they have a lobbyist. The lobbyist for the Sierra Club is the lobbyist for any member who wants to draw on the resources. It may not be possible for us to accommodate the request, or to answer a prayer, or fulfill a wish, or perform some function up here, such as calling on a person in authority to do something. I can't really say what the requests were because they were everything.
- Lage: Has there been any change in that over the years? It just seems to me that it would be very difficult to carry out your job in that situation.
- Zierold: There has been a considerable change, first of all, because I have a staff now that I had never had before. Mrs. Hawker, my administrative assistant, who also functions in part as a secretary, and at the present time, Paula Carrell, who has responsibility for land use, and parks, and coastal; and Mike Papanian, my deputy, who works on toxics and energy, and handles certain administrative tasks that I delegate to him and by which delegation I have more time to deal with the leadership in the capitol building, which is what I really am here for.

This is not the kind of organization which has a certain clearly defined body of work to perform administratively. Things change with us all the time. There's no real schedule that one can adopt for the work of this office. The schedule is set across the street in the capitol. What they set as a schedule is what we must abide by. That determines the plan of work for us during a given day or a given week.

Lage: How much of the job is putting out these little forest fires and how much is following through on the established priorities that must be set?

Zierold: I never really tried to break it down that way, to perform a kind of autopsy on the work because there aren't many constants. It's hard to say. One week it can be going over to set up the meeting with the secretary for resources and the director of parks on grazing in Henry Coe State Park. Or it may mean to talking to somebody in the Department of Agriculture about pesticides. We're taking a lot of phone calls from people who are worried about Betty Crocker cake mix and ethylene dibromide. What can we do about it? We try to provide some assistance to them.

In a sense, in addition to carrying on a legislative program in support of, or opposition to, bills that concern the club or its members, we also try to be a bridge between the two cultures, either the Sierra Club membership and state government, or people who call the Sierra Club because they know of it and trust it and feel that the Sierra Club has knowledge and influence that can allay some of their worries. And it goes on all the time.

Lage: So you get calls similar to those a legislative office might get?

Zierold: Yes. Very close. Not much difference between the two, except the Sierra Club membership alone is bigger than most assembly districts. And certainly the people who think of the Sierra Club as the environmental movement number half a million or three-quarters of a million people in this state at least, if not more. When they think of environmental organizations, they think of the Sierra Club. They know we will tell them the truth if we know it. So we get lots of calls from non-club members.

#### Support from the Board for the California Lobbying Program

Lage: Did you have much dealing with the board and club presidents?

Zierold: In the early years, yes. Will Siri, Ed Wayburn, Ray Sherwin were all--

Lage: Phil Berry.

Zierold: Phil Berry, yes, of course. Phil Berry was very active on forest practices issues before he ever became president of the club. And in fact, in the mid-1960s before I became a full-time lobbyist for the Sierra Club, Phil as a private citizen would testify in support of the forest practices measures that Z'berg's committee had developed. He would come to the interim hearings and make

Zierold: presentations for the environmentalists, and I would work the committees. He was very knowledgeable in that field and still is, obviously. He is a member of the State Board of Forestry, appointed by Ronald Reagan.

And we gave presentations--I shouldn't say we, I--there was no office staff.

Lage: No clerical staff?

Zierold: I had a secretary. I made presentations to the national board of directors on California programs and that, I think, continued coterminously, if you will, with the predominance of California members on the board. And then the club adopted more of a national character and became more identified in its board membership and programs with the rest of the country--not that they hadn't been before, because obviously much of the important work on wilderness and those issues always has been done in Washington. But I think that more members of the board came from outside California than was the case when I became a full-time lobbyist.

Lage: That was the mid-seventies.

Zierold: Yes, there was perceptible change then. Out of deference to those people who felt there was too much emphasis on California programs, we sort of phased out those presentations to the board.

Lage: Bill Futrell made the point a number of times in his interviews how important he thought it was for the club to support this office, the Sacramento office.

Zierold: Yes, he was a very strong supporter of this office. I know that he felt that members of my staff I assigned to assist him on various things were competent and accommodating in every way. I know he said to me one time--he was very irritated--that some people on the Washington staff wouldn't even return his phone calls on occasion.

Lage: When he was club president?

Zierold: That's what he said. I suppose that perhaps wasn't the standard practice. I think that Bill, being a professor of law and a Marine officer for a time, was accustomed to promptness. And when he made a request he expected it to be accommodated with minimum possible delay. I'm sure it wasn't anything that was allowed to continue. I always said, "Bill, if I were president of the Sierra Club and the staff didn't return my phone calls, they wouldn't be staff very long." That's what they're there for.

Zierold: But he was very friendly. And the establishment of this office and keeping it on during the lean years was attributable to two things. First of all, the strong membership support for it, and then the support on the board by Will Siri, Ray Sherwin, Ed Wayburn, and others.

Lage: So everybody was ready to move into lobbying. It wasn't a controversial issue, then?

Zierold: No, not in the sense of political involvement. The club had been lobbying since 1892. It just didn't go by that name at first. But there wasn't any difference between what was done with the federal government on places like Yosemite or work done on Hetch Hetchy than we do now. It was lobbying. It didn't go by that name.

Lobbying, in the minds of many people, involves the old concept, the kind of Boss Tweed image, about people in spats with big paunches smoking cigars and murmuring confidences to one another in the hallways, skulking about, conspiring against the public interest, buying votes, all of that.

### III THE CAMPAIGN FOR COASTAL CONSERVATION, 1967-1975

#### Early Coastal Measures

- Lage: Shall we turn from these general comments now and look at the coastal campaign to see what it can tell us about environmental lobbying and how it's changed, how the club has developed?
- Zierold: Sure. Interestingly, the first coastal measures were introduced or sponsored by the Planning and Conservation League. They were an outgrowth of regional land-use planning. People thought that we should have regional land-use planning and perhaps a statewide plan. But we also should plan for the coast because of the development pressures there. This was pre-Santa Barbara [the Santa Barbara oil spill] still.

A bill was introduced by William Bagley, now a member of the Public Utilities Commission, at that time assemblyman from San Rafael. The bill didn't pass. But its provisions were incorporated, in part, into a bill that Win Shoemaker of Santa Barbara, a Democrat, was carrying, setting up a kind of California marine resources advisory commission. CALAMAR they called it-- California Advisory Commission on Marine and Coastal Resources.

- Lage: Advisory to the governor?
- Zierold: Advisory to the governor. And a subcommittee for coastal resources was made part of that advisory commission, to which Ronald Reagan appointed as chairman the head of offshore oil drilling for Chevron. So it was not quite what we'd had in mind. That subcommittee really didn't do very much.

In 1969, Alan Sieroty introduced a bill to create a Southern California Coastal Commission, running from Santa Barbara down through Los Angeles to San Diego. It didn't pass, as you might expect. But it was really the first concerted effort made.



Lage: Did these bills--the Bagley bill and the Sieroty bill--come out of conference with the Planning and Conservation League?

Zierold: Yes, both did. The first one, Bagley's bill, was the result of our first legislative workshop, as I recall. In that one California Today publication copy which you brought, you will see a reference to A.B. 1686. [California Today: Legislative Report of the PQL, 1 November 1966]. A.B. 1686 was the Win Shoemaker bill, into which Bagley's measure was incorporated. The commission was to submit a report to the legislature and to the governor in 1969.

That report submitted in 1969 was not a particularly good one, and so Alan Sieroty introduced a bill. At the legislative workshop at Santa Barbara, I think, we [PQL] set that as one of our priorities. But Sieroty's bill only applied to southern California, the thought being that it would be easier to pass because of oil-drilling pressures down there and a rather strong public antipathy to offshore drilling in Santa Monica and Palos Verdes and elsewhere. At that time there wasn't anything thought of as an energy crisis. There was plenty of oil to go around. It was cheap. Two dollars a barrel from the OPEC countries. No one really worried about it.

Lage: And you had the Santa Barbara disaster by then.

Zierold: And the memory of Santa Barbara's disaster. All of those things got us up to a kind of critical mass. Not enough of a mass to pass a bill. And no certainty that the governor would sign it. Certainly, if we had gotten it passed we never would have been able to override a veto. But that was the beginning.

#### Alan Sieroty's 1969 Attempt

Zierold: Alan Sieroty had been elected to the legislature a short time before. He had been an assistant to Glenn Anderson, the lieutenant governor. And following that he was deputy director of the Chile California program. California contracted with the federal government to handle the Agency for International Development programs in Chile because the countries, Chile and California, were kind of the same configuration. They were both Pacific Rim territorial entities, so to speak. There was some loosely defined historical relationship between the two, the kind of rationale one always hears presented at banquets toasting one another.

Zierold: I got to know Alan fairly well there because of my interest in South America. He was a dedicated conservationist, certainly over the years as consistent as anybody has ever been in supporting conservation causes and working for them--not just voting right, but dedicated.

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Lage: I read a comment in a book on the coastal management issue which implied that some of Sieroty's bills were considered unrealistic.

Zierold: Visionary.

Lage: Right, that kind of approach. The implication was that Sieroty was maybe not the best legislator to carry a bill that you would like to get passed.

Zierold: I don't think that's a fair judgement of Alan. I know that some thought of him that way. But it is a mistaken impression. First of all, Alan Sieroty had a reputation for having cast-iron integrity. He had the kind of integrity you could strike a match on. Totally incorruptible. Honest, very idealistic. If anyone could be called free of undue or bad influences here, it was Alan Sieroty. That's also true of others. Ed Z'berg especially. And then Peter Behr and Al Rodda.

But Alan was one of those persons best described as being the conscience of the legislature. He truly wanted to do what was right and would have absolutely nothing to do with wrongful practices. He did not accept or tolerate the idea that to get along you have to go along. That wasn't Alan's way. He would rather not be a member of the leadership than to avert his gaze from corruption or expediency at the expense of the public interest. So in that sense I suppose that one might say his abilities were constrained. Not that his abilities were limited. But that his chances for success may have been limited because of his refusal to adopt questionable practices of expediency or pragmatism.

He was not blindly idealistic, or--how shall I say--quixotic. Not at all. He worked hard. He hired very good people as his assistants. There are limitations on an assemblyman--on how many persons he could hire. But he would spend his own money on these programs because he was a person of considerable independent means, devoted to good causes like the environment or cultural affairs, art, and so on. He was the best author in that regard.

Lage: Better than somebody who may have been more adept at "greasing the legislature," getting things through?

Zierold: Yes, because there was no way for us to grease the legislature. When one speaks of grease one can mean only a single definition.

Lage: Maybe that wasn't a good choice of words, then.

Zierold: Well, I suppose to grease the skids is essentially a common enough expression. But here, when a bill is greased, it means more than that its passage has been prepared in advance through smoothing the path. It is what is spread on the path to smooth it that defines, really, grease in the legislature. And even if we had the grease to spread, we would never have done so because environmentalists don't believe in that kind of government and are not such hypocrites that they would say it's okay because it's in a good cause. Even if we had had it, we wouldn't have done it.

Lage: I didn't really mean grease, in that sense.

Zierold: I know you didn't mean it. It's an opportunity for me to explain why such persons would have been no more effective than Alan Sieroty. There again, it is a judgement of Alan Sieroty that betrays nothing so much as a lack of real insight into how this place works and what this place is and who the Alan Sierotys of the world are.

Lage: So we've got up to 1969 and then in '70 you had several bills concerning coastal management, authored by Pete Wilson, and again Sieroty, and another whose author escapes me.

Zierold: Yes. Pete Wilson's was killed in the senate in the same GE, Governmental Efficiency, Committee as had killed the forest practices bills. There was a change in senate leadership that year also. Howard Way, who was friendly to the environmentalists even though a very conservative Republican, was ousted by Jack Schrade of San Diego as senate president pro tem.

Lage: How was Schrade with environmentalists?

Zierold: Hostile. Well, not hostile. He just didn't believe in it at all. There was no way that under the leadership of Jack Schrade as pro tem could we have passed a coastal bill. Obviously the referral of the bill to the GE committee determined its fate.

Lage: Now, who referred the bill to committee?

Zierold: The pro tem did in those days. Now it's the whole Rules Committee more so than the president pro tem. At that time the pro tem had a lot of power and exercised it.

Conservationists and Local Planning: The Pete Wilson Bill

Lage: How did the club stand on the Pete Wilson bill?

Zierold: Actually the Pete Wilson bill wasn't fully appreciated by the environmentalists because it was more bottom-to-top rather than top-to-bottom planning. That was contrary to what we had always wanted and supported in Alan Sieroty's approach. Therefore, environmentalists wouldn't support it and resisted it up until such time as it was the only bill left. It became a committee bill, in effect, and was sent over to the senate but never given a hearing. Even though there had been some change of heart on the part of the environmentalists, there wasn't time to get it out on our sleeve, so to speak. And the bill died.

Lage: Would that be a compromise you would have been willing to make at that time?

Zierold: I think in retrospect we perhaps should have. But that's always easy to say. I don't know. I don't think that we would have supported it. Not at that time. Our people really felt we could get more. And we did get more through the initiative.

Lage: Apparently the Planning and Conservation League was willing to make more of a compromise on that issue.

Zierold: They did show more of a willingness to compromise than did the Sierra Club.

Lage: It seems the Sierra Club has always been very strong on not wanting to have local interests control these various commissions.

Zierold: For the most part. Although that has changed some. I think now it's possible in some areas of the state to get better government from city councils and boards of supervisors than from the state legislature. In the seventies the reverse was true and to some degree perhaps still is.

Lage: So this preference is a pragmatic thing, not an absolute principle.

Zierold: There were two reasons for it. First of all, the belief that the state would be able to override all the abuses of local governments, which have been really pernicious about some of the things that have been permitted in the coastal zone. Second, the thought that if the state enacted a coastal management program, it would design the rules as well. It would set up the guidelines for planning the resource conservation measures for land use, the determinants or criteria for land use; the program to identify and preserve wetlands and estuaries and vernal pools; the provisions

Zierold: under which application would be made for offshore drilling, and so on. Local governments, quite obviously, haven't got the resources to do the same thing. And even if they did, the wide disparity that would exist from government to government couldn't possibly add up to a cohesive, sensible plan for the state.

What came out of Proposition 20, I think, was a good synthesis of those two approaches. So I guess our views were modified to some degree over the earlier measures. However, we got a reasonably good synthesis by adopting a hard semi-intransigent line on the state being the ultimate authority.

### The Coastal Alliance

Lage: What about the Coastal Alliance? Can we talk about the Sierra Club's connection with that?

Zierold: Well, the Coastal Alliance, of course, was an outgrowth of the work that Janet Adams and Claire Dedrick did on BCDC. They had put together a coalition of people in the Bay Area who were committed to BCDC program and some of whom similarly were motivated to work in support of coastal management. During all the years that the bills were before the legislature, Janet Adams was up here testifying or working back in Woodside, organizing individuals and groups to support the program, quite effectively.

The Sierra Club was always involved with the Coastal Alliance because we all worked together on trying to move a bill, each of us in our own way. But we worked more closely with the alliance after there was some concern about whether Proposition 20 would be qualified as an initiative because there were some fears--and whether they were founded or not it's hard to say--about whether it would be possible to get enough signatures in time. So the club set aside much of what it was doing and organized signature-gathering efforts.

Lage: It was a very short time.

Zierold: It really was. Janet worked on this. The Coastal Alliance was the sponsoring group for the initiative. There might have been some question about whether signatures could have been gathered without an all-out effort in southern California on the part of the Sierra Club. There were always, of course, some rivalries. Success has a thousand fathers and defeat none. Defeat is an orphan. And success has a thousand fathers or, in this case, mothers. Janet would look upon it as motherhood rather than fatherhood, I suppose.

The Coastal Initiative, 1972

Lage: Was the club in on the decision to go for an initiative?

Zierold: Oh, absolutely.

Lage: Was that something that took some soul searching?

Zierold: No, not at all. As a matter of fact, the recommendation for an initiative first came from the Sierra Club by Dr. Richard Ball, a physicist at the Rand Corporation who was active in the Angeles chapter of the Sierra Club and the Southern California Regional Conservation Committee. He was the one who originally said, in discussing Pete Wilson's bill, that we ought to go for an initiative, as early as 1970.

I suppose that isn't a view that only he held or an idea that only he had. We had to look at our options in the event that we failed to move a bill. As you know, a bill was introduced in the 1972 session. Don Grunsky was the author of that bill. He worked with Sieroty on it. When we couldn't get it out of the senate--

Lage: That again passed the assembly, but--?

Zierold: Was killed in the senate. So, many people were prepared to go with an initiative.

Lage: It was the first environmental initiative, wasn't it?

Zierold: So far as I know it was. It was a success. I remember one time people said, "Who did the most, the Sierra Club, or the Coastal Alliance, or whoever?" And I said, "I don't know. And I don't think it really matters." I said, "I look upon Proposition 20 the way linguists explain language. Language is the city to the building of which every person has brought a stone." That was true of Proposition 20, too.

It would be ingenuous of me to suggest that it was a love feast and all was cock-a-hoop and fine feathers, and each person said, "Oh, no, they did more than we. But we were, nevertheless, happy to contribute." That wasn't the way it was at all. We had more people wanting to make policy than we could possibly work with.

Lage: Are you talking about the initiative campaign?

Zierold: Yes. But it was good. Under the circumstances, I think it was a real triumph. Everybody did a lot. Janet Adams, in particular, did a good job. So did Larry Moss and George Wagner in Southern California. Larry Moss was at that time the club's southern

Zierold: California representative, and George Wagner was active in the club, later to become president of the League of Conservation Voters. George Wagner was at that time an attorney who practiced in Santa Monica. He brought Charles Grace, of the W. R. Grace family, into the effort. Charles was very generous to the club and paid for full-page ads in the Los Angeles Times. He did a lot. Charles later on, for several years, sponsored our two coastal representatives in northern and southern California. Those were contributions for which he asked anonymity. Charles was my alternate to the U.N. World Food Conference in Rome in 1974. His brother is Peter Grace, who was head of that efficiency study group for Ronald Reagan.

W. R. Grace Company was the outgrowth of-- I think it was Charles's great-grandfather who started the company. It was a fertilizer company. He gathered bird guano in Peru and shipped it all over the world. They owned Grace Steamship Lines. They have vast enterprises in chemicals, fertilizers, and vermiculite mining, and Lord knows how many other different businesses. They are a conglomerate and very powerful.

Charles is an interesting person. It bears no relevance to the oral history of the Sierra Club, but he is the founder and chairman of the board, and I believe major contributor to the International Fund for Monuments. The International Fund for Monuments is taking the lead role in restoring Venice. A distinguished Catholic layman; serves on the boards of trustees of at least a dozen Catholic universities or colleges.

Lage: He was brought in by George Wagner?

Zierold: He was George Wagner's neighbor. Charles has a place in Sea Island, Georgia. And, of course, the family estate up the Hudson. And he had a place in Santa Monica. A dedicated environmentalist. He was concerned about offshore drilling. So he was the person on whom we depended for improving our material estate, as Francis Bacon would put it.

Lage: Let's turn to relationships with the media. One thing that was interesting was the lawsuit to force equal time. Do you know whose idea that was?

Zierold: Yes, I think that was Coastal Alliance. I don't know, it seems to me it was Coastal Alliance.

Lage: You got quite a bit of media coverage and support from newspapers, didn't you?

Zierold: A great deal. Yes, indeed.

Lage: That couldn't have hurt.

Zierold: I can't remember whose idea that was. Whoever had the idea and carried it through did a good job. I think it was the Coastal Alliance, though. I believe Lou Reed, who had helped draft this as pro bono publico work for his law firm, was perhaps responsible. Though it may turn out to have been Sierra Club people. I'm not sure. I would like to check that out.

Lage: It may be documented.

Zierold: Perhaps. Whoever was responsible documented it. You can be sure of that.

Lage: Any other things we should add about the initiative or the legislative process before we get into the act in practice?

Zierold: No, I can't think of anything, except that it was a very good precedent to set, in this sense: it demonstrated to the legislature that there are certain issues the public supports so strongly that the public will enact. Proposition 13 on tax reform is an even better example of it than the coastal initiative. Interestingly, I think, probably it would not be possible to pass the coastal initiative today.

Lage: The climate has changed.

#### The Coastal Commission in Practice: An Assessment

Zierold: And some of the decisions of the coastal commission [Coastal Zone Conservation Commission] were not what people expected. Those perhaps will be forgotten in a few years, but some of the conditions that the coastal commission would exact in return for granting permits were thought by many to be extortionist. They weren't, obviously, but American citizens still resist very stoutly any attempt by government to tell them what to do on their land. The requirement that sod roofs be put on houses for visual amenity purposes was something that didn't go down very well. Requiring a twenty-five-dollar-a-night room at a hotel in the Carmel Highlands where rooms start at a hundred dollars, in order to comply with the coastal act, was thought a bit ridiculous.

Lage: This would be a requirement for building a new hotel?

Zierold: No, it was already built. I think they were seeking an addition to the Tickle Pink Motel, which is next door to the Highlands Inn.

Lage: Tickle Pink?



- Zierold: Tickle Pink. Built by someone who had been a senator, Mr. Tickle, from Santa Barbara.
- Lage: Sounds like a parody.
- Zierold: There are the elements of farce. The coastal commission insisted that as a condition for granting a permit for expanding the capacity that they have one room for low or moderate income guests. It would be twenty-five dollars a night. I don't think anyone really thought that that was the reason the coastal commission was created. I think that it went somewhat afield from questions of offshore drilling, containing spills, preventing beach erosion, preservation of wetlands and wildlife habitats and estuarine resources or dealing with the cumulative effect of housing tracts in certain sensitive coastal areas.
- Obviously, visitor serving facilities were the first priority as stated in the coastal act. But it was carrying the provisions of the act and the letter of the law to somewhat questionable extremes in the minds of many people. I know on the Monterey peninsula, the Monterey Herald, which had been editorially one of the very strongest supporters of the coastal act, in a sense turned against it because of many of these things. It opened the coastal commission to attacks of ridicule.
- Frankly, had I been an opponent of the coastal commission and seeking its abolition, I would have tried to design such a program. What the staff did was to try to leverage more policy change out of the act than was ever written into it--through the innovative use of some of the act's provisions. Requiring sod roofs was another example of why the good work that it did, and there is no question of the good work that it did, went unremarked. What went remarked was the Tickle Pink room for twenty-five dollars. Here we have this enormous budget and all these people working and that's what they're doing? They simply played into the hands of those opponents of coastal management who were attacking it in bad faith. That's why I say that perhaps today we couldn't pass the coastal initiative.
- Lage: Do you think this is the result, you've implied that, of the staff direction rather than--?
- Zierold: Some members of the staff who mistook their preferences for the world's, which is to say what they thought was right for the coast--which might have been austere or Franciscan in their severity--saying, "We don't want houses in the coast anywhere. We ought not to have them." Or, "If they can afford to build a house on the coast, they can afford to conform to architectural standards and review that I think are perhaps most in the public interest."

- Zierold: It's not any different from people who exercise authority anywhere. It's just that truly well-meaning people, who really consider that they were possessed of a finer sentiment, tried to do more than the act was designed to do. As a result there was a severe drop in public appreciation of the coastal commission.
- Lage: I would have expected this to be more a result of the commission members, but you're attributing it to staff.
- Zierold: Yes. The permanent staff of the commission, not the commissioners.
- Lage: What about the regional commissions?
- Zierold: Mostly it was at the regional level.
- Lage: Is the regional staff coordinated by the state?
- Zierold: I really don't want to dwell on it at any length because it is not serious, at least not in my opinion. We have a coastal commission. It has been made permanent, its work made somewhat more difficult and its preservation made clearly more difficult because of the legislature and a kind of systemic antipathy to the coastal commission now, based on the bad publicity that was the consequence of carelessly-thought-through conditions prior to granting permits.
- Lage: You must have seen this in 1975 and '76 when you were lobbying for a permanent commission.
- Zierold: Oh, yes. Absolutely. It made our job more difficult. That, I think, is the most significant feature of the coastal commission post-Prop 20.

## IV LOBBYING FOR A PERMANENT COASTAL COMMISSION

[Interview 2: 10 February 1984]##

Influencing Key Committee Assignments

Lage: We talked last time about coastal legislation and the passage of the initiative and something about the operation of the Coastal Zone Conservation Commission up through '75. Today we're going to start out with the passage of the 1976 coastal legislation. Apparently, there was a behind-the-scenes attempt to appoint a favorable Senate Natural Resources and Wildlife Committee. And you were involved in that. Do you want to comment on that?

Zierold: Yes, with a kind of condition attached to it. Part of lobbying, obviously, is getting close enough to the leadership of the assembly and the senate in order to influence the members who are chosen for assignment to the policy committees and fiscal committees, in which a lobbyist has an interest. In our case, certainly with the coastal commission bill and with a lot of other legislation, it's the resources committee of each house.

At that time, we were concerned about being able to get the bill out of the senate. We thought that the single most important place was the senate resources committee. It didn't turn out that way, exactly. But at all events, I went to Senator Jim Mills, pro tem of the senate and chairman of the Rules Committee, which is a five-member body where the decision is made on who shall serve on each committee.

Procedurally, senators will tell the pro tem the committee assignments that they would like. Usually, it is common for a senator to serve on no more than three policy committees because of time conflicts and so on--the bill load that they have to follow as a member of three policy committees and, of course, the problem of committees meeting at the same time, say resources meeting at the same time as judiciary.

Zierold: We felt that given the makeup of the senate, our best hope was for Al Rodda to serve on the committee. But Al didn't wish to serve on the committee because he had such a heavy responsibility. He was chairman of the Education Committee. That was a big load in and of itself. He always has been concerned about education, having been a professor of political science and economics for most of his adult life. And he was a member of the Finance Committee.

But I asked Jim Mills if he would do me the favor of helping persuade Al to go on the committee. First of all, we had to persuade Jim Mills to put Rodda on the committee. Then we had to go to Al and make sure that he understood how important it was for him to be there because without his membership we wouldn't be able to move the bill. We didn't have the votes. So that was done after lots of coaxing and explanation.

Lage: And Jim Mills was open to this idea?

Zierold: Yes, he was.

Lage: The main focus was the coastal legislation, not the environment in general?

Zierold: Coastal. Obviously, other bills as well. But organized labor interests had always fought coastal legislation. The building trades particularly, but also the operating engineers. And the general contractors; and the real estate interests, the land developers, the speculators; local governments; the timber industry; the oil companies; the utilities. All of those people objected to the creation of the coastal commission when we first tried to establish it statutorily. They fought Proposition 20.

And after the four-year period, during which time the commission was to develop its coastal management program and come back to the legislature for review and determination as to whether it would be permanent or not, they had continued their fight. If we didn't have Al Rodda on the resources committee, we were going to be a little short, no matter how we looked at the senate. The membership simply wasn't there.

Lage: Was Al Rodda a sure bet? Had he demonstrated support on other issues, or you know his feelings--?

Zierold: He was a committed supporter of coastal management.

Lage: Did he go off the Finance Committee, then?

Zierold: No. He simply took on an extra load.

Lage: Were there other changes that you were involved in? [Anthony] Beilenson became chairman of the Finance Committee about the same time.

Zierold: Yes, he did, and Beilenson was the author of the coastal bill which failed in the senate because it didn't get out of the Finance Committee. [laughter]

#### Drafting the 1976 Legislation

Lage: Let's talk about the drafting of that original bill. I guess the coastal commission staff was prominent in the drafting.

Zierold: Joe Petrillo was not at that time a member of the coastal commission staff. He was working for Jerry Smith. He didn't do too much on it. It was mostly Beilenson's staff. Gail Osherenko, a girl fresh out of law school from U.C. Davis, whom Beilenson had on his staff, worked on that legislation. The coastal commission staff did, and many other people did as well.

Lage: That was described as kind of a "pure" bill in this upcoming study that I referred to,\* incorporating quite a bit of what the commission plan was.

Zierold: Virtually everything that the commission staff and the environmentalists wanted in a bill.

Lage: Were the environmentalists in on the drafting of that?

Zierold: Yes.

Lage: Was it largely a group effort? That's the way it's described, like big committee meetings. How did that work out? That sounds cumbersome.

Zierold: Slowly, in a cumbersome fashion. Committees really can't draft bills. Committees can review drafts. There were sessions that I suppose we might compare to markup sessions, where a draft would be reviewed and people would linger over the way in which a particular section was drafted. They would attempt to anticipate all possible means of circumventing the provisions of the language and try to snug up the writing of the bill.

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\*Squire, Peverill, and Scott, Stanley, Politics of California Coastal Legislation: 1976, the Crucial Year (Institute for Governmental Studies, University of California, 1984).

Zierold: As a result, in my opinion, it was not too artfully drafted. Although that perhaps is not fair to say because people did work very hard at it, and they were trying to do a great deal in the bill; trying to write into the bill what they feared they might not be able to do once the commission was established and the commissioners appointed. They really felt they wanted as much in the bill as they possibly could get and wanted to leave as little as possible to chance--chance being the procedures by which the commission would adopt its guidelines.

Lage: So they wanted a lot written in, not left to discretion?

Zierold: Yes.

Lage: Did you feel at the time that this bill would go through?

Zierold: At first I thought that our main hurdle was the senate resources committee; hence, the efforts to get Al Rodda appointed to it. But later it became obvious to me that we weren't going to get it out of the senate Finance Committee.

I didn't think Roberti would vote for the bill. I went to talk to Tony Beilenson about it, and he said, "He'll have to vote for the bill." No matter how much or how persuasively many of us talked to him about that, he felt confident that when it came down to voting for the bill, Roberti would do so. But it didn't happen.

Lage: There were a couple of things I wanted to talk about before that. The first thing that happened is the bill went to the resources committee. And [John] Nejedly took over?

Zierold: No. Nejedly wanted a provision in the bill that would prevent overlapping jurisdiction. He was primarily interested in forestry, or forest interests; I'm not sure which. Basically, he did not want the coastal commission to be able to make rules and decisions that were then and now made by the Department of Forestry and the Board of Forestry. He felt that there had to be a provision which made it clear that forest practices rules were made by the Board of Forestry and could not be made by the coastal commission. That was his concern. Also, the provision covered other overlapping jurisdictions as well.

Lage: The energy commission? Didn't that come into it?

Zierold: Yes. What was done with respect to forestry was language creating something called "special treatment areas," so that in a particularly sensitive area, for example, the coastal commission would have a kind of veto power over a timber harvest plan, or

Zierold: that it could require that special rules be adopted to govern or regulate any timber harvesting in what's called a "special treatment area," obviously an ecologically sensitive one. That was the way, ultimately, the bill was written.

Lage: Was that a serious problem from the environmentalist standpoint?

Zierold: Some thought so at the time. I didn't think so, and it didn't turn out to be. In fact, the special treatment area has been a benefit. If we had tried to create a different set of rules for logging in the entire coastal zone, we would have lost that power soon afterward. So it was a wise decision to go with the special treatment areas as the middle ground between what the people wanted in the coastal act and what Nejedly wanted by language which would proscribe duplication of rule-making authority. It was a reasonable amendment, actually. But at the time many people felt that the coastal commission was having one of its weapons taken away.

Lage: And then there was a compromise to satisfy the League of California Cities that apparently upset part of the environmental group.

Zierold: Well, there were several, some urban exclusion language, for example. The original urban exclusion language was that any area with fifty percent or more development would be excluded. Then it was modified somewhat so that any area fifty percent or more developed, where new development would be of the same character and density, would be excluded. Ultimately something similar was passed, and that too proved to be more or less harmless. Some people will think differently. But I don't think that it hurt at all. As a matter of fact, I think that much of the problem that the coastal commission staff has created by what's euphemistically called overzealousness has come from pressing for regulations in areas where it really isn't too critical.

Lage: In areas that are already developed.

Zierold: I think, in truth, looking back at it, we were perhaps a bit alarmist; or if not alarmist, it was really more a tactic of pressing for as much as possible as a means of bargaining. A little of both, I would say.

Lage: That book that I referred to characterizes the Sierra Club as being concerned with every line of the bill.

Zierold: One must be. It only takes one line to undo--

Senator Roberti's Crucial Dissenting Vote in the Finance Committee

Lage: Let's talk a little bit about [David] Roberti. You were not surprised by his vote against the bill, the crucial vote. Apparently it was a surprise to many. What had led you to believe that he would go down against it?

Zierold: Well, mainly by the things that he insisted on. Roberti called the coastal act, essentially, the creature of people who live in Malibu and in the Santa Monica Mountains, all of whom were affluent, had no real concern over things like housing for the poor, or what was called then low- and moderate-income housing, or affordable housing, a euphemism also used. I think he was just hiding there. I believe that he had always enjoyed support from organized labor. Organized labor didn't like it. And he was voting with them and not with us. He had been a good environmental vote on many things. He voted with labor. I had felt that coming all along.

Lage: Did you ever discuss it with him--the conflict between labor support and environmental support?

Zierold: No. I don't think that is a particularly effective way to lobby, to assume without any clear evidence to support it, that he was voting against us or was finding problems with our legislation because labor has told him that they're there. It's not reasonable to expect that anyone will admit to that even if it's true. Even if it's virtually an observable fact, a senator or an assemblyman is unlikely to say that he's voting with labor.

In spite of clear evidence that local government had not done a satisfactory job of protecting coastal values, such as access and visual features of the coastline, preservation of wetlands and estuaries, vernal pools--all that had been clearly documented. The facts argued for the establishment of some permanent authority to act as a check on development ambitions of the local governments. And David Roberti knew that. I always felt that his vote against it was ironic in many ways because he certainly had to accept the amelioration principle. But he didn't. He voted against it as a matter of fact.

Lage: He didn't make the effort--I'm just contrasting with someone like Phil Burton, who would make the effort to find a common ground.

Zierold: Render to labor what is properly labor's, such as workmen's compensation, safety in the workplace, rights of collective bargaining. All of those things which are close to liberals--David Roberti is clearly a liberal--are things that labor has a proper role in demanding of government. But I don't think that the AFL-CIO or the operating engineers have any particular



Zierold: standing on environmental issues. They don't want any project bettered in the name of jobs. Somehow to me that's an absurdity, an absolutely unacceptable basis for public policy. Roberti was a particular disappointment because I really felt he knew better. But that was a political decision he made, and obviously he had good reason for making it.

It's also necessary to point out that now that he is president pro tem, he's been very good at preserving the existence of the coastal commission and is committed to its continued existence.

Lage: So's he's not one of the ones trying to chip away at it?

Zierold: No.

Lage: What about the role of PACE? The environmental group, PACE, was brought up in connection with Roberti's vote; apparently, they were unhappy about access and that fed into--

Zierold: There was access. Public access and the creation of visitor-serving facilities were then and are now the highest priorities and guiding principles of coastal legislation. PACE, People for Access to the Coastal Environment, was created and funded by a group of young people. I'm not sure that I'm correct about this, but it is my understanding that they filed a suit on the failure of a development to provide access to the coastal zone, as was required by the enactment of SB 425 by John Dunlap some few years earlier, and that the court awarded them a judgement against the developer. They then used that to continue their work for low and moderate-income housing. That was primarily the basis on which they approached Roberti. We provided what Roberti asked for in low and moderate-income housing, and he still voted against the bill. And so there were some of us who felt that perhaps PACE had been ingenuous, or not so ingenuous.

Lage: Too bad we don't pick up your facial expressions on the tape.

Zierold: Just say the expression on my face passed from amiability to skepticism.

Lage: All right. That's very good.

Constructing a Lifeboat for the Coastal Bill

Lage: Now the next step. The Beilenson bill was killed in the Finance Committee. And then we have the matter of a lifeboat bill, AB 1277.

Zierold: --by Senator Jerry Smith. That lifeboat was constructed long before the Beilenson bill sank in the Finance Committee. It was obvious to me that the bill was not going to pass. So I went to Jerry Smith and asked him if he would confidentially allow us to hijack a bill that he had in the assembly. We had to find a bill that was germane, which is to say that affected the resources code. It involved the nomination of a highway in the coastal zone for scenic highway status.

Lage: Just one highway? It was a minor bill?

Zierold: I think so. It's been so long, but as I recall that's what it was. We said that we'd like to sequester that bill in the resources committee. I said, "I've talked to Charles Warren and he's agreed that during the July recess we can write the Beilenson bill in refined form into your bill, hear it in the assembly, and bring it back to the senate for concurrence in assembly amendments."

If there are substantial amendments to a bill, under the rules of both houses it has to be referred to an appropriate committee upon return to the house of origin. And since the resources committee was the policy committee on coastal, we felt we could send it there rather than to the finance committee, where we were a vote short. In the resources committee we did have the votes.

So that was arranged. We had worked that out with Jim Mills, so that if and when it came back from the assembly, by a motion of the president pro tem he would move it to the senate resources committee. And ultimately that was done. Before we got there, a great deal happened. I had set up that strategy, and I suppose it's somewhat immodest to say that I had set it up, but I did. It was my program from the beginning, before a vote was ever taken on the Beilenson bill, because it was obvious to me that it wasn't going to make it.

Lage: What would have happened if there hadn't been that lifeboat?

Zierold: We would have found another bill. It would have been a bit more difficult because we needed a senate author. We had to have a senate bill in the assembly. We knew we had the votes in the assembly resources committee, and we knew that while it would be

Zierold: difficult to get through the Ways and Means Committee, which was the fiscal committee in the lower house, Leo McCarthy, who was a strong supporter, would make that possible.

Lage: He was chairman of Ways and Means?

Zierold: Leo McCarthy was speaker of the house. Dan Boatwright was chairman of Ways and Means. Despite the fact that Dan Boatwright oftentimes votes against environmental interests, he voted for this, as did Lou Papan, who also is customarily unsympathetic to many of our land-use planning measures. But because Leo McCarthy was speaker and Boatwright and Lou Papan were close supporters of McCarthy, even though neither of them are really environmentalists, we had the votes. But it took five hours.

Leo McCarthy personally worked the members of the committee on the bill. I remember sitting in an office with him off the Ways and Means Committee room. He would bring people in, and we would talk to them about the bill and answer questions they had. It was the most effective job of leadership that you could imagine, in terms of using the power of the speaker to persuade people. He did it on persuasion, not on raw political power, which he could have done.

Lage: Persuading them of the worth of the matter?

Zierold: Persuading the fence sitters that they had to jump off on the side of the commission rather than on the side of the opposition. And he did.

Lage: You and Larry Moss worked along with him. Did he have representatives from any other groups?

Zierold: No.

Lage: Okay, let's back up just a minute. The Smith bill then was reworked by Charles Warren to incorporate--

Zierold: Not by Charles Warren entirely. By Charles Warren, Tom Willoughby, Larry Moss, John Zierold, and Joe Petrillo. Every morning--

Lage: Who's Tom Willoughby?

Zierold: Tom Willoughby was chief consultant to the assembly resources committee. Joe Petrillo worked for Jerry Smith as consultant to the subcommittee that Smith chaired on finance. Larry Moss, of course, was Planning and Conservation League. Every morning we met in the assembly lounge, a meeting room that the Rules

Zierold: Committee of the assembly has just off the assembly chamber. We met there every morning to work on the bill. We ripped and restitched the Beilenson bill and put it in the Smith bill. The chief draftsman for the bill was Tom Willoughby.

Lage: Do you recall the kind of changes that were made? Or was it fairly much incorporating the amendments that had already been approved?

Zierold: If you'll permit me a metaphor, we distilled from all the vague impurities of the Beilenson bill, a good, clear measure that created a coastal commission, eliminated much of the duplication and had it put in a more orderly sequence. Tightened up the language. As William Faulkner said, killed off some of our little darlings that obviously weren't going to make it. What came out was, I believe, a better bill.

Lage: Did the new reworking of the bill retain the idea that the bill should spell out everything for the coastal commission? Or did it give more discretion to the future commissions? Was that general idea retained?

Zierold: I think it was stated more artfully than was the case in the Beilenson bill. From the beginning there was always a conflict between local government and proponents of the coastal commission. Local government wanted a bottom-to-top planning process. And environmentalists insisted that the research design--if you want to call it that--for planning come from the top down.

I guess, it's fair to say that there was a form of compromise that the general guidelines came from the coastal commission. The local governments then would work out something called the LCP, the local coastal program. They would then submit that local coastal program to the coastal commission for approval. So a little bit of both wound up in the Smith bill. I think that that has worked well.

Lage: Then this bill went to the assembly.

Zierold: It already was in the assembly. We changed it and heard it in the resources committee, where it was given a "do pass" recommendation. It was then sent to the Ways and Means Committee, where the really hard lobbying began. That was where the vote was tough to get.

Lage: Where was the compromise made with Associated General Contractors, Southern Cal Edison, the Irvine company? Did that happen during the redrafting?

Zierold: To some extent it did. There were meetings held with them. After we had the bill drafted, it was then shown to them, but not before that time. And when they commented on the completed draft, there were some changes made. Many of those people, for example, wanted the bottom-to-top planning. I think they were resigned to the fact that a bill was going to pass, so they moderated their demands somewhat.

The local coastal programs were the kind of thing they looked for. We came to an agreement with port associations. The Port of Long Beach, and the Port of Los Angeles, the Port of San Francisco, were given the same status as local government. They could provide a local coastal program, in effect. It wasn't called that, but they were given the same kind of status so that the coastal commission wouldn't be regulating them.

Those were reasonable changes to make, as a matter of fact. They wound up supporting the bill because they felt that their concerns had been dealt with. Better to do that than to have to start all over at some point in time and see another initiative, which would not give them that concession, if you wish to call it a concession.

Lage: So sometimes it's not really a compromise as much as a way to make it more workable?

Zierold: Yes.

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Zierold: Compromise shouldn't be regarded necessarily as weakening a bill, or giving up something that ought to be held onto. It's often possible to accommodate a certain interest, such as the ports or local government, remove their opposition and then be able to hold the line in other areas, where the opposition isn't nearly so strong and where we wanted to maintain a hard line. Sometimes, of course, compromise is a mixing of two opposite points of view on a bill's provisions, but sometimes compromise can yield more for us than part of the original position we had asked for.

Lage: It was particularly mentioned that you worked with the Irvine people to get their support. Do you recall something about that negotiation?

Zierold: Well, that wasn't really much different from the local government people. They were concerned to some degree about the language on wetlands, the restoration of wetlands. They were concerned about the Irvine Company's planning programs for land development in that area. They wanted to see their master plan included in the coastal act and in a sense incorporated by reference, as if it

Zierold: were somehow a local coastal program that had already been completed. So we had to work out some of their problems. Obviously, we didn't give them that.

Lage: Was their plan a decent plan?

Zierold: Yes, it was a very good plan, as plans go. But the coastal commission, nevertheless, wanted to reserve that kind of decision making for itself. The Irvine plan was really part of Orange County and its local coastal program. It was obvious what was going to happen anyway. But it wasn't really possible to give them that kind of extraterritoriality in the bill.

The Irvine people were always very reasonable, highly professional and, again, looking back at it, not at all that unreasonable. So we didn't really have too much problem. We didn't give the Irvine Company anything they shouldn't have had. There were a few minor things. So minor that they don't come immediately to mind when you ask about them. Again, I would have to go back into the archives on the bill and find the language that they had proposed and the language that was finally written, if any accommodation was made to them at all. I believe that it was a very strong bill.

Lage: We talked about the Ways and Means hearing. Is there any more that we need to bring out there?

Zierold: I think it's worth recording that the Smith bill passed the Ways and Means Committee only because Leo McCarthy supported it and worked for it. If he had only supported it, it would not have passed; it took his leadership and his influence to pass. That, of course, was something we knew and why we adopted the strategy of sequestering the Smith bill and rewriting Beilenson's measure. We knew that Leo McCarthy would help us. We were very fortunate to have him. No such thing would ever happen now. There shouldn't be any misunderstanding. No one should wrongfully claim credit for getting the bill out of the Ways and Means Committee. There was only one person who made that possible.

Two Speakers, Leo McCarthy and Willie Brown, and their Effects on Environmental Law

Lage: It seems that it was a good time for environmentalists in the legislature.

Zierold: Yes, it was. It was really the last of the good times for us. Our fortunes have been in some decline since then, particularly after Leo McCarthy gave up the speakership.

Lage: How did McCarthy happen to give up the speakership?

Zierold: Howard Berman, who was also a very good environmentalist, challenged Leo McCarthy for the role of speaker because there was some dissatisfaction inside the assembly over fundraising. Leo obviously is ideally suited for higher office and was beginning to put together a campaign fund for either the U.S. Senate or the governorship. Some members of the assembly felt that the speaker should raise money only for them and for himself, of course, as speaker. But his fundraising activities should be only to maintain the incumbents in office and bring in new members. In other words to increase the majority the Democrats had. How much of that was justified is very difficult for me to say. I don't know how much went to each place. But that was the complaint generally acknowledged to be the cause of the Berman revolt.

Neither, of course, succeeded. Leo couldn't hold on to the job, and Howard couldn't take it away from him. Willie Brown wound up as speaker.

Lage: Did a change in leadership like that affect the environmentalists more than a general change in the membership of the legislature?

Zierold: Yes. A general change in the membership has contributed, obviously. But it's not the kind of general change that a Leo McCarthy couldn't handle if he wanted to. It isn't the kind of change that Willie Brown couldn't handle, if he wanted to.

Lage: You don't find Brown terribly sympathetic?

Zierold: No. I find him and the leaders he has surrounded himself with to be openly contemptuous of the environmental movement. I don't know if they think it's unworthy. They think it unimportant. They believe that they can make changes in the environmental law with impunity. In other words, they can write bills which exempt developments from environmental law. They can weaken environmental law, and we can't do anything about it.

We aren't important because we are not contributors. We don't support the reelection efforts of Democrats. We don't go to fundraising dinners or fundraising cocktail parties, or make generous, up-to-the-limit-of-what-the-law-provides contributions to them. I have to say that the assembly will not allow the coastal commission to be abolished, at least not by any vote of the assembly. But that's probably the best we get out of this leadership.

It's awfully hard to go on record with such things because there is always the risk that more than I as an individual will feel some retribution as a result of criticizing them. But I would have to be frank in saying that Willie Brown doesn't think

Zierold: much of us and doesn't care if we know it or not. It's obvious that what he feels is an imperative in making legislation is in no way related to the environmental movement.

They will be more or less okay on toxics. But I think they're much closer to industry than they should be. They're much closer on housing, which they say they are working for in the name of low- and moderate-income housing. It's a tribute to their aplomb that they can say this with a straight face because there is really no such thing as low-income housing, or affordable housing in California, not by any reasonable comparison of housing cost to salary. Median cost of housing and a median salary in California are light-years apart. Of course not light-years apart. Metaphorically speaking, there is a great distance between those two. To say that there is affordable housing is a joke, and that's not the kind of housing being built by the developers who come in for relief from environmental regulation.

It isn't the end of the world if development gets excluded or exempted or redeemed in some way. It's that the leadership in the assembly, on certain occasions, instead of standing on principle, tramples on it. I think that's what's really troublesome. That it bends the law, or rewrites the law, in an Orwellian way to accommodate people who make contributions. It's always done legally. But what is legal is not necessarily moral or ethical.

Lage: Does this fuel the kind of activity the Sierra Club is getting into with electoral politics?

Zierold: Yes, it did and does.

Lage: And yet, you don't seem, really, to feel comfortable with that kind of pressure.

Zierold: No. It's not easy for me because I am on very friendly terms with most of the people. They're friends. I've known them for a long time. Many of them are personable. What I think is necessary for the Sierra Club is to get tough. Maybe some people can't get tough. Not that I personally am incapable of getting tough or developing a program which takes a very hard stance and is openly and effectively critical of what it considers to be impropriety in the legislative process. I will never use the term "criminal wrongdoing," for obvious reasons, but I do think that there are many improprieties which suggest the unsuitability of people to hold office. Every effort should be made to remove them from office and put someone there who has a greater concern for the public interest and for the integrity of things like environmental regulation.



Zierold: To do so for me would become a breach of comity. I suppose it suggests the futility of developing friendships. And yet, the difficulty for a lobbyist is that most effective lobbying depends upon credibility and friendship. It is friendship that provides access. There are some people who buy access, of course, through generous contributions, but one should never underestimate the value of personal friendships.

It certainly has helped me with--being able to go to Washington, for example, when the Sierra Club may not have access to a congressman or to a senator, or the ability to influence that person. In most cases, if I've known them from here, we are friends or on very cordial terms, and it's easy for me to get to see them and often easy for me to persuade them that our position is a good one and worth supporting. I never ask them to do it on the basis of friendship. But because the friendship exists, it becomes easier to state a case successfully.

What has developed since the McCarthy leadership--and I know that this is a digression, but it's important to say it. What we had with Leo McCarthy and the coastal battle no longer exists in the legislature. While this is not to be meant as any personal attack on Willie Brown, nevertheless, it is a fact that we must face up to. To wit, Willie Brown or the Willie Brown leadership is contemptuous of the environmental movement in the political sense.

I don't know how they feel about environmentalists personally. Perhaps they don't feel much one way or the other. Some of us might make engaging conversationalists as dinner companions, at least those who recognize that what is stitched at Wilkes Bashford is stylish if nothing else. We can discuss how Disraeli got to be the Earl of Beaconsfield, or Michael Jackson's latest hit record, whatever it is that pleases people. But when it comes to evaluating us as a political movement or as a political force in California as distinct from Washington, we're not players because we don't have money. Therefore they don't have to worry about us.

#### Need for Campaign Reform and a Change in Lobbying Tactics

Zierold: When politics gets to that, it becomes necessary for us, in turn, to reappraise how we lobby. Because the cost of campaigns is getting greater and greater, we must determine how we can create a countervailing force to the effect of money on decision making. The effect of money on campaign outcomes is ultimately and logically and desirably an effect on the decision-making

Zierold: process. How will we fight that? Obviously, by opposing those legislators who are unsympathetic to us. Oftentimes the best way to oppose them is to point out why they're doing what they're doing. And that is, of course, the surrender of friendship.

Lage: To expose?

Zierold: Well, I won't use the term "expose." Simply to analyze, to go through the campaign contributions and to relate the campaign contributions to the votes that are cast and ask people to draw an inference if they wish. It's obvious what the inference is going to be. And to seek campaign reform. When one seeks reform, one certainly has to point out why the reform is necessary. And then putting that evidence together creates what are basically strong personal criticisms. One should feel comfortable about doing that.

Lage: That kind of approach would change your lobbying.

Zierold: I think so. I foresee the necessity for changing how we lobby. It's the obvious value of historical lesson, isn't it? A study of ourselves over time and a study of the legislature and what its trends have been give us a fairly cohesive, clear idea as to what we have to do in the future. To me, we have to fight. Because I plan to retire soon, I am somewhat relieved that the task of criticizing people with whom I have been close friends will fall to somebody else.

This is not something we are going to do tomorrow. Preparation for it takes time. But I think that in two or three years, we will put considerably more emphasis on election campaigns than we do now and than we do up here on certain issues. We cannot abandon the presence here, obviously, because the decisions are still made here. Adversary relationships can do only so much. So it's going to be a blend of those two. We don't have adversarial relationships at the present time. We do have endorsement of candidates in opposition to others. But opposition doesn't come around all that often. Basically, it's support of friends. But that will change.

Lage: You talked about campaign reform. Were you thinking of something like Common Cause supports?

Zierold: Common Cause has argued primarily for public funding. That is the goal of their campaign reform. They rework the programs and the proposals from time to time. What they last proposed, I feel, wasn't enough of a change from what we have now. It's my belief that it's necessary to go to something more resembling the British system, where the campaign period is much shorter and the amount of money that one can spend is much more limited.

Zierold: In other words, there should be a limitation on how much money can be spent in a campaign. It should be a very severe limit, so severe that the legislators would be driven back to the district to get the doorstep vote, as the British call it. Ring the bell and introduce yourself, say you're running for office. Walking precincts. A lot of legislators do it now. But more of that would be necessary. The more that a legislator would have to depend upon volunteer supporters in the district, the closer the legislator becomes to the constituents and the more responsive he will be. That's the ideal goal, it seems to me. How we get there, I'm not quite so sure. But I think it's possible.

Lage: Has this been discussed within the club?

Zierold: No, not really. We're just getting through the endorsement/opposition stage.

Lage: Which is almost playing at the game that industry and others play, but without all the resources.

Zierold: True. But it's a necessary beginning. We'll refine the tactics later. Get people committed to it first.

Lage: That was an interesting digression.

#### Jerry Brown's Support for the Coastal Bill in the Final Stages

Lage: The 1976 coastal bill passes the assembly. And then we have the senate.

Zierold: It went back to the senate. It wasn't exactly anti-climactic. But the bill was referred to the senate resources committee. It looked at it and sent it back to the floor with a recommendation that it be favorably considered. And that's where most of the hard work began. Ultimately, Jerry Brown became an active supporter of the bill. We only had eighteen votes for the bill, as I remember it. And we needed twenty-one. Brown met with organized labor and some others. He also brought down to his office a number of the senators who were holding out. When labor got some of its concessions, we wound up with twenty-five votes for the bill.

Lage: Were you in on any of these meetings?

Zierold: No, only the governor and those people who were the most effective opponents. Labor had been holding out against the bill for a long time. In fact, Jack Henning, who is the head of AFL-CIO, met with

Zierold: the governor. I talked to Henning on several occasions. But we didn't discuss his conversations with Brown. Brown was committed to do what he could for it. And it was very helpful.

Lage: What was Henning holding out for? Do you remember what kind of compromise? What kind of adjustments?

Zierold: In part, the LNG [liquified natural gas] provisions, the so-called hazardous development provisions, were things that he wanted to see reworked to some extent, so that they would not preclude construction of, say, an LNG facility or some other large installation that was marine-related and would have to be built in the coastal zone or not at all. The changes made were regarding siting such hazardous facilities in remote areas. That was, I think, most of what he was looking for.

You would have to remember that in 1977 Jerry Brown called a meeting in Los Angeles--to which I was invited; and Jack Henning, and the vice-presidents and presidents of PG&E, Edison and Southern California Gas--to pave the way for building an LNG facility at Point Conception. We didn't agree with that. We have fought it, and we have defeated it, finally, after about five years. The LNG thing was what he really wanted more than anything else, and he got that provision. I don't think there was really any other major concern. I can't think of one. I believe that's what it was more than anything else.

Lage: So Brown was useful at that stage. Had he been helpful at all earlier? Did you wish he had been more help?

Zierold: No, he hadn't done much at all in the beginning. The way it worked out it was all right, although at the time I think we really felt that he should have exerted more influence when the bill was in the Senate Finance Committee. I'm not so sure, though, that Roberti would have voted for it in any event. Roberti never did vote for the bill at any hearing. I am almost sure of that.

Lage: Yes, I think I found that in the notes also.

#### Working with Club Volunteers on the Coastal Issue

Lage: You were in on drafting the legislation and making the final changes, accommodations or refinements. Did you have complete independence of action as far as the Sierra Club was concerned or were there groups that you had to check with on these accommodations?

Zierold: We had a task force working on it, but for practical purposes I knew what our guidelines were. I didn't have to check too much, no. I tried to keep our people informed.

Lage: That wasn't an issue that came up--how much you could agree to accommodate--?

Zierold: No, at that time I think they realized that many of the things that they wished for weren't possible, but we still would have a very good bill.

Lage: In general, has that been a problem? Are the people who head up these task forces and legislative committees pretty savvy about the legislature?

Zierold: No. They're not particularly savvy about the legislature, and it's not reasonable to expect them to be because they are not exposed to it. They're good to work with. I really would have to say that I am, for the most part, very happy with the relationship. I suppose I would also have to be honest in saying that I have not been accustomed to having to check the things I do with people who are not on really close terms with how the legislature works. But that's the nature of the Sierra Club, and it's a strength.

Some task force people--because they are newcomers or because they really aren't aware of how the legislature works--hold unrealistic positions about what can go in a bill. Because they're disenchanted with the people who are in the legislature, they tend to let this on occasion interfere with the decisions that are necessary for task force people to make. They have to come to some decision. They have to decide, perhaps, between two equally unpleasant alternatives. For the most part they do it, and usually with fairly good grace.

I don't really have a problem with it. Personally, I have to say that sometimes I'm impatient because I know something to be a fact of life that we're unable to change, a political reality that we must accept, however grudgingly. To have to explain that to people gets a little old. But it's a minor problem. I really have gotten used to it. I have enough of an ego, I suppose, that I really feel that I shouldn't have to explain in detail why it's necessary to make a certain decision, or to accept a certain change in a bill in order to get it passed.

The truth is oftentimes unwelcome. It's very difficult for people to accept the fact that on, say, a container deposit bill, a ban-the-can bill, the votes aren't there and you might just as well forget it. You aren't going to be able to get certain things. It isn't that those things are not right and that if there were any justice in the world, such a bill would be passed and signed into law.

- Lage: Some may be feeling that if only you worked a little harder on it, it could pass.
- Zierold: Or one's good faith is sometimes called into question: "What kind of environmentalist would agree to this sort of compromise?" That's the hard part. I think the task force has been pretty good about it. I think now they realize that we got a lot more in the coastal act than many people ever thought we could get. The detached, objective, political observers, I think, were impressed by what we got. And most of our people feel we didn't get nearly enough, those who were the true believers. But it's not that much of a problem.
- Lage: In our first discussion you told me you wanted to mention some of the volunteers you had worked with.
- Zierold: On coastal, to begin with that, Dick Ball, particularly. Dr. Richard Ball, a physicist with the Rand Corporation who later went to EPA. Lowell Smith, also a physicist from the San Francisco peninsula area, and Dwight Steele. Very good.
- Lage: You've worked with him on a number of issues.
- Zierold: On BCDC, Tahoe, coastal. George Wagner from Los Angeles. Obviously, of course, the Coastal Alliance people like Janet Adams.
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- Lage: Janet Adams. Her name doesn't come up at all in this 1976 campaign.
- Zierold: No, she didn't work on it, not very much, anyway. That was our own task force. Celia von der Muhl--but actually she was on the staff. She was paid to work with the coastal commission, so Celia couldn't be considered a volunteer, although she did a lot of work as a volunteer prior to that. She was a coastal coordinator for the club after passage of Proposition 20.
- Lage: And Joe Edmiston comes up.
- Zierold: He was also a coastal coordinator for southern California. I don't think we can call them club leaders in the sense that the volunteers contribute their time to it. I don't think there were very many others.
- Lage: Do you remember who was head of the task force?
- Zierold: No. I don't recall who was. I don't have a list of them. I just don't think there were all that many. It was not a task-force operation at that point, in 1976.

Zierold: Murray Rosenthal was another, of course, from southern California. And Bob Mark.

Lage: What would their roles have been?

Zierold: Murray was chairman of the California Legislative Committee, which makes policy based on positions taken by the regional conservation committees, and in theory watchdogs this operation for the club's volunteer structure. Murray is an excellent supporter, hard worker. He got chapter action programs going in southern California to put pressure on various members of the legislature with letter-writing campaigns, meetings in the district with members when they came home, forming coalitions to push for passage, and to pressure Brown to exert his influence more than he had.

Lage: So that's the way the two elements worked together. You can call on them to generate some grassroots pressure.

Zierold: Yes.

Lage: Is that basically what the volunteers are for, would you say?

Zierold: No, not necessarily. They're not a conscript army in any sense. It's just that there's a commitment. The reason that people will become involved in chapter action programs is because of the way the club's policies are made. It is from the volunteers that the priorities come. They choose the issues that they want the office to work on and the priority given to various issues. Because that does happen and we don't pay lip service to it only, but we actually do what they want done--not perhaps 100 percent to their satisfaction, but I think this office more than most club offices run by staff is a place that tries to respond wherever possible to precisely what it is they want--they in turn respond here. We can organize and marshal forces in the districts to get letter-writing campaigns going; to meet personally with the senators or assemblymen; to meet with other organizations and to get them interested in the issues; not just to say that they're interested in it and they agree with us, but getting them to do some work.

Lage: Is that something that's developed over time since you have been here?

Zierold: Yes. It has. It doesn't come with a phone call, of course. It comes with getting information out to them and keeping them au courant on what happens here so they don't just talk about it in vague, imprecise terms but can deal with specific legislation--what it does, why it's good or why it's bad, how it can be made the opposite of what it is, if that's what we want. And with people like Murray Rosenthal and Bob Mark, there is a club

Zierold: leadership at work. They are highly respected for what they've done over the years. And they give unstintingly to these programs.

Steve Boyle in Santa Barbara was one who worked tirelessly on this. Dan Sullivan is another club leader. I have almost boundless admiration for Dan Sullivan. He is truly intelligent, and one of the club leaders who I believe is respected by just about everyone. Never heard a harsh word said of him.

Lage: Where is he from?

Zierold: He had been vice president for Northern California, NCRCC [Northern California Regional Conservation Committee] chair for some time. He was chairman of the California Legislative Committee for a number of years. He's an attorney who works for Bancroft-Whitney in San Francisco. It's a legal publishing company. I don't know exactly what he does, but I'm sure if he does it half as well as he does Sierra Club work, it would be a first-class job.

He picked up on the legislative process very quickly, not just because he was an attorney, but because he has superb instincts and excellent ability to be a bridge between us and the volunteers. He is so believable. People almost instantaneously would repose trust in him. Quite an exceptional person, but very quiet. I often felt that he would have been a fine diplomat. He went to Princeton. I don't know where he went to law school. I often asked him if he studied at the Woodrow Wilson School for International Public Affairs because he seemed so skilled. As a matter of fact, I believe he did study there.



## V THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Passage of the Initial Legislation, 1970

Lage: Let's turn our attention now to CEQA [California Environmental Quality Act] which passed in 1970.

Zierold: Jack Knox was the author of the bill.

Lage: I didn't find too much information about how that came about or what role the club might have had.

Zierold: The club had a very important role in that, as it has in almost any major environmental bill. What was the number? AB 2045. There was never any doubt in our mind that the California Environmental Quality Act paralleled the national Environmental Protection Act. The assembly, under Bob Monagan's leadership, had set up a Select Committee on the Environment, which shows you how things have changed. Bob Monagan is a moderate to conservative Republican. Sort of halfway between those two arcs in the spectrum. Most Republicans prior to 1970 had been indifferent, not hostile necessarily, but more or less indifferent to environmental issues. And in 1970 there was an abrupt change.

George Milias, a liberal Republican from Gilroy, was chairman of the Assembly Natural Resources Committee, always had been a good vote on it, stayed that way, very much concerned over wildlife matters, good on land-use planning and on coastal issues. He was chairman of the select committee. This was, under Monagan's leadership, a plan to put some environmental regulations on the books in a way consistent with what the federal government had done. We were really the first state to do this. We even had an environmental bill of rights, carried by George Milias, which did not pass but came very close.

Zierold: At any rate, the California Environmental Quality Act came out of the select committee, passed the policy committee--Jack Knox was author--sailed out of the assembly and went through the senate without too much difficulty. It was only after the State Supreme Court decision on Mammoth that troubles began with it.

Lage: When it passed, did you see it as a major piece of legislation that would change--?

Zierold: Yes, unreservedly so.

Lage: The legislature apparently didn't look that closely at it.

Zierold: No.

Friends of Mammoth and Modifications to CEQA

Lage: Did you always feel CEQA applied to private projects?

Zierold: No question about it. Then the Friends of Mammoth decision [September 1972]. That suit was brought originally by Andrea Mead Lawrence, a skier who had been on the U.S. Olympic team and lived in Mammoth. She objected to a housing development over there and brought suit under the Environmental Quality Act and won. The case went all the way to the supreme court. In the deliberations and in the decision, there is something called "footnote 8," which spells out the requirements that there be feasible alternatives and mitigation measures studied and adopted by the permitting authority.

What happened then was that the financial institutions and the general contractors and the real estate people and anybody engaged commercially in putting two sticks of wood together descended on the legislature in a panic. That resulted in another bill to clear up the situation. We had long and rancorous discussions. By that time Bob Moretti was speaker. About two years later.

Lage: Seventy-two.

Zierold: Seventy-two. But for the first two years things were moving along without too much difficulty.

Lage: Well, not too much was done in those two years.

Zierold: No, not too much was done. It wasn't until the Mammoth decision.

Lage: The Reagan administration had begun to set up some guidelines, which I guess nobody liked very well.

Zierold: The guidelines were put together by the secretary for resources, who was given responsibility to do that. Those guidelines would include categorical exemptions. A suit was brought on a couple of them. Categorical exemptions six and seven dealt with exempting pesticides. That was what the Reagan administration wanted at the insistence of the Department of Food and Agriculture, but that was challenged in the courts and struck down. So they were not exempted.

Lage: So the Friends of Mammoth decision dealt with the fact that CEQA applied to private projects as well as public?

Zierold: That's right.

Lage: Now what about these questions of mitigation measures?

Zierold: In the supreme court decision, finding for Friends of Mammoth, they prepared footnotes. And footnote 8 is the one that is key. It states that it is necessary to study feasible alternatives to any project and also that feasible mitigation measures be adopted.

Lage: But this wasn't in the legislation?

Zierold: Yes, it's in the legislation, obviously. The argument had been made in the senate after this decision that the members of the Governmental Organization Committee thought it only applied to public works and not to private projects. I guess it's because they didn't read the bill very carefully.

Lage: What about Evelle Younger? His environmental unit?

Zierold: Well, at that time, Younger, of course, was attorney general. He had an environmental unit headed by Nick Yost and including Louise Renne, and Clem Chute, and I believe, Jan Stevens. Alexander Henson also served on it.

Lage: Now, who are all these people?

Zierold: They were brilliant young attorneys dedicated to environmental ideals. And they were very, very effective.

Lage: And what about Younger himself?

Zierold: Younger was committed to the California Environmental Quality Act. And he stood by that in the face of very severe criticism from commercial interests and poobahs in the Republican party. But he wouldn't back down.

Lage: He obviously agreed with the way the environmentalists had read the act?

Zierold: The CEQA enjoyed the protection of the attorney general's office. That made a difference with the legislature too. First of all, the legislature was under the leadership of Leo McCarthy in the assembly and Mills in the senate. In the latter part of 1970, it had been Howard Way, Jack Schrade, and then Jim Mills. In the assembly it was Bob Moretti at first, and then Leo McCarthy.

With Moretti, there was a willingness to try to modify CEQA, to remove uncertainty on the part of lenders. That too, I suppose, looking back at it, is not altogether unreasonable because if you haven't got investor confidence, there isn't financial backing for worthy projects that are beneficial to the economy. This was not a matter of the robber barons or the polluters wanting to be protected. Most investors were unsure of the time delays. And there could be substantial time delays, sometimes two years before a project could be approved. For investors to put money into a project and then have to wait two years, with no certainty as to whether or not the project was going to go forward, was more than they were willing to accept as risk. When they did their risk analysis on the investment and study of return on investment, and all the other decisions that investors have to make, they saw the picture being very clouded and wanted it cleared up.

[interruption]

Lage: We were talking about the various efforts to streamline CEQA.

Zierold: They wanted a moratorium on CEQA until these questions could be answered or until such time as the bill could be rewritten to provide investor confidence.

Lage: So this is the immediate response to the Friends decision, a moratorium.

Zierold: A moratorium was wanted. What we did was to give up on a moratorium idea, protect existing lawsuits, and go through with some minor curative measures on AB 889 (Knox).

Lage: AB 889 was not a moratorium, not a rollback of any kind?

Zierold: Right.

Lage: And then what attempts came after that to alter the CEQA?

Zierold: They tried to exempt all private developments from that point on. Those efforts failed. There were also attempts to create some changes in the law on vested rights. That failed. We were at that

Zierold: point in time able to protect CEQA because the investors learned that they could live with it. The lending institutions realized that while it took more time because more things were considered by the permitting authority, nevertheless there was a degree of certainty that they thought had not existed, but which did.

Defusing CEQA's Opposition Following the Dow Chemical Controversy

Lage: Did you want to comment on McCarthy's role in the later effort?

Zierold: Following that, some few years later, there were additional pressures on CEQA that came as a result of the Dow issue in the North Bay.

Lage: I think that was '76.

Zierold: That was '76. The public relations efforts that Dow and others put together was very effective. They were able to persuade a lot of newspaper editorial writers and many people in the legislature that CEQA was a kind of berserk proceduralism, that it was outrageous as a burden on Dow and other companies, and that it was destroying economic growth in the state. No businesses would ever settle in California. No industries would come here because the California Environmental Quality Act made it impossible for them to do practically anything. That, regrettably, taken together with the changing character of the legislature, meant that now we had much more of a threat to CEQA than the people brought in 1972 and which led to AB 889.

Leo McCarthy, who was as concerned about it as we were, set up a meeting in his office with me, Larry Moss and Tom Willoughby, chief consultant to the assembly committee and the one staffer in whom Leo McCarthy had the utmost confidence. We devised a plan to defuse the opposition to CEQA. The first decision that had to be made was to provide more certainty in a shorter time frame for the permit process than was in the original bill. That was basically it. There were other changes made as well, but that was the one which dealt effectively with the charges being made by the Dow PR campaign. But Dow still hangs on.

Lage: You mean the influence?

Zierold: Yes. The whole Dow issue is something which ought to be the subject of an interview session, or at least part of a session. I think it should be dealt with separately.

Lage: The Dow issue itself and then its ramifications?

- Zierold: Yes. Because it was the campaign waged by Dow against CEQA that led to Leo McCarthy making changes in the act that, as I say, shortened the time frame, gave them better certainty, made some other procedural changes which did away with duplicated comment-- the problem of agencies making comment on a matter which was basically outside their jurisdiction and frequently outside their competence.
- Lage: Did the environmental reviews just have to be written, or did they really have to be incorporated into the decision-making on the project?
- Zierold: Oh, they had to be dealt with. Under the EIR [Environmental Impact Report] procedure, one files a notice stating that a project is being submitted for approval. And then there is a scoping session where the applicant meets the lead agency, as it's called, which is that agency in government which has the authority to grant the permit.

They require that meetings be held by the firm conducting the EIR and what are called responsible agencies. These are agencies which don't grant the permit but which would have a jurisdictional interest in some of the issues that arise as a result of the proposed project. They, then, over a forty-five day period discuss what ought to be in the EIR and make comments on the project.

Then the EIR is produced in draft form. It's submitted to the lead agency and distributed to all responsible agencies, given to the Office of Planning and Research, and made available to the public for examination. Then those comments that are submitted in writing by the responsible agencies are dealt with in one way or another, either incorporated directly into the final EIR or discussed and perhaps not adopted if recommendations are made.

That, in a very general way, is how an EIR process works. Then the lead agency makes a decision as to whether or not it will grant the permit. Following that decision there is a thirty-day period during which time the public can review the decision. And a legal challenge can be brought if people don't like the decision made by the lead agency.

That used to take two years or more. A long time to wait, obviously. So charges of obstructionism always arose, charges that this was far too long and too costly. So much money during a period of inflation was required just to keep the project alive. The interest rates on the money were such that the project became infeasible in some instances, or so they argued. Also it depends upon how they borrowed the money, too. How the draw down of a loan was scheduled. It's very complicated business, obviously.

Zierold: So it was felt by Leo, quite rightly, that the best way to deal with this was to defuse it and make some concessions, all of which turned out to be sensible ones, and preserve CEQA, which, again, we did.

Lage: Overall, has CEQA brought a real change, do you think?

Zierold: I think so.

Lage: Not just paperwork to satisfy the law?

Zierold: No, it's more than just paperwork. Certainly, air quality is the best case in point. How else could we do it other than to require monitoring of air quality over a year's period of time for major projects like power plants or refineries, determining what the best available control technology is and requiring it, making an analysis of what pollutants are emitted by certain industrial installations--NOX [nitric oxide], and SO<sub>2</sub> [sulfur dioxide], and particulates and carbon monoxide, ozone. It is necessary.

#### The Timber Industry and CEQA

Zierold: Another interesting part of the fight on CEQA was in 1975 right after Brown took office, when Judge Broadus in Humboldt County ruled on a lawsuit that CEQA applied to timber harvesting.

The timber industry went looney over that. They held demonstrations here in Sacramento in January and in February. They brought down logging trucks that rumbled around the capitol. And they blew their horns and intimidated people in the Brown administration who were new to Sacramento. Claire Dedrick, for example, was secretary for resources. And while Claire isn't the sort of person who's intimidated, it was nevertheless somewhat unsettling to be hanged in effigy, as I believe she was or Brown was, and to be constantly pressured on this. They were a rowdy bunch.

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Zierold: No EIR had ever been required of the timber harvest operation. None ever had. None ever have.

Lage: How did they get to court?

Zierold: I guess a lawsuit was brought against some timber harvesting plan by a person who didn't want to see it approved.

Lage: I see, who requested the EIR.

Zierold: Because he or she probably was a landowner adjacent to that particular area where the cutting was to take place. Or maybe he was a little bit downstream of it and was fearful of a lot of sediment getting dumped into the stream, or for some other reason. Who knows why? At any rate, it was a CEQA lawsuit. I suppose this person filed an action for injunctive relief, maybe a temporary restraining order. And Broadus, as I recall, ruled that yes, they were subject to EIRs. Then the timber industry felt that it was necessary to abolish CEQA because to prepare EIRs for cutting plans would be a heavy burden financially. I think that most people agreed with that.

Lage: They already had to do something of the sort, which we're going to talk about soon, to meet the Forest Practice Act.

Zierold: True, a timber harvesting plan. What happened was the writing and the passage of SB 727 by Senator Nejedly that created a functional equivalent. The functional equivalent of an EIR for forest practices was an addendum to the timber harvesting plan, an expansion of the information ordinarily contained there, prepared in such a way that it could be submitted to the Department of Fish and Game and other departments in the Resources Agency for review and comment and for suggested conditions that might be attached to the permit by the State Forester, who had the approval authority. That's ultimately the way it came out. It was a bit of a difficult lobbying job. We worked at it quite extensively.

Lage: This was something you were supporting?

Zierold: We were in support of that. We thought it a reasonable solution. There were some people who wanted to require programmatic EIRs for the five-to-ten year cutting periods. That suggestion had been made by Mike McCloskey as part of a model forestry act that he had drafted and was circulating for comment. It wasn't something that he had fully completed at the time, but it was Mike's belief, and I think a correct one, that the real problem lay with the large timber companies and what they wanted to do over extended periods of time. The five- and ten-year cutting plans should be subjected to a more rigorous examination than we'd ever had before. It was argued that we should have EIRs on those and then perhaps have some other approval process for the small operations.

It didn't work out that way. What did work out was the so-called functional equivalent, which was an expansion of the THP [timber harvest plan].

Lage: And that was supported by the Brown administration, as I recall.

Zierold: Finally.

Lage: That took some work too?



Zierold: Yes. Actually, Jerry Brown claims credit for the idea of the functional equivalent. But SB 727 really wasn't supported effectively until it had moved some distance out of the senate. Then it was supported by the Brown administration. You'll maybe get a somewhat different story from the Brown administration if you were ever to ask them, which I don't suppose you will. But I don't think it's an especially important point. The point is that most of the lobbying was done by Larry Moss and by me.

In '75 Larry was the deputy secretary of resources. Larry worked on that. The McCarthy CEQA refinements came after Dow.

Lage: So we will talk more about Dow another time.

Zierold: Because I think that, while it obviously is part of CEQA, I think there is a follow-on feature of Dow, which is to say a kind of turning point in Sacramento. I think the mood changed somewhat as a result of Dow. While it was a CEQA issue, it spilled over into what passed for the environmental consciousness of the legislature.

Lage: When we talk about the environmental mood in Sacramento, at some point we should connect that with the mood in general in the state.

Zierold: That's a good idea.

Lage: Is it reflective of the state?

Zierold: No, it's not. Not now. It was in the early seventies when perhaps the reflection here was a reflection of the environmental movement and not the public at large. There has been an odd reversal. What we were able to do in 1970 through '72 and perhaps on into 1976, to some degree exceeded the real mood. It was like a funhouse mirror in which the image appears larger than the self. Now it's the reverse. They look through the wrong end of the telescope, so to speak. What the legislature reflects is far, far less than what the general public feels.

Lage: Is this based on opinion polls, not just a general feeling that the club has?

Zierold: Both. Both attitude surveys, opinion polls, and what I know to be the case.

## VI FOREST PRACTICES LEGISLATION

[Interview 3: 17 February 1984]##

Resources Committee Effort to Set Timber Standards

Lage: We were going to start out today talking about forest practices, beginning with the efforts in the mid-sixties. Those were all fostered by Z'berg. Is that correct?

Zierold: That's right. Ed Z'berg at that time was chairman of the Assembly Committee on Natural Resources, Planning, and Public Works. And Charles Warren was a member, very recently elected to the legislature from Los Angeles. He was chairman of the Subcommittee on Forest Practices.

The environmental community in California had been disturbed for a long time over the way in which timber companies were cutting and running, so to speak. There were no requirements for reforestation. There were no limitations on the kind of yarding that the timber companies could do with tractors. No rules in place to prevent the use of what are called Humboldt bridges, the felling of trees across streams, blocking the streams and using those bridges to move equipment and not cleaning out those obstructions after the timber harvesting had been completed.

There were the usual problems with cutting on steep slopes and the problems of erosion that are associated with that. The run-off and the streams carrying sediment and the different kinds of erosion. For example, when you use a lot of heavy equipment, you get great impaction of the soil. This creates erosion problems. The rain, for example, can't really seep down through into the ground, can't percolate into the ground. As a result, the erosion factor would increase by fifteen to twenty over what it normally would be.

Zierold: All of these things were problems for which there was an obvious solution, the enactment of a new set of forest practices rules through legislation.

Lage: Was this something other states had? Was California behind?

Zierold: No, I don't think California was behind. California was attempting to regulate the timber industry more satisfactorily than had been the case for decades. No other states, so far as I know, had even attempted that in the way that the Z'berg committee set out to do it.

The federal government in the late 1960s was considering something called the Metcalf bill. Lee Metcalf, the senator from Montana, was going to approach forest practices through the following method: the states would be given a specific period of time in which to enact legislation that would meet minimum requirements as determined by the Congress. If within that period of time, they failed to enact forest practices laws that met these requirements, then the federal government would step in, under its power to preempt. The Metcalf bill never really did make it, but it gave some impetus to California, I think.

Lage: What was Z'berg's interest?

Zierold: Z'berg's interest was one of an environmentalist with a broad range of concern over environmental protection. His interests weren't limited just to forest practices. They also dealt with the creation of parks in the north coast area, the redwood park system that ultimately became part of the national program and also, of course, involved state acquisitions. The problems of air and water quality, creation of the EPA for California. He was also interested in energy, solid waste management. Truly a person with the broadest possible canvas of legislative concern.

He couldn't do it all by himself, naturally. But he was a good organizer. And he was not afraid to give power and recognition to keep people on his committee. The subcommittee that he set up in this case, for forest practices, involved Charles Warren, who also, obviously, was a very good conservationist, who as you know became chairman of the Council on Environmental Quality in Jimmy Carter's administration in Washington.

But at that time, which was in the early 1960s, we also had a change in administration. Pat Brown, of course, lost the 1966 election to Ronald Reagan. As a result, there was decreased opportunity to bring pressure on the legislature to pass the kind of legislation the Z'berg committee was proposing. There were, I believe, nine separate measures put together by Charles Warren's subcommittee which passed the assembly, got to the senate, and

Zierold: were all defeated in the Government Organization Committee. At that time it was called Governmental Efficiency [and Economy Committee]. It was the place where most environmental legislation disliked by the business community would be sent for policy hearing and ultimate execution.

Norman Livermore, Reagan's secretary for resources, who had been the director of the Sierra Club at one time and himself an environmentalist of national reputation, was supportive of these measures put forth by Warren's subcommittee.

Lage: And he was a lumberman.

Zierold: Yes, he had been treasurer of the Pacific Lumber Company. As a matter of fact, during summers he used to work with horses when they used those animals for logging in the Tahoe National Forest and elsewhere. As an executive in government and as an executive in the timber industry, he sort of met the requirements that used to be said of a cavalry general. You can't be a general in the cavalry until you first know how to saddle your own horse. Ike Livermore met that requirement both as a timberman and as an environmentalist.

He was very supportive and also, like us, bitterly disappointed and frustrated by what happened in the senate, because the bills that were being proposed were very reasonable, some ludicrously reasonable. I told you earlier, I believe, about the one bill which would have required that all the district advisory committees be required to meet at least once a year. Not a particularly burdensome thing for an advisory committee. But that bill was sent to interim study by the Governmental Efficiency Committee in the senate.

Interim study is a means by which bills can be killed with less visible bloodshed than simply voting it down. It creates the illusion that the committee is interested in the issue, feels that perhaps it doesn't have enough information at hand and so therefore further study is required. It is sometimes a heat shield. It is sometimes a polite way of simply killing a bill without too much public outcry over what the committee has done.

It wasn't until a good deal later, in the early 1970s, that we got the kind of legislation that this early work was intended to create.

Lage: Can you say something about what the power of the timber industry was?

Zierold: Yes, unlimited. Exactly that. It had no difficulty in killing this legislation because the senate at that time was much more sympathetic to private business than it is now. They somehow got

Zierold: the idea that these were sacred prerogatives, that the timber industry could do anything it wanted. There was no justification for interfering, no justification for any watchdog function on the part of the legislature, or heaven forbid, the public. It was a public-be-damned attitude.

The timber industry could cut and run and leave the people in that area to contend with the scrub growth and the dirty rivers, and it didn't matter. The government had no duty to perform in the view of people like Randolph Collier, a senator from the north coast, who was one of the more effective protectors of the Forest Protective Association. The Forest Protective Association, of course, is one of those marvelous euphemisms that one occasionally encounters in government. It is an association of timber operators, timber landowners, and of course, the large companies. They were protecting themselves, not the forests, not the public values, such as water, soil.

Lage: By mid-1973, or by '73, the timber industry's power seemed to have eroded a bit.

Zierold: It wasn't so much that the power eroded as it was the determination that the Forest Practices Act in California was unconstitutional. This came about through the Bayside Timber suit, in which a timber harvesting plan was challenged--in Santa Cruz County, if I remember--and the superior court ruled against the plaintiffs, a group of environmentalists. That case went up on appeal. And the California Supreme Court found that the act was unconstitutional because the timber industry was regulating itself. The finding was that any company which has a commercial interest in a particular activity cannot regulate itself.

#### Developing 1973 Forest Practices Legislation

Zierold: Let me go back to the original Z'berg package. We were asking, through that legislation, for one member from the general public on a district advisory committee and one member on the State Board of Forestry. We had been reduced to that simple a petition to the senate, as it were. With the supreme court decision, we had the opportunity then to write a new forest practices act.

Lage: That set the scene.

Zierold: That set the scene. To do it right, we felt that we should go and observe timber harvesting in those places where good law existed. It seemed that the very best forest practices law existed in Norway.

Lage: When you say we, who was involved?

Zierold: We, meaning the environmentalists and those legislators who were concerned about getting the best possible bill, because here was a window of opportunity that we never would have again. We, that is to say, the Sierra Club and Ed Z'berg and others, decided that our approach should be to bring the best expertise we had available into the drafting of this new forest practices act. Jack Ayer, who was a professor of law at the University of California at Davis; Ike Livermore, secretary for resources; Jan Stevens, assistant attorney general, and I went to Norway under a grant from the Trustees for Conservation, otherwise known as the Conservation Law Society. I don't know which came first, or whether they have only one title. To me they're known either as the Conservation Law Society or Trustees for Conservation. They provided the grant. Gordon Robinson, the Sierra Club's staff forester at that time, went with us.

Ed Z'berg and John Nejedly were also invited to go and had planned to leave, but the schedule was such that they had to be here to take the oath of office in the first week in January. And the Norwegian government, which hosted us, had for several different reasons to change the timing.

We were there about ten days, I guess, altogether. We visited the Silvifuturum, which is a research center on silviculture run by the Norwegian government. We met with all of the officials in what we might call the resources agency for Norway. The national forester took us on a tour of a number of timber harvesting programs where it was demonstrated that good equipment, properly designed, would allow yarding with minimum adverse impact on the environment.

And we were given briefings on Norwegian law, the yield tax among them, which is an economic incentive for people not to cut too early, before natural growth rotations took place, the limitations on the ability to sell the land for purposes other than timber growing, the water protection measures. It was a very, very enlightening visit. Following the visit, we came back and put the team to work drafting legislation based on the Norway experience.

Lage: Did you consider taking someone from the timber industry?

Zierold: No.

Lage: Why?

Zierold: Because it would have served no purpose. They weren't interested in regulations.

Lage: They wouldn't be interested in the techniques developed elsewhere that could be applied here?

Zierold: I think they probably were aware of those harvesting practices, and they certainly knew of the equipment that had been designed there. Articulated tractors, for example, that looked almost like worms. They had so many joints they could move in and around shrubs and growing trees, rather than riding roughshod over them the way the larger cats do.

It's also important, though, to understand that the timber harvesting in Norway is more analogous to the harvesting of lodgepole pine in California than it is, say, to Douglas fir or to redwood. They are different kinds of harvesting practices because the species are different. The concern over long-term stewardship, trusteeship, if you will, is something that applies to both. And that basically was what we wrote into the new act.

Lage: Now, who went to work on drafting the new act?

Zierold: Jack Ayer, Henry Vaux, and Ed Z'berg's staff, and myself.

Lage: So there was a lot of input there?

Zierold: Yes. And from people who were competent in both the legal and the silvicultural aspects of forest practices law.

Lage: What about Gordon Robinson? What role did he have in all this?

Zierold: Well, Gordon Robinson, of course, was the club's staff forester and his concern has always been the means by which we can ensure sustained yield as the cardinal principle of forest practices law. Gordon wanted to go and see for himself something that was of interest to him. I think he probably also felt that since I was not a forester, as he was, that perhaps it would be better to have someone with that professional competence on the trip. And I certainly didn't object to that. I was happy to have him.

Lage: Did he feed into the drafting?

Zierold: No. He reviewed many of the materials that I would send down to him. He wasn't here on the scene, helping put the bill together, but he would critique the drafts as they came out. He was the person on whom I relied for professional judgement when we were trying to work with Nejedly and Z'berg and their competing measures.

Lage: Give us a little background on that.

Zierold: Well, it was very much like trying to work with two scorpions in a bottle. It's a situation I've never relished. I found myself in it on several occasions. This one was particularly difficult because John Nejedly was chairman of the Senate Natural Resources Committee, where the legislation had to go. He had his own ideas. And they were good. His bills were good bills for the most part. He had a view slightly different from Ed Z'berg's. But in our view his wasn't as good a bill, though it was something we would have been delighted to get in the mid-1960s.

Also there was the obvious political problem that maybe is best described by the advice that mother always gave to me. "When you go to a dance with a girl, you also take her home." In other words, stay with Z'berg because he was the one we had been with for years. He would have felt abandoned. It would have been to him a breach of comity for me to support other bills, even though they were fairly close.

It was one of those situations in which both legislators had egos larger than normal. Both were overprovided with a sense of ego satisfaction and underprovided with any feelings of compassion for someone like myself who had to work with both of them. They both made demands. They both were outraged by any failure to-- maybe outraged isn't the right word--but certainly were intensely irritated over any failure to accede to these demands. We decided that we were going to stay with the Z'berg bill because it was the better bill and because we owed a debt of honor to stay with him.

Lage: Was it in '72 that this occurred, or did it go on into '73?

Zierold: Seventy-three, actually. December of '72 and January of '73 was when we took the trip to Norway. It was in '73 that this happened.

Lage: I thought that in '72 you had legislation, and it failed. And that it finally passed in '73.

Zierold: AB 227 was the final version of the bill. It was called the Nejedly-Z'berg, the Z'berg-Nejedly Act. It has to be the Z'berg-Nejedly Act because it's an assembly bill. And therefore the assembly author automatically comes first.

Lage: How did that feud get resolved, then?

Zierold: Well, it really didn't get resolved. As far as I'm concerned the feud never got resolved because I think Nejedly felt that we had not treated him fairly. He felt that there was no reason why we couldn't have supported his bill and thereby let the two authors be competitive. What probably would have happened is that Ronald Reagan would have signed the Nejedly bill and not the Z'berg bill--had both gone to the governor--which is what Nejedly was



Zierold: attempting to do. He said, "Let them both go downstairs and the governor can choose." That was not satisfactory to us even though, in retrospect, I suppose the Nejedly bill might have been all right.

Some of the problems centered around the reforestation requirements. Those problems were resolved. How many seedlings per acre are required of a timber company and timber harvesting plans? Or how many trees have to be left on site? The so-called leave trees, or regeneration trees. Those were things really best decided by professional foresters; that is an example of the kind of advice I sought from Gordon Robinson.

We never could get sustained yield written into the legislation in a way that would have pleased Gordon or would have satisfied all the wishes that he had for it. Although it was much better, obviously, than any other state in the country and, to my knowledge, still is.

Lage: Was the effort made, then, to write the forest practices requirements into the law, not leave them up to the Board of Forestry?

Zierold: Not altogether. But we really tried to levy certain requirements on the Board of Forestry. Obviously, that's the other shoe. We think it has yet to drop. The Board of Forestry, even in Jerry Brown's administration, with the best possible membership that we could get, politically, wasn't perfect. But Brown did try to balance those appointments as best he could. And I think he did a credible job of it.

#### Legal Action versus Legislative Action

Zierold: Nevertheless, we did not get a body of rules on forest practices that was commensurate with the act itself. There was a time when the Sierra Club contemplated suing the Resources Agency for abrogation of the rules and starting over because it was felt that the rules that had been adopted by the board were inconsistent with the act.

Lage: Was this during the Reagan era, or later?

Zierold: This was during the Brown administration. But I felt then that this was an unwise course because what we would get in later years would not be as good. I was fearful that we might see some move in the legislature to amend the Forest Practices Act. And the idea was abandoned. Joe Brecher, an attorney in the Bay Area, had been working on the issue. There was no denying that Brecher was

Zierold: right, that these rules were not as good as they should be. Nevertheless, I think bringing suit carried with it an unacceptable risk of seeing some legislative change made to the Forest Practices Act that we would regret. And so we resolved to continue working with the board as best we could.

Lage: Brock Evans [Sierra Club lobbyist in Washington, D.C.] brought up something like this in his interview\*--how the legal program and the legislative program work together, or don't work together. He complained--and it was on a forestry issue also, having to do with the clearcutting decision on the Monongahela Forest--that that decision created many problems for him in Washington that he wasn't able to deal with or ready to deal with. And he felt that the legal program actually set back the whole issue.

Zierold: You mean the Sierra Club's judicial intervention on the issue?

Lage: I don't believe it was the Sierra Club that intervened. Whatever environmental group brought that suit created more problems because they didn't consult with the legislative program.

Zierold: Yes. This was an example similar to that. It was not the best remedy because recognizing a deficiency in the rules and bringing a lawsuit to correct it might not correct it at all. There was no questioning the fact that the deficiency existed. But to bring a legal challenge which would result in the legislature, in a sense, sanctifying the deficiency, is not in my opinion a victory. Given the nature of the legislature and the Congress, this kind of thing does happen.

We're better off attempting to work within the existing structure and not subjecting it to the risk of modification, even though we are not going to win every time. On balance, it's wiser to maintain the system as it is, if there is no way in which we can control the reaction of the legislature. Control, again, is the wrong word--if there is no way that we can persuade the legislature to leave it as it is because of the long-term necessity for having a good and tight set of rules even though there are some deficiencies in them.

Lage: Is there some mechanism for the legal program to consult with this office before steps are taken?

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\*Brock Evans, Environmental Campaigner: From the Northwest Forests to the Halls of Congress, an oral history interview conducted in 1982, in Building the Sierra Club's National Lobbying Program, 1967-1981, Regional Oral History Office, 1985.

Zierold: Sometimes they do. They don't always. Sometimes the decision is made by a chapter. The Williamson Act is a very good example of how the lawsuits brought by our judicial intervention program are counterproductive. For the most part, the legal program is excellent. There is no doubt about that. And it requires something like that to make sure that government doesn't abuse its discretion and that, when it does, it is brought to book. But it isn't a foolproof system. In the case of the Williamson Act, the legislature simply introduced and passed bills which, in a sense, ratified what local government has done in abusing its discretion because this is what special interests like land developers want and are able to get from the legislature as it is presently composed.

I understand Brock's problem. And that was a problem I foresaw with the possibility of this lawsuit. Huey Johnson was the secretary for resources and probably would have been very amenable to a Sierra Club vs. Johnson suit, maybe seeking a writ of mandate requiring him to decertify the rules because they were inadequate. Probably we could have gotten such a decision out of the trial court. But it would have gone up on appeal by the timber industry. The result might have been something unexpectedly bad for us. Certainly, with the change in the administration, we have already seen new members on the Board of Forestry very amenable to undoing work that we might have gotten out of the courts during the Brown administration.

It's very difficult for some people to understand the intertemporal considerations of policy in the way that they might understand them in economics. It's an economic term after all. Intertemporal can apply to anything. But basically, it's an economic concept of long-range good, if you will. I always felt that what we got in the Forest Practices Act and what we were able to get, however imperfect, in the rule making is something we want to try to hang onto because it was easy to see that that's the best we were going to get.

With eight years of George Deukmejian, I feel that the less cause the timber industry has to seek repeal or modification of forest practices legislation and rules, the better off we'll be. I thought it was an unnecessary irritant. I really did think that. I think I was right. If you see what's happened now with the appointments to the State Board of Forestry, I believe that judgement is borne out.

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PCL's Reaction to Forest Practices Bills

Lage: The Planning and Conservation League apparently was unhappy with the Forest Practices bill and felt that the legislation had too many compromises. What was the division there?

Zierold: I really don't know what motivated the Planning and Conservation League to step in at the eleventh hour and object to both bills. As I remember it, they had some concern over the decision-making power of the Board of Forestry vis-a-vis the state forester. I'm not sure that it was a particularly important concern, looking back at it.

I wouldn't want to impugn their motives or attribute or ascribe any opportunism to them, but the Planning and Conservation League hadn't been particularly active in the matter of forest practices. During the 1960s, when the Z'berg committee was working on the issue and when that package of legislation was put together, I was lobbying for the Planning and Conservation League. But the interest in forestry came from the Sierra Club, not from the Planning and Conservation League.

This is not to say that the Planning and Conservation League under new or different direction didn't have a voice or didn't have any standing to praise or criticize the legislation. But I would say that it had very little empirical knowledge on which to base either. I would be less than candid if I didn't say it was irritating because there wasn't any task force that I can remember in the Planning and Conservation League that ever worked on these issues.

The testimony given before the Z'berg committee was given primarily, although not altogether, by Phil Berry, who was at that time, and he still is, very active in matters of forest practices. The other voice of the Sierra Club was Mike McCloskey assisted by Gordon Robinson. I think that perhaps the Planning and Conservation League at that time was interested in expanding its own legislative and policy horizons and sort of stepped in at the last minute to offer its opinions.

Lage: You don't recall the substance?

Zierold: Only that the principal objection that they raised was that the Board of Forestry did not have the power to overrule the state forester. I believe that was the objection. But I won't swear to that. It could have been vice versa. I don't remember now, quite honestly. That's why I say it seemed to have very little basis in fact.

Lage: In general, do you work more closely with the Planning and Conservation League on other major issues?

Zierold: Oh, yes, always. As I say, I don't want to impugn anyone's motives, although, as I said, I frankly was irritated. I didn't feel that there had been any real historic involvement on the part of the Planning and Conservation League in the matter of forest practices and reform of the act and reform of the rules. As I said earlier, I was in the mid-1960s representing the Planning and Conservation League, and I testified in support of these bills and lobbied for these bills as the Planning and Conservation League lobbyist. But, frankly, it was a Sierra Club concern.

Most people in the Planning and Conservation League were more interested in other kinds of land use--BCDC, coastal, regional government--because many professional planners were on the board of directors and saw the Planning and Conservation League as an instrument of their policy preferences for dealing with local governments on a regional scale, rather than on a city scale, for example. They were also very much interested in Lake Tahoe, but not for reasons of any forest practices that were being conducted there.

It seems to me that it really wasn't a position taken after a great deal of thought or in response to an accumulated discontent on the part of members of the Planning and Conservation League who would live or die with the result. I won't say that it was capricious. But it was partly capricious, I think.

Lage: Did it have any effect on the outcome?

Zierold: None.

#### Timber Yield Tax Legislation

Lage: Shall we move on to talk about taxation?

Zierold: Yes. Taxation came about not through the Z'berg committee, although it had looked at the idea of a yield tax and into the concept of timber preserves. The general idea was to extend to timberlands the same kind of preferential tax treatment given to agricultural lands that was put in the Williamson Act contract. The Williamson Act contracts, of course, are voluntary agreements entered into by landowners and local governments. In preservation of farmland, for example, an important feature is a Williamson Act

Zierold: contract because the agreement is to keep it in agricultural production for ten years, or at least not to convert it over a ten-year period even though it may not be in actual production in each of those ten years.

That same idea was very important in preserving timberland and preventing premature cut. The growing rotations for timber in California are at the minimum for pine and Douglas fir, I believe, somewhere between thirty-five and forty years. And growing rotations for redwood are eighty to ninety years, approximately. So the problem was that early cuts were encouraged because the timber was taxed so long as it remained uncut, a form of inventory tax, if you will, when the reverse should have been true, that it should be taxed only when harvested, which was the system that was in effect in Norway and worked very satisfactorily.

We discussed that as an idea for legislation with Z'berg's committee and even with those people in the senate, such as Randolph Collier, who otherwise weren't particularly interested in our opinions and sometimes let us know in no uncertain terms that they found our views not worth listening to. But the idea of going to Norway to study forest practices law and taxation practices there was something that did appeal to Collier, even though it came from Sierra Clubbers such as myself. He thought it would be helpful if a trip to Norway were undertaken. He put it together. I don't know how many went with him now. But he did ask me to write a letter to the Rules Committee of the California Senate, pointing out the virtues of such a trip, because I felt then, and was willing to say in the letter, that there was obviously practical transfer of Norwegian law to California, as clearly had been demonstrated in the Forest Practices Act, and which, by extension, could be demonstrated if we were to adopt a yield tax in California of the kind they had in Norway.

And I did write such a letter, saying that I didn't look upon this as a junket, although some people might. We had gone to Norway in 1972. I listed the people who had gone, how impressed they were by the educational value of the trip, and the means by which we had put that knowledge that we had been exposed to into practice in California. Certainly, even though some people might criticize a public expenditure as a junket, I felt that it was more a voyage of discovery. That was a phrase seized upon by the reporters, as you might expect, because Collier did go and with his entourage, his chief consultant to the Senate Finance Committee, which he then chaired, and Mrs. Collier, as I remember. They went to Norway via London, stayed at the Claridge Hotel. They traveled first class, not only in the airplane, but also in the hostleries they visited.

Zierold: One of the reporters from, I believe, a Riverside newspaper--I'm not sure--kept trying to get me to call it a junket. And I said no. He had a copy of the letter I'd written to the Rules Committee. The ultimate treatment he gave was that even though the Sierra Club lobbyist referred to this as a voyage of discovery, the only discovery was that it was really a junket. [laughter]

In point of fact, though, the state of California did pass a constitutional amendment which made it possible then for the legislature to rewrite the tax law and give a form of yield tax through the timber protective zones that in its way corresponded to the yield tax in Norway. It was a good program.

Lage: Was this something the timber industry supported?

Zierold: They did but were really unable to get it for themselves without some help. The Sierra Club's position on that legislation was regarded as an expression of public support for this. The timber industry was pleased, as you might expect. We had somewhat more cordial relationships than we had enjoyed in the sixties and early seventies when the Forest Practices Act was ultimately put together.

Lage: The timber yield tax wasn't controversial legislation?

Zierold: Much less so. The only controversy was in the newspapers because reporters who cover the capitol are delighted by stories which allow them to point out how members of Congress, or members of the state legislature are using public monies for such extravagances as first-class air travel and staying at the Claridge or other select watering holes.

Lage: So the trip was more controversial than the legislation?

Zierold: By all means, yes. Nobody really cared about the legislation. That wasn't important. A yield tax or the concept of a timber protective zone isn't particularly titillating. It isn't the kind of thing you would find either in People magazine or the National Enquirer or a Jack Anderson column. What the public really, I think, enjoys reading about is legislators who go on junkets. They're not at all concerned about what the policy results might be.

That's as true today as it was then. Channel Seven in San Francisco, for example, always has some coverage of the capitol that seems limited to the number of ice cream bars that are provided free to the members of the assembly by the Rules Committee. One sees little attention paid to policy decisions made here, which are much more appalling than eating a free ice cream bar at taxpayers' expense.

Zierold: What is most at taxpayers' expense is what happens here in the writing of legislation. That doesn't seem to be interesting to the people who create the budgets at the television stations, the electronic media, primarily. It's what some people refer to as "burp news." Just a little eruption and not much more. That's as much as they cover. They don't really have the time for any in-depth treatment.

Lage: It's easier to report on ice cream bars, too--

Zierold: Oh, by all means. It takes fewer resources. And it also takes a lesser instinct for public affairs than say a tax bill or a Forest Practices Act, or the Williamson Act, or nuclear safeguards. As someone said, "No one ever went broke underestimating the intelligence of the American television-viewing public." That's why so much more attention is given to junkets than to juridical issues.

#### Timber Harvesting Exemptions from EIRs

Lage: Last time we talked about efforts to give timber harvest plans exemptions from the EIR.

Zierold: I believe we did cover that.

Lage: I hadn't known at the time that Ed Z'berg also was in favor of this and put up a law to permanently exempt logging from CEQA. Wasn't that sort of a surprising turn of events?

Zierold: Yes. He argued that the Forest Practices Act, AB 227, really was so well-constructed that it was the functional equivalent of an environmental assessment. He didn't use the term functional equivalent. That's a term that came later when Nejedly carried a bill, SB 707.

The timber industry argued that this was the understanding when the bill was being deliberated by the assembly and by the senate; there would be no environmental impact report required because of the comprehensive requirements in the act itself for timber-harvesting rule making. They felt that the act required the Board of Forestry to adopt rules so comprehensive that it would amount to virtually the same thing as an environmental impact report. We disagreed with that.

On the other hand, I would be the first to admit that we had no expectation that EIRs would be required for very small operations. We did feel that EIRs should be required of the long-term cutting programs of the large companies; the five and ten-



Zierold: year cutting plans should have been subjected to EIRs. There are now some attempts by the timber industry to write in long-term programs under the functional equivalent process, which means that they would be free of review after submission and after the halfway period of five years. Beyond that, then they would be free to cut, and they would have a vested right in the permit.

Z'berg more or less agreed with the timber industry that the act did that. A fair argument could be made for it. As it turns out, we were right. We were able to persuade the courts that we were right. And we then modified the requirements of CEQA through Nejedly's SB 707, which created the functional equivalent. The timber-harvesting plan that was required under Z'berg-Nejedly was augmented by a three-page addendum that was subject to interdepartmental review within the Resources Agency to give the environmental assessment that was not possible in the timber-harvesting plan put together by the professional forester.

Lage: Is it difficult to oppose someone like Z'berg with whom you worked so closely?

Zierold: Oh, yes. We were very close friends and political allies. Ed felt that we should agree with him in all things because, for practical purposes, he agreed with us in all things. Therefore, minor differences of opinion should be settled in his favor.

I was one of the two people to give the eulogy at his funeral. The other was Leo McCarthy. I sort of looked after his family a little bit while they got things in order and arranged for his son to remain at the University of California at Davis. I had been asked to be regents lecturer at UC Davis and had fairly close connections out there. We were really good boon companions, frankly.

To give you an idea of how close we were--this was at a time when, as they say in Hollywood, I was between pictures. I had not yet married my wife. So Ed and I used to do the town very frequently, spend long hours after dinner talking about the legislature over a brandy and a cigar. It was not easy for me to oppose him on any legislation.

As a matter of fact, when we had the difference of opinion over that bill, there was a political cartoon in the Sacramento Bee. They have something called the Capitol Newscope, which is on the inside front page of the Sunday section of the Bee. They have little items that are kind of political gossip, and in a way humorous, but also at the same time dealing with issues of concern, recognizable political issues, not just minutiae.

Zierold: That Sunday they had a large picture of a bear with a knapsack on his back and a Smokey the Bear cap, holding up Ed Z'berg and shaking him. And the outline is, "Is that you, Ed?" The copy went more or less to the effect that Ed and I had had a difference of opinion on this bill, and this was so unusual because my second office was Ed Z'berg's office in the capitol. I literally worked out of there if I was in the capitol building and not in my own office. We had worked together over a great many years to put a forest practices act on the books. And now we had a difference of opinion over CEQA, an issue on which we were otherwise in total accord.

Ed didn't like that, of course. He was piqued by it. But he got over it.

Lage: Piqued by your difference of opinion?

Zierold: Yes. He really felt that he was right. "If you're my friend, love me, love my dogma." It didn't last long. A couple of weeks. He came around.

Lage: Was he under pressures at the time? The pressures to revise CEQA, in general?

Zierold: No, not really.

Lage: He felt this was the best judgement.

Zierold: Yes. Ed Z'berg never did anything out of pragmatism or duplicity at all. He did what he believed. He was very outspoken.

Lage: Anything else on forest practices?

Zierold: No, I think we've covered that reasonably well.

## VII REAGAN ADMINISTRATION POSITION ON ENVIRONMENTAL ISSUES

### Ike Livermore and Bill Mott versus the "Abominable No-Men"

Lage: We were talking about a general evaluation of the Reagan administration and Reagan himself.

Zierold: The Reagan administration is evaluated very easily. One plus--Ike Livermore. And a great many minuses. Let me amend that. Two pluses--Ike Livermore and the Parks Department under Bill Mott and Bob Meyer--and the rest of the Reagan administration, which was composed of minuses, obstructionists. What I call "abominable no-men"; the opposite of the yes-men in Hollywood whose job it is to flatter great executives and say how good they are and agree with everything they propose.

The no-men, while they weren't saying no to the chief executive were, nevertheless, saying no to everybody else, including Ike Livermore, and would always raise objections to any kind of environmental program for which Livermore offered support. They never allowed the Department of Parks and Recreation to support publicly any of the park acquisitions that were made from Reagan's first term on through 1974.

Lage: Now what do you mean not support any parks? Do you mean any national parks?

Zierold: No, no. State park acquisitions. On national park systems they were also, for the most part, very silent. The leash the administration held on the various departments was very short and was jerked up frequently. Nevertheless, we put together, during Reagan's second term particularly, more park acquisitions than had been made in a long, long time in the state of California. We were able to do so primarily because of Bill Mott, who came out of the East Bay Regional Park District, and Bob Meyer, who was a bright young man from Santa Monica, an insurance executive, who really was aggressive but in a skillful way. He might have to take a neutral position or even an opposed position on park

Zierold: acquisitions. But nonetheless, he really felt these programs were good. He could state his opposition or neutrality in so bland a way that there was never any difficulty in moving many of these programs through. And as a practical matter, they were programs the department wanted.

Lage: Meyer was deputy to Mott?

Zierold: He was deputy director. Bob Meyer did nothing that Bill Mott hadn't directed.

The Reagan administration just seemed to have a kind of systemic antipathy to everything environmental, except of course for Ike Livermore, Bill Mott, Bob Meyer. The closest advisors to Reagan were Bill Clark, now secretary of the interior, and of course, Ed Meese, and some of the others who have gone back to Washington with Reagan. They are the obstructionists or the abominable no-men, with, I suppose, some exceptions, naturally. Mike Deaver was a good person, who wasn't particularly obstructionist and whom I liked personally.

But the programs to create the regional government at Lake Tahoe were always resisted. The park programs were resisted. The attempts to create coastal legislation were resisted. Any controls over pesticides were resisted. There was no environmental conscience in the Reagan administration other than the Livermore-Mott group over in the Resources Agency.

In spite of that, because of public concerns and because there was a Democratically-controlled legislature, we were able to make some of our most significant gains at that time, which is an anomaly, really. Democrats were in control in both houses for almost all of Reagan's two terms. Bob Monagan was a two-year speaker, but fortunately, Monagan's tenure as speaker of the assembly came at the height of national concern over environmental issues.

Lage: Monagan was not sympathetic?

Zierold: Not particularly. But there was a case where unsympathetic as they might have been, or as indifferent as they might have been to the values of resource management and environmental protection, nevertheless, they understood the political ramifications of it, which were at a peak of national interest.

Governor Reagan's Personal Outlook: Tahoe and Minaret Summit

Zierold: The Earth Day zeitgeist was what held dominion over the thoughts of a great many people, including Bob Monagan during the time when he was speaker. It didn't really affect Ronald Reagan, who thought it all--I suppose I can't say what Reagan thought. But I would draw as an inference, from his active hostility to these things, impatience with them. "If you've seen one redwood, how many do you have to see?" It wasn't, "if you've seen one redwood, you've seen them all." But it was in reference to the redwood national park issue that he said this in his campaign: "If you've seen one redwood, how many do you have to see?" He also attributed air pollution to trees, for example, and not to automobiles, even though it's obvious that there are some substances given off.

But basically, he really did not understand the concept that the Sierra Club had always attempted to convey to the legislature and to the administration. And that is the autonomy of the physical world. It's possible to amend the streets and highways code, for example, but you can't exempt yourself from physical or biological law.

That was the argument that we tried to make in terms of the eutrophication of Lake Tahoe and the necessity to do something different by way of regulating development there. It was the same argument we raised on maintaining strong air-quality standards and water-quality standards for the state of California because the penalty that we would pay for these attempts to exempt ourselves from physical law were going to be far out of proportion to the offense as it was understood at the time.

There wasn't really any clear understanding on the part of Reagan's people as to the price we have to pay in terms of public health, epidemiological considerations, and economic loss to the agricultural industry, through reduced yields and damage to crops from such things as acid rain. The cost to farmers runs into the billions.

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Zierold: Reagan, personally, and his key advisers like him, simply didn't understand the idea of a habitable and a hospitable environment from the standpoint of health and from the standpoint of preserving the sense of wonder that Rachel Carson wrote about so beautifully. That value just didn't exist among Reagan's closest people.

Zierold: What was interesting to me about Reagan more than anything else was the way in which he came to accept some of these programs. It's said that he has a kind of limited vision, or he understands things only in their most simplistic terms. I don't know whether that's true or not. But he did agree to sign the bill on Lake Tahoe after Charles Goldman, a limnologist from the University of California at Davis, was able to demonstrate to him the loss of clarity of the water through the explanation that it used to be possible to see a dinner plate on the bottom of the lake from one hundred feet. The clarity of the lake had diminished considerably because of runoff. Now the limit was about twelve feet. It was an explanation he seemed to understand. Somehow he agreed to sign this legislation.

Lage: So, Charles Goldman had an opportunity to meet with him?

Zierold: Charles Goldman had an opportunity to meet with him. I'm not saying that without that explanation the governor never would have signed the bill. But I think that was the time and the circumstance which turned him around. He began to think of it in a different way. He didn't think of it as regional government, the anathema to the conservatives--one more layer of government; more proliferation of authority; more interference and meddling on the part of government in the private affairs of men. He didn't see it that way after Charles Goldman explained to him what was happening.

And Goldman had a superb basis from which to draw his presentation, because he had been conducting research programs on water quality in Lake Tahoe for many years and is nationally and internationally known as one of the best limnologists, the most competent in his field anywhere in the world. So that made a difference. Reagan understood who Charles Goldman was. He was able to get a different view of why it was necessary to do something at Lake Tahoe. It ceased to be an issue of big top-to-bottom government, rather than bottom-to-top, as he always thought of it, but instead became the issue of the lake itself--that no longer, perhaps, would it be what Mark Twain called it, one of the most wonderous sights to see in all of the United States, or words to that effect. The fairest sight to see, I believe was what he actually wrote.

Reagan was persuaded that this wasn't an issue of regional government. Now as a practical matter it really was because there was no way to control the three counties on the California side that were allowing development permits to be granted to anyone who came in with an idea to build something up there. Practically, that's what it was.

Zierold: With that change of view he then created an atmosphere and made it possible for us to negotiate with the administration through people like Ed Z'berg and others for an agreement on a Tahoe Regional Planning Agency. I think we discussed at an earlier time the means by which we protected ourselves through the creation of California Tahoe Regional Planning Agency to exist at a level above TRPA [Tahoe Regional Planning Agency] itself. He accepted that. We still had our difficulties over the people to be appointed to both TRPA and CalTRPA. But, nevertheless, he changed. It offers an interesting insight into the way in which he thinks of government, or the way he thought of it then. And I would assume the way he still thinks of government.

Lage: Do you know who provided the entré for Charles Goldman?

Zierold: Ike Livermore and, to some degree, Ed Meese. Bill Evers and some others in San Francisco had gone to law school with Meese or were classmates at Yale. I can't remember which. I believe Meese went to Yale in undergraduate work and law school at Boalt Hall. And I think Bill Evers either was his classmate at Yale or at Boalt Hall. That was part of the entré. And it did make some difference.

Ike Livermore was giving us some assistance in preventing the building of an all-weather highway across the Sierra. That was the trans-Sierra crossing that would have affected the Minaret Summit area adversely. Democrats in the legislature were carrying the bill, primarily George Zenovich. Others had offered similar measures. But Zenovich's bill was the one that threatened us the most. Ray Sherwin at that time was president of the club and worked actively in opposition to this. We had been able to kill those bills most of the time. But there was the fear that we weren't going to be able to stop the Zenovich bill.

Livermore was attempting to explain to the governor that it was not a good idea. The governor's people were more sympathetic—not the governor himself, now, but his close advisors in the corner office were sympathetic to the highway construction people, the Associated General Contractors, and to those people who wanted to build motels and other kinds of businesses on the highway. They had a simplistic view of what constituted a public benefit.

But Ike Livermore arranged a pack trip into the Minaret Summit area. When they came back from the pack trip, Reagan was convinced that this was a place worth saving. He couldn't see it in the abstract. Here again, this was an issue where perhaps the legitimate ambitions of commercial interests were being frustrated by people who had never met a payroll or really didn't understand the necessity for continued economic growth. They were the "bugs and bunny people" or the "posey-pluckers," whose views were not to

Zierold: be taken seriously. That was another example of Reagan opposing a legislative measure that we were also opposing. In other words, he joined with the environmentalists on that issue, as he did with Lake Tahoe in agreeing to sign the TRPA legislation.

Reagan on Round Valley: Simplistic and Theatrical

Zierold: The most interesting of all, though, was the Covelo issue, the Round Valley problem. If a dam had been built on the middle fork of the Eel River, then Round Valley would have been flooded. There was a group of Indians there that had joined with environmentalists in opposing the dam on the middle fork of the Eel because it was an area that they had been given and would have lost. There would have been nowhere else for them to go. It was a magnificent example of a valley landscape provided with abundant area for agricultural production and cattle ranching.

When we first opposed the dam on the middle fork of the Eel, we were critical of the cost-benefit ratio that had been put together by the Corps of Engineers. It simply didn't stand up to any rigorous test of economic practicality. The benefits were the result of cooking the figures. We didn't have much success with persuading the Reagan administration on that issue. Here again, Ike Livermore stood with us. Our attempts were really unsuccessful. And again, we were trying to deal more with the logical issues.

Lage: When you say your attempts, can you describe what form your attempts took?

Zierold: Very complex programs of economic analysis of the Corps of Engineers' cost-benefit studies, information programs through a public relations specialist in San Francisco, Curt Roberts, and meetings with legislators, marshaling public opinion, getting letters sent to the governor, to the legislature, to the federal officials.

Lage: You didn't have face-to-face meetings with Governor Reagan?

Zierold: No. Only with certain staff members. We were trying to move legislation to prevent the middle fork of the Eel from being dammed. There were any number of approaches that we were taking, all to little or no avail. What I find fascinating is that Ronald Reagan finally was persuaded by Ike Livermore. Again they took a trip up there. And it was as if Ronald Reagan somehow had found a



Zierold: movie role to play because he said, "We're not going to agree to building a dam on the middle fork of the Eel River because we've broken enough promises to the Indians."

And it was very interesting because it was an effective thing for him to say. Ronald Reagan didn't have to take a stand on turning down an economic project; that is to say, a construction project that would have yielded profits to the people who built it. The water interests in California wanted to see the middle fork of the Eel dammed because they wanted the north coast rivers. The environmentalists wanted those rivers to be wild rivers. So instead of siding with the environmentalists against the agricultural and the water interests, he took an entirely different view. It was as if he were playing a role of a public figure whose word was his bond—a Ronald Reagan western, in which he would say, "We're not going to do this to the Indians. We've broken enough promises to the Indians, and this is one we're going to keep." It was very skillful, I thought, and a harbinger of Reaganisms to come.

Lage: You don't take it as the sincere reason?

Zierold: No, I don't think I do. But I think Ike Livermore would disagree with me about that.

Lage: Livermore did indicate in his oral history that he thought that was probably Reagan's reason, that saving the Indians was the key thing.\*

Zierold: Yea, I think that it was. And maybe it's unfair to say that Ronald Reagan didn't feel sincerely that it was necessary to save the Indians. Perhaps he did. It was the way that he chose the expression that suggested to me a theatricality, that perhaps there was more to Reagan's reasoning than compassion for the Indians. I don't know. As I say, I don't want to malign him. But yet, I can't help feeling that nothing characterizes Reagan's approach to politics more than these simplistic and theatrical efforts at explanation. It's very much like him. It isn't necessarily the anecdotal style that he favors so much, but to some degree, it's part of it.

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\*Norman B. Livermore, Jr., Man in the Middle: High Sierra Packer, Timberman, Conservationist, California Resources Secretary, an oral history interview conducted 1981-1982, Regional Oral History Office, The Bancroft Library, University of California, Berkeley, 1983.

Legislation to Preserve Wild Rivers

Zierold: And, of course, it led to SB 107, Peter Behr's bill to create a state wild river system, because without stopping a dam on the middle fork of the Eel River there would have been no circumstances congenial to the enactment of a wild rivers law for the state of California.

Lage: Now Reagan ended up signing that bill. He had a choice of two bills, as I understand.

Zierold: One was by Randolph Collier.

Lage: Do you know the mechanics of that? It was kind of surprising he would stick with the Behr bill.

Zierold: Well, Peter Behr was a Republican, of course, and Randolph Collier a Democrat. Peter Behr was the one who had pioneered the effort, to begin with. Randolph Collier had always resisted the idea until it became inevitable that such a bill was going to become law, at which time he introduced his own.

Collier, in small part, felt that this was an encroachment on his territory because it was his district. And Collier had an old-fashioned view of government, which was basically that no one enacts legislation or introduces legislation which affects my district unless I say that it's all right. So it was a territorial imperative on Collier's part, though not altogether. Collier's principal reasons were that the water interests and the agricultural interests and the other commercial interests didn't want it. And if they didn't want it, he didn't want it.

The first year the Behr bill didn't make it. The second year it was introduced it did. Collier had a bill which was competitive and which would have taken effect only upon completion of river management studies on the Smith, the Eel, the Klamath and the Trinity. Those studies have yet to be completed and ratified by the legislature. Had Collier's bill passed, it's obvious that we never would have had a wild river system.

Peter Behr's bill put it in effect immediately. It is still, though, only a one-year moratorium. By a simple majority vote of the legislature this system can be undone or rivers taken out of it. That has not yet happened. And probably there won't be any attempts to do anything about it for some years because the pressures really are not on to get north coast water. I think that we will be able to resist them through the area-of-origin law that is on the books now and which will be strengthened through a constitutional amendment that's going to go before the electorate in the fall.

Lage: Now, what's the area-of-origin law?

Zierold: The area-of-origin law protects a place where water would be impounded, say behind a dam, and delivered to the south; it gives the area of origin, the place where the river flows, first call on the water. George Miller of Martinez first put this law on the statute books when the Peripheral Canal was introduced as a concept for moving water back in the 1960s. It's called the Delta Protection Program. It includes area-of-origin protections for the northern part of the state to prevent raids on its water by the south. That still is only a majority vote. Ray Johnson is the lead author on a bill which will submit a constitutional amendment to the electorate requiring a two-thirds vote of the legislature to make any change in those statutes.

Back to Collier. He added a couple of waterways to his bill. The middle fork of the American River was one, and the Kern was another. That increased pressure on the governor because several legislators who might not have voted for the Behr bill then did because they were willing to send both bills downstairs. It helped, indirectly. It was not something that Collier really wanted to do, obviously. But he felt that because there was going to be a bill, now that Ronald Reagan was unsympathetic to a dam on the middle fork of the Eel River, that he would have to step in and do something to try to temper the wind to the shorn lambs up in his district. The shorn lamb being, of course, the development interests.

Reagan, nevertheless, went with Peter Behr, as was expected. There again, Ike Livermore's counsel made a big difference. Without Ike Livermore, we probably would have had a difficult, if not impossible, time of preventing the trans-Sierra crossing through Minaret Summit. We certainly wouldn't have kept the dam out of the middle fork of the Eel. And I doubt seriously whether we would have had the kind of cooperation from Reagan that ultimately led to the creation of the Tahoe Regional Planning Agency.

Lage: I get the impression that even with Ike Livermore, if there hadn't been all the public pressure, you wouldn't have had any of these things, because Livermore was the only one in the whole governor's office or the cabinet that had any sense of environmental concerns, and he wasn't an insider.

Zierold: That's true. Personally, Reagan admired and respected Livermore because of Livermore's stature, the prestige of the family. Someone wrote an amusing article one time listing those California families which would be aristocracy in the European sense, if we had had such a system here. If California or the United States had a peerage, for example, then the Livermores would clearly have been a part of it. I know that that was one of the reasons that

Zierold: Livermore could be as effective as he was--not merely because of his integrity and his real sense of compassion on environmental issues. Of course, his wife Deena is a grandniece of J. P. Morgan. It's a family of some substance, as that is conventionally thought of. Both socially and economically, they have the sort of stature that Reagan admires.

Lage: But no airs. They don't put on any airs, as people Reagan knows from Hollywood might.

Zierold: That's what puts Ike Livermore several rungs above those other people that Reagan admires. It is true, naturally, that without the force of public opinion it would have been much more difficult for Ike to do what he did. Under the circumstances in which he worked, I would say that Livermore is the most effective resources secretary I've seen in the time I've been up here, and of any of them, he is the person for whom I have the most admiration and respect. I truly admire him.

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## VIII ENVIRONMENTALISTS AND THE POLITICAL PROCESS

[Interview 4: 24 February 1984]

Behind the Scenes Lobbying on Land-Use Legislation, 1971

Lage: I would like to ask you about your review of the 1971 legislative session which you sent to Mike McCloskey in January of '72. Would you comment on this section on the Sierra Club's behind-the-scenes influence?

Zierold: Yes, the issue in this instance was premature subdivision. Harold Berliner, who was district attorney in El Dorado County, had for a number of years been attempting to slow down the proliferation of subdivisions being built in rural areas. It was the kind of leap-frog development that was so great a jump that he should have found the frog and sent it to Calaveras County.

At any rate, some of the efforts that he was able to mount at the local level were successful. But he felt, as did others, that it was necessary to introduce some legislation which would control this. And Leo McCarthy, who was later to become speaker, was asked to carry the legislation. He wrote and introduced three separate bills, AB 1301, 1302, and 1303. They were, fundamentally, state-imposed requirements on local government in the planning process.

Much opposition was mounted to them, as you might expect, from land developers, construction interests, and speculators. Nonetheless, Leo was successful in moving the bills out of the assembly. But in the senate, they were stalled because of strong resistance. At the same time, a bill was moving from the senate over to the assembly. It was SB 504, introduced by Senator Robert Lagomarsino of Santa Barbara, now a congressman. Lagomarsino's bill dealt with implied dedication. Implied dedication is the old principle of English common law which gave us our streets and highways. Lagomarsino's bill was an important issue in 1971 and 1972 because of the effect it would have had on beach access.

Zierold: There had been a court decision handed down which guaranteed access to the coastal zone for the public because of implied dedication. Implied dedication is also a kind of adverse possession of property in which, if the public uses a piece of property--let's say crosses it to get to the beach, does so for five years, with the knowledge of the owner, and the owner in turn has done nothing to prevent this--then that land is said to be impliedly dedicated to this particular use. Once people realized the effect of the court decision, pressure was brought on the legislature to simply roll that back, or repeal that principle in law retroactively.

Lagomarsino was able to move such a bill out of the senate and it went to the assembly committee on which Leo McCarthy served. I had been opposing the bill all along on behalf of the club. And I was able to persuade a number of members, including Leo McCarthy, to hold the bill in committee until such time as we could negotiate some changes in the legislation and in turn win Senator Lagomarsino's support for Leo McCarthy's bill to control the proliferation of rural subdivisions. We were able to do so. The changes in the bill were essentially written by Fred Fisher, an attorney in San Francisco who represented the club in a number of lawsuits involving adverse possession or implied dedication on trail rights, among other access issues.

It was an indication of, if I may say so, the growing sophistication that the Sierra Club had developed in dealing with legislative matters. There might have been a time when some club volunteer leaders would have wanted to stand fast and oppose the bill all together. But I think wiser heads prevailed. They understood that the changes that we made in Senator Lagomarsino's bill were acceptable. For example, they exempted the coastal zones. And they excluded other waterways, such as reservoirs and rivers in order to preserve access for those people who had become accustomed to having it for recreational purposes. At the same time, the bill made some prospective changes in the law that were reasonable.

We protected the club's position in the coastal zone, where it was thought to be the most important, but also in other areas of interest to club members, and at the same time, were able to move a series of bills that dramatically reduced the proliferation of housing construction in rural areas where there was no real demand for it and where the building of those subdivisions was resulting in the loss of visual amenities, open space, and agricultural land.

Lage: I just want to be sure that the message comes across of how these two things were tied together.

Zierold: Senator Lagomarsino was the one vote we needed to get Leo McCarthy's package of bills out of the Government Organization Committee, the traditional graveyard for good environmental legislation in the senate during that period. And at the same time, in working to persuade Senator Lagomarsino to vote for these bills, we were able to demonstrate to him that if he did not vote for the bills, there was no hope at all of moving his SB 504 out of the assembly committee and on to the governor for signature.

The way they were related is not particularly in the sense of both being land-use bills. They were land-use bills in one sense; one involved access to the ocean and the other involved the use of land for commercial purposes. But one was really a planning bill, and the other dealt more with a judicial issue, dealing with the concept of implied dedication.

We protected our position. We made certain that the court decision on coastal access, which was crucial to the club's interests, survived the legislation. In other words, that that decision was not wiped out by passage of the bill.

Lage: So you not only got Lagomarsino to vote the right way in the senate committee, but you got him to make changes in his bill in order to get it out of the assembly committee.

Zierold: Without Senator Lagomarsino's bill, I think it's very doubtful that we ever could have helped Leo McCarthy get the votes for his package of three bills on premature subdivision. Senator Lagomarsino called me the day that he decided he was willing to negotiate. The senate was in session and he called from the senate floor and asked me to go in the members lounge to meet with him there. We sat down. It was very cordial because we were good personal friends, and still are. And he said, "All right, what kind of changes do you want in SB 504?" We worked out a general agreement there, submitted the language later. Following that, I went to meet with the members of the assembly committee to let them know that our objections had been met by Senator Lagomarsino. We were then able to turn our attention to a few minor changes in Leo McCarthy's bill, which Lagomarsino found sufficiently satisfactory to allow him to vote for it.

It was one of those cases where by being flexible and at the same time understanding the process, but most importantly, having credibility with both authors and with the members of the committee, we were able to pull it off. It is not the kind of thing that we advertise, obviously. To boast about such an achievement is ill-advised because it makes us appear a little bit self-congratulatory. The amour propre, as they say, is permitted only for legislators. Lobbyists must be gray eminences. Artie Samish demonstrated the foolishness of seeking publicity for this

Zierold: kind of achievement. To brag about how one can manipulate the process is stupid. So we don't get credit for many of the things that are done. And yet that's an important principle that we were able to preserve.

Lage: This was not an uncommon type of tactic?

Zierold: No.

Assisting Leo McCarthy in Race for Assembly Speakership

Zierold: Later on we were able to be of even greater assistance to Leo McCarthy when he sought and won the speakership.

Lage: What year was that?

Zierold: That was in 1974. Leo McCarthy and Willie Brown were the two contenders to succeed Bob Moretti. In 1974 Moretti wanted to be governor, so he stepped down as speaker and ran for the Democratic nomination. Leo McCarthy made it clear his interest was to be speaker. He knew that Moretti was going to make a run for the governorship in 1974. His candidacy was discussed very quietly by people like Ed Z'berg, Alan Sieroty, and other members of the assembly who wanted to see Leo take over. John Miller from Berkeley, who is now a judge, was another one of Leo McCarthy's supporters. In 1974, when Moretti did step down, Moretti backed Willie Brown because they had been close political allies.

Leo McCarthy put together the team of Ed Z'berg, Lou Papan, and John Miller, who was a Black assemblyman from Berkeley and was thought by many to be automatically in Willie Brown's column. But he was not. I had told Leo that if there was anything that environmentalists could do, we would be glad to try. He accepted that offer and asked me to work with a number of the freshman legislators. I did, among them Howard Berman, who ironically challenged Leo McCarthy a number of years later; Barry Keene, now a senator; Henry Waxman, presently the congressman who leads the fight to keep the Clean Air Act intact; Larry Kapiloff of San Diego; and several others.

Lage: Had you developed much relationship with all of these freshmen legislators?

Zierold: Yes, because some were on the Natural Resources Committee. The others were sympathetic to environmental causes and sensitive to the need for good environmental law. It was a natural thing for me to talk to them. Howard Berman, being from West Los Angeles, had a constituency absolutely committed to environmental causes.



Zierold: It was almost a daily routine of touching bases with the speaker, not yet then the speaker, but stopping by Leo's office and filling him in on discussions I had with people. We organized several visits in the districts to legislators who had not yet decided, attempting to move them off the fence into the McCarthy camp. We brought opinion leaders from the community, most of them Sierra Club people but others not, but who, nevertheless, shared many of our views. It was an interesting thing. That was also something that we could not take credit for.

I think probably one of the issues most important in helping Leo win the race for speakership took place in San Francisco. John Foran, then an assemblyman, was being challenged by Father Boyle, whose candidacy was supported by Willie Brown in the Democratic primary for that assembly seat. Bill Collins, a young Sierra Club volunteer active in wildlife matters, had just come on my staff as my administrative assistant. He was from San Francisco, very active in Democratic politics. He arranged for a group of Sierra Club volunteers to go over to Leo McCarthy's office and get letters out to all Sierra Club members and all other persons associated with environmental organizations, urging them to vote for John Foran, pointing out that while John Foran had no great reputation as an environmentalist, nevertheless his reelection was important because he was a vote for Leo McCarthy, whose commitment to the environment was unparalleled, and whose leadership would be important to us.

John Foran won by a very slender margin. Without the effort put together for the Sierra Club, he would not have made it. And in all probability, because the vote was so close, Leo McCarthy would not have been speaker.

That was also something that we never wrote about. We didn't advise club members that the legislative office in Sacramento had been involved in the speakership race and had made a very important contribution to it. The only people who seemed to know were Willie Brown's supporters, I guess.

Lage: He probably remembers it well.

Zierold: I'm sure he remembers it vividly. He may not say so.

Political Sophistication of Sierra Club Members

Lage: It also implies a pretty sophisticated membership of the Sierra Club when you can appeal to them on this level and expect them to respond with letters, to really take action, to get out the vote.

Zierold: I never saw the letters. But I think they were well written, and the approach was sophisticated. Certainly the response was. But then, the Sierra Club volunteer leadership has always had an appreciative understanding of politics. That has been true in all the years I have been involved. It surprises some to learn that, but I would say it's true.

It's very different from what one might expect. Certainly it's very different from what a lot of people in the legislature had come to expect of environmentalists. They have always thought of them as rigid or intransigent or unsophisticated, unaware of or unwilling to become aware of the problems that legislators face, unwilling to vote for a person who is somewhat less perfect than John Muir.

In this case, while we didn't get a John Muir in John Foran, nevertheless, we got something very like him in Leo McCarthy. It's another form of the Leninist principle, or the Leninist detour. The road to Paris lies through Beijing. Putting John Foran in office meant that we had a vote for Leo McCarthy for speaker. Foran, who was chairman of the Ways and Means Committee, if left as a free agent, would not have been sympathetic to us. But because Leo McCarthy was speaker and had put him there, whatever was needed of John Foran, Leo McCarthy got.

As I think I've mentioned to you earlier, during the time that we were creating the coastal commission on a permanent basis after Proposition 20, four years later, it was Leo McCarthy who for five hours worked the Ways and Means Committee. That was the kind of thing he always did. Dan Boatwright was chairman of Ways and Means at that time. But it was also John Foran on other issues who was equally important.

## IX ENERGY POLICY AND NUCLEAR ENERGY

Nuclear Power Plant Siting and CEQA

Lage: We're going to turn to the whole giant issue of energy.

Zierold: It is difficult to know where to begin.

Lage: We could start with power plant siting laws in '71. Or we could start with a sort of general comment on your view of the energy crisis which provides the background to all this legislation. I'll leave it up to you. What seems right?

Zierold: When the first legislation was introduced on power plant siting, there really wasn't a crisis. If there was one, it existed in the minds of the utility companies, which did not want to comply with the California Environmental Quality Act. That was a problem for them. They wanted to create in the Resources Agency a one-stop shopping center for power plant siting.

John Briggs, from Orange County, Fullerton, a Republican, an arch-conservative, was carrying the bill--introduced, I suppose, at the request of Southern California Edison, although PG&E and San Diego Gas and Electric also supported the bill. Bob Monagan was speaker at the time. As I recall, this was 1971.

We were unable to stop the bill, at first, until we got together with Chuck Washburn, a professor of engineering at Sacramento State University, and did a number of calculations matching atomic power plants to what the utilities were projecting as the energy demand over the next twenty or thirty years. As I recall, they had a thirty-year forecast, but it may have been only a twenty-year forecast. Certainly by the 1990s or by the year 2000, if the utility forecasts proved correct and if atomic power plants were to be the source of the future for electricity generation, and if there were a one-stop shopping center established for the convenience of the utility industry, and if all such plants had to go on the coast for purposes of cooling,

Zierold: then, according to Washburn's calculations, there would have been a nuclear power plant every seven miles on the California coastline.

I was able to use that testimony and the statistical documentation of it and the assumptions on which that projection was built, so effectively, I'm happy to say, that we were able to stop the bill permanently. In fact, Don Mulford from the East Bay--from Piedmont, another conservative Republican--was simply unable to vote for the bill because of the pressures we brought to bear on him. The pressures were so great that he voted "no" even though in his heart you know he wanted to vote "aye." In order to try to deal with the loss of that vote, Speaker Monagan took Don Mulford off the Ways and Means Committee and put himself on, in order to move the bill out. But ultimately we defeated the bill on the assembly floor.

Following that, there were a few other efforts to create this one-stop shopping center. But the principle had been established that there clearly was a discrepancy in the utility companies' forecast. There was some reasonable doubt about that kind of demand and how it could be met, taken together with the concern which was then growing about the safety of nuclear power.

I suppose that episode might be called an energy crisis. As I say, it was an imaginary crisis fabricated by the utility companies arguing that without this permanent procedural convenience, we wouldn't be able to meet the demand. It was the kind of fright-mongering that took place all through the 1970s whether it was nuclear power, or whether it was the Dow industrial development in the North Bay, or whether it was LNG [liquid natural gas] and the 700,000 jobs that would be lost if we weren't able to supply power without the use of natural gas.

Lage: It's interesting that it started back then before the so-called energy crisis was in people's mind. The utilities were already promoting that point of view.

Zierold: Yes, they were. That was attributable primarily to the existence of the California Environmental Quality Act. The utilities did not want to have to comply with that because it was a very detailed procedure, naturally. It was modeled on the federal act. The amount of information that had to be put together was no small body of facts, clearly. The time it took for public hearings, for examination of alternatives and mitigation measures was, again, something that the utility companies, and for that matter other industries, were unwilling to deal with. But they had to deal with it because they were unable to repeal the law. And they were unable to get themselves exempted from it, although for us to maintain the integrity of CEQA took an enormous and unremitting effort. And it still goes on today, in 1984.

Origins of Charles Warren's Energy Bill

- Lage: At some point in this mass of Capitol Calendars\* and memos and articles that I've been reading, two power plant siting bills are mentioned, one sponsored by Z'berg [AB 2443], which you were supporting, and one sponsored by Warren [AB 2363], which was written by the public utilities.
- Zierold: Yes, they came later. And neither went anywhere. Z'berg's was a very ambitious bill from the environmentalist point of view.
- Lage: I think one article mentioned it was written by the club's energy committee.
- Zierold: Yes. It dealt essentially with adversary proceedings, not dissimilar from what we have now. Fundamentally, it was an adversary proceeding. In looking back at it, I'm not so sure if that's really the bill we wanted. It was something that the club's task force wanted. It was written by several attorneys in San Francisco. I don't think it's unfair or unkind to say that the attorneys' mode of inference is sometimes different from other environmentalists' cognitive style, if you will. They really felt that we were dealing with burdens of proof that were incumbent on the utilities. The idea of legal challenges and adversary proceedings, long, drawn out, oftentimes contentious, is, in my opinion, not really the best basis for public policy.

The best basis for public policy was what we finally got in the creation of the Energy Resources Conservation and Development Commission, giving the energy commission the requirement and the mandate to do its own forecasting rather than simply accepting what the utilities had by way of forecast, often very faulty. The energy commission dealt essentially with the end use. Speaking collaterally, if there were good building standards, insulation standards, appliance standards in terms of efficiency, then conservation would lead to great savings, and the forecast for power plants would be very different from what the utility companies had in mind.

Our first bill wasn't very good either, quite frankly. It was not the most effectively designed strategy for dealing with what was clearly a problem: how to determine the number of power plants or the installed capacity that would be required over a

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\*A weekly summary of legislation pending in Sacramento published by the Sierra Club Office of the Sacramento Representative, 1970s. On file in The Bancroft Library.

Zierold: twenty- or a thirty-year period in California, and after determining that, being able to site plants for which there was a legitimate need in places where there would be a minimum impact on the environment. In addition, we had to examine the advisability of going forward with nuclear power plants or requiring the utility to come up with a different method of generating the electricity.

Lage: Shall we talk a little bit about how the state got a bill that you feel so good about?

Zierold: Well, we got a bill thanks to Charles Warren, whose first effort was not to our liking, although it really wasn't all that bad. But many of the basic ideas had come from the industry. But, putting those two bills aside now, when Charles Warren took over the Natural Resources and Energy Committee in the assembly he held a series of hearings and spent several years putting this program together. As he did with the question of nuclear safeguards, he examined every possible point of view. He gave the proponents of nuclear power, for example, all the time they needed. He sat down day in and day out working with the utilitites on the questions of forecasting, siting, and technology.

Lage: Was he trying to educate himself?

Zierold: Not to educate himself, which he had done prior to most of those hearings through the gathering of a good staff with real technical competence, and understanding of the legislative process, but for the understanding of how to write a good organic act for the creation of an energy commission, or for putting together the package of safeguards laws.

Most people had proceeded with what we might call the null hypothesis. They knew what they wanted and then they simply would hold hearings or put together documentations for a piece of legislation which achieved that result. Charles Warren didn't do that. He really did examine the issue and built his policy as he went along.

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Lage: Another piece of information in the record showed that some Sierra Clubbers worked for the Rand Corporation. The Rand Report was so important in setting energy policy. Had you infiltrated every level?

Zierold: Whether we infiltrated--penetrated is actually the word in intelligence. Infiltration is essentially either for guerillas or commandos. But penetration is the intelligence term. I wish I could say honestly that we had penetrated the Rand Corporation.

- Zierold: But those people were already there and happened to have been active in the Sierra Club in the Angeles Chapter. Ron Doctor was among them, and several others.
- Lage: Dick Ball was mentioned.
- Zierold: Yes. Ron Doctor ultimately became a member of the Energy Commission. He was the Sierra Club candidate for appointment. Then Jerry Brown appointed him.
- Lage: We have a short interview with Charles Warren at the Oral History Office.\* He portrayed himself as sort of a creature of time and place. He didn't really know that much about the issues and was swept along and educated. He gives a great deal of credit to this Rand report. I don't know if his self-portrayal does him justice.
- Zierold: I think that he has some cause to be modest about the empirical knowledge he brought to the effort at the beginning. I think that the greatest credit is due him for the way he took over leadership in that effort and wrote excellent legislation, either carried it himself, or, as chairman of the committee, made certain that this was the committee product.

And he did go through, one might say, a process of self-education. I think that would be excessively modest for him to say. He gathered a good staff. He was able to persuade the leadership, at that time Leo McCarthy, to provide the wherewithal, financial and otherwise, to do this in-depth study of the issues. The result was a superior legislative product, very different from what had been proposed earlier.

I remember in the nuclear power hearings, for example, the safeguard legislation hearings, Hans Bethe, and Edward Teller, and others who were supportive of nuclear power came to testify. On the other side, those who were skeptical, such as Henry Kendall and Ted Taylor from the Union of Concerned Scientists, were presenting the opposing point of view.

It went on for months. I think I said to Charles one time that it was the kind of process that took a stout heart, a strong stomach and an iron backside. [laughter] We were there for all day sometimes and into half the night. But no one was really

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\*Charles H. Warren, "From the California Assembly to the Council on Environmental Quality, 1962-1979," an oral history conducted in 1982 by Sarah Sharp, in Democratic Party Politics and Environmental Issues in California, 1962-1976, Regional Oral History Office, The Bancroft Library, University of California, Berkeley, 1986.

Zierold: denied the opportunity to make a full presentation. There are voluminous transcripts of those hearings. Lots of scientific data submitted. Probably in all the time I've been here, this was the issue given the most comprehensive analysis.

Lage: Was the bill written as a result of the hearings? Was it a product of these hearings?

Zierold: Yes, it was.

Lage: The hearings were not just a show.

Zierold: No. Well, I suppose some might call them a show. But I don't think so. There was a lot of television coverage and press coverage. Both print and electronic media were always there in numbers. The issue was treated exhaustively in the press, and less so, naturally, on television, where there is little commitment to examining an issue thoroughly, except to the extent that it's possible on the MacNeil-Lehrer Report, on the evening news. But other than that there isn't that much treatment.

#### A Back-Door Approach to Limiting Nuclear Power

Lage: Another thing that Warren says in his interview is that the 1973 and 1974 legislation was sort of a back-door approach to limiting nuclear power, that, at the time, you couldn't come right out and say you wanted to limit nuclear power. He saw it as a back-door approach. Was that also the club's view?

Zierold: Yes, because it wasn't a ban on nuclear power. And it wasn't an act to decommission existing plants. It was, instead, a simple requirement that no nuclear power plant could be authorized for construction by any entity in the state of California until such time as the federal government had examined methods of treating and disposing of solid wastes and certified them to be safe. That has not yet happened. But that was what the package did. There were several bills, one on berm containment, one on the treatment of wastes, and one on siting. But those three bills taken together, I suppose, constitute a back-door approach.

Lage: It was actually the '73 and '74 bills that created the energy commission. He called those the back-door approach as if limiting nuclear power were in his mind even with the first bill.

Zierold: I'm sorry. I misunderstood you. I thought you said the safeguard bills. I still would say that the safeguard laws perhaps fit that description better.



Lage: Because they weren't a complete ban.

Zierold: No, they weren't a ban. And they weren't a rollback. It wasn't a prospective ban nor a retroactive rollback. Instead it set in the ground rules for the permit process that the Energy Commission, or any other entity in state government having permit authority, could not lawfully authorize the construction of a nuclear power plant or site it, for that matter, until such time as the federal government has gone through this process of examining treatment and disposal of hazardous waste.

Lage: That is an effective ban.

Zierold: I don't know. Who is to say how long it will take the federal government to do that? At that time they were examining those processes. Perhaps those who have a more sophisticated understanding of nuclear technology could say it was a ban because, given the demands for absolute certainty, they knew that the Federal Energy Regulatory Commission would be a long time in determining that these existing processes are indeed safe.

I would still say that if there were a back-door approach, it better describes the nuclear safeguards process than it does the creation of the Energy Commission because when the commission was created, a number of plants were grandfathered in. In other words, they were not going to be subject to the Energy Commission.

#### Appointments to Regulatory Commissions: Debts Discharged

Lage: How about the process of getting Reagan to sign that legislation? Was the club involved in that?

Zierold: In some ways, yes, although not to the extent that Leo McCarthy was. The legislative leadership wanted to work with Reagan on the issue. It's interesting that Ronald Reagan, even though he didn't leave office until the twentieth of January and the bill took effect on the first of January of 1974, nonetheless the appointment of those members was given to Jerry Brown. Not to Jerry Brown, but to the new governor, whoever it might be.

Lage: That was part of the bill.

Zierold: It was part of the agreement. It was stated in the bill. The bill took effect at a certain time. But the commissioners would be appointed at a later date. That meant that the governor who succeeded Ronald Reagan would make the appointments.

- Lage: I have the impression that the club didn't really try to approach the Reagan administration on things like this. Is that correct?
- Zierold: Not often. Sometimes.
- Lage: Did you have any avenue of approach?
- Zierold: Yes. Our approach to Reagan was through Norman Livermore.
- Lage: Only Livermore? There was nobody else that you might talk to?
- Zierold: We could talk to Deaver once in a while. Some people could talk to Ed Meese once in a while. But mostly Ike Livermore.
- Lage: It might not have helped had you lobbied with the governor on this bill. Is that the case? Is it better to keep quiet?
- Zierold: You mean on the appointments?
- Lage: No, on getting them to sign the legislation.
- Zierold: On, no. We worked very hard at that. That's not something we were shy about. We have never pressed very hard for appointments, though, when there's little chance of getting them, or virtually no chance of succeeding. I think that that is a waste of time. It indicates a lack of sophistication. Again, many appointments are made on the basis of political debts. Somewhat in the fashion of how ambassadors are chosen. Here there's a much lower state of exaltation. But there are some people who are very pleased with being appointed to the Fish and Game Commission or to some other public body. Because they've been generous in their support for campaigns, they're rewarded in this fashion. We don't waste time on those things. We do naturally submit a recommendation. And we obviously comment in-depth when we're asked. And we are asked today about a number of appointments. But it's not reasonable to suppose that we're going to get Governor Deukmejian to appoint our people to BCDC or to the coastal commission. He's going to appoint people who have been close to him politically.
- Lage: That sounds reasonable. Environmentalists had been pretty disillusioned with the PUC [Public Utilities Commission]. Why was there so much greater hope for another commission? Why wouldn't this commission also be captured?
- Zierold: Because different requirements were made of the energy commission. Different people would go to work for the energy commission than at that time worked for the PUC. What had happened in the view of environmentalists was that the PUC was the captive of the businesses it was regulating. That's not uncommon in government. In many instances people who have worked for the PUC and mastered the intricacies of regulating the utilities and the railroads and

Zierold: others, then went to work for one of those companies. It happens in Washington. It happens here. It happens in Albany, or in Springfield, or any other state capital.

We felt that there wasn't really much hope in giving to the PUC the continued jurisdiction over energy policy. They had tended to take without question the forecasts from the utilities. They didn't really develop their own research program. They didn't make their own inquiries in the way we thought most in the public interest. It was kind of comparable, in a way, to the Middle East back in the 1950s when the Suez crisis developed. That was a time when policy makers in the United States didn't study what was happening in the Middle East particularly. They studied what the British and French said they were doing there. And the PUC, in effect, studied what the utilities said was the demand for electricity and what the demand would be over time and how that demand should be met.

With that kind of history built into the PUC, with that outlook, that kind of too cozy relationship with the industries being regulated, the logical choice was to create a new commission, to bring in people without those alliances, without that kind of philosophical consanguinity that had existed over a long period of time. And without the sort of cozy, rosy future available to people who didn't antagonize the regulated companies, our chances for building a good policy were greatly enhanced. I think that has been true.

Lage: But is there anything to prevent the energy commission from being captured?

Zierold: No. And it may well be that over a period of time the energy commission will become, in its way, too good a friend of the companies that it's regulating.

Lage: Most of these commissions started out to do a job of regulating.

Zierold: It's reasonable to assume that. Yes. A gamekeeper sometimes turns poacher.

#### Governor Jerry Brown and the Energy Commission

Lage: Shall we talk a little bit about Brown's initial appointments to the commission? The Sierra Club was pretty well disappointed in them, as I understand it.

Zierold: Acutely disappointed. We got Ron Doctor. We also got Bob Moretti and someone from the Livermore Laboratory.

Lage: There's Pasternak and Tuttle. Did they all have some nuclear background?

Zierold: Pasternak and Moretti were very sympathetic to nuclear. Ron Doctor was opposed to nuclear. And Richard Maullin was very hard to fathom. He essentially did what Jerry Brown wanted him to do because he was a close political ally of Brown's. He had been a member of the Brown campaign team. He made decisions basically on what was best for Jerry Brown. It's perhaps more precise to say what was best for Jerry Brown, the political weathercock. So long as there was strong public opinion about nuclear power, Brown essentially swung, headed into the wind, if it was blowing from the anti-nuclear quarter. Richard Maullin essentially did what was in Brown's political interest, or what may have been most consistent with Brown's own personal views. At times it was hard to tell.

I think Jerry Brown was genuinely concerned over nuclear power and was very skeptical about it and decided that one of the things he would do as governor would be to slow down the headlong rush into building nuclear power plants in California. So we had two members who were willing to take the hard look at nuclear power. Tuttle was a kind of swing vote, very difficult to figure out. Moretti and Pasternak were pro-nuclear.

The differences between the energy commission and Charles Warren's committee hearings on nuclear were very interesting. The energy commission, when they held their hearings, didn't invite anyone in, to speak of. We got no real opportunity for input there, nor did any others who were concerned about nuclear power.

Lage: Who did they hear?

Zierold: They talked to the utilities.

Lage: Was this after the nuclear safeguards legislation?

Zierold: This was when they were looking at applications the utility companies were making. They were beginning their presentations to the commission on the future needs for nuclear power as a means of meeting demand as they were forecasting it. This at a time when the considerable differences between the utilities' forecast and the energy commission's had come into public view, or had become apparent to those who were following the work of the commission.

We were not happy with those appointments. Frankly, Bob Moretti was appointed because Jerry Brown wanted to take care of a Democratic leader who had run for office and lost, and really was looking for some way to re-establish himself either in government

Zierold: or elsewhere. And he got the appointment. It was a good one in terms of money. Although no one got rich on the energy commission, nevertheless it was a high paying job for that period.

Lage: It's in the public eye, I suppose.

Zierold: Oh, yes. And afforded an opportunity to make friends for the future.

Nuclear Safeguards Initiative, Proposition 15

Lage: We haven't discussed too fully the nuclear safeguards initiative and the club's stance on nuclear power. We had the Warren legislation coming through at the same time as the initiative. Now, how did those two relate, the initiative--Proposition 15--and the legislation?

Zierold: It wasn't planned by any means. And obviously the legislation was less stringent than the ballot proposition. I suppose that maybe it could be argued that passage of the bills hurt the chances for the initiative. But I don't believe so. I think that the legislation was the wiser course of action because we had a better chance for that than we did going to the public without sufficient money to be a countervailing force to what the utilities were doing by way of their advertising, the "Let 'em freeze in the dark" television ads and so on. It's too complicated an issue to try to deal with on television. Or at least it was at that time.

Now, with a proven record of mismanagement and system breaks and safety hazards and cost overruns beyond the wildest dreams of people, it would be easy. Actually, the situation has taken care of itself. I don't think the nuclear safeguards laws broke the back of the nuclear power industry. I think that economics did. It bought time for us. So some places were spared. Unfortunately Diablo Canyon isn't one of them. In 1974 there wasn't any real chance of winning that battle at the ballot box. If it were submitted now it would be better.

Lage: I remember feeling at the time that the legislation was put through to take the wind out of the sails of the initiative.

Zierold: No, that was not my understanding of it. I'm sure that that was not what Charles Warren had in mind.

Lage: But he did use the initiative.

- Zierold: The initiative contributed to the success of the nuclear safeguards laws. That is true. But the bills were not introduced as a means of taking the wind out of the sails of the initiative.
- Lage: There was no objection from club members who were supporting the initiative that they felt that this office shouldn't be working for the legislation?
- Zierold: Some felt that, but not very many. Usually it was expressed in terms of, "Are we making a wise decision in supporting these bills when we may limit our chances to pass the initiative?" But once that was looked at carefully, I think people pretty much reached the decision that we were better off with the bills. We had a real chance of passing those. As it turned out, we did.
- Lage: Was there an effort to get some of the provisions of the initiative into the bill? Such as the liability limit. I think that was one of the main differences.
- Zierold: Not seriously.
- Lage: Was it just thought to be impossible?
- Zierold: That would have killed the bill. That was dealing with federal law anyway.
- Lage: That's true.
- Zierold: There was no way that the state could preempt or occupy that field when federal law would go on unamended.
- Lage: Even the initiative may not have done it, then?
- Zierold: No, I doubt it. There would be a serious question about that.

#### John Zierold's Personal Views on Nuclear Power

- Lage: What about your own personal views about nuclear power? Did they develop over a period of time?
- Zierold: I had always been concerned about nuclear. I felt that it was an unwise course. Obviously, what Henry Kendall and Ted Taylor and others have said about the unreliability of nuclear power plants was something I took seriously. What troubled me even more were two other considerations. First of all, the vulnerability of nuclear power plants to theft of weapons-grade waste material, then the potential use of that for the construction of atomic weapons by what were then movements which led to people like

Zierold: Khadafi taking power. That was a very disturbing thought, particularly because in past years I had some immediate responsibility for strategic intelligence matters. Knowing such things exist, I felt that that alone was sufficient reason for taking the utmost care in making the commitment to nuclear power.

In order to deal with that, there also is the necessity for adopting security measures which are perilously close to police state considerations. If you have to do this, then the restrictions that are placed are of some concern. It seemed to me something we were always better off without. There was no need to build nuclear power plants just because they were said to be cheap and safe and would provide us with an abundance that might not be available to us because of the existing energy crisis in oil. That was always my concern.

How many persons among us can make an intelligent, self-informed decision about nuclear? We make our decision based on the recommendations of those we trust. Some people trust Edward Teller. Some people trust Henry Kendall. I, as I said, was a repository of anxiety rather than calm, though I have never mistaken my preferences for the preferences of the Sierra Club. They don't tend to be different. But I never make recommendations to the club's leadership, or advise them on legislative policy based on what my preferences are. I have always tried, I think with reasonable success, to be an instrument of the club policy, once the volunteers understood what the options were and made a policy.

Lage: You would advise on the scene here?

Zierold: I didn't give much advice to the club leadership on nuclear. The leaders were very knowledgeable and had firm opinions about what they wanted.

Lage: We talked last time off the tape about the government's proper role in scientific matters, because of what you have just been talking about--these differences in expert opinion.

Zierold: It's been coming for a long time, obviously. Government has a spotty record of discharging its responsibilities to the public. I think I said to you earlier, perhaps off the tape, this has been building since the time of Francis Bacon, who exhorted the scientific community to use its knowledge to improve the material state of man. I think that activity commenced because of Francis Bacon more than anyone else. The scientific community did begin to find certain applications of knowledge which were commercial in nature.

Zierold: Whenever government has attempted to impose certain requirements or limitations on these enterprises, scientists have resisted it. The medical community is a very good case in point. We can't really call them scientists so much as we can practitioners of the healing arts. But whether it's a physician or a physicist, there is naturally a resistance to government stepping in and regulating scientists. Scientists are not much different from utility companies or construction companies; they don't want to answer to government. It is no longer a state of mind. The possession of knowledge is no longer just a state of mind.

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Zierold: The possession of knowledge has passed from the contemplative to the active sphere. The most dramatic example of that was Einstein's theory on nuclear explosives, the possibility that this formula could be translated into the building of a bomb, and was. Since that time, we have looked at even broader commercial applications of nuclear fission to include the production of electricity.

But it isn't confined to the production of electricity, because of the threat of taking waste materials for purposes of war. If it is possible to steal the waste from this scientific activity and build a bomb with that power of destruction, then clearly government has an extraordinary responsibility.

This is also true of DNA research, even though it can be argued that the intent is to do such things as produce plants that will fix their own nitrogen in the way that legumes do and thereby increase productivity and make food available for all the world's hungry. Laudable ambitions, obviously. In the same way it might reasonably be said that to produce cheap electricity through safe nuclear power was a laudable ambition. That was a plausible explanation, but not a convincing one.

The same is true of much of this activity. When I said that government has a logical role to play, whether it was expressed best in the nuclear safeguard laws or in the initiative to ban nuclear power was a matter for individuals to decide. There is this necessity for trusteeship on the part of the government in such things as regulatory programs. That to me is the primordial concern of making policy.

Lage: That's what the nuclear legislation really did. I think the striking thing about it is that it gives that decision power to government through an open public process.



Zierold: That's what I believe to be the case. That is what gave me the greatest satisfaction in seeing it passed and signed into law. What I just told you isn't the kind of testimony that we gave in support of it because it probably would have sounded pompous, particularly for a non-scientist to present before a legislative committee dealing with something thought to be of lesser import.

Defending the Energy Commission

Lage: Given the provisions of the nuclear safeguards legislation, I am surprised that when decisions were made that carried out the legislation, there was such an outcry--for instance, when Sundesert was not licensed. Had the times changed? Or did the legislators not know what they were passing?

Zierold: I think the legislators knew what they were passing. I think San Diego Gas and Electric was troubled over its failure earlier to choose a different course. They didn't have to go with the energy commission at the time. There was a time when they could have opted for a different permit procedure. They could have gone through the old permit procedure of obtaining a certificate of convenience and public necessity from the Public Utilities Commission. They opted instead to go with the energy commission.

Lage: Was that because they were in a transition time? They had a choice?

Zierold: I have no way of knowing why they made that decision. If I remember correctly, they did have a choice. They chose the energy commission. Remember also that the nuclear safeguards measures were passed after that. They were passed before Sundesert made its application, but after the creation of the energy commission.

Lage: So the energy commission had already held hearings on whether nuclear waste had been adequately planned for?

Zierold: No, the Warren committee in the assembly had begun its deliberations on this issue. It seems to me that it didn't take a great deal of prescience for the utilities to have known about these hearings, even long before they were ever conducted. At least I feel that way.

It all worked out for the best, of course, because Southern California Edison can provide power to San Diego Gas and Electric at lesser costs than San Diego would have incurred had it built Sundesert. If you look now at what these cost overruns have

Zierold: become for projects in the Pacific Northwest, the so-called "WHOOPS"\* Projects, and the abandonment of nuclear power plants in other parts of the country because of excessive costs, they actually did themselves a favor. At the time they may have felt they had shot themselves in the foot. But in retrospect, I'm sure they now look upon that as having been in their own best interests after all.

Lage: When Sundesert was not approved, there were tremendous efforts to do away with the energy commission.

Zierold: There were.

Lage: And the club seemed to be very much on the defensive.

Zierold: Yes. That's not an unusual posture for us. We've been on the defensive ever since 1975. That has been, regrettably, the major part of our effort here, to hang on to what we got in the first half of the 1970s.

Lage: And [Alfred] Alquist, who had been involved in creating the energy commission, then became a leader in trying to get it "uncreated."

Zierold: Sort of like eating your young, isn't it?

Lage: What happened with that? Did he change his mind?

Zierold: I think that Senator Alquist always was a supporter of nuclear power, and his own bill, which later was merged with Warren's bill, treated nuclear power much more favorably. The program of authority in the permit process given to the energy commission was much more flexible in Alquist's bill than in Warren's. I think the reason that the Alquist text contained more of Warren's bill 1575 than Alquist's SB 280 was because Warren had a superior staff. They had marshalled their facts and organized their arguments much more effectively than Alquist's staff. Alquist's staff depended on the utilities to a greater degree than it should have. Not to criticize them, because I've always liked the people who worked on Alquist's staff. But I just think that Warren's people were leaner and faster and tougher.

Lage: Was [Emilio E. III "Gene"] Varanini from Warren's staff?

Zierold: Yes.

Lage: And then later he was on the energy commission?

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\*A pejorative acronym that puns on the initials of a multi-state power consortium in the Pacific Northwest. --JZ

Zierold: Yes.

Lage: Was he someone whose efforts you appreciated?

Zierold: I certainly did appreciate his efforts. I hold him in high esteem. Gene Varanini is graduate of the Naval Academy. He was a captain in the Marine Corps in Vietnam and then came back here. He resigned his commission and began to work for the legislature, took a law degree, and is utterly committed to the issue. He is very bright, totally indomitable, as befits someone who's as accustomed to challenge as he was in his educational career and in Vietnam--which hardly could have been a pleasant experience. He was a combat commander in the Marine Corps. He attacked the energy crisis with the same vigor that he displayed in those pursuits, and with the same organized intensity, and got good people to work for him. Gary Simon was one of them. Super bright. He also worked with the people at the Rand Corporation. Gene Varanini cracked the whip.

Lage: This is on Warren's staff or on the energy commission?

Zierold: Both. He's now back at the legislature as consultant to the Assembly Committee on Energy and Resources. I think that what tells you most about Varanini's intelligence and integrity is that he has not gone to work for a utility or for a company related to the commercialization of energy because he's not corruptible.

Lage: Now, Brown appointed him in '76?

Zierold: Brown did.

Lage: Did the club have anything to do with that?

Zierold: Yes, we supported him. And Alquist supported his nomination and confirmation in the senate.

Lage: And then also Doctor's re-appointment. That's mentioned in the papers.

Zierold: That was one of our more difficult political tasks because Ron Doctor got caught in an embarrassing situation. He had used a state vehicle to stop off at a Safeway store to get groceries. Someone reported the car there on a Saturday. He was on his way to the energy commission to work. But nevertheless, it was embarrassing.

Lage: Is that uncommon?

Zierold: No, it's not. But if you're using a state car it should be used for work purposes. Unfortunately, while it's not uncommon, it's improper. So he got a lot of unfavorable publicity, and it was a

Zierold: convenient way for the friends of the utilities and the enemies of Ron Doctor on the energy commission to resist confirming him for reappointment. I worked on his reappointment for a long time. Curiously, I got Lou Cusanovich, a conservative Republican, to be the twenty-first vote. But in order to get up to that point I had to get John Briggs, who had carried one of the original nuclear power plant siting bills. And I was able to persuade John Briggs and Lou Cusanovich to vote for Ron Doctor on the basis of this being Brown's appointment. They didn't like Ron Doctor. Briggs was running for the Republican nomination for governor, and I talked to him on the basis of his being in Brown's position, with an appointment hard to get through either the Senate Rules Committee or the full senate for confirmation and saying, "Why don't you go ahead and vote for him on that basis?" It's the governor's appointment. He should be able to choose anyone he wishes. Even though Ron Doctor should have known better on the use of the car, surely no one in this body can say that he hasn't done the same thing from time to time. They gave me the votes not because I made a compelling argument, but more as a personal favor.

We worked it out, although there was a lot more to the effort than simply getting Lou Cusanovich and John Briggs. I spent a lot of time lobbying for Ron Doctor. I remember after it was over and he was confirmed, much to the surprise of many people, I probably got calls from a half dozen reporters asking how I managed to do that.

Ron Doctor also called to say "thank you." It was very interesting. His secretary put the call through, if you can imagine. I thought that, perhaps, was as good an explanation as any for my difficulty getting the votes to confirm him.

Lage: That's an interesting sidelight.

Zierold: Yes, I thought so. It seems to me somehow a particular ingratitude under the circumstances, the sort of officiousness that some people display when they are swollen with a sense of self-importance by the honors and offices that are given to them--not necessarily by virtue of their own appeal, but because efforts have been made on their behalf. I thought that it could have been done more felicitously.

Energy Crisis 1974

Lage: I started out asking you what your view of the energy crisis was. Now we're almost through talking about energy.

Zierold: The energy crisis, of course, did come in 1974. I was in Rio when it struck. I suppose the cause of the energy crisis went back farther, the creation of OPEC with the assistance of certain policy makers in the U.S. government who ought to have known better. I was having lunch at the Yacht Club in Rio with Roberto Campos, who was then Minister of Planning for Brazil. He had been Brazil's ambassador to the United States, an honorary professor of economics at Harvard and a member of the board of the World Bank, a person distinguished in every way, and someone that I have known for a number of years.

While there, the Yom Kippur war broke out, the Arabs declared the oil embargo and bumped the price. We were discussing it, and I'll never forget it as long as I live because he extended a fork in mid-air, and he said to me, "Zierold, we are going to witness the greatest transfer of capital wealth in the history of mankind, and probably the greatest potential risk for war over a commodity that the world has ever seen."

I think that turned out to be a very accurate prediction. I remember repeating it to certain people in political circles in the United States whose first reaction was one of rather rude skepticism. But later they repented, confessed their error, and said that was absolutely correct because during those years, as you may remember, the United States was to import more than half the oil it consumed. I think of the seventeen-million barrels a day that the U.S. consumed during the mid-1970s, a little more than ten, or at least a little more than nine was imported. And the outflow of dollars was approximately a hundred-billion dollars a year for energy brought in from outside the country.

Someone did a little piece for The Economist, the British magazine, in which he tried to explain to people unaccustomed to thinking in large numbers just what all this meant. In the story he created an artificial currency, which they called the copec, C-O-P-E-C, the Currency of the Organization of Petroleum Exporting Countries, a pun on the Russian word kopek, which means penny. At any rate he said that given the amount of money being transferred to the OPEC countries, one day's income would buy such and such. For example, one week's income would buy the Bank of America Corporation in its entirety. One month's income would buy something substantially larger. I believe one year would buy all the stock outstanding on the New York Stock Exchange. Two years would buy all the outstanding stock on all the world's stock exchanges. A considerable sum of money.

Zierold: That was the real crisis and I think still is in terms of lingering effect from inflation and other economic difficulty that we had. It increased the pressure, naturally, for such things as nuclear power because people thought that nuclear power would be cheap and would relieve us of a dependency on imported petroleum, while we in turn argued that conservation was clearly the cheapest and best new energy supply we could possibly put in place. So the crisis came, but in a form different from what people thought.

Lage: You didn't see it as manufactured.

Zierold: That wasn't a manufactured crisis.

Lage: Did it have any positive effect? One article I read said this made the environmentalists respectable because they had been advocating conservation for so long. But on the other hand, it led to tremendous attacks on the environmentalists' position.

Zierold: True. We survived the attack. What you say is correct. We did achieve credibility because conservation has proven to be exactly what we said it would be, a cheap source of new energy and a stabilization of energy demand, because it led to more energy efficient appliances. It led to smaller cars. And it led to reduced consumption in other areas. The result has been a relatively salubrious effect on the economy. We were right.

## X DOW CHEMICAL PLANT CONTROVERSY

A Perspective on the Dow Decision

Lage: We're going to turn now to Dow, the Dow Chemical Plant fiasco. We could call it that. Was that in 1976?\*

Zierold: Seventy-seven, I think.

Lage: What's your perspective in general on what happened there, what it led to?

Zierold: Well, after Dow junked its plans for those projects in the North Bay Area, we were hit by a very strong campaign. A lot of measures were introduced to abolish CEQA, to exempt certain kinds of activities from CEQA. John Henning, head of the AFL-CIO in California, cited it as another example of how the environmentalists and the Sierra Club in particular had declared war on the working man. We were said to be insensitive to people's needs, which, of course, isn't true. We had supported fair housing, low and moderate-income housing. We're strongly in support of the atomic and chemical workers concerns over job safety, always in support of measures that led to OSHA [Occupational Safety and Health Administration] regulation.

But somehow that never was enough as persuasion because the building trades and the operating engineers in particular saw this Dow issue as the loss of jobs for them. Ironically, the labor union was in no moral position to criticize anyone because the building trades, as I understand it, signed an agreement with

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\*In 1977, the Dow Chemical Company abandoned plans to build a large chemical complex in the Suisun Marsh area of northern San Francisco Bay. The company cited restrictive environmental regulations and burdensome permit procedures as the reason for its decision.

Zierold: Dow--or if they didn't sign an agreement, they struck an agreement--which in effect allowed Dow to use non-union people. But the union in turn, for some considerations, raised no real objections.

Lage: This was at the proposed plant?

Zierold: They would have used non-union people for plants that were to be built, as I understand it. I'm not sure that that's entirely correct. But it did come from someone inside the Atomic and Chemical Workers Union.

There was a very effective public relations campaign mounted here in Sacramento, and statewide, criticizing California as a place where the government climate was hostile to new businesses.

Lage: Had this been building up from other things, from the coastal commission or CEQA?

Zierold: To some degree I suppose it was. But I think it was more the opportunism of some public relations practitioners based on what was presented to the public as an outrageous act of berserk proceduralism on the part of the Brown administration.

Actually, it wasn't one plant, but almost a dozen that Dow had planned to build. And they were offered a consolidated environmental impact permit for all of them. But they refused. And the reason they refused, to the best of our understanding, was because they were unwilling to disclose the details of all the other plants that were going to follow. It was going to be an immense chemical complex.

Lage: They were afraid that if the extent of the project were known they wouldn't get the permit?

Zierold: Then there would be no public sympathy for this because in that area of San Francisco Bay, the East Bay area, there was at that time concern over a much higher than average level of cancer.

Lage: In Contra Costa County?

Zierold: Contra Costa County. So Dow was unwilling to disclose how many plants it really intended to build, how large each of them would be, and to what extent there would be impact on the environment as a result of all of that going forward.

None of that got publicized, however. Dow became the symbol for unnecessary environmental regulation.

Lage: How did you see Brown's reactions to this?



Zierold: Well, I think that this was a case where the governor failed to stand his ground as well as he might have. There were attempts to accommodate Dow. Somehow there was almost a sheepish admission on the part of the governor that all these regulations were unreasonable. How could anyone, by any canon of logic, say that it was unreasonable to ask Dow to disclose exactly what it planned to do?

The residents of Contra Costa County have a right to know the facts about any complex of twelve or thirteen different establishments for the production of PCB and other chemical products which are associated as risks for cancer. These chemicals pose threats to pregnant women for example; they are associated with obscure forms of cancer that affect the liver, which have existed in numbers far higher than either national or California average and which were thus thought to be attributable to the chemical activity in that area. One plant made it appear the government was unreasonable. But Dow's full disclosure of everything it planned to build would have created a far different kind of public reaction. So they were very skillful in how they handled this.

Also, they pulled out at a time when there were some financial pressures on the company. It was argued by some that the money that was going to build that first plant was needed more in Midland, Michigan, for the construction of the power plant to serve Dow's energy needs, and a corporate decision was made to transfer it over there. But they didn't admit to that, and used the withdrawal of their plans to serve as a basis for criticizing the government in attempting to initiate some rollback or repeal of most of these regulations.

#### Legislative Response: Attempts to Roll Back Regulation

Zierold: They were successful in that the program got started and the effect on environmental values was damaging. There were some bills introduced as a result. They had said there were going to be a thousand jobs that would be created as a result of the work there. But the full facts weren't made known. Stanford Research Institute had done a report for Dow. And Dow would not disclose it.

But here are a couple of examples of the attacks that were launched on CEQA and the air and water quality legislation.

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Zierold: After they pulled out, there was a flurry of activity in the legislature. Senator John Nejedly from Contra Costa County, otherwise very sensible on environmental issues and chairman of the Natural Resources Committee, had introduced a bill which said that a decision on any project had to be reached within ninety days. Even if the full information wasn't available, that decision had to be made. Obviously, the effect of that would have been catastrophic. It certainly would be for a nuclear power plant, or for some activity which would have NOX emissions or SO<sub>2</sub> far above permissible levels.

Paul Carpenter, a Senator from Orange County, had a bill proposing that any citizen exercising his legal rights to challenge environmentally damaging projects would have to post a bond in the amount of, I believe, ten percent of the total value of the project. Here we have justice by toll gate in the classic sense. What private citizen could post a bond that would be equal to ten percent of the value of that chemical complex? I don't know what the entire price was. But it ran in the hundreds of millions of dollars.

We saw lots of other bills. John Holmdahl had one which would deprive the Air Resources Board of the authority to require Detroit and foreign car makers to meet California standards. And so on. There were lots of them.

Lage: The response was so broad. There was a bill to turn back the Wild Rivers Act, too. I don't know how it was related. But it came right at this time.

Zierold: It came at the same time. Reuben Ayala had that bill.

Lage: It was almost an excuse for all this pent-up animosity.

Zierold: Well, people saw a window of opportunity. The name Dow was such that it was on the lips of everybody presenting a bill to roll back or repeal environmental regulations. They would invoke this spectre of Dow and its junked plans for its projects and the loss of a thousand jobs, the hostile atmosphere that had been created by the regulatory activity of the Brown administration. They saw it as an opportunity. No matter how unrelated to Dow, which was, of course, to go on prime farmland. The Williamson Act contract had been abrogated by local government, improperly, leading to all this problem.

Lage: Dow was going to be built on prime farmland. Its permit was actually denied based on an air pollution requirement.

Zierold: That's ultimately what did it. But you must remember that the fight got started when they were proposing this for prime farmland. That is what first awakened the interest and gave the environmental community a little momentum on the issue.

Lage: And with the post-Dow moves, you have been put on the defensive since 1975, would you say?

Zierold: That's about it. I do have some figures on what they were contending. And this was the kind of thing we had to deal with. Dow, and those who followed Dow, argued that California had a bad business climate because of its environmental policies. There was something called the Fantus Report. It ranked states according to their hospitality, for want of a better word, shown to businesses wanting to locate there. And they ranked California very low. The truth was that that Fantus Report had not studied the business climate during the term of Jerry Brown, but during the term of Ronald Reagan.

But more importantly, the reason that companies choose to locate is not necessarily or always because of the existing economic climate, but because of the personal preferences of the executives making the decision. So all of these things are at best rather loosely contrived as determinants for deciding whether a state has a good or a bad business climate. That was one of the problems raised.

Actually, we were pointing out a number of the statistics that we mentioned in Perspective\*. There was a \$2.7 billion dollar surplus and a prediction by the major banks that there was very strong economic recovery in California during Brown's first term, a much lower rate of unemployment than people had anticipated. Security Pacific Bank said there would be a growth of employment by over 350,000 jobs that year. The University of California had a business forecasting model. They forecast 7.3 percent unemployment with 400,000 new jobs. I think that was the difference between the public relations campaign and the economic reality. But it still continued for a number of years.

Lage: Those are the arguments used to try to persuade the legislators. What was their response to your lucid argument? What was the response of some of your friends--?

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\*The Sierra Club legislative publication.

Zierold: Some of our friends were confused by this and having second thoughts about it. Could it really be this bad? Was it true that Dow had to get sixty-five separate permits to build its plant? The answer to that was no. It didn't have to get sixty-five. The state offered them one single permit. But they refused that offer. Admittedly, it came after much of the fuss had been raised.

Brown, in a sense, was willing to give Dow extraterritoriality because of the negative publicity the administration was getting. It was a form of capitulation. But, nevertheless, they cannot say with any honesty that government hadn't tried to accommodate Dow to the extent that it had legitimate concerns with a long and cumbersome process. But it was willing to do so only if Dow would be equally forthcoming about the size and scope of the program it was putting in place. How much more was going to go there? What responsibility did Dow have to make full disclosure of its plants? If it was to build twelve or thirteen plants all together, then the public had a right to know that before government made a decision which would embark them on a course from which there would be no turning back.

#### Sierra Club Relations with Organized Labor

Lage: And what kind of response to these arguments did you get from them? Were they under tremendous pressure from other sources? Labor?

Zierold: Labor, primarily. Labor wouldn't listen to reason on this issue. It didn't want to. It saw the Dow case as an opportunity for getting rid of some regulations which slowed up approval on housing developments or other major public and private works of interest to them--the operating engineers as well as the building trades.

Lage: How would you evaluate the club's interest in general in the relationship with labor and efforts to reach some kind of accord with labor. I know there have been certain people in the club, Dwight Steele is one of them, who have really tried to work in this area.

Zierold: Les Reid is another. The efforts have been sincere but unproductive because labor isn't really willing to sit down with us.

Lage: Dwight Steele, at least, gives the impression that maybe the club wasn't quite ready to understand labor's point of view either.

Zierold: That's perhaps true. I wouldn't quarrel with that. However, labor was even less willing to consider our point of view.

Lage: Did this office have meetings with labor representatives?

Zierold: Often. With Jack Henning, mostly. He is head of AFL-CIO for all of California.

Lage: How did you find his point of view?

Zierold: Predictable.

Lage: Did he have any sympathies as an individual, but felt perhaps pushed by his constituency? Or did you just not have a meeting of the minds?

Zierold: I think that there are some issues on which he would agree with us but found it impossible to express such an agreement publicly because of what you call pressures on him from his membership. He is, after all, an elected official. And if he isn't militant, upfront in his criticism of those programs which labor finds unwelcome or uncongenial, then he's not going to be head of AFL-CIO for very long. It is necessary to fight for jobs, higher wages, better conditions. Even though we have always been supportive of labor on such matters as OSHA, there hasn't been reciprocity from labor at all.

One of the most amusing misconceptions about labor came in 1969 and the first months of 1970. Ralph Nader sent a team out here to do a study called "Land and Power in California." One of the more misbegotten ideas in that study was that the environmental movement was not a very effective or sophisticated lobbying organization because it did not team up with its natural and willing allies, organized labor. If you can imagine anything less possible than an alliance of labor and the environmental movement on such things as land use, I would be eager to hear it.

When I read that, I said, "If that is an example of Ralph Nader's work, from now on I'm buying Corvairs." [laughter] They simply didn't know what they were doing. It was no small offense or gratuitous insult to people in the environmental movement who had done such things as prevent a dam on the Grand Canyon and created BCDC, and had worked for so long on so many issues, to have some ingenuous group of college students who mistook their preferences for the world's and their experience for wisdom. It was naive to say, after a month's worth of interviews, that labor would always be willing to help the environmental movement in pursuit of its goals when just the reverse was the case.

Zierold: The exact opposite was what labor had as a view of environmental regulation. The auto workers don't want clean air regulation because somehow they have been persuaded, either by themselves or by the automobile industry, that this limits the amount of automobiles that can be produced and thus costs them jobs. No one in the labor movement wanted anything to do with a coastal commission because it meant that there would be limited opportunity to build second-home developments on the coast. The same views are held on CEQA, that is, that the examination of potential adverse impact that a project might have slows down the permit process. They're willing to cast all of these things aside, in spite of the fact that the overwhelming majority of people in the country want these regulations to be even stricter than they are now. I think it's fair to say that we were more willing to reach an accommodation with labor, and we were more willing to understand their point of view, than they were ours.

Lage: Do you have any ideas for dealing with this?

Zierold: I often talked to Jack Henning about it. We are on good terms personally and have been for as long as I've been around here, which is twenty years. I like him personally. And I think he likes me. But he really sees no way in which there are programs that we can support together. We do work with the plumbers' union. We support the plumbers' attempt to get a realistic study on these plastic pipes. And they expect that that study will recommend a very severe limitation on plastic pipe, particularly for drinking water. That's obviously something we support. We help them. But it doesn't work both ways. I can't recall an instance where the plumbers' union has ever helped us or ever will.

The Atomic and Chemical Workers' Union is probably the one arm of organized labor that the Sierra Club has worked with on a consistent basis. That's because of the nuclear safeguard issue, radiation hazards, and OSHA. But again, they don't work actively for Sierra Club goals. But that's all right. It isn't absolutely necessary to have reciprocity.

Lage: It helps.

Zierold: Well, it does help. I think it is more important to have no illusions. I think that over the long term our willingness to support those programs in the face of their unwillingness to support ours will help us. It's not something for which there will be instant gratification for the Sierra Club people who work to help the unions get better regulations on safety in the workplace. If we want to make a big issue about protecting the kit fox, we should also make a big issue about protecting workers. There's really no difference in terms of a concern for a hospitable environment.

Lage: Are there more pressures from the Sierra Club constituency to protect the kit fox than there are to protect workers' environment or deal with toxic waste?

Zierold: Oh, certainly. I suppose because there is a widespread belief that humankind has the intelligence to take care of itself, see the problem and protect itself, whereas certain members of the animal community are not in a position to protect themselves because of the activities of man. I presume that is the reason for more activity on the part of wildlife preservation than the preservation of people. Now, we do, of course, find a lot of match-up with wildlife preservationists and nuclear freeze advocates, I suppose. But there are different levels of concern and different possibilities for results. I think that by bringing pressures on industry for a safer workplace, we also can bring pressures to bear on government for limiting risks from various kinds of industrial and technological activity. That, over the long term, benefits all living things, I suppose.

Lage: Did you get some help from the atomic and chemical workers? If they're concerned with safety of the workplace, are they also concerned with discharge from plants?

Zierold: I really can't say whether they have ever worked with environmentalists on the control of discharge or not. I don't know. At least not here in Sacramento, to the best of my knowledge. Perhaps this is true in Washington.

#### Dow, Single Person Law, and Government Regulation

Lage: Is there any other thing about the Dow controversy and all that it led to? It's such a broad topic. We've just sort of given a general framework. We've talked about CEQA and the efforts to revise that in an earlier part of the interview.

Zierold: Obviously, a case history of the Dow application from beginning to end would be interesting, not one that we could cover in these talks because not all of it was conducted in the state capitol.

Lage: A lot of it was on the scene with various agencies.

Zierold: Much of the adverse publicity created by Dow was a result of the public relations work done with the print and electronic media outside Sacramento. Hence much of the misapprehension, confusion, and deliberate misrepresentation.

Lage: It would be a good topic for someone to research, just the public relations part of it.

Zierold: I think it would be an excellent doctoral thesis on einselgezetze [single-person law] in America. Dow really sought to exempt itself from all these laws. That was its goal. They wanted to exempt Dow from CEQA, not only for one plant, but for eleven or twelve which were to follow.

At the time the Weimar Republic collapsed in Germany, and at the beginning of the rise to power by Hitler and the Brown Shirts, there developed something the Germans call einselgezetze, literally, single-person law. This was common for industry to get enacted if they didn't like regulation, or if they wanted to be exempt from what was required in the law for industry and for all other persons. They would have a law introduced and passed which created this exemption. Hence the term einselgezetze, or single-person law. Interestingly enough, it came at a time when the Germans people--who had been told for centuries that it was important to practice the domestic virtues of thrift and hard work, the reward for which would be long-term personal security--had found, much to their sorrow, that all of these things that they had practiced no longer led to security because of the brutal inflation that was rampant in Germany. This led to discontent on the part of the middle class, which felt itself disenfranchised by this economic disaster, and subsequent to that, the acceptance of extraterritoriality for industry, the acceptance of the idea that industry didn't have to abide by the laws because it was in the interest of economic recovery that they be exempted from it.

There were oddly similar circumstances to the United States in the mid-1970s, in the aftermath of the oil crisis, the economic downturn, the runaway inflation, all of those uncertainties, and the low morale as the result of this, and the rising taxes on property, for example, which ultimately culminated in Proposition 13. No one, least of all myself, really feared that the outcome would be as disastrous as the outcome in Germany. Nevertheless, it was a good lesson from history, it seemed to me. To point out that no one should be permitted to do this with impunity, that government really had to think twice about which was the more valuable. Which is the sacred prerogative: the right of the public to be protected by government which it has elected to protect it? Or is the sacred prerogative Dow Chemical's laissez faire approach to the economy, that they should not be burdened in any way by the necessity to prove that there will be no harm that will come to the public as a result of the project that it was planning to build, rather than having the public, through its government, prove that there might be. It is a very interesting question.

Again, it was important for us to try to convey to the legislature that maybe Dow could get itself exempted from CEQA if the legislature chose to do so. But who was going to exempt the people from the consequences of biological law? Again, the



Zierold: autonomy of the physical world is illustrated. If the rates of cancer in that area were higher, much higher, demonstratively, than in other parts of California or the United States, and there was a reasonable audit trail that could be followed to the chemical industry, which is a very large industry in that area, then what would the legislature do to insulate the public from these effects by some statutory exemption from them? It just is not a level playing field. And so the idea of einselgezetze is a ghastly idea. Yet we saw a lot of it.

Lage: Did you raise this issue at the time?

Zierold: No, but those were the kinds of arguments that we tried to raise. That was the manner in which we attempted to deal with Dow, less successfully than Dow was dealing with the Brown administration, I must admit. But, again, we were able to prevail. We survived the Dow issue. It's still mentioned from time to time as a catch word for too much regulation.

XI LIQUIFIED NATURAL GAS TERMINAL AT POINT CONCEPTION

[Interview 5: 30 March 1984]##

Brown Administration Courts Business Community

Lage: Last time we talked about Dow chemical and the post-Dow mood. I assume that the controversy over LNG [liquified natural gas] is a part of that mood. Today we were going to talk about the liquified natural gas terminal at Point Conception.

Zierold: I think that the policy advanced by Jerry Brown in 1977 was clearly a response to the Dow incident, if we can call it that. He tried to demonstrate that his administration was not hostile to business development, or at least that was the conventional wisdom at the time. Jerry Brown called a meeting in Los Angeles to which I was invited. Jack Henning, the head of AFL-CIO, and the president of Pacific Lighting, Joe Rensch, the major proponent of this project, were invited. Then there were the senior vice presidents of PG&E, Southern California Edison, and Southern California Gas Company; Bill Robertson, the top man with the AFL-CIO in Los Angeles; a number of other officials from the financial community; and, I think, almost every television station and newspaper in the southern California area.

It was a Jerry Brown media-event approach to politics. By bringing together leaders of all parties and interests, it was clear that he was attempting to demonstrate that he was an efficient chief executive of the state of California. Obviously he had in mind as well that his demonstration of leadership would be recorded by the newspapers and by the electronic media.

Lage: Was this supposed to be a working session? Or was it just an announcement?

Zierold: It was more an announcement than a working session, but also an attempt to get a consensus, almost an immediate, instant consensus from people like myself and others that this had to be done. The

Zierold: argument was being put forth by the labor unions and by the proponents of the LNG facility that if the terminal did not get built and become operative by the year 1980, or 1981, seven hundred thousand people would be thrown out of work. This was the worst kind of statistical deceit and manipulation, and we said so at the time. I shouldn't say we, that's too much like Queen Victoria. I said so. I maintained it at the time. And events have proven that I was right.

We attacked—we, the Sierra Club, this office--attacked the proposal on the basis of outrageous cost, for one thing, and absolute opposition on the basis of losing Point Conception to a facility that wasn't needed for the production of electricity in the state of California. Furthermore, organized labor and the proponents of the LNG facility had not only deliberately misrepresented the job loss but had simply fabricated it out of whole cloth.

Yet, many people were panicked into thinking that this really would happen, that the energy crisis was of such proportions that without LNG California industry would come to a halt, and with that halt we would consummate the final economic ruin of nearly a million workers, as well as the four or five other million people who depended on their being employed and able to buy food and clothing and gasoline for their cars and so on.

Lage: Before this meeting, did you have any input into Brown's thinking, through his advisers? Or was this just the first time the club got involved in the issue?

Zierold: No, I hadn't had a chance to discuss the issue with the governor although I had considerable opportunity after that meeting, particularly because one of the studies that we produced in this office irritated him a great deal. We had conference after conference in the governor's office on this issue. I remember his coming into a meeting, saying hello to me and then throwing out a copy of this study on the conference table, in the midst of some twenty-five or thirty people and saying, "Here is John Zierold's latest diatribe."

That was his means of dealing with it. He did not want to take up the issues that we raised there because I am confident he knew that we were right and that the case he was making was a very weak one. For example, we pointed out that the cost of LNG was at that time, in the year 1977 and 1978, far beyond the cost of oil. It was going to run, we argued, at least five and a half dollars per thousand cubic feet. If you compared it to oil, it was in the neighborhood of thirty dollars a barrel, considerably above what oil was at that time. That was something they wouldn't accept. At that time, a thousand cubic feet of natural gas cost only a dollar and forty-four cents.

Zierold: Now, if you look at the price of LNG today, in the beginning of 1984, you will see that it is closer to seven dollars. So our estimate of probabilities on the price of LNG was correct. Their estimate was wrong, not because they miscalculated so much as that they misrepresented. I'm sure they had access to the same data as we, if not even better access. And they certainly had the money and the economic expertise to make the same calculations that we did.

In order to pay for that, it would have been necessary to go to what's called an all-events tariff. To provide investor confidence, or in order to guarantee to the people who would lend the money to build the facility, it would be necessary to prove that even if events prevented the delivery of LNG to California from Indonesia, there would have to be a guarantee that the project would be paid for. That's an all-events tariff.

There also was the possibility that they might have what's called rolled-in pricing, that the cost of LNG would be spread out over the entire energy base, so that people who bought natural gas, or bought electricity generated from oil, would have to pay for this as well. It wouldn't stand alone as being marginally priced. It would be part of the entire energy picture and would be paid for by people who might not ever use it. That was the only way in which a project of that size, which was probably in the neighborhood of a billion dollars, could be feasible financially.

#### Arguments against and Alternatives to the LNG Terminal

Lage: Was all this information placed in front of the legislature?

Zierold: They were arguments that we raised in opposition to the terminal. Senator Alquist carried the bill. It was the LNG Facility Siting Act. They took the authority away from the coastal commission in the passage of that bill. We had argued that the only reasonable thing in terms of a land-use policy, separate and apart now from the cost consideration, would be offshore siting.

There was no logic from the safety standpoint in putting the terminal at Point Conception. Certainly, environmentally it was a needless destruction of a pristine and beautiful area. There were places offshore where, conceivably, it could go, even though we didn't think it was necessary there either, but at least if we were unable to prevent the siting act from happening, then we would minimize the potential risk.

Lage: What kind of technical advice would the Sierra Club have recourse to in suggesting whether an offshore site was feasible?

Zierold: What we wanted to do was to make certain that the coastal commission, through its resources, both personnel and financial, would examine the possibility of siting it offshore.

Lage: So it was more an idea than something that was totally examined?

Zierold: It was sort of, if you'll forgive a marine metaphor, a kind of life preserver. I remember Buckminster Fuller saying one time that if you're on board an ocean liner and the ship is sinking and you have to jump into the water, and in order to stay afloat you grab hold of the nearest object, which might be the lid of the grand piano in the ship's ballroom, you'll save your life. It doesn't mean that you would take the lid of a grand piano and design it as a life preserver. But it may serve as one. That's basically why we looked at offshore. In retrospect, it can be argued that no alternative should have been proposed. But it's always easy to do that. When one's concerns are genuine over a place like Point Conception, it seemed to me the only reasonable suggestion we could offer in the face of this virtual stampede to build the terminal at Point Conception.

The issue, though, is much more complicated than that. As you probably know, the proponents had to come to some agreement with the Indonesian government, most particularly with the Pertamina Oil Company, on what's called a production-sharing contract. In order to get the LNG to California, it was necessary for them to build the liquifaction facility in Indonesia to liquify the gas.

Lage: So the gas came from Indonesia and had to be liquified there?

Zierold: The facility to liquify the gas had to be paid for and constructed by the customer. The customer, then, under the terms of the agreement, would have to give it as a gift to the Indonesian government and lease it back from them at ten percent of the capital cost as a yearly rent for it. Then they would have to build a facility to receive it at Point Conception. That would have cost at least a billion dollars in the 1977-1978 period. With the inflation that followed, the price would have been run up considerably. That was another of the projections that we were making.

Jerry Brown, I think, was uncomfortable with the issue because his father represented Perta Oil, an oil marketing company which was a branch of Pertamina. Although it had nothing to do directly with the LNG issue, nonetheless the relationship was much too close for comfort. So there was some embarrassment there, although we never, under any circumstances, suggested any

Zierold: wrongdoing or any conflict of interest, and don't now--although the relationship, I suppose, could be described, as The New Yorker magazine does, as fitting into the department of funny coincidences. I would leave it at that.

Lage: What about Pacific Lighting? What was their involvement? Is that an American company?

Zierold: It's an American company, a California company.

Lage: And what were they going to do?

Zierold: They were the main proponents. There was something called a Western LNG Terminal Company. That was a consortium of PG&E, Southern California Gas, and Pacific Lighting. But Pacific Lighting was the major force behind this. Obviously, if they had been able to build it and sell it under contractual agreements with users, an enormous amount of money would have been made at the rate payers' expense. And there was no justification for it.

Nothing is so evident as the situation today, without the LNG facility. There was no real loss. We are awash in natural gas. We were working with the independent energy producers to point out that if the federal government would simply change its policy and make it easier to drill for deep gas, we'd have all we needed. That is now true. Every one of the things that we stated as an argument against the LNG proposal has come about. But there were some very influential interests in the state of California, heavily invested in Indonesian energy, who wanted this. And they got it. They got the bill. But they never got the project because we beat them in the courts. And now it is apparent that they can't move forward with this. It isn't going to happen. The federal government would not permit rolled-in pricing on Algeria 2 [proposed LNG project in southeastern United States], which was an indication to them that they had to seek another means of doing it. There was no way that California banks were going to lend money to Pacific Lighting because they couldn't get a recourse loan out of them. If the full faith and credit of the state of California could not be pledged to this project, then Pacific Lighting couldn't borrow the money from the banks. There was too much uncertainty.

Lage: What grounds did the court use to rule against it?

Zierold: Need. It wasn't the courts. I really should say the Federal Energy Regulatory Commission. It was an administrative law judge who dealt with it. "The courts" is a careless selection of terms on my part. In any event, we prevailed. I cannot imagine that that proposal will ever be revived.

Zierold: Another of the arguments that we used with we thought great logic, but limited success with the legislature, was that a methanol source of fuel for the production of energy was far more in the public interest because it's a cleaner burn than most fuels. It's 70 percent cleaner than natural gas, for example, if it's burned in a stationary source such as an electrical generating facility. It's made from natural gas. It's much more easily and more safely transported from places like Alaska or from Canada, and at the time would have been a better means of backing out oil [reducing oil consumption]. The arguments that were being raised were again, I think, manipulative and misrepresentative of the economic situation. They argued that LNG was a good substitute for oil. It was still a matter of foreign exchange and balance of payments. We would have been worse off, rather than better off. It can be argued that the situation in the Middle East is so unstable that we need the alternatives. But one can hardly say that the Indonesian government is any more stable than Middle Eastern governments.

It's also ironic that Walter Mondale, who is now probably in higher esteem among environmentalists than his opponents for the Democratic nomination, was reported to have interceded on behalf of the LNG proponents with the State Department, I presume more or less based on the logic that we needed to prop up the Indonesian government. This would be one way of supporting their economy. It was something that we were never able to validate. It was hearsay, although the kind of hearsay that has a high degree of credibility.

Lage: I have a recollection that the national club had certain dealings about LNG that the chapters in California were very unhappy about.

Zierold: I believe that somewhere in Maryland there was an LNG terminal that had been approved and that the Sierra Club had dropped its objections to it after certain mitigation measures had been adopted. But I believe the instance you refer to is one where the senior vice-president of Southern California Gas and a PG&E vice-president met with Ted Snyder, the president of the Sierra Club at that time, a South Carolinian.

Lage: As I recall, the national club was concerned about the proposed gas pipeline from Alaska, and discussions were held with El Paso Gas Company about possible alternatives, which involved an LNG terminal.

Zierold: The use of one of El Paso's five pipelines was discussed as a means of taking LNG from Point Conception to the Southwest, because El Paso wanted to bring LNG through there from Alaska. But they were dealt out of it.

Lage: This was seen as an alternative to the Alaskan gas pipeline.

Zierold: Oh, yes, it was.

Lage: And the national club, including Mike McCloskey, contemplated such a policy?

Zierold: Yes, there was the possibility. Because the Arctic National Wildlife Refuge was in the path of that pipeline, this might have been an alternative the national club would have preferred, if it ever came to that. If there was an either/or situation that the club could not escape, and it had to support one over the other, then that might have been discussed, although it was never discussed with my office.

I do know, though, that some of the energy officialdom from various companies in California who wanted the LNG facility met with Ted Snyder, and tried to get him to reverse our policy, though Snyder never discussed it with us that I can remember. I found that irksome.

Lage: Did he support you?

Zierold: I have no idea what he said to them. And he didn't let me know. Yes, I thought that was "interesting."

#### Political Necessities and Private Pressures on the Legislature

Lage: What was the mood in the legislature regarding passage of the Alquist bill? Did a lot of your former supporters go ahead and knuckle under?

Zierold: Yes, including some of our very best friends in the leadership.

Lage: Was there a tremendous amount of public pressure?

Zierold: Private pressure. There wasn't any public pressure for it. I don't consider the organized labor leadership in company with PG&E and Pacific Lighting to be genuine public pressure. And most of the pressure that was exerted, I must say, was exerted in private. It was very difficult for me to understand why some of our friends were so accommodating. I should amend that. It is understandable to me why they were so accommodating. It was a political decision on their part. It was not an energy or an environmental decision. It was a political decision and in my opinion a response to those people who wanted it.



Zierold: I believe that probably--although, again, this is not something that I have been able to ascertain with any hard evidence--but I do believe that the Natomas Company was influential in seeing this decision reached by the legislature.

Essentially, the Natomas Company is a San Francisco company. The officers of that corporation are very influential politically. I can't prove that. But I've always suspected that they, more than any others, were responsible for persuading some of the leadership in the California legislature to facilitate the siting and the construction of the LNG plant.

Lage: What has happened on LNG seems to demonstrate that the Sierra Club view is really the correct one. What you predicted came true. There was no disaster. The state didn't need LNG. Is this correct view something you can use when other issues arise?

Zierold: No, because so often in politics to be correct is not always to be relevant. It was irrelevant that we were correct.

Lage: They didn't believe what they were saying either?

Zierold: No, I don't believe so. I'm quite confident that they knew full well what they were doing and that we were right. But the terminal was to be, in spite of the fact that our arguments were the valid ones. Logic and equity do not often prevail here. You can drag the most elegant train of syllogisms before a legislative committee, and it doesn't matter if the decision has been reached beforehand based on certain political necessities.

#### Role of the PUC and Banks in the LNG Decision

Lage: The PUC seems to figure prominently in the matter. How did the PUC deal with this?

Zierold: Well, it seemed to me that they were very friendly to the project. They tried to present an appearance of objectivity and evenhanded inquiry. But I never felt that was the case. I think the PUC members were doing Jerry Brown's bidding. Certainly Robert Batinovich [PUC president] in a somewhat arrogant manner tried to ram this thing through, or in other words, to put the PUC's shoulder to the wheel on this thing in the process of it being rammed through. Yet I don't think that the PUC made a bit of difference.

Zierold: As far as I'm concerned, Batinovich was just another Jerry Brown partisan, a voice for the real decisions made by, if not the Natomas Company, somebody like them. I think probably the banks were involved as well. The banks were as badly overexposed in Indonesia then as they are in other countries now.

Lage: Tell me more. You had mentioned this off the record, something about saving this Indonesian firm.

Zierold: Not saving Pertamina. The Pertamina Oil Company is a nationalized industry. The Pertamina Oil Company was so badly managed by General Sukarno, that it had something like thirteen billion dollars in indebtedness it could not under any circumstances retire. Basically it was due to the corruption of Pertamina's management and the collusion with some interests in Switzerland and elsewhere.

I want to clarify things by saying that it wasn't Pertamina's problem. It was the banks' problem, because too much money had been lent on the usual supposition that no matter how badly run the Pertamina Oil Company might be, or many other companies might be, no matter how inefficient the government people might be, they always had the recourse of the government's taxing authority. Banks have often proceeded on this basis: that it doesn't matter because governments will always pay back the loan through the levy of some form of tax or the use of its authority to get money by one means or another. Banks are perfectly happy to roll over these loans because of the heavy fees that they get.

That was an issue at the time, though not very much publicized. The bankers, with the same attitude today, are getting more publicity than was the case then. For example, ninety billion dollars to Brazil, eighty billion dollars to Mexico, and maybe thirty billion dollars to Argentina, all of which are bad loans. It's the same in Third World countries in Africa and in South Asia. The bankers depend either upon our government or the government of the country where they're making the loans to bail them out in the event of difficulty. I also believe that, to some degree, was responsible for the decision on LNG. Banks were arguing the loss of vast sums of money if Pertamina went under. And Pertamina had to be kept alive through this contract, which would have meant quite a large amount of money to them.

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Zierold: Now, precisely how the Natomas Company figured in that arrangement, if it was involved, I'm unable to say. And I do want to be very careful about what is basically speculation because I

Zierold: cannot say categorically that they were involved. But there was considerable talk about Natomas being involved. (and I want that stipulation made very clear.)

Environmental Allies: Chumash Indians and Bixby Land Company

Lage: The one other element that you had mentioned earlier was the role that the Indians played in the controversy.

Zierold: Well, not so much the role that the Indians played as the role that was written for them I think is the delightful thing. The Chumash Indians have regarded the Point Conception area as a holy place. It's called in some manner "the gateway to eternity" for them. In Indian religious lore it was a very special locale and looked on as a departure place for a better world than this.

When we were trying to build some alliances on the LNG issue, we met with two groups. One was the Bixby Land Company. Bixby Land was represented by a public relations firm in Santa Monica called the Dolphin Group. The Dolphin Group was headed by Bill Roberts, a former partner in the Spencer-Roberts political campaign firm. They, for example, managed the Deukmejian campaign for attorney general and later for governor.

Lage: Didn't they manage some of the competition?

Zierold: They did as well. But at any rate, one of the members of that firm was particularly skillful. He could sell snake oil, or roofing, or almost anything. And he was innovative. He had access to some of the leaders of the Indian movement and mobilized the Chumash to demonstrate against the LNG facility as an encroachment on a holy place.

There was a lot of uncertainty about just where the gateway was properly located. One of the more outrageously funny events, at least to me, was when Bob Batinovich and Jerry Brown's director of finance, Richard Silverman, went down to the Point Conception area to try to convince the Indians that the LNG facility was not going to be built in the gateway, but actually was four miles from it. That was ironic. I think I said in testimony at one point that I didn't blame the Indians for not buying the PUC argument. After all, it had been wrong so many times on energy forecasts, that if you were going to deal with something as important as eternity, it is not the group to count on.

That was typical of the ludicrous approach that the Brown administration and its lackey officialdom practiced. And I consider Batinovich a lackey because as a businessman, certainly

Zierold: knowledgeable about economics if not religious geography, he knew better. And it seems to me that it was unbecoming for the president of the FUC to engage in that kind of humbug prophecy about energy and the need for LNG. Then to insert himself into what is basically a matter of religion to the Chumash is, in my opinion, an action that should have been beneath him.

I can't say that the Dolphin Group was acting with commendable sincerity about religious issues either. I don't think that the matter should have been brought up because it was not a spontaneous act of anxiety on the part of the Indians over the destruction of something significant to their religion. Both sides, I think, were guilty of manipulating.

Lage: It sounds very much like that. What was the interest of the Bixby Land Company?

Zierold: They wanted to build houses there. They had plans and still do for a large development project, which in and of itself is well-designed with lots of dedication of land to open space and agriculture and much less harmful impact on Point Conception than an LNG terminal and a power plant.

## XII WATER POLICY

The Broader Issues

Lage: We are going to talk about water issues focusing on the Peripheral Canal. Now where do we start? Shall we start with the Peripheral Canal, back in 1965?

Zierold: Let's go back a little farther than that. Let's go back to the origins--the Taoists, I guess. Lao Tsu, in one of my favorite recollections, said that water is beneficial to all things and is without strife. While he was doubtless right about almost everything, he was certainly wrong about that. More wars have been waged over water, and more lives lost, than in virtually any other kind of human conflict. While fewer people are shot today and there are fewer deadly quarrels over it in the overtly bellicose sense, nevertheless, the issue of water policy, whether it is national or in California at the state level, is something that's inevitably bitterly contested.

On an international basis, there's always the potential for intense disputes over diversion of rivers, the damming of rivers such as in South America on that joint project with Brazil and Paraguay. Within another twenty or twenty-five years we're going to have upwards of seven billion people on Earth, and with that, the need to feed them. How we are going to provide enough water to grow the food in sufficient quantity to meet that need is, I think, beyond the comprehension of most people. Obviously, it isn't going to be within their comprehension in the foreseeable future because the mode of inference of most people is not on a large scale.

It is instead something very subjective. The farmer in the San Joaquin Valley may argue that we've got to dam the north coast rivers and we've got to move more water from north to south because the American agricultural industry has this moral

Zierold: obligation, as well as economic incentive, to grow the food to feed the hungry masses. The fact that it might turn out to be artichoke hearts or almonds or other specialty crops that are to be grown with this water is never discussed.

There's a very large perspective on water, and again, lots of improper use of great human issues. Obviously, nothing can be done about it in this office. I was a delegate to the U.N. World Food Conference in 1974 in Rome and had meetings with leaders, including the head of the Department of Food and Agriculture, with the Vatican's representative, and with the various hunger groups throughout the world. I met with officials of other governments, and I have a lot of anxieties, personally, about the issue of world hunger, which make dealing with water policy in California, for me at least, somewhat troublesome. I see petty, selfish attitudes and no real understanding of it. And there's no reason to suppose that there ever will be a proper understanding.

But before talking about state policy, I somehow feel a need to make some sort of observation about how important these things really are, and how frustrating it is to fail in the attempt to persuade the California legislature that conservation of water must take many forms and that the establishment of a water policy should carry with it certain commitments that we aren't going to convert agricultural land to shopping centers and housing developments. The issue is so much larger and more complex and so much more demanding than ever reaches the discussion stage. What we will talk about in terms of the Peripheral Canal is obviously of such a lower magnitude of interest than this fantastic moral obligation that governments throughout the world have to develop proper policies for water conservation and to give a little from time to time in order to achieve a good and lasting policy.

#### Peripheral Canal Controversy

Lage: That's a good introduction. It's the Peripheral Canal that got all the attention.

Zierold: First of all, the Sierra Club had a policy on the Peripheral Canal in the mid- or late 1960s. And the national board of directors, as I recall, adopted a policy which in effect stated that the Peripheral Canal would be an environmental benefit provided that an equivalent sanctity could be given to preserving delta water quality and fresh water outflows into San Francisco Bay, as the state was giving to its contractual obligations to deliver water to those who had contracted for it.

Zierold: We wanted to assure the way in which that could be accomplished would be through the determination of where--that is to say, at what points on the Peripheral Canal and in what amounts and at what times--water would be released into the delta to repel salinity intrusion and guarantee the flushing action in San Francisco Bay. In our view, the governmental body which would make the decision as to the place, the amount, and the time would have to be the Department of Fish and Game. Beyond that, it would be necessary for the Peripheral Canal to be constructed as part of a joint venture between the state of California and the federal government and that legally enforceable contracts would be signed with the Department of Interior and the California water agencies in the East Bay area. Further, that an act of Congress be enacted to authorize all of this.

Lage: This was all in the Sierra Club policy?

Zierold: It wasn't in the policy. But that was what people had in mind when this decision was reached. The specifics of that came out from the Delta Environmental Advisory Committee, called DEAC. That was a group of environmentalists who looked at how a Peripheral Canal could be built with proper safeguards. The club policy didn't use the term sanctity. But it said the canal could be an environmental benefit if it could guarantee the water quality.

Lage: Was DEAC a Sierra Club group?

Zierold: No, it had Sierra Club members on it. But it was put together by the Department of Water Resources.

Lage: This would be during the Reagan administration.

Zierold: Yes, it was. They really had the idea that an advisory committee could be put together, and environmentalists could have an opportunity to air their concerns. It was a public relations device which got away from them because the biologist who was staff to the advisory group, a man named Kelly, was particularly competent. And the people on the advisory committee were competent as well. Jake [Jacob] Miller and Larry [E.] Moss were among the Sierra Club members who served on it. Jerry [Gerald] Meral served on it. I can't recall all the members. But it was a good group, all committed environmentalists, or most were. I think they had to have people who were acceptable to the environmental movement and not looked on as tools of the Reagan administration.

In any event, they established a ten-point program. That group worked for a number of years trying to put all this together. The Peripheral Canal was always fought by the agricultural interests in the East Bay, as well as the

Zierold: environmentalists. And very little had happened during the time that the Sierra Club had looked at the studies that were being conducted on how to deal with the problem of moving water, studies done by the Corps of Engineers of the cooperation with the Department of Fish and Game. It was apparent that the least undesirable approach would be the Peripheral Canal. That is to say, the least objectionable, even though the club really didn't want it at all; nevertheless, they felt it important to adopt a policy. That Peripheral Canal policy became the basis for club members serving on DEAC and attempting to clarify or quantify, if you will, precisely what the club meant when it said safeguards.

But during the late 1960s, up until 1977, when the first Peripheral Canal bill was introduced, the Peripheral Canal began to be regarded less as a potential environmental benefit and more as a threat for increased growth in Southern California or a threat to the north coast rivers. The environmental issue became less delta water quality and more runaway building, growth in Los Angeles, or the loss of the Eel, the Klamath, and the Trinity Rivers to dam builders. Beyond that, it ultimately simply became a symbol of water development. In my opinion, at least, during the time of our discussions on SB 346 carried by Senator [Ruben] Ayala, environmentalists weren't thinking about the Delta so much as they were trying to kill a project which they felt would lead to more Los Angeles housing development. Actually, not that much water went to Los Angeles. Most of it goes to agricultural uses.

In any event, Jerry Brown appointed Ron Robie to be director of the Department of Water Resources and Jerry Meral to be a deputy director. And they, in my view, really tried to create in this legislation precisely what environmentalists wanted by way of safeguards. And I am quite confident the reason Ron Robie tried to do this was because Jerry Brown wasn't going to be governor forever and it was inevitable that something would be done sometime in the 1980s, and the Peripheral Canal, properly designed, with proper safeguards, was the best possible alternative.

The Sierra Club worked on that bill. We had marathon sessions with the governor. Jake Miller, chairman of our water task force, was there with me. Larry Moss at that time had been named executive director of the Planning and Conservation League. He was part of the discussions. We had two persons from DEAC representing environmentalists, as well as myself and Jerry Meral, who had been on DEAC and was with the Department of Water Resources as a deputy director. And Ron Robie. So there was a very strong, knowledgeable force at work trying to implement environmentalist policy on the Peripheral Canal.

Lage: This was in developing SB 346? Was that bill actually developed through this type of conference?



Zierold: Yes. It took us months.

Lage: And did Jerry Brown participate in these conferences?

Zierold: Yes.

Lage: Directly?

Zierold: Directly.

Lage: What was his point of view?

Zierold: He was for the Peripheral Canal but not for Ruben Ayala's bill as it was first introduced. Ruben Ayala just introduced a bill which authorized the construction of the canal.

Lage: He wasn't a great conservationist?

Zierold: No.

Lage: He also introduced a bill to revise the wild rivers protection.

Zierold: Oh yes, it was a tactic. I don't really think he was serious about it. Someone's argued that he was. I don't think so. He simply wanted that to get people's attention. And of course, he got it.

Lage: Well, how did these sessions go?

Zierold: They were interesting because the Environmental Defense Fund was opposed to the Peripheral Canal. The commercial fishermen and the sports fishermen sided with the Sierra Club and the Planning and Conservation League and the Brown administration because they really felt that these were the best protective measures we would ever get.

Lage: Friends of the Earth opposed.

Zierold: Yes. The Sierra Club California leadership finally had a meeting in Monterey. There was a five- or a six-hour debate between Ron Robie and Jerry Meral, representing the administration and the proponents of the bill and, I believe, Nick Arguimbau and one other whose name I cannot remember, representing those members of the Sierra Club in Northern California who objected to the bill. This was a meeting of the joint RCCs [Regional Conservation Committee]. By a two-thirds vote, they agreed to endorse SB 346--in other words, to uphold the decision reached by the California legislative committee at Jake Miller's suggestion that we support SB 346 as it had finally been amended to include all the ten points that DEAC, the Delta Environmental Advisory Committee, had put forth as the best possible mitigation and protection measures.

Sierra Club Referendum on Peripheral Canal

Zierold: However, that was still not satisfactory to Nick Arguimbau and the others who opposed this. So they qualified a referendum to submit the issue to a vote of the national membership. The issue was bifurcated. The first question asked in the referendum was: should the national membership decide this particular California issue? And the second question was: should the Sierra Club support the Peripheral Canal?

Larry Moss wrote the argument for supporting the Peripheral Canal. I don't remember who wrote the opposition argument. It might have been Nick Arguimbau. But I'm not sure. At any rate, the national membership, by a fifty-one to forty-nine vote said no, the national membership should not decide the California issue. And the answer to the second question was no, the Sierra Club should not support the Peripheral Canal. I think that was fifty-two to forty-eight, or somewhere in there. Both votes were fairly close. That meant, of course, that we had to withdraw our support for SB 346.

Lage: It seems to me that it wouldn't necessarily lead to that because they gave an opinion about the Peripheral Canal, but at the same time said that that opinion shouldn't affect the California chapter.

Zierold: But it did.

Lage: Who directed withdrawal?

Zierold: It was perfectly obvious that the club's national membership had spoken on the Peripheral Canal. We were willing to abide by that vote. We didn't want to appeal it. Nick Arguimbau and others like him who were very upset about the Peripheral Canal didn't like it and thought there were alternatives to it.

Lage: What was their position?

Zierold: Well, they didn't think it was necessary. I believe that it had become a growth issue. I don't think the environmental decision was to protect the Delta. It was to prevent the Peripheral Canal because the Peripheral Canal was basically a means by which more water could be delivered to southern California to create more undesirable growth. That may be an oversimplification. I think today those same people would argue they really wanted to force water conservation. I suppose a little bit of all of those things is correct.

Zierold: It is also correct, I think, to say that it wasn't the most prescient policy because today--you'll remember that was 1978--today, at the end of March 1984, the governor has just announced his policy for moving water from north to south. It will be the cross-Delta transfer system. Originally it went under the name of the New Hope Cross Channel. And most environmentalists will admit that that is a far less desirable way of meeting the contractual obligations than the Peripheral Canal.

Lage: That measure doesn't have any environmental protections.

Zierold: Apparently not. I haven't seen it today, so I can't comment on it. That's the same thing that I said to the United Press when they just called a little bit ago. Until I read it, I can't comment. But it certainly won't surprise me to discover that there is much greater threat to fish life in the Delta than with the Peripheral Canal. There is far less assurance that we're going to have flushing action for San Francisco Bay.

The concerns are the same. They always have been. The one major change is the most deleterious. We have no allies now to protect Delta water quality, even though the allies we had in opposing the Peripheral Canal through Proposition 13 were not concerned with water quality. They were opposed to the Peripheral Canal because it had too many environmental protections--the Salyers and the Boswells, large private farmers in the San Joaquin Valley. In the East Bay, those agricultural interests which opposed the canal will now support this because their concern was always the cost of water, not the quality of water.

Lage: And they will be able to get water at low cost?

Zierold: Sure, it will preserve the status quo ante for them. The Peripheral Canal would have moved water around the delta. So those agricultural interests would have been obliged to move farther up into the delta to take water. That meant that they would have had to pay for it.

Lage: I'm trying to think if we've given a complete picture here. We skipped the Proposition.

Zierold: The referendum on SB 200. That followed SB 346.

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Lage: After SB 346 fell apart, SB 200 was put into referendum form. And did that have many safeguards? That wasn't a total compromise?

Zierold: No. It had far fewer safeguards even though Ron Robie and Jerry Meral, in supporting SB 200, contended that it had adequate protection. It didn't really matter what we said about SB 200

Zierold: because we weren't taken seriously. We had no real standing. We were not considered a party of interest on SB 200. Any improvements we would have offered to SB 200 would never have been accepted because we could not withdraw our opposition to it or join in support of it. In other words, ripping and restitching SB 200 to make it look like SB 346 was not something that we could participate in because the club membership had already spoken.

Lage: So the effect of this club referendum was to just take you out of the picture in terms of your ability to have any input.

Zierold: Yes, exactly.

Lage: That's interesting. Had that ever happened before?

Zierold: No. It hadn't. It was why I mentioned a bit earlier that the club people who fought our stand on SB 346, I believe, did not understand the risk we ran in withdrawing our support for the bill. I think that the election of Governor Deukmejian and the support that he announced yesterday for the cross-delta transfer is an indication that our work on SB 346 was the proper course of action. Our position has been vindicated by two events: the change in governors and the Deukmejian administration's plan for moving water through the delta through realignment of the levies, broadening of the channels and so on.

Lage: I talked to Will Siri about this. I think I was interviewing him just about the time 346 was being debated. He was vehemently opposed to the Peripheral Canal; his view was that the guarantees weren't permanent. Once they built the canal, then a change, such as we've had in the legislature, would mean that they could rewrite the guarantees or remove the guarantees.

Zierold: I believe that he loses sight of the fact that it wasn't only the State of California involved. For example, the State of California could not unilaterally have changed the rules or the conditions because of the requirement that there be legally enforceable contracts between the Department of the Interior and three-fifths of the water districts of the East Bay serving two-thirds of its entire population, and an act of Congress authorizing this as well. To undo all three, it seems to me, would have been almost impossible. Not impossible, naturally, but to attempt it in the face of public opposition would have been a fruitless effort, I am convinced. And so he's wrong when he says that.

Again, it's a reasonable fear in some ways I suppose, because nothing is permanent. But the simplest answer to his question is that there is no way to make it permanent because under the constitution of the State of California, one legislature cannot bind a future legislature. That kind of legislation is

- Zierold: unconstitutional. But the way one deals with the possibility of change is to structure it the way SB 346 was structured. That would have been a very difficult omelette to unscramble.
- Lage: Did the club's withdrawal from what's called the delicate compromise that formed SB 346 make a difference? Would it have passed anyway if the club had continued to support it? It seems like a lot of groups fell out of that compromise.
- Zierold: For a long time Peter Behr had supported SB 346 and when the bill was in conference committee, he withdrew his support. That contributed to the demise. The assembly accepted the conference committee report, and we narrowly missed seeing the senate accept the conference committee report. But it wasn't only Peter's withdrawal.
- Lage: Didn't the agricultural interests also withdraw?
- Zierold: They did because Dennis Carpenter, then the Republican leader in the senate, organized opposition to it rather effectively. Incidentally, Dennis Carpenter, when he left the legislature, began lobbying for interests which supported SB 200, a much less desirable version of the Peripheral Canal and much more to the liking of most of the agricultural interests.
- Lage: What do you think the chances would have been of getting these federal guarantees?
- Zierold: It was in the bill.
- Lage: I know it was in the bill. But you still had to have the act of Congress.
- Zierold: But the point is that if Congress had failed to act, there would have been no Peripheral Canal because those were the conditions required for authorization of the canal being constructed.
- Lage: Was that considered a pretty good possibility?
- Zierold: Yes, because it was the Carter Administration. We had Cecil Andrus, who was the secretary of the interior, and Jimmy Carter, very sympathetic to environmental issues. It was an opportunity that's not likely to come again, at least in the foreseeable period during which this issue will be resolved one way or the other. The mood has changed. The circumstances have changed, so that now those Contra Costa agricultural interests which opposed the canal are satisfied.

I think it will be interesting to compare the position of the San Francisco Chronicle, for example, on this issue vis-a-vis its position on the Peripheral Canal. That too might bear some

Zierold: further study. It seems to me that they were remarkably outspoken in their reportorial coverage of the canal as well as their editorial consideration. Why, I am unable to say. But I think that they went far beyond what newspapers usually do in reporting on such issues. Some newspaper people said to me that their coverage was an embarrassment to professional journalists.

Lage: Were they referring to the quality of their reporting?

Zierold: In the virtual editorializing of the news coverage. It seemed to be a kind of advocacy journalism.

Lage: I just want to review a little bit about your interaction with the volunteers during this period. How were the negotiations that led to SB 346 undertaken? Were you cooperating with the board of directors.

Zierold: Not on the original club policy so much as to the direction of the California legislative committee.

Lage: That's what we haven't talked about.

Zierold: The decision to support the bill was reached in these conferences with the governor. But I left the decision to Jake Miller because I couldn't mistake my preferences for the club's.

Lage: And he was chairman of the legislative committee?

Zierold: He was chairman of the California water task force and was on the California legislative committee and the person to whom the decision was left, subject to a majority vote of the California legislative committee and ratification of that by the joint RCCs.

Lage: Was the California legislative committee pretty strongly in favor of it? Or did they split?

Zierold: No, there was a very strong vote in support of it, a two-thirds vote by the joint RCCs. I've always tried, I think most of the time with success, to be the instrument of Sierra Club policy in Sacramento. I really do try to do that. I would be egregiously dishonest if I didn't tell you that I have strong personal opinions about this. I suppose some people may regard me as thinking I know what's best for the club and just proceeding to carry out what I believe heedless of their interest. Although I don't think too many people believe that, I'm sure some do because of the Peripheral Canal.

But I did not make that decision. I did recommend to Jake Miller that he make it himself. And he did. But I'm not the one who made that decision for the club. In the meetings with the governor I said to Jake, "I think this is the best we will ever

Zierold: do." And he agreed. People like Bob Mark, who has been on the California legislative committee for years, also felt very strongly that this was the best possible course of action for us and that if we failed to do this we would see at some time in the future a water policy far less beneficial to our interests. I think that turned out to be true. It isn't the first time that a policy has been abandoned in the expectation that we would be able to prevent forever any favorable consideration of the Peripheral Canal or some other kind of project which environmentalists dislike.

Lage: And then let's fill in what happened after. Do you remember the date of the proposition? It must have been about '79 or '80?

Zierold: You mean the referendum inside the club?

Lage: No, that was '78.

Zierold: Oh, the other one, Proposition 13.

Lage: When SB 200 was put to a vote.

Zierold: Nineteen eighty.

Lage: The club then was active in opposing that?

Zierold: Yes.

Lage: And then there was a water conservation proposition. So that the emphasis seemed to go away from the Peripheral Canal and into getting a broader water management.

Zierold: You saw the results.

Lage: It didn't work.

Zierold: It was a very good idea. But it couldn't stand alone. One of the things very difficult to pursue in issues of this kind is the amelioration principle. We've seen it with coastal issues and with the Peripheral Canal and any number of other policy concerns. We aren't always willing to accept an improvement over the existing policy. We want something more perfect. And I think we always should want that. It's a form of elitism we should display very proudly.

There's nothing wrong with being an elitist. It means, essentially, one who pursues excellence. And it doesn't mean snobbism or "I've got mine, I'm all right, Jack. And I don't want anything to disturb my comforts or my view outside my window, or the quietness on my street because of the absence of motor vehicles." That isn't what's meant by elitism. That's what

Zierold: people charge us with when they say we're elitist. But to be an elitist is to engage in the pursuit of excellence. And we always should do that.

But I think it's also important for us to understand when the pursuit of excellence is a dead-end street. We must be modified optimists on occasion. With the Peripheral Canal issue I think we should have been modified optimists.

Lage: Was the Peripheral Canal typical of how the club approaches things?

Zierold: No.

Lage: Would you say they were less realistic on that issue than on most?

Zierold: I won't say less realistic. I would say that what most characterized the view of some people in the Sierra Club was an ingenuous belief that we would become stronger on water policy rather than weaker, that we would be more rather than less influential. And I think that the circumstances today speak for themselves. We are less influential, considerably less influential than we were then.

Lage: There were indications of that. That was the post-Dow mood time.

Zierold: Yes, but more than just post-Dow. It was a question of economics and the changing political atmosphere. We were seeing a steady depletion in the ranks of the legislature of those who were sensitive to environmental problems. We have fewer rather than more supporters. Because of James Watt we have many more members in the club than we did then, but that's more on a national basis and in response to a different kind of outrage. And the other side is better organized than they were in those days.

But the rejection of that policy--I think that's about the only time it has ever happened. Who can criticize the sincerity of Will Siri, who has worked for so many years for the Sierra Club? I certainly wouldn't criticize him for it. That's his opinion. I didn't agree with it. But then I'm not here to disagree with the opinion of club leaders. I'm here to lobby Sierra Club positions. And I think that over the years we have been very successful.



## XIII RELATIONS BETWEEN BROWN ADMINISTRATION AND ENVIRONMENTALISTS

Governor Brown's Personal Position on Environmental Issues

Lage: We are going to talk about Governor Brown and the Brown administration and the environmentalists' relationship with them. I would like to record some of your impressions and opinions.

Zierold: Well, the first impressions were good, of course. All environmentalists, I think, welcomed his statements on the environment during the campaign and those he made after he became governor, for the most part through both terms. He was very popular among environmentalists because he almost always said the right thing. On closer analysis, he often said the right thing but didn't always do the right thing. That isn't to say he did the wrong thing, but rather that he did nothing.

Jerry Brown conducted his governorship on a high level of abstraction. He took certain stands on environmental preservation. He was certainly for good stewardship and against rapacious development. But there wasn't much follow-through. However, he appointed, for the most part, good people to key positions in the Resources Agency and on the energy commission. He left them a fair amount of flexibility. On some issues he kept close watch over his cabinet secretaries. But generally I would say that they were reasonably free to make decisions on their own because they knew what Jerry Brown's general philosophy of government was. And it was pro-environment.

He was always true to his word on vetoes. If we discussed an issue being dealt with through legislation that we were unable to stop, we could count on him for a veto if we could make a case that a veto was consistent with his stated policy. So he lived up to his commitments quite well.

Lage: Did this happen frequently, that you would go to him for a veto?

Zierold: Yes. And we were rarely turned down. Now that doesn't mean that we sat down personally with the governor each time, but that we would have a chance to bring up the issue at various meetings. We went through his legislative secretary or through the chief of staff or through the Resources Agency secretary. Or a department head would be able to get an administration position which was different from what was happening in the legislature and which ultimately led to a veto. We didn't do it on minor things. But on major issues we would go to him. It made a difference in the way in which legislation was processed. If legislators knew for certain that the governor was going to veto a bad piece of legislation, in many instances it was never introduced. But when bad legislation was moving, we could sometimes amend it to our satisfaction. It worked very effectively in stopping bad legislation on off-highway vehicles, for example.

We were also able to prevent the reorganization of the executive branch by a measure initiated by the legislature-- something we felt would be harmful to our interests. Without the so-called superagency structure, it becomes very difficult for us to work with all the departments because the Sierra Club is interested in so many issues. And, in each case, it tends to have a different adversary. We aren't working against one adversary on all issues. We have to spread our efforts much more broadly than the opposition and they can concentrate all their time on a single issue. With the Resources Agency, for example, and a secretary at least willing to hear our arguments, it makes it easier to deal with the parks issues and the forestry issues and the hardrock mining issues, or whatever the problem may be. Jerry Brown, I think, even though this was not a particularly visible issue, was most helpful to us in stopping that legislation by vetoing it.

Lage: That was legislation to do away with the five superagencies?

Zierold: To reorganize in what was presented in the name of efficiency. But it was really to give special interests a playing field that was dry on their side and muddy on ours, so to speak.

Lage: Which of Brown's deputies did you most often go through if you wanted to approach him? Who was most helpful?

Zierold: We went to Gray Davis ordinarily, who was chief of staff.

Lage: Was he sympathetic in general? It sounds as if you had tremendous amount more access than in the Reagan administration where there was a different atmosphere altogether.

Zierold: I don't know how sympathetic Gray was, personally. That is to say, his views were not always the same as the governor's. But he served the governor well because he knew what the governor wanted and he acted in a way consistent with what the governor would have

Zierold: done had he handled it personally. So in that respect Gray Davis was, from the policy standpoint, a mirror image of the governor. While he may not have personally shared the governor's views, he nevertheless carried out the governor's policies and made decisions as the governor would have made them. He really read the governor's intents and attitudes very well. But we didn't always go through Gray Davis.

Secretary for Resources Claire Dedrick

Lage: Let's talk a little bit about the Resources Agency.

Zierold: Well, there were only two resources secretaries, Claire Dedrick and Huey Johnson, both of whom came from the environmental movement. There was always good cooperation there.

Lage: Wasn't the road much rockier with Claire Dedrick than you'd anticipated?

Zierold: For some, I understand that it was. Claire had always been very cordial and friendly to me from the time I first met her in 1969 when she was one of two leading the fight to establish BCDC, the Bay Conservation and Development Commission. When she was a member of the national board of directors of the Sierra Club, she was very supportive of this office at times when there were, if not raids on the Sierra Club treasury, at least attempts to put more money in one project, at our expense or the expense of some other activity. She saw to it that this operation was fully funded.

And I remember when she came here to take the oath of office, she spent the night at our house before being sworn in the following day. So I have a certain regard for Claire. I like her, although I must also say that she was a little different person as secretary for resources than she was a director of the Sierra Club. And I think that was because she had to be a different person; she had to try to balance the equities. She offended some environmentalists. I know some volunteer leaders and some staff members who were critical of her.

It is much harder to be secretary for resources than it is to be an observer of how the secretary for resources carries out her duties. I guess some of those people thought she should have been exactly the same kind of policy person in the Brown administration as she was in the Sierra Club. And the argument they advance is that Jerry Brown was sympathetic. It's not that simple. And I'm sure Claire might say that she was the same person. I think that she tried to be fair.

Zierold: I think that she found having to deal with pressure groups an unsettling experience. I know that some of the environmental criticism really cut very deep. She didn't think it was fair. I don't know whether it was fair or not. But anyone who holds a high cabinet-level position such as secretary for resources for the state of California has to expect it. Even inside the Sierra Club one gets some baptism under fire in that regard. A member of the board of directors is under pressures from certain interest groups and if the director doesn't vote with them, they're hostile. Criticism comes with the job.

Lage: Certain Sierra Club leaders feel that she sort of betrayed her past and her position in the club.

Zierold: I know they feel that way.

Lage: And she seems to feel that the environmentalists betrayed her. They feel that she should have taken the same stance she took in the Sierra Club. She feels that the club and the other environmentalists should have supported her much more and understood that now they had a friend in office, they should have gone along with some of the adjustments she had to make and compromises she may have had to make.

Zierold: I'm quite sure she feels that way about me. I'm almost sure she does. It's the price you pay for being in politics, I guess. I think one of her difficulties with the environmentalists came because of the decision by Superior Court Judge Broadus that timber harvesting came under CEQA. There was an immediate expression of outrage from the timber industry. And they demonstrated here in Sacramento. They had logging trucks rumbling around the state capitol, blowing their airhorns. They came in really trying to intimidate the Brown administration and Claire in particular.

Lage: Didn't they hang her in effigy right after she came in office?

Zierold: Yes. It was a tough time. And I think there may have been some people in the timber industry who considered her potentially vulnerable to those tactics. And I think they were spreading rumors about her personal habits, which is deplorable but always happens in politics. I look back on it with much more equanimity, I think, than some others, who are still bitter about it. I understand why Claire is bitter. I think she is embittered over the experience, and I do think that people treated her shabbily in some ways.

I rarely see her now. I remember her having said to me on one occasion, why didn't I ever call her up anymore? I think she felt, although she never said this, that I had not kept up my half of the friendship. But I never had any disputes with her.

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Zierold: I think what happened with Claire's tenure as secretary was that a lot of environmentalists simply expected things to take care of themselves. Claire Dedrick was secretary, Jerry Brown was governor. There wasn't any need for the environmental movement to really make the sort of case to the administration that it had made at the time Ronald Reagan was governor. And so perhaps too much was expected of Claire. They--by they I mean those who were not her critics--just thought that the Sierra Club could adopt a policy on some issue and it would become self-executing because of those two people being in office. They never went to make the case to Claire.

Claire, meantime, heard only from the opposition to the Brown administration, from the loggers and from the agricultural interests and the water developers, the hunters. She didn't hear from our people nearly to the extent she should have, because they thought she ought to know what environmentalists want and ought to make it law because she was in office. It didn't matter to them that there was opposition. And so when she had to accommodate other interests; when she had to synthesize and reconcile differing policy viewpoints, they were unhappy with it.

That's not to say that Claire is in every way beyond criticism. There were some people who argued that she didn't implement new policies or try to institute new programs. And I must confess, I don't know whether she really did or not.

Lage: She apparently feels that the environmentalists were very unfair to Brown also.

Zierold: I don't agree with that. I don't think the environmentalists were unfair to Brown.

Lage: She seems to have felt that they were out to get Brown, especially in terms of the national political scene, in preferring Carter to Brown.

Zierold: In 1976 what happened was that Hubert Humphrey was ill. Not very many people knew it then, but he was ill. Many of the political insiders in the Democratic party were aware that he had cancer and could make no run at the nomination. I think, although I couldn't substantiate it, that Jerry Brown was chosen by some of those same people to try to take away some share of nomination votes, to try to bring about a brokered convention, if Hubert Humphrey didn't have the stamina to really make a run. I think that's why Brown ran as well as he did.

I would say most environmentalists weren't necessarily more for Carter than for Brown. Perhaps in California Brown had more support than Carter. So that can't be said of California. If she meant it only in terms of Sierra Club members outside of

Zierold: California, on the national side, I couldn't say for sure. But if it is true, it's understandable. Carter was very good on water issues. Jerry Brown, in 1980 at least, was pushing the Peripheral Canal and was wavering on some of his policies. Some environmentalists thought of him as a kind of weathercock. Carter, on the other hand, had been firm, had good environmental policies. I think that environmentalists owed Carter a debt of honor. His policies during his first term were excellent policies. Who could complain about them? Why wouldn't environmentalists support Jimmy Carter, an incumbent president, against Ronald Reagan, a governor with a proven hostility to environmental causes?

So, if she's talking about the 1980 nomination, for which Jerry Brown had some ambitions, I don't think it's unreasonable that the club nationally supported Carter. It can't be said that because they supported Carter, they were out to get Jerry Brown. At least, that has not been my experience in talking with environmental leaders and observing politics here. As for 1976, he entered so late that I can't imagine that, nationally, either Carter or Jerry Brown was the object of too much attention from environmentalists, who at that time were not that effective politically anyway.

Lage: I think it must have been '80 she was talking about. Bill Futrell\* was interviewed also. He makes a comment about the club's relationship to the Carter Administration and then draws a parallel to California. He says that it's a lot harder to lobby when you have a friend in office, and that particularly groups like the club, or environmentalists in general, sometimes seem to be happier when they have a wicked opponent.

Zierold: I think he's right. It is harder. If you apply that theory to Claire Dedrick's tenure as resources secretary, it holds. No one wanted to criticize Claire. At least I didn't. It would have seemed a breach of comity for me to be critical of Claire publicly on certain policies where we didn't have complete agreement. It is harder to lobby friends, or to carry out an effective political program which sometimes must be harsh in its judgements of the people making the decisions. It's said among lawyers that the best contracts are those between enemies. And I think that here probably the worst relationships can occur between friends because no one wants to offend a close friend.

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\*J. William Futrell, "Love for the Land and Justice for its People": Sierra Club National and Southern Leader, 1968-1982, in Sierra Club Leaders II, an oral history interview conducted 1982 by the Regional Oral History Office, The Bancroft Library, University of California, Berkeley, 1985.

Lage: I have the impression that he also meant, though, that there is a certain unwillingness to accept the compromise that your friend in office needs to make.

Zierold: Well, I think we did mention that, didn't we? That environmentalists thought that Claire would, in effect, carry out Sierra Club policy for the state of California as a member of the Brown administration. And when she didn't carry it out book, chapter, and verse, they were disappointed or worse. And yes, in that sense it's also true. I believe I've made mention of the fact that there was very little personal representation made to Claire by environmental leaders. Maybe not everyone will agree with that. Some people may have pushed for certain positions and were disappointed when they didn't succeed. But for the most part, I don't think the environmental movement lobbied her very hard.

Lage: Did you yourself lobby her?

Zierold: Oh, yes, I lobbied Claire Dedrick on issues. But I would have to say that, while I'm much less guilty of that than most, I bear some responsibility for not lobbying her as hard as I should have. I lobbied the governor's office the most because it was principally legislation that I was concerned about.

It's also fair to say, however, that Claire Dedrick was on a short leash. This was at a time when we had the logging controversy, the Peripheral Canal controversy, and several other issues which were touching Jerry Brown's political career. The Dow problem, even though responsibility for EIRs did not rest with the Resources Agency but instead with the Office of Planning and Research, created problems for Claire. Nevertheless, most of Jerry Brown's damaged public image came from environmental concerns. And so Claire wasn't all that free to break new ground. She was busy patching up potholes that were the result of all these attacks on the administration.

I think that was one of the reasons why I pulled punches in terms of disappointments with the administration over certain decisions that had been made, or the lack of certain forward progress. It wasn't all that severe, obviously. I think the biggest disappointment I have out of the Brown administration was the collapse of these cordial and congenial relationships that had existed among us all, club members and Claire.

Lage: We're talking mainly about Claire then.

Zierold: Yes.

Secretary for Resources Huey Johnson

Lage: Shall we go on to talk about Huey Johnson and how that relationship worked out, how he functioned? You had mentioned in a previous session that you think Ike Livermore was probably the best secretary for resources. At the time I was a little surprised that you wouldn't give Huey Johnson that tribute.

Zierold: I don't think it is all that surprising, really. I think that if you took an inventory of Huey Johnson's agenda for the environment and Ike Livermore's agenda for the environment, Huey would appear to be the better secretary for resources, because many of the things he wanted to do or would have seen done as secretary for resources more closely matched the environmentalists' agenda. Ike Livermore was certainly a bit more conservative as secretary for resources, but Huey Johnson was much like Jerry Brown in that he believed in all of these things and he wanted them to come about.

But there was such a vast difference between Huey and the legislature: the legislature working at the lowest of abstraction levels and Huey working at the highest. And as a result he didn't get done nearly as much as he wanted to do. Also, I think that Huey, because he expected so much more of the legislature in terms of being principled and high-minded and mindful of its stewardship responsibilities, wasn't as effective as he should have been. This is not to say that he wasn't a good person. And I'm sure that Huey might very well be able to point to any number of accomplishments which in his view showed that he had done more than any previous resources secretary.

I think though that Ike Livermore was the best resources secretary of my acquaintance, when one looks at what he had to work with. Ike's accomplishments in the Reagan administration required much more work and much more constant devotion to the grubby detail of government than was the case with Huey. I think that his ability to keep a dam out of the Little Fork of the Eel River, his ability to stop a highway over Minaret Summit, his ability to put together a park acquisition program in the face of almost uniform hostility from other members of the cabinet, and from the governor himself, as a matter of fact, to me represented a superior achievement.

I think Ike was less contemptuous of people who didn't agree with him. I believe that Huey, for all his fidelity to environmental causes, looked down on some of us, somehow.

Lage: Even those of you within the environmental movement? Is that what you're implying?



Zierold: He wrote a nasty letter to me after he left office. Leo McCarthy had been elected lieutenant governor, and Leo asked me to set up a meeting with environmental leaders in San Francisco and in Los Angeles so that he could maintain his communication with the environmental movement, because he didn't plan to end his political career as lieutenant governor. He wanted to move on either to the governor's office or to the U.S. Senate. And he wanted to maintain communications with us, to let our people know that even though he was no longer speaker of the assembly, he was going to do what he could over the years to continue working with us.

One of the questions he was asked at this meeting was the fate of something called the Energy Resources Fund that Huey Johnson had set up, which had put a couple of hundred million dollars into resource programs. And Leo said, "It will be annihilated." He said this as a metaphorical or highly imagistic way of explaining through hyperbole that Deukmejian, in attempting to balance the budget, wasn't going to spend any money for those programs.

Huey heard about this from somebody and wrote a letter to me that I have never answered, in which he accused me of sleepy leadership and betrayal of the Energy Resources Fund and any number of other remarks which I thought were highly personal and in every way unwarranted. During Huey's administration as secretary for resources, at a time that the legislature was in conference committee on the budget, his people, his top lieutenants, just sat there taking notes on what was happening while I had, the day before, sat down with Chuck Innbrecht, the representative of the Republican leadership on the budget committee, and worked out an agreement with him to save all the energy resources funds we could.

We had saved that program for him. When Huey learned what I had done, he had written a letter to the president of the Sierra Club, commending me for having done this. And then when Leo McCarthy said that during the first year of the Deukmejian administration, the program would simply be wiped out, Huey turned around and wrote a letter which, in effect, said that I was guilty of sleepy leadership; that I didn't know what I was doing and, without using these precise words, had betrayed the whole concept of looking to the future on environmental issues. I felt that this was in some way, perhaps, the best example of how a secretary for resources can have the right ideas and want programs which are oriented to the future, but nevertheless not get them all carried out and be all too willing to blame someone else for the failure.

Lage: Why would he have such a strong reaction to this?

Zierold: I don't know.

Lage: You supported McCarthy, but you didn't say these things.

Zierold: I agreed with McCarthy. I didn't say so publicly. I had set up the meeting and somehow it must have been reported to Huey that I made the remark. I hadn't. But he didn't bother to call me and ask me about it. That left a very bad taste in my mouth, quite frankly.

That's not the reason I say that Livermore was the best resources secretary. Let me repeat. I think that Livermore was the best because he had a governor unfriendly to the environment and yet accomplished a number of good things and was always accessible and always even-handed and in every respect a man of dignity and a gentleman above all. I liked that about him. I thought that he was an ideal public servant.

Lage: Were there instances where you disagreed with Huey Johnson's policies while he was secretary for resources?

Zierold: No, I never disagreed with his general policies. I thought there was a certain "more-holistic-than-thou" attitude about that agency, not just about Huey in particular. I thought that there were occasions when their view of the legislative process, their view of governance, was unrealistic. That is to say, having an idea isn't necessarily having a policy. It's necessary to work for it. And it's necessary to make certain compromises, I suppose, to settle for a little bit less than perfect, and to work with people rather than be condescending to them. I feel that Huey's relationships with the legislature were to some degree unsatisfactory because many of the legislators I talked with felt that he looked down on them.

Lage: Were these people who could have lined up as his backers that you're talking about, or people on the other side of environmental issues?

Zierold: I don't know whether they would have been his backers necessarily. But politics is like diplomacy. It's necessary to make people feel important even though they may not be. They're important to the passage of a bill putting in place a good policy. I don't think that it is always wise to discuss an agenda for the year 2000 with someone who does not have the ability to look beyond the next fiscal year. That's what doomed many of the programs that might have been enacted. I'm not just blaming Huey; I think this is characteristic of the Brown administration.

Lage: Would you mention a few programs to illustrate your point? Do you have some in mind?

Zierold: Well, one issue that I thought illustrated this was combining erosion control programs and a number of other policies that have been bitterly fought by the agricultural interests, combining those programs with a park bond issue. Our park task force was very upset by this. I talked with Huey about it. And Huey said he didn't care whether the park bond issue failed or not because the important thing was to get people to think about the issue, to see the big picture. Well, I submit to you that attempting to educate the California public about erosion control through inclusion of four or five different programs in a park bond act isn't the best way to get press coverage, because nobody covers bond issues that completely in the press. And as a result that ballot proposition lost. We later got it in the next election. But it was an indication that some people have unrealistic expectations about the ability of either the public or the legislature to educate itself on these issues. It isn't enough just to tell them about the issues. Sometimes we have to take it piece by piece and continue building.

#### Evaluating the Brown Administration

Zierold: Stewardship of the land or environmental trusteeship is not a single event. It's a process. It's like language. Remember the linguist who said language is a city to the building of which every person has brought a stone? Not too many stones were brought in the Brown administration. There was a lot of talk about what the building should look like. There were lots of artist's renderings and architects' elevations, north, south, east and west. But there were very few building blocks. If I were to evaluate the Brown administration, that's what I think I would say. That's not Huey Johnson's fault. I want to make that very clear. And it isn't Claire Dedrick's fault. I think it is Jerry Brown's fault because very few people have had the popularity that Brown had in the early years. He was the darling of the media, looked upon as a bright light for the future.

Lage: Well, what went sour?

Zierold: I don't know if it went sour so much as it never proceeded beyond the discussion stage. It was sort of like a fraternity beer bust in which people sit around and talk about things without knowing too much about them and without being willing to do the hard work necessary to bring these things to positive account. It was all abstraction. That was why Mike Royko's nicknaming Jerry Brown "Governor Moonbeam" was such a telling criticism. People said, "Yes, of course, that's exactly what he is." I think it was unfair and harsh because Brown carried out some good policies and appointed good people and often he stood by his convictions when

- Zierold: challenged. But he always did it in a reactive mode. If a bad bill came down, he'd veto it. He did try some initiative measures. But now, I'm only talking about the environmental movement.
- Lage: His work on the Peripheral Canal you thought was good. I'm just thinking of the two things we talked about today.
- Zierold: He backed off the Peripheral Canal afterwards, after the referendum on SB 200. He backed SB 346, an example of the kind of thing he should have done in many other policy areas but didn't.
- Lage: What about Brown's action on the LNG issue? Can you add to your earlier comments?
- Zierold: That is the one occasion on which I felt that Jerry Brown paid selective inattention to the truth. I don't think that he was as forthcoming as he should have been on that issue. I think that he deliberately manipulated it. Maybe a governor has to do that sometimes, but I found no justification for it. I would have let the banks just swing in the wind. It would have been better for American financial institutions if someone had learned a hard lesson.
- Lage: Did his desire to be president seem to affect his stances in California?
- Zierold: It had no adverse effect on us that I can recall. It didn't matter that much whether he was in the state or out campaigning. Gray Davis did most of the work anyway. And so long as Gray Davis saw his job as carrying out what the governor would have done if he had ever bothered to put his mind to it, we weren't harmed. In some ways things got done a lot faster with Brown out of the state.
- Lage: Anyone else we should talk about in the Brown administration? Any others you want to comment on?
- Zierold: I thought that Jerry Brown's very best appointment was Ron Robie. There have been many other good people. Certainly Preble Stolz, a professor of law at Berkeley who was the first head of OPR [Office of Planning and Research] in the Brown administration, was a superior intellect and a real asset to the Brown administration. Some appointments to various boards and commissions were good. Certainly Victor Calvo of the PUC and Gene Varanini, Ron Doctor, and Karen Edson were all good appointments to the energy commission. He made many good appointments, no doubt about that, for which he should be given high marks. There was no problem with parks. There was no problem with forestry. The people named directors of those departments were good.

Lage: How was Herb Rhodes as head of the parks department?

Zierold: He was a very congenial person. He had no experience prior to coming to Sacramento in park administration though he was experienced in county government. He was cooperative to the needs of people as they were made known to him. I think it was a good appointment.

Lage: He was interested in urban parks?

Zierold: Yes, more than wilderness or coastal properties.

Lage: Was that okay with the Sierra Club?

Zierold: Yes, I think so. I feel that the Sierra Club park task force understood that there had to be a balanced program. And Rhodes was not indifferent or unfriendly to the idea of buying up park land in the north coast or in the redwood forests.

Lage: Anyone else we should talk about in the Brown administration? I would like your opinion of Bill Press.

Zierold: Well, Bill Press as the director of the Office of Planning and Research was, I think, less occupied with land-use planning issues following the completion of their urban plan. From that point he became more actively engaged in presidential politics and higher level matters. It would be difficult to evaluate the program. I think Bill Press was certainly very successful. He did a good job running the program for developing the urban land-use plan that the administration put together. Probably a little too good, in that the program had no real chance of acceptance by the legislature, dominated as it was by special financial interests. He came out of the environmental movement. He was a skillful politician.

Other than Bill Press, I don't think that the Office of Planning and Research had a very high visibility. Deni Green succeeded him. She was a professional planner, as I recall, and was competent as an administrator. She was less engaged in the political side of the administration than was Bill Press.

## XIV AIR QUALITY CONTROLS

[Interview 6: 13 April 1984]##

Inspection and Maintenance Programs

Lage: We were going to start out talking about air pollution, looking primarily at recent legislation. Would you want to first make some comments to try to put the subject in context?

Zierold: For a long time the legislative program that we conducted dealt primarily with pollution from automobiles and in the early stages in our program less with the pollution from stationary sources. I think that's changed somewhat, although two years ago we had a hard-fought battle in the legislature over inspection and maintenance programs required by the federal government.

There was a good deal of political resistance to that program, that is to say, to California's adopting an inspection and maintenance program to comply with federal law, because most of the cars that would require repair upon being submitted to a test are owned by people of very low income. The owners were upset over the prospect of a two- or a three-hundred-dollar repair bill. And they expressed those concerns to legislators who were sensitive to the problem, especially sympathetic to the old, and for years they delayed enacting a program.

There were some other reasons why it took awhile to put this program in place. There was a dispute over whether there ought to be a central facility run by the Hamilton Test Corporation or whether the independent service station operators should be authorized or allowed to conduct these tests as well. And it was the latter that more or less prevailed, although there were some compromises made.

Lage: Did the Sierra Club have a point of view on that?

Zierold: We strongly supported the program and were more inclined to a central facility, primarily because we felt that perhaps certification would be sold rather than earned. I don't know how the program is going to work out. It only began in March of this year, so it's much too early to tell. We didn't get too much involved in that fight, however.

We were concerned about those people who couldn't afford the total repair bill that might have been required, so we didn't resist putting an upper limit of eighty dollars on work to be performed on any car, unless the air pollution control systems had been tampered with. If it were beyond any dispute that there had been tampering or removal or destruction of the catalytic converter system in order to get more horsepower, in order to burn a little bit more rubber, then there was no limit on the bill, and there is no limit in the program as it now stands.

Lage: But if that hasn't occurred, is there still a limit of eighty dollars that can be charged? What if the work required costs more than eighty?

Zierold: So long as the system hasn't been tampered with that's all the work that the law will permit the state to require. It means some cars will go with less than the full repair needed. But that is an act of mercy, so to speak, for people who simply haven't got the money to do it. And I don't think requiring them to go the full route actually would make that much difference. I think this is a case where some flexibility is needed, some tempering the wind to the shorn lamb. People on fixed incomes who need a car and simply could never come up with four or five hundred dollars for a repair shouldn't be made to go into debt, even if it were possible for them to borrow the money and pay it back over a long period. That's an unreasonable act of government, it seems to me.

#### The Air Resources Board under Reagan and Brown

Lage: So that's the program we have now. Could we go back to the Reagan administration for some comments about air quality? I remember that that was one of the areas where the club was most dissatisfied with the Reagan administration.

Zierold: Reagan, early in his first term, made some drastic changes in the Air Resources Board because of objections that had been raised by the automobile industry and by some others who felt that there was over-regulation. And he installed Charles Conrad, an assemblyman from Sherman Oaks as chairman of the Air Resources Board, in a kind of Saturday night massacre, Sacramento style.

Lage: Was that before Haagen-Smit, or after?

Zierold: It was before. [Haagen-Smit was chairman 1973-1974.]

Lage: Was Conrad in agreement with Reagan's views?

Zierold: Yes. He was very conservative and sympathetic to business's complaints about over-regulation. It's not a very realistic view because the polluters have always tried to get out from under regulation. As far as the Air Resources Board is concerned, it dealt with more than just automobiles. We were talking about power plants and other sources of pollution.

So, I think Ronald Reagan displayed at an early time in his governmental career an overblown sympathy for industry without really directing his people to see the other side. There wasn't very much of "but, on the other hand" in the Reagan administration. You may remember some years ago Adolph Ochs, the publisher of the New York Times, said the reason the Times never ran a political cartoon on its pages was because the political cartoon could never say, "But, on the other hand."

Reagan would accept the complaints or the positions taken by the State Chamber of Commerce, or the California Manufacturers Association, or the utilities, or the oil companies without really submitting those complaints to a rigorous test of rebuttal or verification. If they said it was wrong, then it must be wrong. Anyway, environmentalists have too much influence in government, and their programs are going to consummate the final ruin of California's economy. And so, therefore, we're going to make these changes in the ARB [Air Resources Board]. That perhaps is a hyperbolic explanation of Reagan's attitude without my really knowing what he thought when he did this. But I don't think it's particularly far from the mark.

Lage: Would this office have any thing to do with watchdogging or monitoring agencies like ARB?

Zierold: The Sierra Club, yes. This office, less so. We do monitor the activities of the Air Resources Board, but I think that greater emphasis is put on the air quality management districts, such as the south coast, for example, and San Francisco. Here it is mostly legislation. We do work with the Air Resources Board, which has its headquarters here. But that generally takes the form of working collaboratively, either to support good legislation or oppose bad.

Lage: Now what about changes in the ARB under Brown? Was it Tom Quinn who came in to head up the ARB?



Zierold: Tom Quinn came in to head up the ARB. But that position carried with it the unofficial title of chief environmentalist in the Brown administration. He was aggressive, had a very keen sense of how to use the press to advance the Brown administration's programs and the programs of the ARB. He was the son of Joe Quinn, who had founded the Los Angeles City News Service. And when Jerry Brown ran for the board of trustees of the junior colleges and for secretary of state, they used that distribution network very effectively. He understood what got headlines, what caught the attention and, to some degree, the fancy of the public, much to the chagrin of the people being regulated by the Air Resources Board. But he ran it with a firm and mostly beneficial hand, as did his successor, Mary Nichols.

There were some speculations about why the Air Resources Board adopted certain standards. For example, on SO<sub>2</sub>, on NOX, the standards that were set for oil to be burned at utilities were exactly the kind of specifications for sweet crude from Indonesia. And sweet crude from Indonesia was sold by the Perta Marketing Corporation. And the Perta Marketing Corporation was represented by Edmund G. Brown, Sr. It was what the New Yorker Magazine might call a funny coincidence.

Lage: But unsubstantiated.

Zierold: Unsubstantiated, of course. In no way am I suggesting that there was any wrongdoing or conflict of interest. I'm saying only it was a funny coincidence that was beneficial to the cause of clean air, one must say. But it was a funny coincidence because some say, and I can't verify this, that it excluded all other oil from California as a fuel for utilities. I'm not sure whether that standard is still in effect. This was gossip.

Lage: So that was the cleaner oil?

Zierold: It was the "sweeter" crude, less sulfur content.

Lage: Any other comments on Quinn or air pollution under Brown?

Zierold: No other comment except that he was an extremely effective head of the Air Resources Board and probably used it more effectively than anyone before him or since.

Clean Air Legislation, 1970s

Lage: Were there any other major pieces of legislation during the seventies?

Zierold: With air quality? No, other than the inspection and maintenance program. Air quality legislation in the 1970s was essentially a battle to keep what we had won, to prevent the rules from being rolled back so that they were no stronger than the federal Clean Air Act.

In the federal Clean Air Act, there is a provision which exempts California from the maximum, allowing California, because its air quality is worse than other states, to adopt more stringent standards than the federal government. That was always under attack. The automobile industry wanted what's called a "fifty-state car." They didn't want tougher requirements for California because it meant that a little more than ten percent of their automobile output had to be designed differently from the other ninety percent.

Lage: Unless they wanted to bring them all up to California standards.

Zierold: That's what we had always hoped and argued for. And that fight still goes on, of course.

Lage: It seemed that the attack on clean air in California that I read about in your Capitol Calendar came around '81 and '82, at the same time that the Clean Air Act was coming up for reauthorization in Congress.

Zierold: It was another one of those funny coincidences obviously timed by industry opponents of the Clean Air Act and of California's higher standards. It's always a good time to do it from their point of view, bringing pressure on people, trying to tip the balance in their favor.

And with the changing legislature in Sacramento, it was a tempting prospect. The leadership of the California legislature in the last few years has not been what we had hoped it would be. There isn't as much of a commitment to clean air as one has a reasonable right to expect, given the overwhelming public support.

In fact, the Harris Poll and the Gallup Poll and others that have been conducted over the past few years show virtually without exception, that fifty-six percent of the people polled felt that not only should we have strong environmental standards, but we

Zierold: should have far more strict regulation than is the case now, no matter if it costs a great deal more money in order to achieve this. More than eighty percent, probably closer to ninety percent, felt that we should have at least what we have now.

Lage: This is in clean air matters?

Zierold: Yes. So it's obvious that the public wants clean air. They want the government to regulate with a firm hand. And the legislature here, nevertheless, has a great many members of the leadership in both parties who ignore those attitude surveys, or public opinion polls.

Lage: Did any particular legislators stand out as leaders in the fight to cut back the clean air standards?

Zierold: John Foran in the senate, for one, often carried bills for the automobile industry, arguing that the costs were too great. He stands out for me more than others. He was chairman of the Senate Transportation Committee.

Lage: Is he someone that's worked with the club in other areas?

Zierold: No, not especially. He was in the assembly before coming over to the senate. He was chairman of the Ways and Means Committee and was a member of the Leo McCarthy loyalists. And over there he voted right because Leo McCarthy was able to persuade him.

Lage: You told me the club had worked for his reelection in 1974.

Zierold: Yes. It was a pivotal race, and it seems to me that perhaps John Foran has forgotten that the Sierra Club's role was critical not only for his reelection in 1974, but also for the election of Leo McCarthy. Although, he doesn't owe us votes forever on that. I don't feel that we go and ask people for votes on the basis of some debt to be repaid. We always ask for the votes on the merits. And it seemed to me that the merits here were indisputable. There was no reason why he shouldn't have voted that way. Rather disappointing, especially because we had made a commitment to him to assure his reelection, although I would be less than frank if I neglected to say that we didn't support him because he was our favorite, but because without him Leo McCarthy's chances were diminished.

Lage: You were aware that he wasn't a great environmentalist at the time?

Zierold: Yes.

## XV SIERRA CLUB ON THE POLITICAL SCENE

Changing Tactics: Political Endorsements

Lage: As the club gets further into the political arena, isn't this idea of owing a debt going to become more common?

Zierold: I still don't like to base a program on debts. I think the only debt a legislator has is a debt of honor to principle, a debt of honor to vote what is most in the public interest, rather than the private interest, whether it's the Sierra Club's or anybody else's.

A number of years ago, I set out to persuade the club's leadership in California and the national board of directors that the club's policy banning any political endorsements be amended to permit more activity. Interestingly, today, Friday the thirteenth, April, 1984, the Wall Street Journal has an article on "The Environmentalists Changing Their Tactics." And it quotes Denny Schaffer, the current president of the Sierra Club, as charting a course for running slates of environmentalist candidates, or candidates with sensitivity to environmental concerns. It took a long time to get this done.

Lage: Shall we talk a little bit about your role in changing the club's policy with regard to political endorsements?

Zierold: Yes, I'm very happy to, because I really feel that I have a certain proprietary interest in that. No one was willing to take on the task of going to all the club meetings around the state to discuss political campaigning or political activity with many people who had a systemic antipathy to it. Many people felt that politics was a dirty business and the Sierra Club didn't belong in it. "We don't want to get involved in campaigns or going to testimonial dinners, and all that that implies." But I did it. I remember Mike McCloskey saying to me that it probably wasn't going to be workable, because to endorse campaigns was to run the risk of divisiveness inside the club. It didn't work out that way, I'm

Zierold: happy to say. But I went to conservation committee meetings, executive committee meetings, meetings of various task forces, meetings of every chapter in the state, and presented the idea, tried to answer as many questions and deal with as many objections as possible.

Lage: When was this?

Zierold: This was almost five years ago. And we finally got the board of directors to run a test in California to see how it would work here. If it worked satisfactorily in California, then it would change the policy nationally. And, of course, it did. It was very successful. And now any number of people are involved in the club's SCOPE [Sierra Club Committee on Political Education] program. We have a SCOPE director for the United States as a whole. We have a SCOPE director in California. The idea of political endorsements or opposition to unfriendly legislators has more fathers now than was once the case.

Lage: I'd like you to elaborate a little bit more on how the idea developed with you and who you approached, what the initial responses were, and who helped you persuade people.

Zierold: The idea developed with me from observation. It became quite clear to me in the late 1970s, starting around 1977, that the mood of the country was changing and certainly was changing in California. There was a shift in attitude, because of inflation, to certain economic problems that people found troublesome. At that same time we had a turnover in the legislature. People would go on either to higher office or into private life. Some who were attorneys who got tired of Sacramento and decided to go back to the practice of law. Some were appointed to the Carter administration. Ed Z'berg had died. Charles Warren had succeeded him and then gone to the Carter administration. Vic Calvo succeeded Warren as chairman of the Assembly Resources Committee; he became disenchanted with politics and decided not to seek reelection. And so it goes.

During that period, with those changes, which were critical enough for us because change means a fresh start and new ground and new work, came a decline in the number of legislators who were supportive of our program. It became apparent to me at the same time that the costs of campaigns were getting greater and greater and greater, so that we were returning to the old system of what was called government by toll gate. Only those who made campaign contributions really got the attention of the legislature. I mean campaign contributions in significant amounts.

What we had been doing by way of meeting with legislators, outlining our programs to them, making them aware of the work that the club had done to develop these policies, wasn't going to be

Zierold: enough. Logic wasn't prevailing in committee hearings, if it ever did. There weren't as many people to talk to because of, if not indifference or hostility, then the thought that the Sierra Club was another of those meddling do-good operations that had no real standing in government. Only those with an economic interest, a direct stake in the government decision, really were the ones to be listened to. Not a particularly enlightened attitude, but one held by a lot of people.

The selling of votes, if I can use the term, seemed to be on the increase. We could never prove that any vote had ever been sold; nonetheless it was the only reasonable conclusion or inference one could draw from the way in which policy deliberations took place in committee. Money was influencing decisions far beyond what people had tolerated in the past. The only way to deal with that, for the Sierra Club at least, was to strike back at the polls, not to try to outbid anybody by raising large sums of money and making even more generous contributions than they were accustomed to getting. Even if we could raise the money, it would never be anything we would consider doing.

Thus, the future course for the Sierra Club, politically, became quite apparent. We had to shift the emphasis somewhat. It didn't mean that we gave up lobbying committees and individual members the way we always had. We always prepare a good analysis on any legislation in which we determine an interest to exist. We personally meet with legislators to the greatest extent possible. We run chapter action programs to get letters of support, or opposition, to a bill to key members of the committee who are going to be swing votes, or to those people whose positions we feel we might have a chance to reverse. All of those routine activities, support activities, if you will, were not abandoned.

But we felt that while we would keep them, we would try to hold out some time and some of our financial resources for organizing people in the districts on a continuing basis for pressure on those people we wanted to pressure--the ultimate pressure being opposition to them when they ran for reelection or support for them if they were being challenged by people whose views we considered threatening to our program.

That was not an easy decision to make. It's hard to fight that kind of battle when the rules of engagement are weighted against us, as they are at the present time. It wasn't something that we could see as holding promise for immediate success. It had to be a long-term commitment. We had to be willing to accept certain failures and disappointments, learning from experience. But the view I held, and I continue to hold, is that for at least another five to ten years, this kind of thing is going to be necessary. And I think when more organizations like the club find

Zierold: they have the ability to organize effectively in their self-interest for elections, the more chance we have for reversing this trend of money politics.

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Lage: You said that Mike McCloskey had felt it might be a divisive influence in the club. But did he give you the go-ahead to lobby the club, shall we say?

Zierold: Yes, he did.

Lage: So he was sympathetic with the idea?

Zierold: I think so, yes. He was apprehensive about the reaction of many members, because there are a great many Republicans who are members of the Sierra Club. But there are very few Republicans holding elective office who are supportive of the club. Some people are embarrassed or angered at the contradiction they find in themselves in a situation such as this. As Republicans they are voting for Republicans who run for office on, say, tax programs, or fiscal programs, or other issues that they find congenial or appealing. Somehow they cannot deal with the fact that those same candidates are hostile to environmental concerns--concerns that these club members feel deeply, or they wouldn't be members of the Sierra Club. So the idea of the Sierra Club endorsing candidates is, in part, anathema to them because they aren't able to put the environment first. Therefore, the idea of their commitment to the environment is in a sense being turned against them, because the movement is supporting candidates who don't hold like views about fiscal policies or social welfare policies or crime, other such causes. These contradictions either infuriated them or befuddled them in some way.

And so Mike McCloskey was expecting a reaction to some degree along these lines, it seems to me. This was not the view expressed by Mike McCloskey but instead was the feeling I came away with after talking with many club members throughout the state who were conservatives. I think these people are grateful that the Democrats, primarily, support the environmental movement. But because they are otherwise not at all conservative, these people are angry. The club entering the political arena presented a troublesome situation for them. They argued for the club standing back from politics, not becoming involved in it.

Lage: Was that the main source of the opposition?

Zierold: No, it wasn't. It existed to some degree. But it in no way predominated among those who disliked the idea.

Lage: Were these people in positions of leadership in the club, chapter leadership?

Zierold: No, not very many. As a matter of fact, the Mother Lode Chapter, which at that time was thought of as ruled by conservatives, voted unanimously to endorse political candidates after many hours of discussion, not just at one meeting, but at several. The same was true in the Angeles Chapter.

I think those who instinctively reacted against the idea of political endorsements came from the outings groups, or at least those people who were concerned more with outings than with the governance of the Sierra Club. And I think it is a kind of natural division. It isn't that the people who are on the executive committees, or conservation committees, or joint RCC committees, or task forces aren't good "outers" themselves. But they aren't "outers" to the exclusion of all other club activities.

Lage: What about those who opposed political endorsements from a different angle, thinking that it would make it difficult then to deal with our opponents? Say we lost the election, then how do you deal with those you have worked against? I've heard Ed Wayburn voice that concern.

Zierold: That attitude did exist. There were some who were fearful of antagonizing people. My response to that was an old joke that Europeans call gallows humor, best typified by two people who go together to the wall and are about to be blindfolded prior to being shot by the firing squad. One is complaining about the injustice of it all. And the other person says to him, "Shh, don't make trouble." [laughter]

Well, that's essentially where we are with those people who would be antagonized by our exercising our right to make a choice. Don't make trouble. Recrimination of such magnitude will come down around us. We should back off from expressing our views, or stating a preference, or working in support of those people who believe as we do that it's necessary to have strict laws on air and water quality. We've got to get good wilderness programs from the Congress, a good park acquisition program from the Congress and state, and so on. I don't feel that endorsing candidates is nearly so great a risk as some people feared. And it hasn't turned out that way.

Lage: It hasn't been divisive?

Zierold: There are some politicians who will dislike it if the Sierra Club endorses an opponent, generally those people who feel that the Sierra Club endorsement calls into public view their voting



Zierold: records or their attitudes in opposition to clean air or clean water and instead in support of, say, the automobile manufacturers, or chemical companies, or what have you.

Single Issue Politics?

Lage: What do you think about the discussion about the dangers of single-issue politics? It seems that the club is part of that movement.

Zierold: I don't think the club is part of single-issue politics. If you examine the workload of this office, you will find that we are following, with varying degrees of closeness, more than seven hundred pieces of legislation. Air quality, which itself breaks down into emission controls for automobiles, emission controls for power plants, emission controls for all of the smokestack industry, acid rain, and open-field burning of agricultural wastes, an entire range of air-quality problems. That's just the air-quality program.

In water, we are concerned with several aspects of state policy. On delta water transfer, for example, the first big issue is the Peripheral Canal. The Peripheral Canal raises questions of water quality in the Suisun Marsh, the last remaining large wetland in the state of California, and in the delta itself. The reverse flow that results from pumping water out of the delta at the Tracy pumps, and on through the aqueduct, has subsequent effect on fish life and on the flushing action in San Francisco Bay. This is a major concern because of the chemical wastes that have been emptied into the south bay.

Water issues also have an impact on growth in areas like Los Angeles, where growth is already exceeding carrying capacity. They affect water conservation, such as ground water management. At the present time, we have a state-adopted policy which does not require water conservation through ground water management as condition of delivering more water to the agricultural businesses in the Central Valley.

In toxics, we are concerned over discharges of pesticides from chemical companies that either effect wildlife habitat or can seep into the drinking water, which is the quintessential life-support system.

Wildlife conservation, preservation of rare and endangered species, land-use planning, transportation, energy are all issues of concern to us. To say that the Sierra Club is a single-issue organization is really not to understand the complexity of

Zierold: government. If we were dedicated to the tule elk only, to the exclusion of everything else, or the kit fox, then that might be an understandable identification of us. But we're not. I haven't touched parks. I haven't touched wilderness. I haven't touched forest practices. I haven't touched soil erosion problems, preservation of farmlands.

Lage: What about issues that are not environmental? Do we look at the candidate's stand on those issues? On social welfare issues? Defense issues?

Zierold: No, we certainly should not. Defense issues? I suppose it's possible to say that nuclear war is the ultimate threat to the environment. And indeed it is. But getting from here to dealing with war is something that's less environmental and more militarily strategic. We have to be a repository of anxiety about the destruction of all life. But the way in which that goal is reached isn't necessarily through environmental regulation. Peace requires a moral act, a commitment to civilized behavior more than to any body of civil laws. There is a great difference. It doesn't involve environmental regulation, but in the abstract it involves the ultimate environmental impact statement. But one can get into all manner of absurdities by attempting to establish the relationship. It's of grave concern to us, naturally.

Lage: What is the relationship between the Sierra Club's election program and the California League of Conservation Voters?

Zierold: The League of Conservation Voters was a front for the environmental movement, most especially the Sierra Club, when the Sierra Club could not endorse candidates. It now stands alone, however.

Lage: But there is an overlap with Carl Pope. I've never been quite able to figure out what hat he wears at different times.

Zierold: Many people do have difficulty understanding that, although I think those difficulties will evaporate because Carl is no longer executive director of the League of Conservation Voters, or will not be, perhaps, after the elections this year. He will, I think, head the club's national political program. At least he should, because he's very skillful.

Lage: Was he involved with the club? Did you work with him in this program?

Zierold: No. I just set about attempting to advance the cause of this office and the state legislative program. And because this office is the instrument of policy as determined by the joint RCCs of California, it seemed to me my responsibility to explain to them that it wasn't going to be as successful a program in the next ten

Zierold: years as it had been in the previous ten years, because of all these changes in the character of the legislature that I have mentioned to you. So I saw it as a report of stewardship and an estimate of probabilities for the future, and in addition the means by which we might match the earlier successes by modifying our tactics.

Lage: Have you found that as the club gets into this area of endorsing candidates, club leaders are skilled in making this kind of decision, this kind of political strategy?

Zierold: I think the club leaders have a great deal to learn about politics. Naturally, they are new to it. But if they apply the same unremitting attention to politics as they do to traditional club programs, then they will be successful.

### The Greens Movement--An Unworthy Model for Environmentalists

Lage: I just ran across a reference to Huey Johnson starting up a Greens Party. I think this was a few years back. Can you tell me something about his involvement with the Greens Party?

Zierold: A year or so ago, perhaps a little more, a year and a half ago, he was interviewed by Ed Salzman, as I remember. Ed is the capitol bureau chief of the Sacramento Bee. Huey was discussing what lies ahead for the environmental movement, and he argued for creation of an environmental party, modeled on the Greens in Germany.

It wasn't the first time that there had been an environmental party argued for. As a matter of fact, Barry Commoner tried to run for president as the candidate for the environmental movement. He wasn't very succesaful, obviously, because most people, including most environmentalists, think that a wholly impractical way to approach it. I do, too.

As for the Greens, it seems to me that the Greens in Germany are not what most people think they are. They gradually moved out of the earlier anti-nuclear power groups in Germany, most of which were local in orientation. They objected to the siting and constructing of nuclear power plants near them. They solidified as various groups were re-unified and consolidated by the most effective leaders in those various groups, in order to bring pressure on the national government.

That, however, was a single purpose that had a very short life span. What followed was a shift to weapons considerations more than environmental considerations, objections to the establishment of missile capability in Germany. There is no

Zierold: reason in the world why they shouldn't do that, obviously. But it was less an environmental movement. The distinction got blurred between pure environmental causes and this abstraction of nuclear war being the ultimate environmental threat. I don't think anyone disagrees with that. But I don't think that it is pure environmental politics. In addition, I think there were people becoming active in that movement who wanted to use it to leverage out other results from government. They espoused the lot of the squatters, for example, those people who are occupying certain apartments and dwellings in Germany and refusing to leave. The Greens Party actually engaged in violent quarrels with the police who were attempting to evict the squatters from properties lawfully owned by others. There were certain kinds of social reformers and a form of what we might call modified anarchy, all added to the Greens.

The Greens were not environmentalists. There is no John Muir or anyone like John Muir, or Mike McCloskey, or David Brower leading that movement. I have spoken with Germans who are distinguished members of the Social Democratic party, most notable among them a professor of law at the University of Bremen, who at first was very sympathetic to the Greens because of their work on nuclear power. He is now very unsympathetic with what they became. He saw them transformed from environmentalists to a very different form of anti-government activism, taking in anyone and everyone in their rag-tag coalition, advocating carelessly thought-through social reform, even some revolutionary inclinations, not necessarily of the Badder-Meinhof variety or not necessarily ingenuous tools of the East Germans or the Soviets, but rather encompassing people who were basically hostile to any form of authority or government. He called them the academic proletariat, teachers who weren't really capable of teaching, attorneys who weren't really capable of establishing a law practice or becoming statesmen or diplomats. They even resented successes within their own ranks. When some of their members were elected to office, those people who couldn't get elected to office turned on them.

It's not that the entire Greens movement was necessarily that comic. But it certainly wasn't a model on which I would like to see a California environmental party formed. I think that they had a glamour and a luster not at all deserved. The perception was that this was a gleaming group of idealists, when they were somewhat less than that.

Lage: But that movement hasn't gone anywhere in California, as far as I can see.

Zierold: Thankfully, it has not. And even the idea as it was first advanced may have been abandoned, for which we can also be grateful.

Ethical Responsibilities of the Sierra Club

- Lage: There were a couple of other things we were going to pick up on today, talking about trends in the club as an organization. You had mentioned this interesting phrase: the institution as servant. Do you want to elaborate on that?
- Zierold: To me, the concept of institution as servant deals first with government, why government was created, why most societal organizations were created, whether they are churches, parliaments, or city councils or boards of supervisors. They, as institutions, have as their first duty to be servants to the public interest, to be trustee of it. Basically the idea of institution as servant has always meant to me, and I think it should mean to organizations like the Sierra Club, a commitment to act always in the public interest in spite of the pressures and perhaps even recriminations that will rain down on them.
- Lage: Do you mean that the club should act in the larger public interest, not in the interest of its members?
- Zierold: As for the club, I think the same holds true. The club itself is an institution. And I think that it has a similar responsibility. The policies taken by the Sierra Club are not always wise policies. The programs of the club are on occasion imperfect, even excessively subjective. Many people in the club want positions taken, which, in my opinion, are not in the club's best interests.
- There have been frivolous lawsuits. I don't think the club has a record of bringing frivolous lawsuits. I think the Sierra Club Legal Defense Fund is admirably run and frivolous lawsuits are resisted. Nevertheless, there are always campaigns to bring the full weight of the Sierra Club to bear on some minor issue which is not really in our interest. We tend to win victories like this on occasion, but pay a very heavy price for them in terms of long-term program.
- Lage: What are the political repercussions from advocacy of peripheral issues?
- Zierold: I would have to say, frankly, that I do not believe that the Sierra Club membership acted wisely in the matter of the Peripheral Canal. I think we've covered that earlier. But there's a very good example of some people who allowed the Peripheral Canal to become the symbol of unwanted growth and, as a result, brought us to a policy which I believed would be counterproductive. What's happening today in state government is evidence of that.

Lage: Was the problem their lack of perception or somehow misusing the institution?

Zierold: Maybe the Peripheral Canal isn't the best example. I think probably some of the land-use issues, fighting subdivisions, for example, or some housing development, is the best case in point. The effect on the California Environmental Quality Act is a problem. We have weakened the act because we have created circumstances which move the selfish and the unscrupulous to seek exemption from it. And given the legislature in its present makeup, they are more successful than not.

This creates the impression of a wounded beast, so to speak. It's easy to get relief if you've got enough money and if you've got enough influence. Some of the lawsuits that we have brought contesting local government decisions under the Williamson Act have not worked out well for us at all. And it could be argued that the reasons we opposed certain decisions by local government on the Williamson Act are because somebody lost a private green belt--and not that it was a matter of preserving prime farmland.

There is nothing wrong with preserving open space. But open space is more a general policy than it is a specific green viewshed. The loss of a viewshed is a tragic thing. But it's going to happen from time to time. And it's very hard to explain to people that, well, it's tough luck for you, but over the long term, the more of these suits we bring, the more we tend to see the act in tatters.

Lage: That must be very difficult to explain, not just to people with private interests but to those with strong feelings about an area.

Zierold: There is nothing we can do about that here. And it's easy to say that denying ourselves is an unwise course of action, because the law is for everybody. Nevertheless, I think that there is a tendency in the club to use the organization for what are essentially not organizational causes.

Lage: For private interests. Do you think that's a predominant or just an occasional problem?

Zierold: Occasional.

Lage: Is there any mechanism for the legal defense fund or legal advisers to the club to consult with the legislative representatives?

Zierold: They always do.

Lage: Do they take into account the kind of advice you give?

Zierold: I don't want it thought that this is in any way a criticism of the legal defense fund. It is not. They do an excellent job. They are extremely intelligent, skillful attorneys. They're very careful to check with us to find out whether or not we see some problem with a certain kind of lawsuit being brought. They are very sensitive. They are perceptive. And they understand that there are some risks that might be run in bringing a cause of action against a developer or a city.

Lage: So they're politically astute?

Zierold: Very, very.

### The Deukmejian Administration and the Environment

Lage: We haven't talked about Deukmejian very much. And I don't know whether you want to get into that. You wanted to talk about the value of the historical record as an indication of the future. That's a good way to wind it up, I would say. Do you want to talk about the Deukmejian administration?

Zierold: Deukmejian? It's still very early. What he has announced in water policy I believe is an indication of what we all expect from him, and can expect from him in the years to come. He has told the legislature that if the legislature does not cooperate on a policy for a cross-delta facility, he will simply begin on his own, which he says he is authorized to do. And I believe he is, based on the Burns-Porter Act, which was voted on by the public in Proposition 1 in 1959. That does authorize the governor to construct a through-delta facility. The Peripheral Canal, it was argued, was not a through-delta facility and therefore subject to legal challenge if it was attempted without the specific authorization by the legislature.

He can begin on his own. But he may not finish on his own. While he has the authority as governor of the state to do it under Proposition 1, the Burns-Porter Act, it is still necessary for the state to get a permit from the Corps of Engineers to do the levy repairs and realigning of the channels in the delta. That will necessitate an environmental impact statement under the National Environmental Protection Act. And I would be very surprised if a lawsuit were not filed.

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The cause of action would be a challenge to the adequacy of the governor's program because of potential damage to fish life. The irony of all this is that in all likelihood the environmental

Zierold: impact statements from the federal government would show a listing for feasible alternatives, with the Peripheral Canal as a more desirable way of moving water than a through-delta facility. I think that the issue will be of importance for a long time. Here is a case where the Sierra Club can function as an institution regarding itself as servant. I think the Sierra Club would doubtless challenge the administration on that. And I certainly would think it wise to give our most earnest consideration to the legal challenges that are available to us.

Lage: But will the club come around to the idea of the Peripheral Canal as an alternative?

Zierold: No, I don't think so. And I'm not expecting that. I think that in all likelihood Deukmejian will serve two terms. An even greater likelihood is that this thing will still be unresolved at the end of his second term.

Lage: Maybe at some point it will be decided that southern California doesn't need the water.

Zierold: Maybe so.

Lage: Have Deukmejian's appointments been pretty disappointing?

Zierold: Yes, with several exceptions. I think Gordon Duffy was a good appointment. And I certainly think that Charles Imbrecht on the energy commission was a good appointment.

Lage: Gordon Duffy?

Zierold: He is secretary for the environment. I think that was a good appointment.

Lage: What is his background?

Zierold: He was a legislator for many years, chairman of the health committee, with a commitment to public health. His views on air and water quality, the manner in which toxic wastes are disposed of, reflect that concern and that commitment.

Charles Imbrecht was also an assemblyman, and as chairman of the energy commission, I think, sees a continuation of concern over energy conservation programs.

Lage: How about Gordon Van Vleck [Resources Agency Secretary]? Do you have any dealings with him?

Zierold: Not very many. I don't think Gordon Van Vleck is a particularly active secretary for resources. He is a cattleman. And the governor obviously is comfortable with him because the governor's



Zierold: supporters are comfortable with him. He is one of them, after all. He is the former president of the State Chamber of Commerce, a cattleman with views indistinguishable from the views of the agricultural community.

Lage: When you say he's not particularly active, is he letting his department and divisions go their own way?

Zierold: Not to go their own way so much as to leave the work of the agency to trusted subordinates. I think it is revealing that the secretary for resources and the new director of the Department of Fish and Game are very close to agriculture. And I believe the reason for it is because the Department of Fish and Game is that branch of state government, or that part of the executive branch of state government, that historically has had responsibility for making the determination as to what constitutes an adequate policy on water quality in the delta as it relates to the delivery of water from north to south.

The person just appointed has been serving as assistant director of the Department of Food and Agriculture. That department sees as its natural constituency the agricultural industry. They do not see environmentalists, commercial fishermen, or sports fishermen as part of their natural constituency. Or at least, it isn't evident that they do. They may argue that they have the whole state as their constituency, but that would be deceitful, in a sense.

Lage: So the urge to get water transported south to the agricultural interests is a strong one.

Zierold: It is.

Lage: It sounds like a major goal of the administration.

Zierold: The agricultural industry that supported Deukmejian from the beginning has itself well-positioned in Sacramento.

Lage: Have you discerned any area, any environmental areas, where Deukmejian is sympathetic?

Zierold: I think he has a fairly good view on toxics, but not as good as we would like. And I think that the people he has in the administration perhaps lack some of the integrity that the governor has. But unfortunately, for all the cast-iron integrity that the governor has, it doesn't overcome the views he holds. While they are honestly come by, we see them as wrong. I believe he sincerely thinks that the state is overregulated.

Lage: So you do see him as a person with a substantial amount of integrity?

- Zierold: He is honestly and stubbornly wrong to the point of intransigence on environmental regulation.
- Lage: That's a pretty good summing up. Anything else we should say about Deukmejian? It just seems early to go into any depth.
- Zierold: It is. It's too early.

### History as a Cautionary Tale

- Lage: I'm very intrigued by your views on the historical record as an indication of the future.
- Zierold: Well, when I first starting lobbying in the mid-1960s, this was not a friendly place. And we are beginning to see some of that same coolness again. I think the historical records should be an indication, a warning to the Sierra Club and to other conservation organizations that increased political involvement is essential because we know what happened with those people who held office back in the mid-1960s. They were intolerant of conservation programs, contemptuous of them. We know also what we can expect from a legislature with a make-up similar to the one we had through most of the 1970s--a salubrious effect on policy, excellent environmental gains made. And we can see that what is happening today signals more of a return to the mid-1960s than anything else.

The contempt is expressed somewhat differently. At that time it was out-and-out sympathy for industry and out-and-out displeasure with ideas advanced by the environmental movement. Today the effect is the same, although the process is a little bit different. Leadership in the assembly is essentially composed of people who feel that they can do anything they want to accommodate industry, and thereby gain support for their political campaigns, because the environmental movement cannot do anything to punish them. They can act with impunity. In one sense we are powerless to inflict any damage on them politically. We have nowhere else to go, because they give us a little more than the Republicans would give us. Therefore it is something we have to settle for, and be content with.

- Lage: So what's the answer to that kind of attitude?
- Zierold: The answer to that is to change the people who hold office.
- Lage: To work in Democratic primaries, for instance?

Zierold: Yes, that's the most practical way to do it. Or to ally ourselves with--now here is a time when irony is the word--with Ross Johnson, a strong conservative without any feelings at all for environmental causes, but who nevertheless is qualifying an initiative which will severely limit the amount of money that anyone can raise for campaigns. Any individual can contribute as much of his own money as he likes. But the amount of money that can be raised from other sources, such as political action committees, the so-called PACs, would be cut back to the bone.

The Democrats are arguing that this is a terrible idea because there is no provision for public moneys available to those candidates who can't raise it on their own. It would make it an unfair fight if a multi-millionaire decides to run for office. A person of modest or limited means would have no way of competing. Therefore, to have a level playing field at election time, the state should match the difference. I suppose that may or may not get resolved. But it seems to me that probably it's in our interest to grit our teeth for a certain period of time, just to cleanse the system.

It may very well be that the answer for us isn't in the Democratic primaries. There is also, of course, the possibility that there will be a countervailing force to the perniciousness of the existing leadership. I think probably from six to ten assemblymen are sufficiently concerned over what has happened to begin meeting on a regular basis, talking to one another about how the Democratic party can improve its image and its governance.

So there are several different ways in which we will be able to participate in the process. Maybe some combination of all those things. But the historical lesson is very clear. We have a somewhat different form of what we experienced in the mid-1960s. And that is a rather foreboding prospect, it seems to me. A dismal prospect.

Lage: That's a very down note on which to end the interview.

Zierold: No, first of all, we're not ending there. The proper end is a reiteration of why the Sierra Club has become involved in politics. To those who say we shouldn't get involved in politics because politics is dirty, one must say, if you think politics is dirty, than you think democracy is dirty. It is the way in which one conducts politics that is important.

And I believe it's possible to conduct politics in a way that is liberated from the need to contribute large or even small sums of money, forcing the candidates to come back for the doorstep vote, as it's called in Britain, selling themselves to the electorate rather than to the special interests. That is to me an upbeat, rather than a downbeat prospect.

Zierold: And I have good feelings about organizations like the Sierra Club. You can say many things about the club, but you can't say it's apathetic. It has a history of involvement. To the extent that one is apathetic, one deserves bad government. If you're willing to work for good candidates and, therefore, directly or indirectly for good government, ultimately I think the success will come. I believe we'll prevail. This organization has been around a long time. It's going to outlive this unsympathetic system. The principal question is how quickly it improves a bad lot.

Lage: And the support for the environment still seems to be there among the people.

Zierold: Yes, it's there with the people.

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