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THE ENVIRONMENT: EVERYMAN'S ISSUE

CHARLES C. JOHNSON, JR.*

SOME EARNEST and well-intentioned people reject the current concern for the environment as a false issue, a "middle-class" issue, or a distraction from more real and pressing social needs. Oddly enough, as a recent issue of *Time* magazine put it, this anti-ecology backlash is being voiced by many who have "little more in common than the smoggy air they breathe." They include black militants, conservatives who think the whole environmental crisis is a subversive plot, and a few who still think all that is at stake is the whooping crane.

It seems to me that those who hold these views do not understand what is happening to our environment. Perhaps they don't even understand what we really mean by "the environment." And most of all, it seems to me, they have failed to recognize the complex ways in which our social and environmental ills interact, that they have their origins in the same root causes, that they contribute to and intensify each other, and that their solutions are inextricably bound together.

The young people, whose concern for civil rights, peace and equality has now been extended to include ecology, understand these relationships better than most of my own generation. Part of what these young people are trying to tell us is that the problems of pollution, urban decay and wasted resources are intertwined with, and form part of, the problems of hunger, poverty and the physical and psychological ills that are their constant companions.

In my opinion, we need to understand, first of all, that concern for the environment is essentially a concern for man. We may legitimately be concerned about the fate of the bald eagle or the grizzly bear or the giant redwoods, and there is no doubt we should question a

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human ethic that callously permits the needless destruction of other life forms, but in the final analysis the issue is: can *man* survive and flourish in an environment in which these organisms that share his delicately balanced ecosystem are already threatened with destruction?

We know something about the effects of environmental factors on human health—the relationship between some pollutants and respiratory disease or cancer, for example. But we have barely begun to explore some of the more subtle, long-range hazards, including prenatal and genetic effects and the psychological and sociological impact of unwholesome environments. It is apparent, however, that, as Dr. Rene Dubos puts it, “The age of affluence, technological marvels, and medical miracles is paradoxically the age of chronic ailments, of anxiety, and even of despair.” The truth is that we don’t have to wait for doomsday or “eco-catastrophe” to see the results of environmental mismanagement. We have environmental problems involving survival for many in the *here and now*.

The second thing we need to remember is that what is commonly termed “pollution” is not the entire environmental problem. The environment of life is more than land, air, and water. It is also where we live, work, and play. It is the products we consume or use. Today, for too many people, it is noise and crowding. It is garbage piling up in halls and alleyways. It is rats, insects and crumbling, insanitary housing. It is clogged highways, unsafe cities, and unplanned suburbs. It is rural slums that degrade human life and testify to the squandering of natural resources.

Who bears the principal burden of all

these environmental ills? *The poor and the near-poor*. All of us, the scientists tell us, are carrying around in our fatty tissues some 12 parts per million of DDT. Who gets the biggest dose? Probably, as Cesar Chavez has told us, *the poor, itinerant farm worker*. Whose children suffered brain damage because mercury-treated seed grain was fed to hogs that were later slaughtered and eaten? *A poor New Mexico farmer*. And, if mercury pollution is concentrating, through the food chain, in fish, who is it that is most apt to live on a diet of fish taken from polluted streams and coastal waters? *The poor*. Where do you find unvented gas heaters that can sicken and kill with carbon monoxide fumes? Where are you likely to get tainted or adulterated food? Not on Park Avenue. Who goes down into the mines and gets “black lung”? Or gets skin cancer from coal tar? Or byssinosis from cotton dust in the textile mills? We’re all breathing a certain amount of lead these days, and it is not good for any of us. But whose children are being poisoned by the lead paint that chips off old tenement walls? Who suffers most from the polluted air, the crowding, the noise, the rats, the garbage of our cities? The lack of open spaces and greenery? Not the rich or the middle-class, who can afford to get away from at least some of these things.

These environmental impacts may well be among the most important factors that hold people in an unbreakable cycle of poverty. Anyone who is concerned with the social and economic inequities of our society simply must be concerned with the environment in which people live.

When we look closely at these problems,

we can see other, even more intricate relationships. For example, the problems of our cities, and the problems of rural poverty—in the South or the West or the Northeast or Appalachia—are, in very large part, the tragic aftermath of man's misuse of the environment on which his health, and his prosperity, depend. This heedless abuse was easy to rationalize: for years, our society has been firm in the conviction that anything done in the name of "progress" was by its very nature, good, and that the side-effects, however intolerable, were the inevitable, and acceptable, "price of progress."

Now we find that we have built cities that are almost unlivable; we have allowed vast areas of rural America to be emptied of people and promise and have filled our crowded cities with the victims of rural blight; we've built "high-speed" highways on which "high-speed" cars move at horse-and-buggy rates; we have built an industrial system that gives us an affluence never before seen in the world but which pollutes the very air and water on which our lives depend.

Let me hasten to add, before I am cast with the ecology "subversives," that these contradictions are certainly not unique to our own nation. They are being confronted by every developed and developing country, including those having totalitarian communist regimes. The Baltic Sea, fifteen times as large as Lake Erie, is said to be in even worse condition, virtually choking on pollution. The Volga and Dneiper Rivers in Russia are heavily polluted, and Lake Baikal has been damaged by pulp mills and oil refineries. As you know, the wonderful Aswan Dam, which was supposed

to turn Egypt into a new Garden of Eden, has created unforeseen ecologic imbalances that endanger the health and livelihood of thousands of its people. In other words, the same kind of "tunnel vision" seems to have afflicted all societies in their single-minded pursuit of technological and economic progress.

In our own country, we have finally come to realize that these things diminish the quality of life for all, and people are beginning to ask themselves where we went wrong. For the first time, Americans are beginning to reassess the values and viewpoints of the past that have created these ambiguities—values and viewpoints that have been, until recently, enshrined in many minds as the sacred cows of the "free enterprise system" or the "American way." They are beginning to take a more holistic, ecological view of our economic, social, and political philosophies. They are beginning to question whether rights of private property are so sacred that they must include the right to untrammelled exploitation of natural resources. They are questioning the validity of an industrial cost-accounting system that regards the air and water as free resources for waste disposal. And they are beginning to see new cause-and-effect relationships and realize that we cannot deal with interrelated problems in a piecemeal fashion or as though they existed outside the total structure of society.

In other words, I believe that today, in our country, a profound reexamination is taking place—a reexamination not only of man's relationship to nature, but also to his institutions, and to his fellow man. I believe that, in very large part, this reexami-

nation is stimulated by a new ecological view of the world and all its systems, and that it is bound to alter our nation's approach to all its problems.

In his State of the Union message of January, 1970, President Nixon stressed that national wealth is not synonymous with national happiness, and that economic growth is required not as a thing desirable in itself, but for the achievement of specific social goals. He called for development of a growth policy. Some months earlier, he had established a National Goals Research Staff to forecast future developments, assess their long-range consequences, and estimate the range of social choice—that is, alternative sets of goals—to achieve the real purposes of American life.

I think it is significant that the first report of this group, in July, 1970, addresses itself almost exclusively to the issues which are fundamental to an ecological view, *i.e.*, the problems of population growth and distribution, of the environment, of basic science, of technology assessment, and of education. The report points out that they have chosen to explore these areas not because they take precedence over such urgent specifics as poverty, crime, and inequity, but because they are basic to the solution of these social problems—they provide the framework in which these problems must be solved.

Let me cite just one set of examples of what they term the “secondary consequences” of short-range, limited policy decisions:

The report points out that a number of national policies have contributed to the massive suburbanization of the last 25

years; for instance, FHA and VA mortgage insurance, the interstate highway system, federal and state tax policies, and state and local land use programs. At the same time, defense contract awards have accelerated the movement of people to southern California and the Gulf Coast. Simultaneously, agricultural research and support programs have helped to cause depletion of our rural population.

All of these policies, the report points out, have made “individually positive contributions to society,” but their collective impact on population distribution, environmental change, and economic opportunity were certainly not foreseen. Now, this White House research group is trying to clarify alternative methods of dealing with such complex, interrelated matters in ways that will create an environment more conducive to the *total* social, economic, and environmental needs of the nation.

If all this seems just a little academic, let me express the same principles in blunter terms: it is time we stopped relying on piecemeal solutions to social problems while we go on with “business as usual” in every other aspect of national life. You cannot cure the poverty of migrant farm workers by handing out food stamps, important as that may be, while health and hope are destroyed by a filthy, sick environment. Welfare programs, and equal opportunity programs, are fine and necessary things but they too will be a long time breaking the cycle of poverty and inequity for people whose environment is a rat-infested slum or an impoverished, depleted, eroded patch of farm land.

The ecologic view demands that we broaden our view to encompass more than

the necessary palliatives of "pollution control." We must seek ways to achieve a synthesis of human knowledge and a harmony of human actions, in every aspect of social, economic and political activity to restore and maintain a livable, hospitable environment. This, I believe, is what President Nixon meant when he called for "whole new philosophies of land, air, and water use." It is time we stopped looking at the world through the wrong end of the telescope and began to see ourselves in terms of the macro- rather than the micro-cosm.

This new ecological conscience is proving once again that the law must be a living, viable force, responsive to the changing needs and insights of society. The law is being tested, along with other institutions, against the needs of a new technological world in which horizons disappear, time is telescoped, and even the future is not what it used to be.

At a conference on law and the environment, James E. Krier, Acting Professor of

Law at U.C.L.A. pointed out that the expected surge of environmental litigation warrants rethinking much of our substantive and procedural law. Much of that law evolved during the prime of the old, proprietary lawsuit, which it suited well. It fits poorly, however, the frame of the new lawsuit brought to protect environmental, not economical, values in the public, not private, interest. For example, the common law concepts of nuisance and waste do not respond to the needs of environmental litigation; they reflect a far too narrow and myopic view.¹

This will not be an easy task, developing new legal forms more relevant to the problems of our times. However, there is no area more ripe for innovative work in our society than this one, and it is an area to which lawyers, legislators, and our judiciary system must devote themselves.

¹ See *LAW AND THE ENVIRONMENT: A CONFERENCE* (M. Baldwin & J. Page, Jr. eds. 1970) (remarks of James E. Krier).