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# Administrative Law and the Environment: National Fuels Policy (Symposium Preface)

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## ADMINISTRATIVE LAW AND THE ENVIRONMENT: NATIONAL FUELS POLICY—PREFACE

HON. WALTER J. HICKEL†

The poorest ghetto child has as much stock ownership in America as the president of the richest company. And it is time that the common citizen claimed his ownership. We all own, in common, a million and a half square miles of continental shelf, the wealth of the sea, the breadbasket of the future. And we own, in common, 700 million acres of public lands, the great parks and U.S. forests, the wilderness areas and vast land holdings managed by the Departments of the Interior, Agriculture and Defense. If a person owns something, he generally cares about what happens to it. These things are ours, and we must care for them.

In the past we have recognized monetary values. The challenge now is to also recognize human values. What is the value of a sunset? What is the value of a stretch of beach or the right to roam or pleasure boating or sports fishing? What is the value of an opportunity to refresh the human spirit? Who can put a value on those things that cannot be bought on the New York Stock Exchange?

We must help the individual American citizen lay claim to his ownership of America. The average American must know that the most urgent need is for a truly national approach. Such an approach is being avoided, or overlooked, both in and outside of government. We might have too many people in government, or government might be misdirected, but in that whole area of the living of life which we call the environment it is the lack of government regulations that causes the problem. We have been guilty of confusing free enterprise and free society. We have favored free enterprise at the expense of the rest of life.

Our competitive free enterprise system is the finest ever put together in Western civilization. But, by its very competitive nature, the free enterprise system, left totally free, can destroy itself. When we began building an industrial society, government said to industry: "Use the public

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† Secretary of the Interior (1969-70); Governor, State of Alaska (1966-69).

lands, use the public air, use the public water." The tragedy was that government did not lay down conditions on how public resources could be used. The result is the reality of our daily lives—polluted skies, stinking rivers, dying lakes, beach fronts covered with garbage, desecrated lands and the concrete forests without space or sunlight we call our cities.

Industry, individuals and government have spent too much of their time, effort and money on just the physical necessities of man. We go into a ghetto, we tear down the old buildings, and we replace them with concrete and steel. But what have we done? We've only taken care of the physical environment of man. And yet the environment of his mind and his heart and his soul is more important in many cases than the physical environment. The way to avoid doomsday is to look at the total man with a national approach to government.

To say that the crisis can be solved by a local area is a federal government cop-out! It is, in fact, the root cause of the tremendous frustration being felt and expressed by millions of ordinary people. They have tried to combat pollution individually but have only seen the problems grow more serious. You cannot clean up part of a river or just the air in front of your own home. And, if just one city or state demands that its industries clean up their air and water, those industries are likely to move across the line. Therefore, a city or state that cares about the environment will suffer in terms of employment and revenue. And the city or state that does not care will prosper.

The answer must instead be immediate. Regulations and guidelines must apply nationwide across the board. The interesting thing is that this approach is acceptable to industry. When everyone is treated equally, the cost of a cleaner environment becomes the cost of doing business. In all my dealings with the corporate giants of America, I have discovered that their main complaint is when one of their competitors gets special treatment. If regulations are demanded for all, and fair to all, industry can operate.

In today's world, where change takes place at the speed of an electronic impulse, we cannot be content with heaviness and slowness in government. We need a creative, imaginative, positive, human approach to government, not a reactive government. When we have this, I can see politics becoming a profession of distinction in American life. But people have heard all the words. Today they are looking for results. If you really care, the problems can be solved.

Do we care enough about finding a solution to those problems? Or do we, in our selfish, individual little ways, want to build a home on top of a hill with a fence around it, so that our own little world is the only

world we see? Can you really get rid of the problem by building a fence around a ghetto and allowing all the people inside to die?

It's so easy to fall for the hysteria of things that are happening, that appear to be destructive, that echo again and again until a false image of America emerges. But the real America is a concerned America—concerned about real, human things, not just monetary things. The real America wants a free America, but not just free in words. It wants its leaders to be free—free to act from a heart and a conscience, and not out of fear and smallness. The real American is the American of the earth, the American of the heart, the American who wants to help. The problems are not insurmountable. The answer is to care for the total—not just to care for people when you need them but to have compassion and a sincere desire to solve their problems.

A national approach to all the issues of meeting the needs of both man and nature is the obvious result of this attitude. This applies with great force, for example, in the context of a national energy policy, something I initiated as Secretary of the Interior. If action is not taken along these lines, our children and our grandchildren will pay an inordinately high price. Indeed, a solution can be found, if we act now.