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President Richard Nixon signs Senator Henry Jackson's National Environmental Policy Act into law on January 1, 1970.

On January 1, 1970, President Richard Nixon (1913-1994) signs the National Environmental Policy Act (NEPA) sponsored by Senator Henry M. "Scoop" Jackson (1912-1983). Little noticed when passed by Congress in 1969, NEPA turns out to be the most influential of the many environmental laws enacted in the 1960s and 1970s and is often referred to as an environmental Magna Carta. The Act's requirement that federal agencies prepare environmental impact statements before taking major action transforms government decision-making and becomes a powerful tool for environmentalists. Many states, including Washington, adopt laws modeled after NEPA, and the principle of publicly analyzing environmental impacts spreads to countries around the world.

As environmentalism became a political force, triggered in part by the 1962 publication of Rachel Carson's influential best-seller *Silent Spring*, Congress responded. Much of the new environmental legislation came from the Interior Committee that Jackson chaired, including the Wilderness Act of 1964, the Wild and Scenic Rivers Act of 1968, and bills creating North Cascades National Park in Washington, Redwood National Park in California, and National Seashores around the country.

Need for National Policy

Although environmental groups promoted many of these bills, and some commercial interests strongly opposed them, there was almost no public demand for or opposition to NEPA. Instead, the Act grew out of the recognition by Jackson and his staff that federal agencies should consider environmental effects in a coordinated fashion. The only real obstacles to its passage arose from conflicts inside the Senate.

At Interior Committee hearings, Jackson pointed to inconsistent federal agency actions in the Florida Everglades to illustrate the need for environmental coordination. While the Interior Department and Park Service were acquiring land for Everglades National Park, the Army Corps of Engineers and other agencies were planning a huge dike and canal project for agricultural purposes that would have drained much of the water flowing to the park, and the Department of Transportation was proposing a jet airport near the park. Jackson had environmentalist Lynton Caldwell draft a report, which the Interior Committee published, to build support for a declaration of national environmental policy that agencies would consider in making decisions.

Jackson introduced S. 1075, the bill that became NEPA, in the Senate in February 1969. As the earlier hearings and Caldwell's report had created a favorable climate, Jackson did

not hold lengthy hearings, which could have stirred up opposition. The Nixon administration nominally opposed NEPA, but Jackson, a Democrat noted for his support of increased defense spending, was a key ally of the Republican president on defense issues. The administration did not lobby Republicans in Congress to oppose Jackson's bill. The only real opposition came from Jackson's fellow Democrat and environmentalist, Maine Senator Edmund Muskie (1914-1996).

Jackson and Muskie Compromise

Muskie, like Jackson, had sponsored landmark environmental legislation, particularly combating water pollution, for which he had a national reputation. The two senators had a longstanding rivalry for control over environmental issues. And they had different philosophical approaches. Jackson had faith that agencies would follow a general policy, whereas Muskie believed that specific anti-pollution standards were needed, and feared Jackson's bill would undercut such standards.

After lengthy and acrimonious negotiations, the two senators reached a compromise when Jackson agreed to key amendments that ended up strengthening NEPA. The amendments made clear that besides preparing an impact statement, agencies had to comply with specific environmental standards. They also required agencies to consult with other agencies, to consider alternatives to the project, and to make environmental assessments widely available to the public.

The House and Senate approved NEPA, as amended, in December 1969. Although reluctant to sign the bill, Nixon recognized the broad popular support for environmental legislation. He chose to sign NEPA into law on January 1, 1970, stating, "It is particularly fitting that my first official act in this new decade is to approve the National Environmental Policy Act" (Prochnau and Larsen, 278).

Unanticipated Effects

Neither Jackson, nor Nixon, nor anyone else anticipated the effect NEPA would have. Beginning with the first Earth Day on April 22, 1970, shortly after NEPA became law, the environmental movement reached a peak of influence in the 1970s. Activists discovered that NEPA provided a powerful tool to halt, delay, or modify projects they considered harmful. Although the Act did not mention court review of environmental impact statements, courts soon ruled that citizen groups could sue to ensure compliance with the Act, and frequently overturned project approvals if a statement was not prepared or did not properly disclose impacts.

Jackson was displeased when courts and the Council on Environmental Quality (CEQ), an executive agency created by NEPA, expanded the requirements for impact statements far beyond what he had envisioned, and when NEPA lawsuits delayed the Alaska oil pipeline, nuclear power plant construction, and other projects he supported. He concluded that the benefits from NEPA outweighed these unforeseen results, but relations between Jackson and the environmental movement grew strained. Jackson's support for the

Alaska pipeline, nuclear power, and Boeing's supersonic transport (SST) made him -- the sponsor of NEPA and much other landmark environmental legislation -- an increasingly frequent target of environmentalists' anger. In turn, Jackson denounced "environmental extremists" for failing to recognize the need to balance environmental protection with economic growth.

Lasting Transformation

Despite Jackson's misgivings and subsequent court decisions that restricted to some extent activists' ability to use NEPA lawsuits, the environmental impact statement remains a central component of the nation's political and environmental landscape. The need to consult other agencies and the public has transformed government decision-making from a process carried out behind closed doors to one in which the public participates. In some cases just the prospect of having to disclose impacts, consider alternatives, and listen to the public can result in modification or even rejection of environmentally damaging projects.

NEPA's influence is not limited to the federal level. Washington, like many other states, adopted a State Environmental Policy Act (SEPA) that requires environmental impact statements. Since even private projects require state or local approval, any major development that is likely to have significant adverse environmental impacts must go through the public process of assessing impacts and alternatives. And the concepts of disclosure, considering alternatives, and public participation have spread around the world as many countries incorporate NEPA principles into their planning decisions.

Sources:

Robert G. Kaufman, *Henry M. Jackson: A Life in Politics* (Seattle: University of Washington Press, 2000), 163-68, 202-08; Peter J. Ognibene, *Scoop: The Life and Politics of Henry M. Jackson* (New York: Stein and Day, 1975), 139-49; William W. Prochnau and Richard W. Larsen, *A Certain Democrat: Senator Henry M. Jackson* (Englewood Cliffs, NJ: Prentice-Hall, 1972), 273-80; Oliver A. Houck, "Is That All? A Review of *The National Environmental Policy Act, an Agenda for the Future*, by Lynton Keith Caldwell," *Duke Environmental Law and Policy Forum*, Fall 2000, pp. 173-91. By Kit Oldham, November 13, 2003



Henry (Scoop) Jackson (1912-1983), 1970
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Earth Day booth, Seattle, April 22, 1970
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