

## PERSPECTIVE

### Lynton Caldwell, A Founding Father of America's "Environmental Magna Carta"

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The year was 1970. About this time, I had been designated chairman of Earth Day for my high school, although that was still many months away. One of my friends, Keith, was a member of the local John Birch society, which maintained that Earth Day was part of a global communist conspiracy to undermine American civil liberties. I countered that Earth Day was being sponsored by our own powerful Senator Scoop Jackson (D-WA), to which Keith simply replied that Jackson was also part of the grand conspiracy. Neither of us changed each other's minds, but surprisingly, we managed to remain friends.

This was an era when many people (my friend Keith not included) were becoming fearful of the future and of how our activities might eventually jeopardize the entire planet. Could we eventually cut down every last tree in every last forest? Could the air become so polluted that it might affect the very survival of civilization? Could we destroy the Earth's resources in much the same way as the native islanders of Easter Island had destroyed their fragile surroundings, eventually bringing about the demise of their entire society? Could the planet be saved before it was too late? In the early 1970s, these were all seriously debated issues.

I remember one quiet noon hour with particular vividness. I was sitting in our high school biology laboratory with some other fellow nerds listening to Paul Harvey's popular radio show ("Stand by for news!"). Paul Harvey was introducing one of his eye-opening news bites concerning some national environmental policy bill recently passed by Congress that required preparation of an "environmental report" for all major federal projects. Critics were up in arms; they claimed this statute would cre-

ate exhaustive paperwork that would bring government operations to a standstill; business would be paralyzed as they were forced to absorb costs and it would bring their projects to a screeching halt!

At the time, I had no idea how this legislation someday would come to influence my life. But years later, I came face to face with this statute—not as a student, but as an environmental professional. Nor, at the time, did I know of the lone professor who, behind the scenes, had been working overtime to craft this statute. Nor would I have ever dreamed that someday our paths would cross many times over.

A bit earlier in the game, Senator Jackson had become increasingly distressed by issues such as unconstrained timber cutting and the potential for a catastrophic oil spill from supertankers entering Puget Sound. One of his particularly contentious Senate committee hearings concerned a proposal by the Bureau of Reclamation to dam the Colorado River above the Grand Canyon. This meeting was later described by insiders as a near shouting match. I have been told that one Bureau official warned Jackson they would build the dam with or without his support. Jackson is said to have replied, "You'll build it over my dead body!"

As a result of such events, Senator Jackson concluded it was time to institute a new control mechanism, in the form of a national policy to protect and preserve environmental quality. In early 1968, Jackson asked the Conservation Foundation for help in locating someone with the necessary experience in both government and the environment and who could provide the assistance essential in formulating a workable policy for the environment. Jackson found his man: Lynton Caldwell, an esteemed professor of political science at Indiana University, who from his early youth had been an avid birdwatcher and amateur naturalist.

Dr. Caldwell, with assistance from one of Jackson's senior advisors, William Van Ness, prepared the report, *A National Policy for the Environment*. This report was published for the powerful Committee on Interior and Insular Affairs, which Jackson

chaired. Caldwell was assigned responsibility for preparing a draft of what was to become the National Environmental Policy Act of 1969 (NEPA).

In conjunction with John Dingell, Michigan Representative in the House, Senator Jackson worked diligently to craft the NEPA legislation. At the only Senate hearing on the bill, held in April of 1969, Caldwell introduced the idea of including an action-forcing provision as part of the proposed policy statute: this provision later became known as the Environmental Impact Statement (EIS). For originating the concept of NEPA (including the EIS) and for all his work in crafting the language of NEPA, Caldwell—with justification—has been referred to as the "Father of NEPA." The importance of NEPA in establishing the world's first national comprehensive environmental policy has been such that it has been referred to as America's "environmental Magna Carta."<sup>1</sup>

Some experts even have gone so far as to label Professor Caldwell "the father of the modern environmental movement." This title could be contested, of course, by supporters of Robert Marshall, Aldo Leopold, Rachel Carson, Sigurd Olson, Gaylord Nelson (the Founder of Earth Day), and Stewart Udall, among other well-known names. Nevertheless, Caldwell should certainly be recognized as one of the great visionary environmental leaders of the twentieth century.

I first came to know Lynton Caldwell (often known as "Keith"—like my high-school friend—to his close friends and associates) after my publisher approached him to write an endorsement for a book I was then writing on NEPA. Later he invited and paid for me to participate in a NEPA improvement workshop that was sponsored by the Jackson Institute in the late 1990s.

Unlike some in the field who knew him on a personal level, I communicated with him on a professional one. Over time, I began to understand and share some of his passionate concerns about certain environmental problems and shortcomings of NEPA. We both believed that many of the problems plaguing the global ecosystem re-

sulted from cumulative impacts and that not enough attention had been afforded to this subject. Lynton also was very troubled about the courts' failures to recognize NEPA's international and extraterritorial mandates. But it was the lack of a substantive mandate to protect the environment that troubled him most of all. One had the unsettling feeling that he felt as if NEPA was largely a failure as a legislative act, because while federal agencies are required to prepare EISs to inform decision makers about potentially significant proposals, they are not obliged to factor environmental harm into their final decisions.

One might also have been left with the impression that he felt as if he had personally failed in his effort to pass an environmental policy more effective at protecting the environment. I, on the other

hand, was more optimistic and virtually in awe of his accomplishments. After all, despite its shortcomings, imagine what the state of the American (perhaps global) environment would be if he and others had not acted in the 1960s to pass a national environmental policy or enacted the strict statutes that followed in NEPA's footsteps.

Caldwell was a man who tended to think "outside the box," which is probably why he had such a profound impact on the twentieth-century environmental movement. He also could be a bit inflexible at times; while everyone accepted the common pronunciation of the acronym "NEPA," he insisted on pronouncing it "NAPA."

The professor passed away on August 15, 2006. We have lost a commanding figure whose footprint will be mighty hard to fill.

In the end, the critics were wrong. NEPA neither brought the government to a standstill nor paralyzed American businesses. And virtually no one, not even my school friend Keith, still seriously argues that Earth Day (or, for that matter, the environmental movement) is a conspiracy to undermine American civil liberties.

## Note

1. C. H. Eccleston, 1999, *The NEPA Planning Process: A Comprehensive Guide with Emphasis on Efficiency*, John Wiley and Sons, New York, p. 11.

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