

William & Mary Environmental Law and Policy Review

Volume 26 (2001-2002)
Issue 1 *Symposium: Toxic Torts: Issues of
Mass Litigation, Case Management, and Ethics*

Article 9

October 2001

Environmental Awareness and the New Republican Party: The Re-Greening of the GOP?

C. M. Cameron Lynch

Follow this and additional works at: <https://scholarship.law.wm.edu/wmelpr>



Part of the [Environmental Law Commons](#), and the [Environmental Policy Commons](#)

Repository Citation

C. M. Cameron Lynch, *Environmental Awareness and the New Republican Party: The Re-Greening of the GOP?*, 26 Wm. & Mary Env'tl L. & Pol'y Rev. 215 (2001),
<https://scholarship.law.wm.edu/wmelpr/vol26/iss1/9>

Copyright c 2001 by the authors. This article is brought to you by the William & Mary Law School Scholarship Repository.
<https://scholarship.law.wm.edu/wmelpr>

ENVIRONMENTAL AWARENESS AND THE NEW REPUBLICAN PARTY: THE RE-GREENING OF THE GOP?

C.M. CAMERON LYNCH*

I. INTRODUCTION

Despite the common belief of most Americans, concern for the environment has long been a bipartisan endeavor.¹ Republican President Theodore Roosevelt greatly expanded the national park system, established the first national monuments, and more than tripled the size of America's national forests.² Dwight D. Eisenhower dedicated hundreds of thousands of acres of America's lands to preservation and environmental conservation during his tenure in the White House.³ In his State of the Union Address of 1969, President Richard M. Nixon detailed a thirty-seven-point message on the American environment that included goals ranging from monitoring motor vehicle emissions standards to halting all dumping in the Great Lakes.⁴ President Nixon's ambitious endeavor would eventually lead to his request for Congress to establish the Environmental Protection Agency ("EPA").⁵ Under the express direction of President Nixon and following public hearings, in late 1970 the EPA was established and "a new era of environmental protection began."⁶ This endeavor was the first attempt by any administration to specifically

* Mr. Lynch received his B.A. with honors in English and American Studies from Cornell University in 1998, served as a Legislative Aide and Policy Analyst to U.S. Attorney General John Ashcroft (during Attorney General Ashcroft's tenure as a United States Senator), and expects to receive his J.D. from William and Mary School of Law in May 2002.

¹ See Denis Hayes, *Environmental Law and Millennial Politics*, 25 ENVTL. L. 953, 956 (1995).

² *Id.*

³ William C. Clark, *Bush Goes to Marrakech*, ENVIRONMENT, March 1, 2001, available at 2001 WL 11806285.

⁴ See Paul Bohannon, *EPA Policy: From The Beginning to The Millennium*, 36 HOUS. LAW. 24 (1999).

⁵ See *id.*

⁶ *Id.*

address environmental problems through a newly created, independent agency.⁷

What occurred between the establishment of the EPA in 1970 and the new millennium regarding Republican environmental politics is a political essay in and of itself. In that time period, the Republican Party became associated with a general mishandling of the environment.⁸ Similarly, the Democratic Party developed as the political entity more concerned with environmental preservation and conservation.⁹ Some argue that "traditional" Republican environmental rhetoric developed as a reaction to excess regulation by the federal government as opposed to specifically anti-environmental stances.¹⁰ These Republican, anti-regulation views were especially hardened during the Reagan administration, which, as one of its major policy goals, sought to eliminate regulation at all costs.¹¹ As a result, Americans in the late twentieth century came to disassociate the Republican Party with almost all environmental concerns. In natural contrast, most Americans heralded the Democratic Party as the champion of environmental issues. While many modern Democratic leaders did pursue important initiatives, the results of Democratic environmental causes were not always positive.¹²

Public backlash from the 1994 Republican "Contract with America" alerted Republicans to the importance of re-discovering their environmental roots.¹³ Most Republican leaders now recognize that Americans are concerned with environmental protection.¹⁴ At the beginning of the twenty-first century, environmental concerns have appeared to circumvent the traditional two party system of American politics,¹⁵ and the environment now serves as an important plank in the platforms of both political parties.¹⁶ In fact, Republicans have realized

⁷ See generally *id.*

⁸ See Hayes, *supra* note 1, at 956.

⁹ See *id.*

¹⁰ Robert V. Percival, *Checks Without Balance: Executive Office Oversight of the Environmental Protection Agency*, LAW & CONTEMP. PROBS. 127, 148 (1991).

¹¹ See *id.*

¹² Jessica Mathews, *Prognosis for the Environment*, WASH. POST, Jan. 13, 1997, at A17 (stating that the 103d Congress, under Democratic leadership, produced the worst environmental record in twenty five years).

¹³ *Id.*

¹⁴ See *id.*

¹⁵ See *id.*

¹⁶ See generally Republican Nat'l Comm. Website, at <http://www.rnc.org/GOP/Info/Platform/2000platform6.htm> (last visited Dec. 1, 2001). The 2000 GOP platform

that in many cases, incorporating strong, environmental platforms may determine their political survival.¹⁷

This Note will trace environmental concerns beginning with the founding of the EPA in the early 1970s.¹⁸ In doing so, the following questions will be discussed in detail: How have environmental issues factored into Republican administrations over the past thirty years if at all? Did Presidents Ronald Reagan and George Bush truly ignore the environment as has been alleged? How did their administrations provide for Republicans to follow them? Because the Bush presidency is widely regarded as Reagan's "third term," it is important to analyze the possible differences between the two administrations regarding environmental policy and how those differences shaped the successes and failures of the two men's respective presidencies. How has the GOP's interaction with commerce and industry shaped the party's environmental policies? Do industrial concerns continue to drive politics, or have environmental movements affected the relationship between industry, the environment, and public servants? Similarly, how has the GOP association with the "right-wing" or "Christian-right" portion of that political community influenced the environmental policies of the Republican Party? Moreover, is there a changing face of traditional Christian-Republican thought with regard to the environment? If so, how has this changing philosophy affected the nature of the Republican Party? How have environmental issues influenced the first campaign of the presidency of the new millennium and what steps, if any, are Republicans taking to ensure sound environmental policy throughout the indefinite future? Moreover, what steps has George W. Bush, as the first president of the new millennium, taken to ensure environmental protection? How do his actions signify a new conservation agenda for the Republican Party?

A review of these issues is important in order to analyze and evaluate the present Republican commitment to protective environmental policy. It is necessary to establish, through both an illustrative history and analysis of current GOP attitudes toward the environment, that environmental activism has emerged as a platform not simply of both Republican and Democratic Parties, but as a cornerstone of national

resolved that: "[T]he lessons we have learned over the last three decades, along with the steady advance of environmental technology, gives us the opportunity to explore better ways to achieve even higher goals." *Id.*

¹⁷ See generally Matthews, *supra* note 12.

¹⁸ While environmental issues undoubtedly played a role in politics before the establishment of the EPA, for the purposes of this Note, the EPA will serve as a starting point for examination.

political rhetoric.¹⁹ While Republican lawmakers continue to strive to reduce the size of the federal government²⁰ and the role which such a government would play in twenty-first century America,²¹ many of these leaders are just now beginning to realize the enormous potential that environmental issues generate in situations of political gain. The ultimate goal of this Note is to not only survey the evolution of Republican environmental thought, but to offer a solution and examples of this solution in action to those Republican leaders who continue to refuse to believe that GOP philosophy and environmentalism may be reconciled with one another. This Note will illustrate that sound and preventative environmental policy can serve both the nation as a whole and the Republican Party as a political entity simultaneously.

II. HISTORICAL OVERVIEW

Despite efforts by Presidents Roosevelt and Eisenhower, until the Nixon administration, environmental activism was a somewhat confused movement. Americans were growing more concerned with the state of environmental protection and some politicians recognized that concern.²² Public representatives lacked an adequate regulatory forum in which to exercise formal legislation.²³ These mounting environmental concerns in the late 1960s drove President Nixon to begin to officially examine the problem in depth.²⁴ To aid his administration in developing environmental policy, Nixon first created the Council on Environmental Quality ("CEQ")—a cabinet committee overseen and coordinated by the White House Office of Science and Technology.²⁵ Eventually, lack of interest and experience of this council's members forced Nixon to name a specialized task force with significant environmental experience to address the problem.²⁶ The task force's main duty was to develop Nixon's first major environmental address, which he delivered to Congress in February

¹⁹ See Ann R. Klee & Ernie Rosenberg, *The Moribund State of CERCLA Reauthorization*, 13 NAT. RESOURCES & ENV'T 451 (1999).

²⁰ See Republican Nat'l Comm. Website, at <http://www.rnc.org/GOPInfo/Platform/2000platform7.htm> (last visited Dec. 1, 2001).

²¹ See *id.*

²² See Percival, *supra* note 10, at 129.

²³ See *id.*

²⁴ See *id.* at 128-30.

²⁵ *Id.* at 129.

²⁶ See *id.* at 130.

of 1970.²⁷ Following this address, the National Environmental Protection Agency ("NEPA") was enacted and it served as a predecessor, in both theory and structure, to what would eventually become the EPA.²⁸ While there was some hesitation and concern regarding Nixon's intentions in creating the EPA,²⁹ there is a general consensus that Nixon's true motivation was to purify the nation from an environmental standpoint.³⁰ Disillusioned by the lack of cooperation and cohesion on environmental policy, as well as by the overall ineffectiveness of the NEPA, Nixon utilized an executive order to create the EPA, an independent government organization, in late 1970.³¹ The EPA subsequently passed its first piece of legislation, the Clean Air Act, in 1972.³²

From its inception, the EPA accomplished some of Nixon's original environmental goals.³³ The fledgling agency was stagnated, however, by intense bureaucratic debate regarding the legitimacy of its existence and the general scope of its authority.³⁴ Squabbles between the White House, Office of Management and Budget ("OMB"), and the newly created Quality of Life Council ("QOL") eventually weakened the authority of the EPA, and ultimately, the Clean Air Act of 1970 did not reflect the White House's original environmental goals.³⁵ Critics argue that Nixon eventually backed down from his strong environmental stance

²⁷ *Id.*

²⁸ See Percival, *supra* note 10, at 130.

²⁹ See *id.* Following the enactment of NEPA and the delivery of the President's environmental message, Nixon reassured the corporate community about the cresting wave of environmental regulation. To ensure that industry's input was considered in regulatory decision making, the President created the National Industrial Pollution Control Council ("NIPCC") which promised to "allow businessmen to communicate regularly with the President, the Council on Environmental Quality ("CEQ") and other governmental officials and private organizations" regarding environmental matters and regulatory initiatives. *Id.*

³⁰ Jonathan Rauch, *There's Smog in the Air, But It Isn't All Pollution*, WASH. POST, Apr. 30, 2000, at B1 (stating that "[t]hirty years ago, President Nixon who was soon to announce that he would seek the creation of an Environmental Protection Agency, left little doubt about what he wanted to protect. 'The 1970s absolutely must be the years when America pays its debt to the past by reclaiming the purity of its air, its waters, and our living environment,' he said as he signed the National Environmental Policy Act").

³¹ See Percival, *supra* note 10, at 132.

³² See *id.*

³³ See Bohannon, *supra* note 4, at 24-25.

³⁴ See Percival, *supra* note 10, at 132-33 (stating that the Commerce Department and the Office of Management and Budget became concerned with the EPA's budget requests).

³⁵ See *id.* at 135.

in favor of international commercial negotiations.³⁶ Before leaving office, Nixon attempted to remedy hostile relations with Middle Eastern leaders regarding the oil embargo and, in doing so, offered to weaken some of the provisions of the Clean Air Act.³⁷ Brandishing its status as an independent agency, the EPA refused to back down and EPA Administrator Russell Train threatened to resign.³⁸ The Nixon White House was forced to retreat and allow the EPA some latitude. The action was the first step in establishing some legitimacy for the authority of the EPA as an independent agency.³⁹

Nixon was not without his critics. While Nixon is generally credited with putting a governmental face on the environmental movement, many argue that Nixon bowed to industry and business concerns when true environmental issues were on the line.⁴⁰ Nonetheless, the Nixon administration is important environmentally for two reasons. First, Nixon was the first modern-era president willing to address environmental issues from a regulatory standpoint.⁴¹ This is especially important considering the long-standing tenure of his party's platform, which from its inception, sought deregulation at almost any cost. Secondly, while Nixon is generally scorned as a presidential figure, his actions in the environmental realm appear, by most accounts, to have been genuine and thorough and are often overlooked in the historical record.⁴²

During President Ford's brief term, he was saddled with many of the environmental issues that Nixon had failed to approach.⁴³ The nation was lurching toward inflation and Ford was left with little choice but to do battle with these economic forces and largely neglect the environmental problems of the previous administration.⁴⁴ He was never known as a strong advocate of environmental regulation.⁴⁵ In fact, Ford supported measures to relax environmental regulations, specifically in the areas of

³⁶ See *id.* at 138.

³⁷ See *id.*

³⁸ See *id.*

³⁹ See *id.*

⁴⁰ See Percival, *supra* note 10, at 138

⁴¹ See Hayes, *supra* note 1, at 956; *Id.* at 128-30.

⁴² Wes R. Smalling, *Richard Nixon: The Nation's Wild Thing*, SANTA FE NEW MEXICAN, Feb. 24, 2000, at C1.

⁴³ See Percival, *supra* note 10, at 138-41.

⁴⁴ See *id.*

⁴⁵ *Id.* at 141.

auto emission controls and regulation of strip mining.⁴⁶ Russell Train, who withstood Nixon's attempts to weaken the EPA, expressed the view that President Ford was "fundamentally bored by environmental issues and that the EPA's opposition to the vetoes seemed to be only a minor irritant to him."⁴⁷

Despite Ford's environmental "negligence," the EPA nonetheless became a more efficient agency under his administration.⁴⁸ Ford's main goal was to reduce the size of government and to streamline the regulatory process,⁴⁹ a characteristically Republican goal, and in doing so, Ford did manage to make the EPA somewhat more efficient.⁵⁰ Social critics were divided as to the impact of this process on environmental protection. Some argued that a more efficient EPA would mean more progress in areas where reform was necessary because the EPA was more directed, there were fewer bureaucratic problems, and there was much less "red tape."⁵¹ Advocates further argued that the nation's environmental needs were addressed quicker and with greater direction than before Ford's streamlining of the OMB.⁵² Others argued that in attempting to make government more efficient, Ford not only overlooked, but also disregarded several fundamental environmental issues.⁵³ Critics cite his failure to acknowledge the validity of the EPA as an independent agency as an important difference between he and Nixon.⁵⁴ Where Nixon appeared to sincerely be concerned with preservation of the environment and natural resources, Ford saw environmental regulation as another bureaucratic hurdle over which his administration would have to jump.⁵⁵ Such indifference would eventually mark Ford's environmental legacy as poor.

The Carter administration sought to move government into a more aggressive role with regard to the environment.⁵⁶ Carter boosted the budget for the EPA and addressed specific environmental issues through

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *See id.* at 141 n.82.

⁴⁹ *See Percival, supra* note 10, at 138-41

⁵⁰ *See id.*

⁵¹ *See id.*

⁵² *See id.*

⁵³ *See id.*

⁵⁴ *See id.*

⁵⁵ *See Percival, supra* note 10.

⁵⁶ *See id.*

his administration.⁵⁷ A former farmer, Carter understood the importance of preservation of the environment and sought to strengthen both the role and the perception of the EPA during his tenure in office.⁵⁸ When President Reagan took office in 1981, his first initiatives were to override much of the Carter environmental agenda.⁵⁹

Reagan, much like Ford before him, appeared to be obsessed with eliminating regulation in government altogether.⁶⁰ He was equally as obsessed with deregulating the EPA.⁶¹ Reagan questioned the legitimacy of the agency as an independent authority.⁶² Critics argued that the Reagan program illegally delayed the promulgation of EPA regulations, "subverted statutory standards, and excluded the public from full participation in the regulatory process."⁶³ More notably, these and other criticisms eventually culminated in an atmosphere of scandal that surrounded the Reagan EPA, a controversy that eventually led to the mass resignation of EPA officials in 1983.⁶⁴

Surprisingly, Reagan took little of the heat for these resignations. Instead, the President managed to distance the White House from the EPA by emphasizing the independence of the agency within the public eye.⁶⁵ James Watt, then Secretary of the Interior and a prominent but historically dubious figure in the Reagan administration, managed to emerge as the enemy of all major environmental protection initiatives and fostered an atmosphere of anti-environmentalism throughout the entire Reagan administration.⁶⁶ After Watt was ousted from office, Reagan attempted to remedy the damage to his environmental agenda, but many believed the wounds left by Watt were irreconcilable.⁶⁷

Despite the environmental constraints and scandal often associated with the Reagan White House, the EPA in the 1980s managed to proceed

⁵⁷ *See id.*

⁵⁸ *See generally id.*

⁵⁹ *See id.* at 147-48.

⁶⁰ *See Percival, supra* note 10, at 138-41.

⁶¹ *See id.*

⁶² *See id.* at 151-53.

⁶³ *Id.* at 152.

⁶⁴ *See id.*

⁶⁵ *See id.*

⁶⁶ . . . and a New Interior Secretary, L.A. TIMES, Jan. 3, 1985, at 4.

⁶⁷ *See id.*

with new regulatory initiatives and policies.⁶⁸ For example, the independent agency won an important victory in March of 1985 when it promulgated regulations that notably lowered allowable levels of lead additives in gasoline.⁶⁹ This initiative was significant as high levels of lead additives were directly related to the greatest perceived environmental problem of the 1980s—acid rain.⁷⁰

Many of President Reagan's views on the environment were similar to President Ford's views four years earlier. More than a traditional enemy of the environment, Reagan plainly abhorred all regulatory initiatives.⁷¹ President Reagan did manage to associate his administration with some advances in environmental protection, but the President managed to always put these initiatives in the context of other American policy issues.⁷² Reagan stated that American air was cleaner than before the Clean Air Act and that there had been some progress in the overall cleansing of American surface water.⁷³

Procedurally, Reagan sought to move every policy initiative or directive through the OMB in his attempt to streamline government and strengthen the "Unitary Executive."⁷⁴ Reagan may have accomplished these goals, but it appears that his administration significantly weakened the EPA and other agencies' abilities to promote reform through their own channels of independent agency contact.⁷⁵

When Reagan left the White House, most thought that President Bush's administration would prove to be Reagan's third term. As Vice President, Bush appeared to mirror his boss with regard to most policy issues. For the most part, this characterization was true for many policy issues.⁷⁶ Bush, however, took a much stronger stance on environmental

⁶⁸ See Robert W. Hahn, *United States Environmental Policy: Past, Present and Future*, 34 NAT. RESOURCES J. 305, 310 (1994). See also Cass Peterson, *Reagan Cites 'Solid Progress' Toward Clean Air, Water*, WASH. POST, Jul. 12, 1984, at A13.

⁶⁹ Regulation of Fuels and Fuel Additives; Gasoline Lead Content, 50 Fed. Reg. 9400 (Mar. 7, 1985) (to be codified at 40 C.F.R. pt. 80).

⁷⁰ See Hahn, *supra* note 68, at 310-23.

⁷¹ See *id.*

⁷² Peterson, *supra* note 68.

⁷³ See *id.*

⁷⁴ As commonly defined, the theory of the unitary executive seeks to place most of the power in the hands of the executive branch. *Id.* Specifically, this relates to those independent agencies that are out of the reach of any one of the three specific branches. *Id.*

⁷⁵ See Percival, *supra* note 10, at 153.

⁷⁶ See Hahn, *supra* note 68, at 337.

protection than did his predecessor. Bush was the first Republican president in the modern era to take note of environmental issues and attempt to find a true place for them in his administration. As a life-long hunter, fisherman, and outdoorsman, Bush knew the importance of protecting America's natural resources.⁷⁷ Both the Bush campaign and the Bush presidency proved that the political importance of the environmental movement was not dead within the Republican Party.⁷⁸ Critics would argue it was on its last breath, but at least alive.⁷⁹

The 1988 Bush presidential campaign managed to turn the environmental issue around on Governor Michael Dukakis during the 1988 cycle. Citing Dukakis' failure to protect Boston Harbor from pollution, Bush managed to establish himself as a more concerned environmentalist, as well as a candidate that would pursue sound environmental issues while in office.⁸⁰ When he arrived at the White House, Bush staked out aggressive policies in a number of environmental areas, including phasing out chlorofluorocarbons by the end of the century, protecting and developing clean air, and promoting a stable plan to initiate rapid reforestation of America's forest preserves.⁸¹ Bush appeared to champion environmental causes for the causes themselves, whereas previous Republican administrations appeared to have occasionally favored pro-environmental policies only when finding a positive cost-benefit analysis in an effort to promote deregulation.⁸² Bush achieved some noted environmental successes by amending the Clean Air Act with the Pollution Prevention Act of 1990 and the Oil Pollution Acts.⁸³

Bush's environmental initiatives did not come without a substantial amount of criticism. His administration was chastised for failing to take stands on a series of issues—most notably, the growing problem of global climate change.⁸⁴ Bush was given a "D" by the League of Conservation Voters for his environmental efforts⁸⁵ and was criticized for failing to live

⁷⁷ See *id.* at 336.

⁷⁸ See Jonathan Poisner, *A Civic Republican Perspective on the National Environmental Policy Act's Process for Citizen Participation*, 26 ENVTL. L. 53 (1996).

⁷⁹ See *id.*

⁸⁰ Hahn, *supra* note 68, at 336.

⁸¹ See *id.* at 336.

⁸² See Percival, *supra* note 10, at 153.

⁸³ See *id.*

⁸⁴ See *id.*

⁸⁵ *Bush Whacked*, OCCUPATIONAL HAZARDS, May 1, 1991, at 39.

up to his promise to be "the environmental President."⁸⁶ Furthermore, in what was likely Bush's "major regulatory decision"⁸⁷ one of the President's specially established environmental councils upheld Office of Information and Regulatory Affairs ("OIRA") disapproval of a new source performance standard for incinerators that required recycling of twenty-five percent of waste streams.⁸⁸ This decision proved specifically problematic, as the EPA had spent years developing this initiative and the Reagan OMB had previously cleared the policy.⁸⁹ This decision negated some of the positive work Bush had done in the environmental areas and was interpreted as a resurgence of the kind of "anti-regulatory fervor that prevailed in the early days of the Reagan administration."⁹⁰ Bush responded to these criticisms with frustration that bordered on anger.⁹¹ Additionally, Bush claimed that his battle with the environmental groups was one that he could never win because they were never willing to acknowledge any of his initiatives as successes.⁹²

Analysis of these records indicate that two Republican presidents following 1970 were genuinely concerned with the environment, while two others appeared to be less concerned with, if not indifferent to, environmental causes. The biggest enemy of Republican presidents appeared to be the onset of big government that pervaded the Carter administration and not the protection of the environment itself. This historical perspective is important in order to analyze the shift in ideology that took place before another Republican would hold that office.

III. CONSERVATISM, CHRISTIANITY, AND THE RELIGIOUS RIGHT

It is now important to turn briefly to an analysis of the ideological composition of the Republican Party in order to better understand the tenets that guide the party philosophy with regard to environmental causes. Foremost, there is historically a strong connection between the Republican Party and the religious right.⁹³ This relationship tends to

⁸⁶ See Hahn, *supra* note 68.

⁸⁷ See Percival, *supra* note 10, at 155.

⁸⁸ *Id.*

⁸⁹ See *id.*

⁹⁰ *Id.*

⁹¹ Dan Balz, *In Administration's View, There's No Pleasing Environmentalists*, WASH. POST, July 18, 1990, at A4.

⁹² See *id.*

⁹³ See Chuck D. Barlow, *Why the Religious Right Must Protect the Environment: Theocentricity in the Political Workplace*, 23 B.C. ENVTL. AFF. L. REV. 781, 784 (1996).

associate those who are religious Republicans with adverse and hostile feelings toward the preservation of the environment.⁹⁴ Moreover, the newly formed Christian Coalition, the most prominent and visible sect of the Christian right, has made no formal or express effort to promote environmental cognizance.⁹⁵

In a landmark 1967 essay, Professor Lynn White theorized that all of the problems of American ecology could be placed squarely on the shoulders of Western Christianity.⁹⁶ White argued two main points: First, the rise of Christianity over paganism and the development of agricultural tools and methods that allowed more than mere subsistence farming created a new balance of power between man and nature.⁹⁷ Second, White concluded that Christianity "not only established a dualism of man and nature but also insisted that it is God's will that man exploit nature for his proper ends."⁹⁸ Many argue that White's thesis set the stage for what would become a long-standing societal prejudice against the Christian right regarding environmental issues.⁹⁹ Furthermore, several Christian scholars have written articles refuting White's thesis by describing a history of Christian interaction with, and protection of, the environment.¹⁰⁰ Traditional Christian thinking, rooted in both Old and New Testament scripture promoted the domination of man over nature—as written in the first chapter of Genesis.¹⁰¹ Such thinking relies on the designation in the Garden of Eden of man by God as the keeper of the earth¹⁰² and this designation often encouraged environmental exploitation in the name of human advancement.

There is recent development in thinking, however, that an approach grounded in Judeo-Christian beliefs and morals could point toward a broadening of global conservation theory and provide for an environmentally conscious religious right.¹⁰³ The essence of conservatism is preservation of and respect for the physical surroundings in which

⁹⁴ See *id.* at 782-83.

⁹⁵ See *id.*

⁹⁶ Lynn White, Jr., *The Historical Roots of Our Ecologic Crisis*, 155 SCIENCE 1203 (1967).

⁹⁷ See *id.* at 1205.

⁹⁸ *Id.*

⁹⁹ See Barlow, *supra* note 93, at 790.

¹⁰⁰ See *id.* at 795.

¹⁰¹ See *id.* at 797-803.

¹⁰² See *id.*

¹⁰³ See *id.* at 803.

humans exist. It should be logical to assume a connection between ideological conservation and conservation of the natural resources.¹⁰⁴ Many organizations are now emphasizing the importance of harmony between man and nature, citing the inherent balance between all of God's creations. Today there is less doubt about the religious right's enthusiasm for environmental causes and more concern that these activists lack specific direction.¹⁰⁵

For Christians, it appears that what is needed is "a narrative of environmental responsibility that asks the questions of neither anthropocentrism, biocentrism, deep ecology nor their hybrids. None of these positions is persuasive to the Christian who depends on the Bible for her moral compass."¹⁰⁶ By phrasing the conflict in a form more accessible to those members of the religious community, environmental leaders have had moderate but encouraging success in translating concern to the ranks of the religious right.¹⁰⁷

Today, movements to spawn Christian environmental thinking not only founded by environmentalists, but religious leaders as well, are on the rise.¹⁰⁸ This trend has acquired many names, including "environmental Christians" and "restoring creation enablers."¹⁰⁹ Where environmentalists and Christians once stood at odds with each other, the movement to harmonize the two ideologies appears to be successful thus far.¹¹⁰ The most ambitious of these movements, such as the Forum on Religion and Ecology, analyze not only Christian notions of conservation, but take a comparative approach across many religious traditions.¹¹¹ Others emphasize the importance of reconciling spiritual thought and energy with conservation of the environment, as well as teaching positive environmental doctrines to generations to come.¹¹²

¹⁰⁴ See *id.*

¹⁰⁵ See Barlow, *supra* note 93, at 827.

¹⁰⁶ *Id.* at 783.

¹⁰⁷ See generally Frona M. Powell, *Digest of Selected Articles*, 24 REAL EST. L.J. 382, 385 (1996) (reviewing GORDON K. DURNIL, *THE MAKING OF A CONSERVATIVE ENVIRONMENTALIST* (1995)).

¹⁰⁸ See Jean Toricelsson, *Colorado Churches Go Green: Retired Minister Leads Environmental Group*, DENV. ROCKY MTN. NEWS, Feb. 7, 2000, at 5A.

¹⁰⁹ *Id.*

¹¹⁰ Loretta Fulton, "Creation Stewardship" Alters View on Ecology, STAR-TRIBUNE MPLS.-ST. PAUL, Apr. 29, 2000, at 9B.

¹¹¹ Thomas M. Parris, *Contemplating Religion and Environment on the Net*, ENVIRONMENT, July 1, 2000, at 3.

¹¹² See *id.*

This new ideological movement within Christianity, also known as creation stewardship, emphasizes the belief that all of creation is good and that it is the responsibility of human beings to care for it, rather than exert domination over it. In other words, it puts a religious spin on caring for the environment with the expectation that conservation will have a deeper meaning.¹¹³ "Furthermore, this movement targets young people in an attempt to prepare them for the environmental challenges of the future, and attempts to remove the politics from the situation altogether."¹¹⁴ By not focusing on global warming or endangered species (well known political hot-button topics) but instead emphasizing the human race's responsibility to the earth, creation stewardship appears to be succeeding in evading the occasional partisan rancor of environmental and Christian ideologies.¹¹⁵ It is clear that the tension between Christian groups and environmentalists has loosened drastically. In fact, these two ideologies are often connected now through groups and movements like the ones discussed above. This serves as yet another indication that the Christian Right, a long-standing portion of the Republican Party, has accepted environmental conservation as an important political undertaking and has ceased to separate themselves from this sphere of American politics.

IV. CONNECTIONS TO INDUSTRY

Environmental activists and scholars have historically illustrated that the natural enemies of environmental preservation are commerce, business, and industry—each of which, such scholars claim, inevitably harms the environment in some form.¹¹⁶ Republican leaders, as do all public figures, struggle with the tension between placating local industry interests and protecting the environment. Even from the founding of the EPA by the Nixon administration, there has been a historical discord between industry and environmental regulation.¹¹⁷ The original concept for the EPA was severely altered once regulators were subjected to pressures of industry leaders.¹¹⁸ Where at one time industry leaders and lobbyists appeared to virtually dictate environmental policy, the mindset appears to have shifted. While tension between industry and

¹¹³ See Fulton, *supra* note 110, at 913.

¹¹⁴ *Id.*

¹¹⁵ See *id.*

¹¹⁶ See *id.*

¹¹⁷ See Percival, *supra* note 10.

¹¹⁸ See *id.*

environmental preservation initiatives still exists at the beginning of the twenty-first century, a much more harmonized relationship has replaced the one-sidedness of the 1970s.¹¹⁹

Like the environmental preservation movement, industry itself has undergone a maturation process that leans toward a more aggressive and balanced environmental agenda.¹²⁰ Unlike environmental preservation movements that have rapidly gained national and international strength and support, the process of harmonizing business with environmental consciousness has been lethargic and occasionally bitter.¹²¹ Industry leaders have been reluctant to change the ways in which they conduct business, mainly because such changes require a significant increase in cost, productivity, and labor. The United States government has attempted to make these changes more attractive to business.¹²² Examples of these attempts will be discussed below.

In order to understand the tension between industry and environment, it is necessary to analyze briefly the relationship between the two and the goals that environmental groups have for the eventual regulation of industry. Environmental groups indicate there are presently three problems associated with industry/environment relations. First, environmental groups concede that environmental regulation often focuses on only large business and, in doing so, fails to address small and medium sized businesses.¹²³ Secondly, "progress should be made not only on what we could call 'low hanging fruits' such as minimizing waste but also on other aspects as well."¹²⁴ Finally, environmental groups claim that it is impossible to make environmental advances when corporations refuse to implement self-monitoring programs.¹²⁵ Environmental groups argue that self-implemented monitoring is not enough; further government regulation is required if there is to be progress. Although several battles have been fought both in and outside of government in an attempt to keep industry

¹¹⁹ See *id.*

¹²⁰ See Jonathan Baert Weiner, *On the Political Economy of Global Environmental Regulation*, 87 GEO. L.J. 749 (1999).

¹²¹ See Ronald J. Rychlak, *Changing the Face of Environmentalism*, 8 FORDHAM ENVTL. L.J. 115 (1994).

¹²² See Percival, *supra* note 10.

¹²³ Helene Genot et al., *The Current Environmental Outlook: How is Industry Doing in Meeting the Rio Declaration Goals?*, 32 J. MARSHALL L. REV. 289 (1999).

¹²⁴ *Id.*

¹²⁵ See *id.*

complying with the standards set for environmental protection, environmentalists argue that few, if any, of these have been won.¹²⁶

Industry insiders argue that in the thirty years since the founding of the EPA industry has moved from virtually dictating environmental policy to making drastic attempts to comply with mandated policy.¹²⁷ Three possible reasons are cited for this change.

First, a heightened awareness has developed within industry that environmental compliance costs are likely to compose a larger and larger fraction of a corporation's bottom line.¹²⁸ Secondly, there appears to be a growing awareness that consumers prefer products that appear to be developed in the best interest of the environment.¹²⁹ Such preference forces industry to develop products as well as the corporations with a newer, "greener" image in mind. The marketplace accomplishments of a company such as Ben & Jerry's Ice Cream indicate that commercial success and environmental consciousness are not mutually exclusive. Finally, an older generation of managers is being replaced by a new generation that is more sensitive to environmental concerns and recognizes that environmental consciousness is an integral part of doing business.¹³⁰

Republicans began to re-examine their environmental stance following the elections of 1994.¹³¹ Although the Republicans won a majority in the House, many GOP leaders did not interpret this shift in voter preference to mean a general disregard for the environment.¹³² Moderate House Republicans sent a signal to both environmentalists and industry leaders when they held up budget riders that would attach specific conditions to appropriations spending for the EPA such as cutting funds for the enforcement of federal wetlands laws and prohibiting the EPA from implementing mobile source emissions enforcement because they feared that the more conservative members of their party were not completely in tune with what Americans wanted from their government.¹³³

¹²⁶ See *id.*

¹²⁷ See Percival, *supra* note 10.

¹²⁸ See Hahn, *supra* note 68.

¹²⁹ See Rychlak, *supra* note 121.

¹³⁰ See *id.*

¹³¹ See *House Boots Out 17 EPA Riders Again as GOP Environment Shifts a Little*, ENERGY REP., Nov. 6, 1995, available at 1995 WL 10591119.

¹³² See *id.*

¹³³ See *id.*

Environmental critics complained that much of the Republican motivation to comply with newly mandated environmental regulations was not self-imposed, but instead represented a "last ditch reaction to newly enforced environmental laws."¹³⁴ In an effort to persuade industry to come into compliance, government entities offered significant incentives (i.e., tax exemptions) to those corporations that met federal and state environmental standards.¹³⁵ Republican leaders, including Senate Minority Leader Trent Lott of Mississippi and Senator Christopher "Kit" Bond of Missouri, are frequently associated with this exchange. This willingness led environmental critics to theorize that all GOP concerns stem from economic and industry motivations and not from a concern with environmental priorities.¹³⁶ Recent criticism of newly appointed EPA administrator Christine Todd Whitman illustrates the frustration with this relationship.¹³⁷ The EPA's recent decision regarding the standard for allowable levels of arsenic in public drinking water brought both Whitman and President George W. Bush into the environmental spotlight.¹³⁸ Democrats and other critics argue that this decision illustrates a larger disregard for America's natural resources from the new administration and the GOP.¹³⁹ Furthermore, Democrats have vowed to make the environment a key issue with which to attack the Republican Party in the next campaign cycle.¹⁴⁰ While both Democrats and Republicans claim their stances on the environment are grossly overstated and misinterpreted by the other respective party,¹⁴¹ the realization is likely somewhere in between these two opinions.

Most Republican public figures would be negligent not to present some plans to deal with environmental concerns, yet most are also concerned with the impact that new environmental regulations will have on business and industry.¹⁴² It is also improper to assume that all industry is motivated merely through commercial and fiscal goals.¹⁴³ Industry

¹³⁴ See Percival, *supra* note 10.

¹³⁵ See *id.*

¹³⁶ See Cat Lazerooff & Brian Hansen, *Christine Todd Whitman Nominated for Top EPA Job*, ENV'T NEWS SERVICE, Dec. 22, 2000, available at 2000 WL 7840415.

¹³⁷ See *id.*

¹³⁸ See *id.*

¹³⁹ See *id.*

¹⁴⁰ See *id.*

¹⁴¹ See *id.*

¹⁴² See Lazerooff & Hanson, *supra* note 136.

¹⁴³ See Rena I. Steinzor, *Unfunded Environmental Mandates and the "New (New) Federalism": Devolution, Revolution or Reform?*, 81 MINN. L. REV. 97 (1996).

appears willing to follow Congress' lead in the area of environmental reform. However, they are obviously concerned with promoting efficient production and manufacturing.¹⁴⁴ This tension continues to exist and is often at the forefront of American political debates. For the most part, industry continues to push for a greater application of cost-benefit analysis in determining environmental reform, but environmental groups are reluctant because they believe an increase in the use of this tool would result in the relaxation of a large portion of environmental standards.¹⁴⁵

V. THE SHIFT IN REPUBLICAN THINKING

Voting patterns in the last twenty years have indicated that Americans are, on the whole, concerned with environmental protection.¹⁴⁶ In the last thirty years, the desire to protect and preserve the environment has become an important cultural and social signature in the United States and indeed throughout much of the world.¹⁴⁷ Moreover, most Americans agree that there must be an attempt to restore the features of the natural environment to a greater degree than current practices and policies allow.¹⁴⁸ Not only are these concerns now shared by members of both political parties, they have been extended to become a nation-wide policy agenda.¹⁴⁹ In other words, it appears that environmental protection has ceased to become a partisan issue and has instead become a civil or American issue. While there are certainly those that take exception to that interpretation, the political climate appears to have shifted to accommodate this ideological change.¹⁵⁰

Additionally, throughout the early 1990s, although Republicans continued their efforts to battle deregulation and move away from the environmental mantle of protection, the elections of the mid-1990s proved this to be an unwise idea.¹⁵¹ Attempting to transfer the momentum of the change in leadership from the 1994 elections, Republican Congressional leaders made rollback of environmental regulation a primary objective of

¹⁴⁴ See *id.*

¹⁴⁵ See *id.*

¹⁴⁶ See Rychlak, *supra* note 121, at 115.

¹⁴⁷ See Christopher H. Schroeder, *Clear Consensus Ambiguous Content*, 98 MICH. L. REV. 1876 (2000) (reviewing DANIEL A. FARBER, *ECO-PRAGMATISM* (1999)).

¹⁴⁸ See *id.*

¹⁴⁹ See *id.*

¹⁵⁰ See *id.* at 1876-77.

¹⁵¹ See *id.* at 1870.

the new Congress.¹⁵² While Congress, and specifically the House, has succeeded in enacting a majority of the issues on the platform for the Contract with America, Republican leaders were quite startled by the voter backlash toward the environmental agenda of deregulation. At one point, thirty House Republicans signed and sent a letter to then Speaker of the House Newt Gingrich indicating that their party had taken enough of a beating regarding environmental issues and urged a course of correction.¹⁵³ Most tellingly, polls indicated that fifty-five percent of Republican voters did not trust their own party when it came to protection of the environment.¹⁵⁴ Moreover, Americans indicated that their main concern from the transfer of power was the future of the environment.¹⁵⁵

Republican Congressional leadership became even more aware of the American public's desire to protect the environment during the zenith of the movement to cut taxes. During the 104th Congress, eighty percent of Americans told pollsters they favored spending as much as it takes to protect the environment.¹⁵⁶ Strong environmental support appeared to be found among all income groups, education levels, geographic regions, and ethnic backgrounds.¹⁵⁷

Critics illustrated that the general environmental movement that grew out of the protests in 1970 could be the most successful social movement in American history.¹⁵⁸ Indeed, environmental concerns now appear to guide the nation's investments, lifestyles, and its laws. Although the right to a safe, clean and healthy environment did not appear to exist before 1970, it had become a right not only assumed, but also expected by the American public as well as many global citizens.¹⁵⁹ The Republican Congressional leadership indicated to other party officials that it was time for the party to make an ideological shift regarding the environment in order to reflect voter intent as well as to center the party in an effort to attract more voters.¹⁶⁰ While individual Senators and Members of

¹⁵² See *id.*

¹⁵³ *The GOP and the Environment: Polls May Pull Republicans Back from Foolish Extremes*, BUFF. NEWS, Jan. 29, 1996, at B2.

¹⁵⁴ *Id.*

¹⁵⁵ See Robert L. Glicksman & Stephen B. Chapman, *Regulatory Reform and (Breach of) the Contract with America: Improving Environmental Policy or Destroying Environmental Protection?*, 6 KAN. J.L. & PUB. POL'Y 1 (1996).

¹⁵⁶ See *id.*

¹⁵⁷ See *id.*

¹⁵⁸ See *id.*

¹⁵⁹ See *id.*

¹⁶⁰ See *id.*

Congress had began to incorporate more pro-environmental stances into their platforms, the truest example of Republican change with regard to the environment would come with the 2000 presidential campaign.

VI. THE 2000 CAMPAIGN

George W. Bush's presidential campaign was unprecedented (in Republican circles) with regard to environmental platforms. Bush and other Republicans learned from the various elections of the 1990s that the environment was indeed a vital issue to the voters. Bush gleaned some of his environmental platforms from his father's. The younger Bush, like the elder, was also a hunter, avid fisherman, and outdoorsman, and Bush knew the importance of preserving American natural resources.¹⁶¹ Bush also knew that his opponent, Vice President Al Gore, was a long-standing symbol of environmental stewardship. Gore had spent most of his tenure in public office seeking remedies to environmental problems.¹⁶² Gore made environmental protection his top priority as both Senator and Vice President and authored a book entitled *Earth in the Balance* that detailed several environmental problems and focused on Gore's issue of choice, global warming, including bringing worldwide attention to the Kyoto Treaty—an international conference that specifically addressed Gore's pet issue.¹⁶³ Bush knew that in order to appeal to crossover voters, he would have to expand and define his environmental policies.¹⁶⁴

Governor Bush vowed to be committed to a new era of environmental protection. Bush was the second Republican presidential candidate to truly approach his campaign with a specific environmental agenda in mind—the first being his father only twelve years earlier.¹⁶⁵ The younger Bush asserted that the thirty-year-old model of “mandate, regulate and litigate”¹⁶⁶ needed to be modernized. Bush further explained that the system encouraged Americans to do the bare minimum to protect the environment and failed to reward advances, innovations, or results.¹⁶⁷ More than just defend his stances on environmental issues, Bush actually

¹⁶¹ See Issues 2000, AL GORE ON ENVIRONMENT, at http://www.issues2000.org/Al_Gore_Environment.htm (last visited Dec. 1, 2001).

¹⁶² See *id.*

¹⁶³ See *id.*

¹⁶⁴ See GEORGE W. BUSH FOR PRESIDENT, at <http://www.georgewbush.com/issues/environment.html> (last visited Dec. 1, 2001) [hereinafter BUSH FOR PRESIDENT].

¹⁶⁵ See *id.*

¹⁶⁶ See *id.*

¹⁶⁷ See *id.*

went so far as to attack his opponent regarding environmental issues.¹⁶⁸ Bush challenged the Vice President's Superfund cleanup program as inefficient and cumbersome and used his home state of Texas, as well as heavily industrial Pennsylvania as examples of state control where environmental monitoring was successful.¹⁶⁹ While Bush appeared to seek to strengthen environmental policy, he also managed to stay somewhat true to a traditional Republican model of government by vowing to return significant authority to states and local communities.¹⁷⁰ Bush promised that new market-based incentives would be developed in order to meet and exceed America's environmental standards. Finally, Bush promised that the federal government—the nation's largest polluter¹⁷¹—would comply with and exceed all environmental standards it would implement.

Critics attacked Bush's platform as weak, more centered toward industry, and not expansive enough.¹⁷² Bush specifically proposed brownfield clean-up, promoted conservation efforts, and encouraged research regarding global climate change, conservation methods and technology, offshore drilling, and urban sprawl.¹⁷³ Opposition to Bush's plan was based on his failure to address specific solutions and the fact that Bush's apparent solution was to pass problems onto smaller and more efficient state governments.¹⁷⁴ Furthermore, Bush appeared willing to apply market principles to address pollution and other environmental problems, but would often fail to speculate when pressed about specific environmental initiatives or mandates his administration would propose or uphold.¹⁷⁵

Bush, unlike Republican candidates before him, boasted of environmental successes in his home state of Texas. Some of Bush's successes included the fact that Texas was the number one state in the nation in reducing the release and disposal of toxic pollution—doing so by forty three million pounds, according to the EPA.¹⁷⁶ Texas reduced

¹⁶⁸ *Bush Questions Gore on Environment Issues*, SAN DIEGO UNION & TRIB., Apr. 4, 2000, at A7.

¹⁶⁹ *See id.*

¹⁷⁰ *See id.*

¹⁷¹ *See Hahn, supra* note 68.

¹⁷² *See Richard Benedetto, Gore Hammers Bush on Environment*, USA TODAY, Oct. 26, 2000, at A3.

¹⁷³ *See BUSH FOR PRESIDENT, supra* note 164.

¹⁷⁴ *See Benedetto, supra* note 172.

¹⁷⁵ Jonathan Alter, *How He'd Govern: The Record*, NEWSWEEK, Aug. 7, 2000, at 44, 47.

¹⁷⁶ *See BUSH FOR PRESIDENT, supra* note 164.

industrial air emissions by eleven percent when two Clean Air measures became law and Texas became the first state in the nation to require older electric utilities to reduce emissions, although these utilities had previously been exempted under the Clean Air Act.¹⁷⁷ Finally, under the Bush gubernatorial administration, over 450 contaminated brownfields were cleaned up, restoring \$200 million to local property rolls.¹⁷⁸

Again, Bush's actions in Texas were not without their critics. Some argue that his environmental record was "spotty at best."¹⁷⁹ Specifically, opponents cited Texas' air quality as the poorest in the nation and that instead of regulation, Texas relied on corporate volunteers—a plan that fell far short of the state's regulation goals.¹⁸⁰ Bush's policies also appeared to have little effect on auto emission standards.¹⁸¹ Several environmental coalition groups indicated that the possibility of a Bush presidency represented a great threat to the environment.¹⁸² Specifically, these groups felt that if Bush were to apply his federal based philosophy to the federal government, "30 years of environmental progress would be rolled back."¹⁸³

The arrival of George W. Bush in early 2001 to Washington, DC was viewed as "bad news" for the environment by some activists.¹⁸⁴ The younger Bush faced inevitable comparisons to his father in all areas, but especially in the realm of environmental protection.¹⁸⁵ Both Bushes were confronted with major environmental problems that threatened to divide the American public.¹⁸⁶ While the older Bush faced the problem left by Reagan, acid rain, most would agree that Bush dealt with the acid rain problem with positive results: "he moved rapidly to bring about substantial domestic reductions in the acidifying emissions and to sign an

¹⁷⁷ See *id.*

¹⁷⁸ See *id.*

¹⁷⁹ See Alter, *supra* note 175, at 47.

¹⁸⁰ See *id.* (stating that out of 832 factories in Texas, Bush's reliance on corporate volunteers had only produced twenty-four plants that were willing to participate in this program).

¹⁸¹ See *id.*

¹⁸² See The Bush Files, available at <http://www.bushfiles.com/bushfiles/dirtyair.html> (last visited Dec. 1, 2001).

¹⁸³ James W. Brosnan & Jessica Wehrman, *Coalition: Bush Worst of 4 on Environment*, CHI. SUN-TIMES, Jan. 14, 2000, at 27 (quoting League of Conservation Voters President Deb Callahan).

¹⁸⁴ See Clark, *supra* note 3.

¹⁸⁵ *Id.*

¹⁸⁶ *Id.*

international agreement on emissions limitations. Along the way, he established credentials as a pragmatic and effective environmental leader."¹⁸⁷ The first Bush administration's major environmental achievement, the Clean Air Act Amendments, served as the President's response to the growing national concern regarding acid rain.¹⁸⁸

Similarly, the younger Bush was and is confronted with the problem of global climate change.¹⁸⁹ If and how George W. Bush elects to deal with the problem of global climate change may mark his environmental legacy as President.¹⁹⁰ In nominating former New Jersey Governor Christie Todd Whitman to become the head of the EPA, Bush vowed that Whitman would serve as an officer who would understand that sound environmental policies must be based on solid science.¹⁹¹ Because George W. Bush will likely affect environmental policy through delegation to Whitman, it becomes important to examine briefly her record.

As Governor, Whitman supported legislation providing ten million dollars for the preservation of Sterling Forest.¹⁹² "She helped increase state funding for shore protection" and "pushed other Republican governors to support efforts to reduce soot and smog air pollution."¹⁹³ In 1998, then-Governor Whitman "signed major clean water legislation to grant up to \$100 million in loans to local governments and water authorities for clean water and drinking water projects."¹⁹⁴ Whitman strongly supported a bond program approved by New Jersey voters in 1998 to purchase open space, "as well as a 1999 bill to provide funding to preserve one million acres of land in the state by 2009."¹⁹⁵

Critics charge that Whitman made severe cuts to the New Jersey Department of Environmental Protection¹⁹⁶ and that many of her actions and policies have limited the ability of the state environmental agency to monitor and enforce pollution controls.¹⁹⁷ Furthermore, in a survey of one

¹⁸⁷ *Id.*

¹⁸⁸ See Hahn, *supra* note 68.

¹⁸⁹ See Clark, *supra* note 3.

¹⁹⁰ See *id.*

¹⁹¹ Lazaroff, *supra* note 136.

¹⁹² *Id.*

¹⁹³ *Id.*

¹⁹⁴ *Id.*

¹⁹⁵ *Id.*

¹⁹⁶ *Id.*

¹⁹⁷ See Lazaroff, *supra* note 136.

of New Jersey's major environmental groups, when asked what the biggest problem facing New Jersey's environment, many respondents answered Whitman herself.¹⁹⁸

Bush's nominee for Secretary of the Interior, Gale Norton, also drew fire from several environmental groups.¹⁹⁹ Norton is a professed environmentalist and champion of the environment within the right wing of the Republican Party. Yet environmental groups attack her reliance on industry and commerce to self regulate as one of the most dangerous policy initiatives in recent memory.²⁰⁰ Norton, the former Attorney General of Colorado, is well known "as someone who believes in listening to, and often deferring to, state, local and private interests" on environmental issues.²⁰¹ Critics anticipate that "Norton will throw the doors open to more exploitation of federally owned forests and mineral resources."²⁰²

Undoubtedly, both Norton and Bush recognized environmental ignorance would be a disaster. Before signing on as a Bush cabinet member, Norton established an environmental group, the Council of Republicans for Environmental Advocacy, which sought to remedy the perceived stereotypes that pervaded the nation.²⁰³ Norton asserted that over the last two decades, "Democrats have created the impression that they are defenders of the environment while Republicans are environmental destroyers. Our bad guy image hampers the election of Republican candidates and makes it difficult to promote common-sense policies."²⁰⁴

VII. CONCLUSION

"The United States now spends more than any other country in the world on cleaning up the environment. In 1993, 140 billion dollars was

¹⁹⁸ See *id.*

¹⁹⁹ Nina J. Easton, *The GOP Has Forgotten The Good of Being Green*, WASH. POST, Jan. 14, 2001, at B1.

²⁰⁰ See *id.*

²⁰¹ *Environmental Balance*, CHRISTIAN SCIENCE MONITOR, Jan. 4, 2000, at 8.

²⁰² *Id.*

²⁰³ See Easton, *supra* note 199.

²⁰⁴ *Id.* (quoting a Council of Republicans for Environmental Advocacy mailing).

spent on the environment, or about 2.4 percent of GNP”²⁰⁵ and those numbers have risen dramatically in the last eight years.²⁰⁶

These expenditures are a direct result of laws regulating the environment, which are administered by the United States Environmental Protection Agency. The EPA is, arguably, the most powerful agency in the United States that regulates health, safety or the environment. Since its inception in 1970, the EPA has been given an increasing amount of responsibility and power to control pollution.²⁰⁷

In general, federal regulation of environmental policies has had a positive effect on cleaning up the environment, although precise effects of this regulation are difficult to measure accurately.²⁰⁸ America has cleaned its air, water, and land,²⁰⁹ but the global view appears less optimistic.²¹⁰ Republican leaders can take more credit for these successes than one would think. The success of American environmental policy over the last twenty years has not been a completely one-sided effort. Indeed, many important conservation and preservation initiatives were spawned and supported by Republican leaders.

While it would be too early to evaluate George W. Bush’s environmental record as president at this time, it is fair to say that environmental regulation and activism should and will play an important role in his administration. Whatever President Bush may ultimately accomplish (or fail to accomplish) from an environmental standpoint, it is important to note that President Bush and his administration will deal with environmental issues as opposed to merely ignoring them. Bush’s shift in ideology is representative of a movement within the Republican Party from extremist to more moderate. While many hard-liners continue to debate Bush’s apparent “softness” on environmental issues, it is clear that

²⁰⁵ See Hahn, *supra* note 68.

²⁰⁶ See *id.*

²⁰⁷ See *id.*

²⁰⁸ See *id.* at 306.

²⁰⁹ See *id.*

²¹⁰ See *id.* Global citizens continue to focus on three specific areas of increasing environmental concern: global warming, depletion of the ozone, and the disappearance of endangered species. Hahn, *supra* note 68. While the focus of this Note is directed toward the specific environmental initiatives of American politicians and activists, it is, needless to say, important for American leaders to address these global environmental problems.

in order to appeal to the moderate voter and citizen, Bush's acknowledgement of environmental activism is the proper political move.

It is apparent, through both Bush's scrutiny of his choice for Secretary of the Interior and Administrator of the EPA, and the publicity with which both Gale Norton and Christine Todd Whitman were confirmed, that gone are the days in which Republicans disregard the protection and conservation of natural resources and Democrats champion every initiative. While political thinking is far from unified on environmental topics, protection of natural resources has undoubtedly moved to the center of our national political spectrum.

The last twenty years has witnessed a shift in the political landscape with regard to environmental protection. This dated perception formerly promoted Democrats as the sole saviors of conserving our natural resources. While the Democratic Party continues to be viewed by the American public as the party more concerned with environmental stewardship, there has been significant movement within the GOP to mandate important environmental legislation and policy. More importantly, American voters are beginning to recognize this shift and are now associating environmental efforts with the GOP.

Republican leaders are now willing to acknowledge that protection of the environment is a vital, national topic that merits discussion, legislation, and activism. The degree to which these issues deserve national attention is, of course, still debated among many national officials. Many feel that environmental protection should come before all other issues in American politics and that the preservation of our surroundings is and should be more important than tax cuts, education, and even human rights. While both parties appear to have embraced environmentalism as an important platform, it would be remiss to think that they will favor conservation over all other political goals.

Members of the GOP should feel comfortable about embracing a pro-environmentalist stance for several reasons. First, environmentalism has a history of bi-partisanship that can be traced back through Theodore Roosevelt to Dwight Eisenhower to Richard Nixon. Conservation has never been limited to an individual or party or president. George Bush met with strong support when he proved to be the first Republican in nearly twenty-five years to acknowledge the importance of the environment in his political agenda. While certain Republican leaders formerly appeared to abandon environmental thinking, there is a rich tradition of environmental stewardship by Republican presidents. Most of the GOP's perceived history of environmental "negligence" may be attributed not to a disregard for the environment, but for a general distaste

for federal regulation. Even Ronald Reagan, who was believed by many to be an enemy of the environmental movement, appeared to have understood the importance of conservation and preservation. Indeed, he merely favored deregulation of the federal government as a policy choice. It is of foremost importance to break the persistent association of "Republican" with "anti-environment." GOP leaders are learning that they can strike a balance between earth-friendly legislation and policy and a reduction in the scope and the size of the federal government.

Secondly, there are new theories that allow traditional, Republican thinking to be combined with the new spirit of "compassionate conservatism." It is possible for a large portion of the Republican Party to adhere to the religious principles driving their political thinking, while at the same time applying those principles to environmental conservation. The "domination" of man over nature, as some Christian thinkers once thought was mandated in the Bible, has now been interpreted to be just the opposite, a sense of respect, tolerance, and conservation as mandated by their religious beliefs and scripture. New movements from both the religious and environmentalist side appear to be successfully combining the two philosophies. Moreover, there is an effort to educate both the young and the old regarding the harmony between Christianity and conservation that appear to be initially successful.

Third, American voters have made it clear that environmental issues are important to them regardless of their party affiliation. The environment has now become a bi-partisan issue that needs to be addressed on both sides of the political aisle as well as outside the political arena altogether. Republican leaders have learned firsthand that failure to address environmental issues could spell their own political doom.

Finally, the changing history of Republican environmental policy allowed George W. Bush to run an unprecedented campaign with respect to environmental issues. Although critics may complain that his policies do not go far enough to address environmental concerns, they can no longer argue that Republican candidates fail to address these concerns altogether. If analyzed under these contexts, Republican leaders can and should recognize that environmental advocacy does not run counter to the core of their party's beliefs.

As with any major policy shift, there are and will remain those who are unwilling to embrace change. The results of the political marketplace, however, have indicated that those public officials who fail to embrace theories of environmental advocacy will eventually be removed from the marketplace altogether. When Republican approval ratings slid from sixty-four percent to forty-one percent following the

1996 election, even House Speaker Newt Gingrich, not the most environmental member of Congress, worried that the sharp decline may be linked directly to the Republican stance on environmental issues.²¹¹ To what extent advocacy dictates policy is still debatable. However, the most important development is, as the 2000 Bush campaign proved, that all who seek public office must now address environmental protection. This viewpoint is vital because it helps construct a more dynamic view not only of the Republican Party, but also of the American political system as a whole. More importantly, environmental stewardship may serve to unite the American public behind a common goal of conservation and concern for future generations. While American political leaders continue to debate the importance of issues such as tax cuts, education, spending, family values, and social security (to name a few), the American public has indicated that political indifference regarding environmental issues will no longer be tolerated in their leaders.

²¹¹ *See Id.*