

BOOK REVIEW -

"WOODMAN SPARE THAT TREE . . ."

—by E. Powell

Defending the Environment — A Strategy for Citizen Action. Joseph L. Sax. Knopf, N.Y. 1971, h.b. \$6.95.

After you have read all the books on the news stand that say all those things about pesticides and sewage, litter and eutrophication, and you begin to watch the world deteriorate around you from your bicycle seat—this book is where the action is. The title is deceptive; the book is more a suggestion of a remedy than strategy, more analysis of the reasons for citizen impotence than a setting forth of things to do while you wait for the bulldozers.

The author, Joseph Sax, is a Professor of Law at the University of Michigan, who is working to revise the law of environmental protection. Specifically, he has written a law which establishes court actions for citizens by which plans for buildings, highways, airports, etc. can be remanded to the legislature, enjoined, or subjected to a moratorium by court order.

Sax is not alone in his mistrust of administrative agencies, but he may be alone in his approach to that mistrust. No agency, by Sax's standards, can truly defend "the public interest." Agencies are cumbersome, subject to political pressures, victims of the 'insider perspective.' Agencies make strings of excep-

tions to rules until the rules themselves have disappeared.

Sax sees the courts as the only place sufficiently objective to truly defend the environment, and the initiative of the private citizen the best repository of the "public trust." It would be hard not to agree.

The case is made in the opening pages of the book by a detailed report of the fight to save a part of the Potomac estuary called Hunting Creek. Before the reader's eyes, Senator's aides, Congressmen, and Governor's of Virginia wind a dance around bureaucrats watching their own interests and the media. A famous wildlife reporter and a little old lady on the telephone, hearings, the whole gamut of pro and anti forces pick and ramble through years of decision. It would be unfair to announce the winning side in this review, and perhaps it would be impossible.

The State of Michigan has adopted Sax's law. Its passage has been noted approvingly by such giant's of the media as the *Wall Street Journal*, and *The New Yorker*. It seems that other legislatures should carefully consider the citizen's remedies in their states, and the passage of the same or similar legislation.

The case is well-made, the book is readable, if somewhat repetitious. It should be on the reading list of all ecology buffs.

Senate

1. Voting Rights Amendment — to lower voting age to 18; adopted 64-17.
2. Nomination of G. Harrold Carswell; rejected 45-51.
3. McGovern-Hatfield Amendment — limiting the number of troops in Viet Nam after April 1, 1971; rejected 39-55.
4. Amendment deleting funds for the SST from budget; adopted 52-41.
5. Vote to table the "Home Rule" amendment for Washington, D.C.; adopted 68-23.
6. Resolution proposing the Constitutional Amendment to lower the voting age to 18; adopted 94-0.
7. Amendment to extend the draft for one year instead of two; rejected 43-49.
8. Amendment to Draft Bill declaring that it should be the U.S. policy to leave Viet Nam at the earliest possible date—within 9 months of enactment, subject to release of all POWs; adopted 61-38.
9. Emergency Public Service Employment Act, \$2.25 Billion; adopted 75-11.
10. Amendment deleting the space shuttle program and other reductions in NASA budget; rejected 22-64.
11. Amendment to limit the subsidies of farmers to \$20,000, except for wool or sugar; rejected 29-56.
12. Amendment to increase funds for school lunch program by \$16.9 Billion; adopted 56-28.

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